

NEW APPEAL

DATE:

4.10.99.

TO: ROY THOMPSON

/ DEREK TAYLOR

PAUL KELSEY

/ BRUCE COEY

21

A NEW APPEAL HAS BEEN RECEIVED, WHICH FALLS IN YOUR AREA. THE SITE ADDRESS IS:

..... 23 Pottery Lane

THE APPEAL FILES ARE ATTACHED

1. PLEASE INDICATE THE OFFICER WHO WILL BE DEALING WITH THIS APPEAL:

..... SW

2. PLEASE INDICATE THE PROCEDURE BY WHICH YOU WISH THE APPEAL TO BE DETERMINED:

- ♦ WRITTEN REPRESENTATIONS
- ♦ HEARING
- ♦ PUBLIC INQUIRY

PLEASE RETURN THIS SHEET AND THE ATTACHED FILE(S) TO THE APPEALS SECTION **WITHIN 24 HOURS**

THANK YOU

PLANNING AND CONSERVATION

THE TOWN HALL HORNTON STREET LONDON W8 7NX

Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS

22

**THE ROYAL
BOROUGH OF**



**KENSINGTON
AND CHELSEA**

Mrs. M.G. Dunlop,
3 Pembroke Mews,
Kensington,
London
W8 6ER

Switchboard: 0171-937-5464
Direct Line: 0171-361-2082
Extension: 2082
Facsimile: 0171-361-3463

Date: 7 October 1999

My Ref: DPS/DCN/PP/99/00720/SW
DETR's Reference: App/K5600/A/99A1029848 & /E/99/1029849
Please ask for: Mrs.S. Wilden

Dear Sir/Madam,

TOWN AND COUNTRY PLANNING ACT 1990
Appeal relating to: 23 Pottery Lane, W.11

With reference to your appeal on the above address(es), enclosed you will find the Council's Questionnaire and attached documents as necessary.

Yours faithfully,

M.J. FRENCH

Executive Director, Planning and Conservation

Enc.

15. Copies of the following documents must, if appropriate, be enclosed with this questionnaire:

a. Is the development in Schedule 1 or column one of Schedule 2 of the Town & Country Planning (Environmental Impact Assessment)(England & Wales) Regulations 1999? If so, please indicate which Schedule.

b. Is the development within a 'sensitive area' as defined by regulation 2 of the Town & Country Planning (Environmental Impact Assessment)(England & Wales) Regulations 1999?

c. Has a screening opinion been placed on Part 1 of the planning register? If yes, please attach a copy.

d. Any comments or directions received from the Secretary of State, other Government Departments or statutory agencies / undertakers whether or not as a result of consultations under the GDPO;

e. Any representations received as a result of an Article 7 (or Regulation 6) notice;

f. Copy of any notice published under Article 8 and/ Buildings and Conservation Areas) Act 1990 and/or Regulation 5; or Section 73 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and/or Regulation 5;

g. Any representations received as a result of a notice published under Article 8 and/or Section 73 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (or Regulation 5);

h. Details of any other applications or matters currently before the Council relating to the same site;

i. In the case of appeals against non-determination, details of considerations likely to have been relevant to the Council's decision;

j. A list of any conditions or limitations the Council would favour if the appeal were to be allowed;

k. Any other relevant information or correspondence the Council consider the Inspectorate should be aware of.

YES/NO
Sch 1 Sch 2 col 1

YES/NO

YES/NO

Number of Documents Enclosed N/A

✓	
	✓
✓	
✓	
	✓

24

FOR APPEALS BEING DECIDED BY THE WRITTEN REPRESENTATIONS PROCEDURE

16. a Please confirm that, in accordance with Regulation 5(1), you have notified details of the appeal to authorities and other persons who made representations to you about the application.

b On what date did you give those notified at 16a for the submission of their representations?

c Copies of the following documents must, if appropriate, be enclosed with this questionnaire.

i representations received from interested parties about the original application

ii the planning officer's report to committee

iii any relevant committee minute

17. Relevant plans and policies - please enclose extracts of relevant policies and plans and explanations of these. Each extract should include the front page, showing the title of the plan and date of approval or adoption. Where plans and policies have not been approved or adopted, the stage and status of the plan should be given. *to follow*

YES/NO
2.10.99

Number of documents enclosed N/A

✓	

18. Do the documents listed above comprise the Council's full statement of case?

YES / NO

Council's reference: 99/99/T20/SW

I certify that a copy of this appeal questionnaire and any enclosures have been sent today to the appellant or agent.

