

The Planning Inspectorate

LISTED BUILDING CONSENT OR CONSERVATION AREA CONSENT APPEAL

FOR OFFICIAL USE ONLY
Date received

8

The appeal must reach the Inspectorate within 6 months of the date of receipt of the notice of the Local Planning Authority's decision, or within 6 months of the date by which they should have decided the application.

A. INFORMATION ABOUT THE APPELLANT(S)

Full Name: Mrs MIRANDA DUNLOP

Address: 3 PEMBROKE Mews
LONDON

Postcode: W8 6ER
Failure to provide the postcode may cause delay in processing your appeal.

Daytime Telephone No: 0177-938-2996

Reference: 55

1 - OCT 1999

EX DIS	HDC	V	C	SW	SE	ENF	AO ACK
PLN	CON DES	FEES					

Fax No:

Agent's Name (if appropriate):

Agent's Address:

Postcode: Reference:

Failure to provide the postcode may cause delay in processing your appeal.

Daytime Telephone No: Fax No:

B. DETAILS OF THE APPEAL

Name of the Local Planning Authority (LPA): Royal Borough of KENSINGTON + CHELSEA

Description of the Works: DEMOLITION OF EXISTING STRUCTURE + GARAGE
+ REBUILD WITH DWELLING TO 23 POTTERY
LANE W11. LONDON.

Address of the Site: 23 POTTERY LANE
LONDON

Postcode: W11
Failure to provide the postcode may cause delay in processing your appeal.

National Grid Reference (see key on OS map for Instructions).
Grid Letters: Grid Numbers
eg TQ:298407

Date and LPA reference number of the LBC/CAC application you made and which is now the subject of this appeal:
27.3.99 DPS/DCN/CC/19900/721
DPS/DCN/PP/19900/720

Date of LPA Notice of Decision (if any): No Decision
Decision Due
8.6.99.

Are there any outstanding appeals for this site eg Enforcement, Lawful Development Certificate etc? If so please give details and any Planning Inspectorate reference number here: none

C. REASON FOR THE APPEAL

9

THIS APPEAL IS AGAINST the decision of the LPA:-

(*Delete as appropriate)

(✓)

- 1. to *refuse/grant subject to conditions, *listed building consent/conservation area consent for the works described in Section B.
- 2. to refuse to *vary/remove a condition(s) attached to a previous grant of *listed building consent/conservation area consent.

Or the failure of the LPA:-

- 3. to give notice of its decision within the appropriate period on an application for *listed building consent/conservation area consent.

D. CHOICE OF PROCEDURE

CHOOSE ONE OF THE FOLLOWING TYPES OF PROCEDURES - These are described fully in the booklet 'A guide to planning appeals' which accompanied this form.

- 1. WRITTEN REPRESENTATIONS

If you have chosen the written representations procedure, please tick if the whole site can clearly be seen from a road or other public land. (An unaccompanied site visit will be arranged if the Inspector can adequately view the site from public land.)

- 2. LOCAL INQUIRY Please give reasons why an inquiry is necessary

- 3. HEARING Although you may prefer a hearing, the Inspectorate must consider your appeal suitable.

E. ESSENTIAL SUPPORTING DOCUMENTS

A copy of each of the following should be enclosed with this form.

- 1. The application submitted to the LPA;
- 2. The site ownership details (Regulation 6 certificate) submitted to the LPA at application stage;
- 3. Plans, drawings and documents forming part of the application submitted to the LPA;
- 4. The LPA's decision notice (if any); none
- 5. Other relevant correspondence with the LPA; please identify the correspondence by date or otherwise: 14.4.99 Confirmation letter from LPA of application in 8.99 - my letter applying in 97. + Response in Nov. 97 from LPA.
- 6. A plan showing the site in red, in relation to two named roads (preferably on an extract from the relevant 1:10,000 OS map). (Failure to submit this can delay your appeal).

Copies of the following should also be enclosed, if appropriate:

- 7. Any plans, drawings and documents sent to LPA but which do not form part of the submitted application (eg drawings for illustrative purposes);
- 8. Additional plans or drawings relating to the application but not previously seen by the LPA. Please number them clearly and list the numbers here: photos

10

F. SUPPORTING INFORMATION

Grade I Grade II* Grade III

If the building is listed, please indicate the grade of the building by ticking the appropriate box opposite

YES NO

Has a grant been made under sections 3A or 4 of the Historic Buildings and Ancient Monuments Act 1953?

