

PLANNING SERVICES APPLICATION

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CONSULTATION SHEET

APPLICANT:

Geoffrey M. Westely,
61 Philbeach Gardens,
Kensington,
London
SW5 9EE

HA

APPLICATION NO: CL/99/02567

APPLICATION DATED: 16/12/1999

DATE ACKNOWLEDGED: 21 December 1999

APPLICATION COMPLETE: 21/12/1999

DATE TO BE DECIDED BY: 15/02/2000

SITE: Basement Flat, 61 Philbeach Gardens, London, SW5 9EE

PROPOSAL: Use of basement as a separate flat.

ADDRESSES TO BE CONSULTED

- 1.
- 2. *none req'd*
- 3.
- 4.
- 5.
- 6.
- 7.
- 8.
- 9.
- 10.
- 11.
- 12.
- 13.
- 14.
- 15.

CONSULT STATUTORILY

- HBMC Listed Buildings
- HBMC Setting of Buildings Grade I or II
- HBMC Demolition in Conservation Area
- Demolition Bodies
- DoT Trunk Road - Increased traffic
- DoT Westway etc.,
- Neighbouring Local Authority
- Strategic view authorities
- Kensington Palace
- Civil Aviation Authority (over 300')
- Theatres Trust
- National Rivers Authority
- Thames Water
- Crossrail
- LRT/Chelsea-Hackney Line

ADVERTISE

- Effect on CA
- Setting of Listed Building
- Works to Listed Building
- Departure from UDP
- Demolition in CA
- "Major Development"
- Environmental Assessment
- No Site Notice Required
- Notice Required other reason
- Police
- L.P.A.C
- British Waterways
- Environmental Health

OM
22/12

DEVELOPMENT CONTROL

TECHNICAL INFORMATION



ADDRESS 61 Philbeach Gardens
BASEMENT FLAT
61 PHILBEACH GARDENS

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POLLING DISTRICT _____

- HB Buildings of Architectural Interest
- AMI Areas of Metropolitan Importance
- MDO Major Sites with Development Opportunities
- MOL Metropolitan Open Land
- SBA Small Business Area
- PSC Principal Shopping Centre (Core or Non-core)
- LSC Local Shopping Centre
- AI Sites of Archeological Importance
- SV Designated View of St Paul's from Richmond
- SNCI Sites of Nature Conservation Importance
- REG 7 Restricted size and use of Estate Agent Boards
- ART IV Restrictions of Permitted Development Rights

CL 992567

Conservation Area	HB	CPO	TPO	AMI	MDO	MOL	SBA	Unsuitable for Diplomatic use	PSC		LSC	AI	SV	SNCI	REG 7	ART IV	
									C	N							
26																	

Within the line of Safeguarding of the proposed Chelsea/Hackney underground line

Within the line of Safeguarding of the proposed Eastwest/Crossrail underground line

Density	
Site Area	
Habitable rooms proposed	
Proposed Density	

Plot Ratio	
Site Area	
Zoned Ratio	
Floor Area proposed	
Proposed Plot Ratio	

Daylighting	Complies	
	Infringes	

Car Parking	Spaces required	
	Spaces proposed	

Notes:

21 DEC 1999

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THE ROYAL
BOROUGH OF

NOTICE OF A PLANNING APPLICATION

TOWN AND COUNTRY PLANNING ACT 1990
PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990



KENSINGTON
AND CHELSEA

MEMORANDUM

TO: FOR FILE USE ONLY From: EXECUTIVE DIRECTOR
PLANNING & CONSERVATION

My Ref: CL/99/02567/HH
Room No:

CODE SL

Date: 22 December 1999

DEVELOPMENT AT:

Basement Flat, 61 Philbeach Gardens, London, SW5 9EE

DEVELOPMENT:

Use of basement as a separate flat.

The above development is to be advertised under:-

NO REQUIREMENT FOR SITE NOTICE/ADVERTISEMENT IN THIS CASE.

M.J. French

Executive Director, Planning & Conservation
**SITE NOTICE CRITERIA NOT
MATCHED CHECK CORRECT CODE IS ENTERED**

**THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA
MEMORANDUM - SECTION 101 - LOCAL GOVERNMENT ACT, 1972**

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To: Chief Administrative Officer (Planning)
From: The Executive Director, Planning & Conservation

Date: 27 January 2000
Our Ref: CL/99/02567

/cotw/
/51
88

Application Date: 16/12/1999 Complete Date: 21/12/1999 Revised Date:
Agent: Geoffrey M. Westely, 61 Philbeach Gardens, Kensington, London
SW5 9EE
Address: **Basement Flat, 61 Philbeach Gardens, London, SW5 9EE**

This application is for a class of development to be determined under powers delegated to me by the Council on 21st July, 1976, and/or by the Town Planning Committee 6th November, 1979, and/or by the Town Planning Committee on 18th March 1986, 23rd May 1988 and 8th January 1990 and is not such as I wish to refer to the Planning Application Committee. No relevant planning objections have been received.

- | | |
|--|---|
| Class (i) - 8th Schedule development | Class (vi) - Listed building consent for above Classes. |
| Class (ii) - shop fronts | Class (vii) - approval of facing materials |
| Class (iii) - conversion from non
s/c dwellings etc | Class (viii) - grant of planning permission for a
change from one kind of
non-residential use except from one
kind of non-residential use except
where this would involve the
loss of shop use |
| Class (iv) - amendments as required
by T.P. Committee | |
| Class (v) - above classes after D.P.
Committee agree | Class (ix) - grant permission licence or
no objection under Sections 73, 74, 138,
143, 152, 153, 177 & 180 of the
Highways Act |
| | Class (x) - Crossover under S. 108 of the Highways
Act 1980 |

Consent under T&CP Control of Advertisement Regulations 1984-90; incl. refusal of consent for Reg. 15 applications.