Signature: [Signature] on behalf of [Signature] Council

Date of despatch: 2.10.99

NB: PLEASE TELL US OF ANY CHANGES TO THE INFORMATION YOU HAVE GIVEN ON THIS FORM.

(SW)

L. ~~MEB~~

Telephone /Fax 0171-229 6812

48 Princedale Road
London W11 4NL

(25)

Royal Borough of Kensington & Chelsea
Planning Department
The Town Hall
Hornton Street
London W8 7NX

13 November 1999

Attention: Ms Alice HORAN

Your ref: DPS/DCN/PP/99/00720

RECEIVED BY PLANNING SERVICES							
EX DIR	HDC		C	SW	SE	ENF	AO ACK
AH				16 NOV 1999		(27)	
APPEALS	IO	REC	ARB	FWD PLN	CON DES	FEEES	

Dear Sirs

PLANNING APPLICATION - 23 POTTERY LANE LONDON W11

Please forward copy of the Planning Committee's decision on the above planning application for our information.

Yours faithfully

M. E. Sleep
(M E Sleep)

*no decision
- appeal in hand
phoned Mrs. S.
16/11
add ✓*

*S. Modric
to send minutes ✓*

PLANNING AND CONSERVATION

THE TOWN HALL HORNTON STREET LONDON W8 7NX

Executive Director MJ FRENCH FRICS Dip TP MRTPI Cert TS

26

THE ROYAL
BOROUGH OF



KENSINGTON
AND CHELSEA

Mr. D. Shorland,
The Planning Inspectorate,
Room 1003,
Tollgate House,
Houlton Street,
Bristol BS2 9DJ

Switchboard: 0171 937 5464
Extension: 2082
Direct Line: 0171 361 2082
Facsimile: 0171 361 3463

26 November 1999

My reference: **DPS/DCN/SW/**
PP/99/00720 and
CC/99/00721 Your reference: **APP/K5600/E/99/**
1029848 and
APP/K5600/E/99/
1029849 Please ask for: Mrs. S. Wilden

Dear Sir,

TOWN AND COUNTRY PLANNING ACT 1990
SITE AT 23 POTTERY LANE, KENSINGTON, W11

I refer to the appeals by Miranda Dunlop against the Council's failure to give notice of their decision within the appropriate period on applications for planning permission and conservation area consent relating to the demolition of the existing garage and the erection of a basement and two storey house with garage at the above address.

The reports to the Planning Services Committee dated 4th November 1999 (copies enclosed) together with the following additional comments form the Council's Statement of case relating to these appeals.

The character of the Appeal Premises and Surrounding Area

The appeal site is described briefly at paragraphs 1.1 and 1.2 of the committee report on application reference PP/99/00720 (Enclosure 1). The site is shown on the enclosed Location Map (Enclosure 2). Pottery Lane lies within the Norland Conservation Area (Enclosure 3) which was first designated in 1969 and extended to include Pottery Lane in 1979. The Norland Conservation Area Proposals Statement (Enclosure 4) was published in 1982 and describes the character of Pottery Lane on page 39.

The Proposed Development

This is described at paragraphs 2.1 - 2.4 of the above Committee Report (Enclosure 1).

Local Policies

The Unitary Development Plan (UDP) was adopted on 28th August 1995 and is the Development Plan for the Royal Borough for the purposes of Section 54A of the Town and Country Planning Act 1990.

The Committee Report refers at Paragraphs 4.2 and 4.8 - 4.12 to relevant U.D.P. policies contained in Chapters 4, 5, 7 and 11 of the Unitary Development Plan. In addition, attention is drawn to the relevant Strategic Policies STRAT 1 and STRAT 5 (Unitary Development Plan Chapter 3 and Chapter 4, page 34) and to Chapter 2 "Context", in particular the Overall Aim (Chapter 2, Paragraph 1.15). As part of the explanation of the Plan's Overall Strategy, Chapter 2 paragraph 4.3 refers to resistance to further intensification of development if the quality of the residential environment would be adversely affected. (Enclosures 5-10)

In addition, attention is drawn to Chapter 11 paragraph 3.6 which deals with the role of small open spaces, especially domestic gardens, in meeting open space needs.