Does the appeal relate to an application for conservation area consent

G. APPEAL SITE OWNERSHIP DETAILS

IMPORTANT: THE ACCOMPANYING NOTES SHOULD BE READ BEFORE THE APPROPRIATE CERTIFICATE IS COMPLETED. CERTIFICATES A AND B ARE GIVEN BELOW. IF NEEDED, CERTIFICATES C AND D ARE ATTACHED TO THE GUIDANCE NOTES.

SITE OWNERSHIP CERTIFICATES

PLEASE DELETE INAPPROPRIATE WORDING WHERE INDICATED (*) AND STRIKE OUT INAPPLICABLE CERTIFICATE

CERTIFICATE A

I certify that:

No person other than *myself/the appellant was the owner (see Note (i) of the guidance notes) of any of the building to which the appeal relates at the beginning of the period of 21 days ending with the date of the appeal.

OR

CERTIFICATE B

I certify that:

I have/the appellant has *given the requisite notice to all the persons other than *myself/the appellant who, at the beginning of the period of 21 days ending with the date of this appeal, were owners (see Note (i) of the guidance notes) of the building to which the appeal relates.

Owner's Name

Address at which notice was served

Date on which notice was served

Signed M.G. Dunlop (on behalf of)

Name (in capitals) M. G. DUNLOP Date 7.6.99

H. GROUNDS OF APPEAL If the written procedure is requested, the appellant's FULL STATEMENT OF CASE MUST be made - If the written procedure has not been requested, a brief outline of the appellant's case should be made here.

11

Application for conservation area consent for demolition of existing structure + garage to the rear of 46 Princesdale Road, London W11, which is known as 23 Pottery Lane + to restore it to a single dwelling. The decision has not been reached as I have been told that the staff are overworked.

The application was originally submitted in August 1997, but as a result of 3 changes in LPA staff + changes in the plans prior to decision, I withdrew my application to re-assess their final letter to me in November 1997. After my child's birth, I re-applied with a BRE report assessing the main concerns of the LPA. I am appealing to obtain a decision. I attach a letter setting out my grounds of appeal.

PLEASE SIGN BELOW

I confirm that a copy of this appeal form and any supporting documents relating to the application not previously sent to the LPA has been sent to them. I undertake that any future documents submitted in connection with this appeal will also be copied to the local planning authority at the same time.

Signed M.G. Dunlop (on behalf of)

Name (in capitals) M. G. DUNLOP Date 7.9.99

The Planning Inspectorate is registered under the Data Protection Act 1984, so that we may hold information supplied by you on our computer system for the purpose of processing this appeal.

CHECKLIST - Please check this list thoroughly to avoid delay in the processing of your appeal.

- This form signed and fully completed.
- Any relevant documents listed at Section E enclosed.
- Full grounds of appeal/outline of case set out at Section H.
- Relevant ownership certificate A, B, C or D completed and signed.

◆ **1ST COPY: Send one copy of the appeal form** with all the supporting documents to

The Planning Inspectorate
Appeals Registry
Tollgate House
Houlton Street
BRISTOL
BS2 9DJ



◆ **2ND COPY: Send one copy to the LPA**, at the address from which the decision on the application (or any acknowledgments, etc) was received, enclosing any supporting documents not previously submitted to them as part of the application.



◆ **3RD COPY: For you to keep**



The Planning Inspectorate

12

Room 1003
Tollgate House
Houlton Street
Bristol BS2 9DJ

Direct Line 0117-9878000
Switchboard 0117-9878000
Fax No 0117-9878443
GTN 374-8930

RECEIVED						PLANNING SERVICES		
SW	SE	ENF	AO	ACK				
50						- 4 OCT 1999		

Ms H Divett
Kensington And Chelsea R B C
Dept Of Planning & Conservation
Department 705
The Town Hall
Hornton Street
LONDON W8

Your Ref: TP/99/721
Our Ref: APP/K5600/E/99/1029848
APP/K5600/A/99/1029849

1 October 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 have received conservation area and planning appeal forms and accompanying documents for this site. I am the case officer. I am checking the papers and if I need further information, or if for legal reasons the appeals are not acceptable, I will write again.

The appellant has chosen the written procedure. The date of this letter is the starting date for the appeals. Unless you tell me otherwise, I will assume that you do not wish to be heard.