DESCRIPTION OF PROPOSED DEVELOPMENT

Use of basement as a separate flat.

RECOMMENDED DECISION Grant certificate of lawful existing use

RBK&C drawing(s) No. CL/99/02567 Applicant's drawing(s) No.

I hereby determine and ~~grant~~ refuse this application (subject to HBMC Direction/Historic Building authorisation) under the powers delegated to me by the Council, subject to the condition(s) indicated below imposed for the reason(s) appearing thereunder, or for the reasons stated.

Exec. Director, Planning and Conservation Head of Development Control Area Planning Officer

F

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CONDITIONS AND REASONS FOR THEIR IMPOSITION

INFORMATIVES

DELEGATED REPORT

CL/99/02567

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**M.J. FRENCH
EXECUTIVE DIRECTOR, PLANNING AND CONSERVATION**

List of Background Papers:

The contents of file CL/99/02567 save for exempt or confidential information in accordance with the Local Government (Access to Information) Act 1985.

**Report Prepared By: HH
Report Approved By: HH/LAWJ
Date Report Approved:**

PLANNING AND CONSERVATION

TOWN HALL • BURNING STREET • LONDON W8 7LN

THE ROYAL BOROUGH OF

Executive Director
Director of Planning Services

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KENSINGTON AND CHELSEA

Geoffrey M. Westley
61, Philbeach Gardens,
London
SW5 9EE.

Switchboard: 0171-937 5464
Direct Line: 0171-361
Facsimile: 0171-361 3463

My reference: (1) Your reference: Please ask for:

DPS/PA/

DELEGATED APPROVAL
04 FEB 2000

Dear Sirs,

TOWN AND COUNTRY PLANNING ACT, 1990 AS AMENDED - SECTION 191

(2)

Completed 21/12/99

I refer to your application dated 16/12/99 for a Certificate of Lawful Existing Use or Development in respect of the above mentioned premises.

Your application has now been considered and I enclose for your attention the Certificate.

Yours faithfully,

Executive Director, Planning and Conservation

UB - 2nd copy of may needed

CERTIFICATE OF LAWFUL EXISTING USE OR DEVELOPMENT

RBKC hereby certify that on the date of application the following use/operations/matter (if different from application - full description required):

④ use as a self contained flat

⑬

in respect of the following land address to appear on certificate-if different from application):

basement flat, 61 Philbeach Gardens, SW5

as edged black on the attached plan and shown on the following Drawing Numbers (to appear on certificate):

was LAWFUL/NOT LAWFUL* for the following reasons (to appear on certificate-refusals and grants):

③

The basement ~~flat~~ has been used as a self contained flat ~~for more than~~ for a period ~~to excess~~ in excess of 4 years.

INFORMATIVES (*delete if inappropriate)

*1. The use/operations/matter or the land for which this Certificate has been issued has been modified from the description(s) given in the application for the following reasons:

(Rights of appeal to be attached)

OTHER INFORMATIVES (if any)

M J French

Report By HH

Date 27/1/00

Agreed

M 31/1/00

WHS
2.2.2000

CERTIFICATE OF LAWFUL EXISTING USE OR DEVELOPMENT

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Address
Basement Flat
61 Phillbeach Gardens,
kensington
~~London~~, SW5

1
14

Reference CL/99/2567/OTH
Conservation Area 26
Listed Building Yes No

51
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Existing Use Operations Failure to Comply

Description of Use/Development For Which Certificate Sought (as application)

3

use of basement as a separate s/c flat.

Subsisting? Yes No

Grounds for Application

- Operations substantially completed more than 4 years ago
- Use as single dwelling for more than 4 years
- Other use for more than 10 years
- Failure to comply with condition/limitation more than 10 yrs
- Other (specify) _____

ANALYSIS

Submitted evidence:

- ① letter dated 16/12/99 from RBK+C Council Tax confirming that the basement flat has been registered for Council Tax as a separate flat since 1/4/93.

CONCLUSION:

LAWFUL NOT PROVEN

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 191

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(As amended by Section 10 of the Planning and Compensation Act 1991)

Town and Country Planning General Development Order 1988, Article 26A

CERTIFICATE OF LAWFUL EXISTING USE OR DEVELOPMENT

The Royal Borough of Kensington and Chelsea Council hereby certify that on 16/12/99 the use/operations/matter described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and edged black on the plan attached to this certificate, was lawful within the meaning of Section 191 of the Town and Country Planning Act 1990 as amended for the following reason:

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Signed(Council's authorised officer)

Date

On behalf of the Royal Borough of Kensington and Chelsea Council

- Notes:
1. This certificate is issued solely for the purposes of Section 191 of the Town and Country Planning Act 1990 as amended.
 2. It certifies that the use/operations/matter specified in the First Schedule taking place on the land described in the Second Schedule was lawful on the specified date and thus was not liable to enforcement action under Section 172 of the 1990 Act on that date.
 3. This certificate applies only to the extent of the use/operations/matter described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any use/operations/matter which is materially different from that described or which relates to other land may render the owner or occupier liable to enforcement action.

FIRST SCHEDULE 4

SECOND SCHEDULE 2