The Proposed Alterations to the U.D.P. were placed on deposit for public consultation in August this year (Enclosure 11). This document makes some minor changes to some of the policies referred to above (see Enclosure 11 p.33, pp. 42-43, p.51, p.185).

The Council's concern for the protection of residential amenity is demonstrated by the U.D.P. Proposed Alteration's introduction of new explanatory text and a new policy relating to sense of enclosure, namely Chapter 4 paragraph 3.2a and Policy CD30a (Enclosure 11 pp. 37 - 38).

This complements U.D.P. Policy CD41(e) which refers to "cliff-like" effects and sense of enclosure.

The Council's concern for the protection of garden amenity space is also exemplified by the U.D.P. Proposed Alterations' clarification of U.D.P. Policy CD21 to relate to all areas of private open space and gardens, however small. A new paragraph, 2.27a, is introduced in this respect (Enclosure 11 p.31).

The U.D.P. Proposed Alterations are a material consideration in the determination of town planning applications.

Legislation and Central Government Policy

Attention is drawn to S.54A and S.70(2) of the 1990 Act and the related advice contained in Planning Policy Guidance: General Policies and Principles (PPG1) paragraph 40, in particular that applications which are not in accordance with relevant policies in the Plan should not be allowed unless material considerations justify granting permission.

Attention is also drawn to the Planning, Listed Buildings and Conservation Areas Act 1990 concerning the duties imposed by S.72.

PPG1 identifies Design as one of the themes underpinning the Government's approach to the planning system (paragraph 3). It emphasises the importance of good design (Paragraph 15) and states that applicants should be able to demonstrate how they have taken account of relevant policies and supplementary design guidance (paragraph 16). It states that local planning authorities should reject poor designs "which may include those inappropriate to their context, for example those clearly out of scale or incompatible with their surroundings." (paragraph 17). Paragraph 51 confirms that material considerations include a development's impact on the neighbourhood. Paragraph 64, dealing with private interests, advises:

"Good neighbourliness and fairness are amongst the yardsticks against which development proposals can be measured ..."

It then goes on to refer to the issue of loss of privacy.

PPG3: Housing (March 1992) refers to development in existing residential areas and advises at paragraph 20 that infilling, conversion and redevelopment can make a useful contribution but sensitive planning control is necessary to ensure that the cumulative effects of redevelopment do not damage the character and amenity of established residential areas. Paragraph 26 refers to back garden development and states that there must be adequate space between old and new buildings to avoid spoiling the amenity of neighbouring houses. Paragraph 27 refers to the importance of private gardens to the character of a neighbourhood and advises that policies which seek to make maximum use of vacant urban land "will need to distinguish between sites which need to be retained for recreation, amenity or nature conservation purposes and areas which are genuinely suitable for development."

Reasons for the Council being minded to refuse planning permission.

These are stated on page 2 of the Committee Report, with the explanatory comments at paragraphs 4.8 - 4.12 (Enclosure 1).

Reason for the Council being minded to refuse Conservation Area Consent

This is stated on page 2 of the Committee Report on application reference CC/99/00721 (Enclosure 12).

Observations upon the Grounds of Appeal

The points raised are considered in turn below, using the appellant's numbering/headings.

- (1) & (2) The pre-existing building at No. 23 was of smaller footprint than that now proposed and did not extend so close to the terrace buildings in Princesdale Road. An extract from the 1953 Ordnance Survey Map accompanies this letter as Enclosure 13. While the relative building heights are not known, it shows that the previous building extended 4 metres back from the Pottery Lane frontage i.e. 2 - 3 metres less than now proposed. Consequently the impact upon the light and outlook of the rear of the Princesdale Road terrace would have been less overbearing. It is noted that, prior to the 1971 permission (see Enclosure 1, para. 3.1) the premises were used as a printing works not for residential purposes (see Enclosure 14) and No. 46 had a larger ground floor extension than now exists. It is considered inappropriate for the acceptability of the present scheme to rely upon a previous situation when the circumstances were significantly different.

In any case, the previous building was demolished nearly thirty years ago. The acceptability of the proposed redevelopment must be considered in the light of current standards and policies. In this context the Council considers the proposed redevelopment unacceptable and does not see any alleged architectural enhancement as an overriding factor sufficient to justify the grant of planning permission.