As you know, if you agree to the written procedure, you are asked to:

- ◆ **Within 5 working days** - notify interested persons who were required to be consulted on the original planning applications, and all those who made representations at application stage, that appeals have been made. You should tell interested persons that any comments they have on the appeals should be made in writing and sent directly to me within the next 28 days. Please also tell them that if they wish to receive a copy of the appeal decision letter, they must write to me asking for one.
- ◆ **Within the next 14 days** - send the appellant and me, a completed appeal questionnaires together with all the necessary enclosures.
- ◆ **Within the next 28 days** - send the appellant and me, any further statement you wish to make, if the questionnaires and supporting documents do not comprise your case. Please keep the statement concise as recommended in Annex 1 (ii) of DOE circular 15/96.

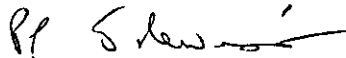
13

We will arrange for our inspector to visit the appeal site and will send you details.

You should keep to this timetable. Inspectors will not accept representations at the site visit, nor will they wait for representations. As I have given you details of the timetable, I will not send reminders to you or the appellant.

Please send any further correspondence to me, giving the full appeal reference numbers. If you have any questions, please contact me.

Yours faithfully



Mr D Shorland
502

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SITE VISIT DATES

Please note that we have improved the time taken to fix the date for a site visit. Most visits are now being arranged within 8 to 12 weeks from the start of the appeal. Ministers are anxious that appeal decisions are issued quickly. It is essential, therefore, that you comply with the timetable in the accompanying letter, and ensure that your representations are with us on time. If the representations are late, the inspector may proceed to issue a decision without them.

PL - RETURN TO

SW AFTER CEE
MEMORANDUM

TO: RT / CT
(15) (9)

FROM: THE EXECUTIVE DIRECTOR OF PLANNING AND CONSERVATION

MY REF: AD/PV
EXTENSION NO.: 2081

YOUR REF: E/99/1029848
DATE: 4.10.99
FILE NO.: PP/99/721

(168)

APPEAL ON: 23 Pottery Lane, W11

I note that the above appeal is likely to be determined by way of:

PUBLIC INQUIRY

WRITTEN REPRESENTATION

INFORMAL HEARING

START DATE OF APPEAL: 1.10.99

APPEAL AGAINST: NON-1

3rd PARTY NOTIFICATIONS DUE:	8.10.
3rd PARTY NOTIFICATIONS SENT:	7.10.99
QUESTIONNAIRE DUE:	18.10
QUESTIONNAIRE SENT:	7.10.99
STATEMENT DUE:	01.11.99
STATEMENT SENT:	2.6.99
RULE 6 DUE:	N/A
RULE 6 SENT:	

OFFICER PREPARING STATEMENT: SW

OFFICER TAKING INQUIRY: N/A

ADMIN: CT

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.

Sch 1 ~~YES~~ NO 17
 Sch 2 col 1
 YES/NO
 YES/NO
 Number of Documents Enclosed N/A

✓	
	✓
✓	
✓	
	✓

to follow
to follow
to follow

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.

~~YES~~ NO
 7.10.99
 Number of documents enclosed N/A

✓	

- 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*

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

~~YES~~ / NO

Council's reference: PP199/721/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: 7.10.99

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



The Planning Inspectorate

SW
18
20

Room 1003
Tollgate House
Houlton Street
Bristol BS2 9DJ

Direct Line 0117-9878930
Switchboard 0117-9878000
Fax No 0117-9878443
GTN 1374-8930

Ms H Divett
Kensington And Chelsea R B C
Dept Of Planning & Conservation
Department 705
The Town Hall
Hornton Street
LONDON W8

Your Ref:
TP/99/721

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

2 November 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 enclose a copy of correspondence from the appellant.

Please do not comment on the correspondence unless you think it raises new points. If you wish to comment, please ensure that your reply is received in this office no later than 7 days from the date of this letter. Remember to send a copy to the appellant.

Yours faithfully

D Shorland

Mr D Shorland

211A

RECEIVED BY PLANNING SERVICES							
EX DIR	HDC	N	C	SW	SE	ENF	AO ACK
- 4 NOV 1999							70
APPEALS	IO	REC	ARB	FWD PLN	CON DES	FEEES	

3 Pembroke Mews, London, W8 6ER

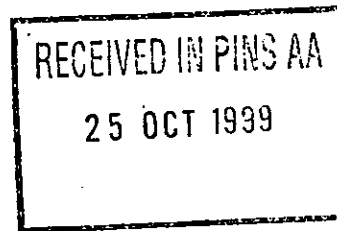
0171 938 2996

email: miradunlop@aol.com

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● Planning Inspectorate 21 October 1999

Tollgate House
Houlton St.
Bristol BS2 9DJ



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 questionnaire. I note that more documents are due from RBKC to supplement their statement of case and I await to hear from them. In the meantime I wish only to make the following short comments on their case.

They have two objection letters from neighbours:

NO.52 Princesdale Rd. Like number 46 Princesdale Road, number 52 had a garage at the back and two to three years ago, whilst I was liaising with the council about removing the garage restriction and building a house, the RBKC allowed number 52 to remove the ceiling from their garage and keep it as a DRIVE in parking area so as not to breach the garage restriction on that area. However you will find - the Parrys have bought the house recently and I assume their lawyers did not make them aware of this restriction on their 'garden' drive in patio nor did the lawyers reveal my planning application.

On planning grounds, Professor Littlefair's report indicates no daylight reduction problems for number 52 and glazing will obviate most of the privacy problems.

NO. 50 Princesdale Rd. The Sleeps. I refer you to Professor Littlefair's report regarding their points 1 and 2. Point 3 talks about garage conversions this is conjecture and irrelevant - please note that number 50 has a 'garage' restriction as well number 52, and that both are in breach of their garage restrictions - the skylight in number 50's 'garage' was inserted after my planning application. Regarding their rear bedroom windows, this is for your inspection however Professor Littlefair's report indicates only number 50's small rear window at ground level would be affected and that glazing and the height amendments that he suggests would counteract this effect. Re point 4, Professor Littlefair's report involved an on site inspection and the changes in floor levels have been taken into account.

I look forward to hearing from you regarding a date for inspection. Please do let me know if there are any outstanding queries.

Yours sincerely


Miranda Dunlop

RBKC copy
- already have all photos etc.

FOR OFFICIAL USE ONLY
Date received

PLANNING APPEAL



The appeal must reach the Inspectorate within 6 months of the date of the notice of the Local Planning Authority's decision, or within 6 months of the date by which they should have decided the application.

A. INFORMATION ABOUT THE APPELLANT(S)

Full Name: MRS MIRANDA DUNLOP

Address: 3 PEMBROKE MEWS
LONDON W8 6ER

Postcode: W8 6ER Reference:

Failure to provide the postcode may cause delay in processing your appeal.

Daytime Telephone No: 0171-938-2996 Fax No:

Agent's Name (if appropriate): NONE, (NO LONGER RETAINING

Agent's Address: ARCHITECT - ~~NAME~~ (if possible)

Postcode: Reference:

Failure to provide the postcode may cause delay in processing your appeal.

Daytime Telephone No: Fax No:

B. DETAILS OF THE APPEAL

Name of the Local Planning Authority (LPA): ROYAL BOROUGH OF KENSINGTON + CHELSEA

Description of the Development: DEMOLITION OF EXISTING GARAGE
+ CONSTRUCTION OF NEW SINGLE
DWELLING

Address of the Site: 23 POTTERY LANE
LONDON

National Grid Reference (see key on OS map for instructions).
Grid Letters: Grid Numbers eg TQ:298407

Postcode: W11
Failure to provide the postcode may cause delay in processing your appeal:

see map.

Date and LPA reference number of the application you made which is now the subject of this appeal: TPP No. 97/1752
original application TPP No. 97/1753 - conservation area consent] 1.8.97

Date of LPA notice of decision (if any): Non-Determination
26.09.97 Due 8.6.99
ie 8 weeks past 1.08.97

Are there any outstanding appeals for this site eg Enforcement, Lawful Development Certificate etc? If so please give details and any DOE reference number here: NONE

3PS/DCN/CC/9900721
70PS/DCN/PP/9900720

→ renewed in April 99 as

C. REASON FOR THE APPEAL

~~13~~ (21)

THIS APPEAL IS AGAINST the decision of the LPA:-

(*Delete as appropriate)

(✓)

- 1. to *refuse/grant subject to conditions, planning permission for the development described in Section B.
- 2. to *refuse/grant subject to conditions, approval of the matters reserved under an outline planning permission.
- 3. to refuse to approve any matter (other than those mentioned in 2 above) required by a condition on a planning permission.

Or the failure of the LPA:-

- 4. to give notice of their decision within the appropriate period on an application for permission or approval.