- (3) The Council does not consider the proposed facade an enhancement of the area. Paragraph 4.7 of the Committee Report on PP/99/00720 refers to the Design Officer's reservations about the scheme. The window sizes and proportions are not typical of Pottery Lane and the success of the design will depend upon the nature of the proposed detailing, which is difficult to discern from the submitted drawings.

It is assumed that references to "London red brick" mean "London stock" (as stated on Drawing No. TP 03) which predominates in the area.

N.B. : The photographs referred to in the Grounds of Appeal were not enclosed with the copy received by the Council.

The issue of off-street parking provision has not been identified as a reason for objection to the development (see Enclosure 1 paragraph 4.6).

- (4) While U.D.P. Policies aim to increase the housing stock, the Plan makes it quite clear that this is not to be at the expense of existing residential amenity (see U.D.P. Ch.2 para. 4.3, Ch. 3 Policy STRAT 16 and Ch. 5 para. 3.7 and 4.1 - Enclosures 5, 6 and 8).
- (5) The Council has no control over the type of household occupying No. 46 Princesdale Road. However, it can use its U.D.P. Policies to protect the qualities of the dwelling which make it suitable for family occupation, namely the presence of a garden and adequate light conditions allowing full and flexible use of existing habitable rooms.

The Council does not accept that the existing rear patio is dispensable because the existing occupants are not a family with children. The provision of a roof-top terrace is not considered an acceptable substitute for obvious reasons of convenience and safety (see Enclosure 1 para. 4.12).

The significant loss of light to the rear ground floor of No. 46 was acknowledged in the BRE letter dated 15.3.99 (Enclosure 16). It is noted that the report does not address the issue of light to the patio garden of the three bedroom house at No. 48 Princesdale Road. The Council considers that this garden would suffer significant loss of light and an oppressive sense of enclosure from the new development, together with severe loss of privacy. It is noted that the garden level at No. 48 is approximately 650mm lower than Pottery Lane, adding to the bulk of the development when viewed from the rear of No. 48. The northern flank wall of the proposed house would rise to a height of approximately 6.1 metres above patio level at and adjoining the boundary between No. 46 and No. 48.

The current disuse of the garage is not relevant to the Council's objection, although it is unclear why the appellant has been unable to find a tenant.

- (6) Each application is considered on its merits having regard to the particular circumstances of the case. The Council is not aware of the grant of permission in similar circumstances in Pottery Lane.

Other U.D.P Points etc.

The patios to be provided as a result of the development would be of negligible value as amenity space. At No. 23, it would measure 1 metre x 1.65 metres. At No. 46, the existing family house, it would measure 2.1 metres x 1.7 metres. Both areas would be heavily overshadowed by two and three storey walls.

The proximity of Avondale Park is an advantage but does not justify the loss of on-site amenity space for an existing family-sized dwelling.

The BRE letter provides helpful analysis of daylight conditions but, as stated above, does not address the impact upon the rear garden at No. 48.

With reference to privacy, there is no indication of obscured glazing on the submitted drawings. Sketch sections accompany this letter as Enclosure 17. These demonstrate the potential for overlooking of No. 48's patio from the proposed first floor side window of No. 23 across the lowered two metre high boundary wall.

Conclusion

The proposed development is considered unacceptable for the reasons stated in the Committee Reports accompanying this letter. It would cause demonstrable harm to an interest of acknowledged importance, namely the residential amenity of adjoining dwellings in terms of loss of light, loss of outside amenity space and loss of privacy. The proposal conflicts with local and national policies. The Council considers that there are no material considerations which justify approval. Therefore, it is respectfully requested that these Appeals are dismissed.

Yours faithfully,



R. THOMPSON,
AREA PLANNING OFFICER
FOR THE EXECUTIVE DIRECTOR,
PLANNING AND CONSERVATION.

Enclosures:

1. Report to Committee on Application reference PP/99/00720.
2. Site Location Map
3. Map of Norland Conservation Area
4. Norland Conservation Area Proposals Statement (Extract)
5. U.D.P. Chapter 2
6. U.D.P. Chapter 3
7. U.D.P. Chapter 4
8. U.D.P. Chapter 5
9. U.D.P. Chapter 7
10. U.D.P. Chapter 11
11. U.D.P. Proposed Alterations (Extracts)
12. Report to Committee on Application reference PP/99/00720
13. Ordnance Survey Map of Pottery Lane 1953.
14. Application form relating to 1971 Planning Permission.
15. E.D.P.C. letter 26.11.97
16. B.R.E. letter dated 15.3.99
17. Sketch, sections D-D and E-E demonstrating extent of overlooking of patio of No. 48 Princedale Road from proposed first floor flank at No. 23 Potter Lane.
18. List of Suggested Conditions.

3 Pembroke Mews, London, W8 6ER
0171 938 2996

P. Ack
(H)
8/12 - (SW)

(31)

Room 1003
Planning Inspectorate 7.12.99
Tollgate House
Houlton St. Bristol BS2 9DJ

RECEIVED BY PLANNING SERVICES							
EX DIR	HDC	N	C	SW	SE	ENF	AD ACK
				- 8 DEC 1999		(14)	
APPS	IO	REC	ARB	FWD PLN	CON DES	FEES	

RBKC
Planning Office,
Town Hall
Horton St, London
W8 7NX

Dear Mr Shorland

Grounds of Appeal - RBKC Planning Inspectorate 23 Pottery Lane W11
app/k5600/E/99/1029848 and 9

Thank you for your letter, I have also received the LPA statement of policy. I wish only to make the following short comments on their case. The points raised in their letter:-

1 and 2. The photo of the original Victorian structure at number 23 is relevant to the elevation of the new building. The original building, like the proposed building was a two storey structure - and it is clear from the photo (which I have sent on numerous occasions to the LPA) that this was in keeping with the rest of the elevation of the street. Although 30 years old, the structure was more in harmony with the whole area than the 1970s garage which replaced it. The architectural enhancement by building the new structure is real and relevant to the Norland Conservation Policies, previously mentioned.

3. The Design Officer's reservations that the windows are not typical: the Inspector will see from a walk down the Lane that the windows vary enormously in style. The size of window, the hardwood frames and the facade of London brick - yes London stock is in keeping with area. Arguably, the facade is more in keeping than the present garage door.

The photographs were not in the grounds of appeal sent to the Council as they have on file for this application at least 3 sets of these and more complete and extensive photographs. I will send a new batch forthwith.

4. The loss of residential amenity: it was clear when I was granted permission for the roof terrace to number 46, that it was linked to my concurrent application for the development of number 23. The Council acknowledged that there was an increase in amenity space by the provision of the terrace and that this would compensate for any loss to the patio. The patio is not a garden but it is itself a dark well that would benefit from development. The BRE report does not address loss of light to the garden at 48 as the Council in their letter of November 1997 asked for the daylight consequences to the building not open space. Loss of light to a garden is not a relevant overriding UDP issue.

6. As to precedent, I refer to my original grounds which attach a list of the allowed developments in the Lane and which are relevant to this appeal. I have copied this letter together with photos to RBKC. I also refer to the UDP but did not send a bulky copy - please let me know if you need one. I will meet the Inspector on 14 December 1999 at 11.00am for the site inspection at 23 Pottery Lane W11.

Yours sincerely

M G Dunlop
M G Dunlop

Enc. 5 Photos .
① Black & white
② 3 street side

③ 1 of garage 99.

KENSINGTON AND CHELSEA	
Neg. no.	523
Photographer	
Date	7.12.70
KS 829	
PUBLIC LIBRARIES	

32

R.B.K. & C.
TOWN PLANNING
8 DEC 1989
RECEIVED

**PHOTOGRAPHIC SURVEY OF
KENSINGTON AND CHELSEA,
AREA No.**

23 Pottery Lane - 1970
2 storey - Victorian structure





The Planning Inspectorate

Room 12/02 West
Tollgate House
Houlton Street
Bristol BS2 9DJ

Direct Line 0117-9878528
Switchboard 0117-9878000
Fax No 0117-9878804
GTN 1374-8528

33

Ms H Divett
Kensington And Chelsea R B C
Dept Of Planning & Conservation
The Town Hall
Hornton Street
London
W8 7NX

Your Ref: TP/99/720

Our Ref:
APP/K5600/A/99/1029849
APP/K5600/E/99/1029848

82

10 December 1999

Dear Madam

**TOWN & COUNTRY PLANNING ACT 1990
PLANNING (LISTED BUILDING AND CONSERVATION AREAS) ACT 1990
APPEALS BY MRS MIRANDA DUNLOP
SITE AT 23 POTTERY LANE, LONDON, W11**

I am writing to confirm that the site inspection which was scheduled to take place at 11:00 on Tuesday 14 December 1999 has been cancelled because the Inspector needs to view the proposed development from a third party's property who unfortunately is unavailable.