D. CHOICE OF PROCEDURE

CHOOSE ONE OF THE FOLLOWING TYPES OF PROCEDURES -These are described fully in the booklet "A guide to planning appeals" which accompanied this form.

- 1. WRITTEN REPRESENTATIONS

If you have chosen the written representations procedure, please tick if the whole site can clearly be seen from a road or other public land. (An unaccompanied site visit will be arranged if the Inspector can adequately view the site from public land.) *accompanied site visit preferred*

- 2. LOCAL INQUIRY Please give reasons why an inquiry is necessary

- 3. HEARING Although you may prefer a hearing, the Inspectorate must consider your appeal suitable.

E. ESSENTIAL SUPPORTING DOCUMENTS

A copy of each of the following should be enclosed with this form.

- 1. The application submitted to the LPA;
- 2. The site ownership details (Article 7 certificate) submitted to the LPA at application stage;
- 3. Plans, drawings and documents forming part of the application submitted to the LPA;
- 4. The LPA's decision notice (if any); *none*
- 5. Other relevant correspondence with the LPA; please identify the correspondence by date or otherwise:
- 6. A plan showing the site in red, in relation to two named roads (preferably on an extract from the relevant 1:10,000 OS map). **(Failure to submit this can delay your appeal).**

Copies of the following should also be enclosed, if appropriate:

- 7. If the appeal concerns *reserved* matters, the relevant outline application, plans submitted and the permission; *na*
- 8. Any plans, drawings and documents sent to LPA but which do not form part of the submitted application (eg drawings for illustrative purposes);
- 9. Additional plans or drawings relating to the application but not previously seen by the LPA. Please number them clearly and list the numbers here:

photo 1, 2, 3, 4, 5.
existing garage
1970 photo. views from street all in file

22
~~23~~

F. APPEAL SITE OWNERSHIP DETAILS

IMPORTANT: THE ACCOMPANYING NOTES SHOULD BE READ BEFORE THE APPROPRIATE CERTIFICATE IS COMPLETED. CERTIFICATES A AND B ARE GIVEN BELOW. IF NEEDED, CERTIFICATES C AND D ARE ATTACHED TO THE GUIDANCE NOTES

SITE OWNERSHIP CERTIFICATES

PLEASE DELETE INAPPROPRIATE WORDING WHERE INDICATED (*) AND STRIKE OUT INAPPLICABLE CERTIFICATE

CERTIFICATE A

I certify that:

On the day 21 days before the date of this appeal nobody, except the appellant, was the owner (see Note(i) of the guidance notes) of any part of the land to which the appeal relates.

OR

CERTIFICATE B

I certify that:

I have/the appellant has * given the requisite notice to everyone else who, on the day 21 days before the date of this appeal, was the owner (see Note (i) of the guidance notes) of any part of the land to which the appeal relates, as listed below.

Owner's Name Address at which notice was served Date on which notice was served

~~_____~~

I further certify that:

AGRICULTURAL HOLDINGS CERTIFICATE (TO BE COMPLETED IN ALL CASES WHERE A, B, C OR D OWNERSHIP CERTIFICATE HAS BEEN COMPLETED)

*. None of the land to which the appeal relates is, or is part of, an agricultural holding.

OR

*. I have/the appellant has *given the requisite notice to every person other than my/him/her*self who, on the day 21 days before the date of the appeal, was a tenant of an agricultural holding on all or part of the land to which the appeal relates, as follows:

Tenant's Name Address at which notice was served Date on which notice was served

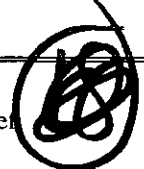
~~_____~~

*Delete as appropriate. If the appellant is the sole agricultural tenant the first alternative should be deleted and "not applicable" should be inserted below the second alternative.

Signed M. Dunlop (on behalf of) _____

Name (in capitals) MIRANDA G. DUNLOP Date 23.10.97

23



G. GROUNDS OF APPEAL If the written procedure is requested, the appellant's FULL STATEMENT OF CASE MUST be made - otherwise the appeal may be invalid. If the written procedure has not been requested, a brief outline of the appellant's case should be made here.

Application was made in April 99 for planning permission + consenative area consent for demolition of existing structure + garage to the rear of 46 Pineedale Road London W11 + which is known as 23 Pothery Lane. A decision has not been reached as I have been told that the staff are overworked.

The application was originally submitted in August 97 but as a result of 3 changes in LPA staff + changes in plans prior to decision, I withdrew my application to re-assess the final letter to me in November 1997. After my child's birth I applied with a BRE report assessing the main concerns of the LPA. I am appealing to obtain a decision. My grounds of appeal are attached herewith.