A fresh date for the site visit will be arranged as soon as possible.

Yours faithfully

Mr A Godfrey

NB: All further correspondence should be addressed to the case officer mentioned in the initial letter.

209H

RECEIVED BY PLANNING SERVICES								
EX DIR	HDC	N	C	SW	SE	ENF	AO	ACK
13 DEC 1999							86	
IC	REC	ARB	FWD PLN	CON DES	FEE			

List of Suggested Conditions: Application Reference PP/99/00720

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
Reason - As required by Section 91 of the Town and Country Planning Act 1990 to avoid the accumulation of unexercised Planning Permissions.
2. Full particulars of the following shall be submitted to and approved in writing by the Local Planning Authority before the development hereby permitted commences and the development shall not be carried out otherwise than in accordance with the details so approved:
 - (a) the design and external appearance of the external doors, windows, screens, and door and window heads.
 - (b) the materials to be used on the external faces of the building.
Reason - The particulars hereby reserved are considered to be material to the acceptability of the development, and the local planning authority wishes to ensure that the details of the development are satisfactory.
3. The dwelling hereby permitted shall not be occupied unless and until the garage shown on the drawings has been made available at all times for car parking and the garage shall not be adapted or used at any time for living, commercial or other purposes.
Reason - To prevent obstruction of the surrounding streets and safeguard the amenity of the area.
4. The flank first floor window(s) hereby permitted shall be constructed using only obscured glazing, and shall be so maintained, and kept permanently in the fixed closed position.
Reason - To safeguard the amenity of neighbouring property, and in particular to prevent overlooking.
5. The development hereby permitted shall be carried out exactly and only in accordance with the drawings and other particulars forming part of the permission and there shall be no variation therefrom without the prior written approval of the Local Planning Authority.
Reason - To preserve the character and appearance of the building, and the area in which it is situated.
6. Notwithstanding the provisions of Article 3, Schedule 2, and Part I of the Town and Country Planning General Development Order 1995, no external alterations shall be carried out or extensions constructed to the premises the subject of this permission without the prior approval in writing of the Local Planning Authority.
Reason - Given the restricted nature of the site and the extent of the proposed development the Council is concerned that permitted development alterations/extensions may adversely affect neighbours' amenity.
7. No water tank, lift motor room, or other roof structure, shall be erected which rises above the level of the roof hereby approved.
Reason - To preserve the character and appearance of the building, and the area in which it is situated.

35

8. No additional plumbing or pipes other than rainwater pipes shall be fixed on the external faces of the building without the prior written approval of the Local Planning Authority.
Reason - To preserve the character and appearance of the building, and the area in which it is situated.

9. The dwelling hereby permitted shall not be occupied unless and until a roof terrace has been built at No. 46 Princedale Road in accordance with Planning Permission reference TP/97/1017 dated 16.10.97.
Reason - While the Council does not consider a roof terrace an acceptable substitute for the existing garden, it is considered preferable to a complete absence of outside amenity space and the applicant has expressed willingness to provide the terrace.

List of Suggested Conditions: Application Reference PP/99/ 00721.

1. The works hereby permitted shall be begun before the expiration of five years from the date of this Consent.
Reason - As required by Section 74 of the Planning (Listed Buildings and Conservation Areas) Act, 1990, to avoid the accumulation of Consents.

2. The demolition hereby permitted shall not commence until a contract for the development of the site, in accordance with planning permission if required, has been let.
Reason - To safeguard the character and appearance of the Conservation Area.

TO: SEE DISTRIBUTION LIST

FROM: EXECUTIVE DIRECTOR OF
PLANNING &
CONSERVATION

36

MY REF(S): PA/HD/PP/99/00720

YOUR REF:
SEE DISTRIBUTION LIST

ROOM NO: 324 + PP/99/00721

EXTN: 2081

DATE: 2.2.00

TOWN AND COUNTRY PLANNING ACT, 1990

APPEAL 23 POTTERY LANE, W11

I attach for your information a copy of the decision for the appeal on the above-mentioned premises.

EXECUTIVE DIRECTOR OF PLANNING AND CONSERVATION

DISTRIBUTION LIST:

CHAIRMAN, PLANNING & CONSERVATION COMMITTEE
 VICE CHAIRMAN, PLANNING & CONSERVATION COMMITTEE
 COUNCILLOR A.J.A.D. FITZGERALD (CHURCH WARD ONLY)
 COUNCILLOR R. HORTON
 COUNCILLOR I. DONALDSON
 CHIEF EXECUTIVE & TOWN CLERK..... J. HARGREAVES RM: 253
 DIRECTOR OF LEGAL SERVICES..... L. PARKER RM: 315
 LAND CHARGES..... J. STEVENS B1
 COUNCIL TAX ACCOUNTS MANAGER..... T. RAWLINSON RM: G29
 TRANSPORTATION..... B.MOUNT
 EXECUTIVE DIRECTOR OF PLANNING & CONSERVATION
 HEAD OF DEVELOPMENT CONTROL
 APPEALS OFFICER
 NORTH
 CENTRAL
 SOUTH-EAST
 SOUTH-WEST
 INFORMATION OFFICE
 FORWARD PLANNING..... G. FOSTER
 DESIGN..... D. MCDONALD
 STATUTORY REGISTER
 FILE(S) x 2
 SYSTEMS..... C.PEACH

APPEAL NOTIFICATIONS

37

REFERENCE NUMBER:

SITE ADDRESS: 23 Pottery Lane

PLEASE TICK RELEVANT BOXES AND RETURN SAME DAY TO:

APPEAL REGISTRATION OFFICER

AREA ADMIN. OFFICER

WARD COUNCILLORS

- I. E. Tomlin 43 Wallingford Ave. W10 6PZ
- II. R. Walker - Arnott.
- III. 27 Finslock Rd. W10 6LU.

KENSINGTON SOCIETY

CHELSEA SOCIETY

LOCAL AMENITY SOCIETIES: PLEASE SPECIFY

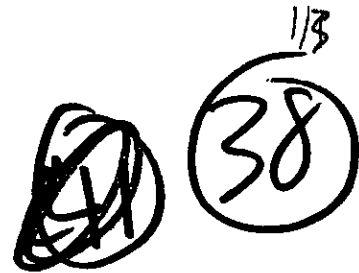
- I. Nonand Conservation Society
R Price Chair
- II. Fl. 2. 5-7 Princesdale Rd. W11. 4PF
- III.

ALL THOSE ORIGINALLY NOTIFIED

ALL OBJECTORS/SUPPORTERS

OTHERS: PLEASE SPECIFY

3 Pembroke Mews, London, W8 6ER
0171 938 2996
email: miradunlop@aol.com



Grounds of Appeal - RBKC Planning Inspectorate 23 Pottery Lane W11

I have applied for planning permission and a decision has not yet been reached by Kensington and Chelsea Council. I set out below the grounds of appeal i.e the planning merits:

Policy Considerations.

I understand these are based on the UDP and are not mandatory and that material considerations are taken into account, including the site history, local conservation and architecture. I set out Policy considerations e.g. enhancing the local environment, increasing the number of residents, as well as material considerations such as site history and precedents where the RBKC planning dept. has supported similar developments.

Local Development Plan/ UDP -----By building the dwelling UDP policy is implemented by supporting Strategies 1,2,5,6,7,13,15,16 and the UDP points in chapter 3 pgs 44-51 and in chapters 4 and 5 as follows:-

1. Restoring the conservation character to the Lane. Chapters 3, 4, and 5 UDP

The plans are to re-build 23 Pottery Lane in the red brick style of the original Victorian pottery dwelling a small two storey house (3 storeys including basement). This will replace the existing garage/storage space of 23 Pottery Lane. The development will re-store the separate identity of 23 Pottery Lane which is only a garage/storage site. (See attached photo of present site -and contrast against the photo taken in 1970's of the original Victorian dwelling). This will enhance the original style of architecture in this conservation area. *not enclosed - see 97 file.*

2. **Site History** The original photo of the Victorian structure that existed until the 1970's proves that a two tier independent residential dwelling existed. Strictly it was not a 'mews' as defined by the UDP but a small workman's dwelling. *Check land use + old OS map - How deep.*

3. **The facade proposed would enhance the area.** The elevation plans for the street shows how number 23 was two storeys as was its neighbours. The new design is in keeping with the conservation plans for Pottery Lane and the Norland area. The use of London red brick and hardwood windows means the design uses the materials used in the rest of the lane and area. *stock?*

Please note that the Lane has been noted for its eccentric development in a RBKC publication:-
"Pottery Lane has the distinction of being the only road predating the development of the Estate:.....the one and two storey brick buildings and high back yard walls with their unaffected simplicity are entirely appropriate to the street and still make quite a contrast with the organised elevations of most of the area. ... The informality is appropriate to the alignment of the street and where new buildings occur the simple treatment of various materials has fitted in extremely well". Page 39. Norland Conservation Area Policy Statement . This is a material consideration for allowing minor variations in window design for example. *not enclosed.*

I attach photos of the lane showing the past and existing use and style of houses on Pottery Lane. I set out below a table showing present use and style of dwelling on the Lane. This shows that I am

practically the only garage built in the 1970's and how other dwellings have remained two storey residences or been allowed to re- build sympathetic residences without garages on the west side of Pottery Lane.

~~42~~ 39

Number on Pottery Lane	garage	storeys
1	no	2
3	no	2
5	no	2
7	no	2
9	no	2
11		3 plus roof terrace
3 houses with no numbers between 11 and 17	no no no	2
15	no	2
17	no	2
19		2
21	no	
	yes	1
23	yes	1
25	1999 created work studio	inserted skylight in garage roof after my application to build. restriction on use as a garage.
27	planning permission given in 1997 to remove garage	1
29	no	2
31	no	2
33	no	2
35	1995 - built and sold as residence without garage	2 high court appeal against appeal/ref.1011336
37	no	2 and applying for 3 storeys
39	no	2
41-45	1997 built and sold as residence without garage	3
47	no	2

X

4. Rebuilding will fulfil UDP policy to increase the number of inhabitable units for local residents. The type of proposed single dwelling will also add to the mix of housing stock in the area and will be in keeping with the type of residential stock on Pottery Lane itself. see page 45 UDP.

5. Amenity space, privacy and daylight

Since 1991 the occupants of 46 Princedale Road behind 23 Pottery Lane have been single people using the ground floor as a TV den, utility room (on the garage side and as a kitchen which faces onto Princedale Road. The main living room has always been on the first floor since the 1980s at least. The garage at 23 Pottery Lane was never wanted by the tenant and I had to find someone to rent it as a garage and which has been impossible given the restrictions on it and it has therefore lain idle for these last 2 years. Therefore, by rebuilding 23 Pottery Lane will not deprive 46 Princedale Road of amenity space. The single tenants there will also have the benefit of a roof terrace - an application which I submitted three months before my application for 23 Pottery Lane in 1997 and which succeeded. The tenants of 46 Princedale Road have always found sufficient parking on Princedale Road. Most of their daylight for normal living use comes through the sunny kitchen window and from the big first floor living room windows on the Princedale Road side - See the BRE report by Prof. Littlefair attached. The plans therefore conform with the UDP guidelines addressing privacy, amenity and daylight.

6. Precedent

Please look to the table above. The number of storeys that have been built in the Lane average 2 and more applications are being received for 3.

These reasons set out above present a set of policy and material considerations that favour the application to rebuild. They take into account the UDP, and specific RBKC conservation guidelines for that area. The Lane will benefit from the investment that such development entails.

OTHER UDP points raised and resolved in November 1997 lpa letter.

CD 52 -The development plans are clearly in keeping with the two storey houses currently on that side of the lane - photos and plans show this.

Chapter 11 para 3.15 (nb the rbkc wrongly quote ch.7subsection 3.15 not ch11 in their letter in November 1997)-re amenity family sized dwellings having their own or public amenity space and Policy LR14 new housing. 23 Pottery Lane is not a family sized dwelling, even so it has its own small and even if 46 Princedale Rd (a two bedroom house currently let to single people for the last 10 years) is considered a family residence there is still a small patio and a roof terrace (planning application successful). RBKC accepted this point in writing - see their November 1997 letter. Also Ayondale park is just down the road for public space a consideration applicable in point 3.15 page 200)

Light and sense of enclosure -UDP policies CD28, CD41e and CD41g and CD29 - the udp refers to the BRE guidelines on this point. These 'guidelines' were written by Professor Littlefair. I have commissioned a report by him (attached) showing that these consideration are met by our plans

Privacy CD30, page 48, this is overcome by the use of obscured glazing in the development plans preserving the privacy of the residents of Number 48 who only have a small utility room at ground floor level (and an illegal skylight in their garage) and for number 46.