PLEASE SIGN BELOW

I confirm that a copy of this appeal form and any supporting documents relating to the application not previously sent to the LPA has been sent to them. I undertake that any future documents submitted in connection with this appeal will also be copied to the local planning authority at the same time.

Signed Miranda G. Dunlop (on behalf of)

Name (in capitals) MIRANDA G. DUNLOP Date 6.9.01

The Planning Inspectorate is registered under the Data Protection Act 1984, so that we may hold information supplied by you on our computer system for the purpose of processing this appeal.

CHECKLIST - Please check this list thoroughly to avoid delay in the processing of your appeal.

- This form signed and fully completed.
- Any relevant documents listed at Section E enclosed.
- Full grounds of appeal/outline of case set out at Section G.
- Relevant ownership certificate A, B, C or D completed and signed.
- Agricultural Holdings Certificate completed and signed.

◆ **1ST COPY: Send one copy of the appeal form** with all the supporting documents to:

The Planning Inspectorate
Appeals Registry
Tollgate House
Houlton Street
BRISTOL
BS2 9DJ

◆ **2ND COPY: Send one copy to the LPA**, at the address from which the decision on the application (or any acknowledgments, etc) was received, enclosing any supporting documents not previously submitted to them as part of the application.

◆ **3RD COPY: For you to keep**



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

Handwritten initials 'JW' in a circle and the number '24' in a circle.

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

Your Ref: TP/99/721

RECEIVED BY PLANNING SERVICES							
EX	ADD	N	C	SW	SE	ENF	AO
DIF							ACK
25 NOV 1999 (27)							

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

22 November 1999

Dear Madam

IO	REC	ARB	FWD	CON	FEES
			PLN	DES	

**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 inform you that the inspector appointed by the Secretary of State to determine the above appeals in accordance with the provisions of Schedule 6 of the Act is

Mr J L Dickinson MA Dipl Arch Registered Architect.

With reference to the above appeals, the Secretary of State has arranged for the inspector to visit the appeal site at 11:00 on Tuesday 14 December 1999 and you are requested to arrange for the inspector to be met at the site at 11:00 to enable the inspection to be made.

The Inspector will expect to be accompanied by representatives of both parties. If one of the parties fails to arrive, the Inspector will determine the most suitable course of action, which could mean that he will conduct the visit unaccompanied. In other circumstances, the visit might have to be aborted.

At the commencement of the site inspection the Inspector will make it clear that the purpose of the visit is not to discuss the merits of the appeals or to listen to arguments from any of the parties.

The Inspector will ask the parties to draw attention to any physical features on the site and in its vicinity. In turn the inspector may wish to confirm particular features referred to by interested parties in their written representations.

In general, decision letters are issued within 5 weeks of the date of the inspector's site visit, although we cannot be precise about individual cases. If despatch of the letter is likely to be significantly delayed, due for example to the receipt of late representations, we will let you know.

Yours faithfully

ARG

25

Mr A Godfrey

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

209D



The Planning Inspectorate

SW

26

Room 1003
Tollgate House
Houlton Street
Bristol BS2 9DJ

Direct Line 0117-9878930
Switchboard 0117-9878000
Fax No 0117-9878443
GTN 1374-8930

Ms H Divett
Kensington And Chelsea R B C
Dept Of Planning & Conservation
Department 705
The Town Hall
Hornton Street
LONDON W8

Your Ref:
TP/99/721 ✓

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

23 November 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 enclose a copy of correspondence from an interested person.

Please do not comment on the correspondence unless you think it raises new points. If you wish to comment, please ensure that your reply is received in this office no later than 7 days from the date of this letter. Remember to send a copy to the appellant.

Yours faithfully

D Shorland

Mr D Shorland

211A

RECEIVED BY PLANNING SERVICES							
EX DIR	HDC	N	C	SW	SE	ENF	AO ACK
				26 NOV 1999			
				(5)			
APPEALS	IO	REC	ARB	FWD PLN	CON DES	FEES	

Telephone /Fax 0171-229 6812

RECEIVED IN PLANNING
22 NOV 1999

48 Princedale Road
London W11 4NL

27

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

12 November 1999

Your ref: APP/K5600/E/99/1029848
APP/K5600/A/99/1029849

Dear Mr Shorland

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

Thank you for your letter dated 2 November 1999.

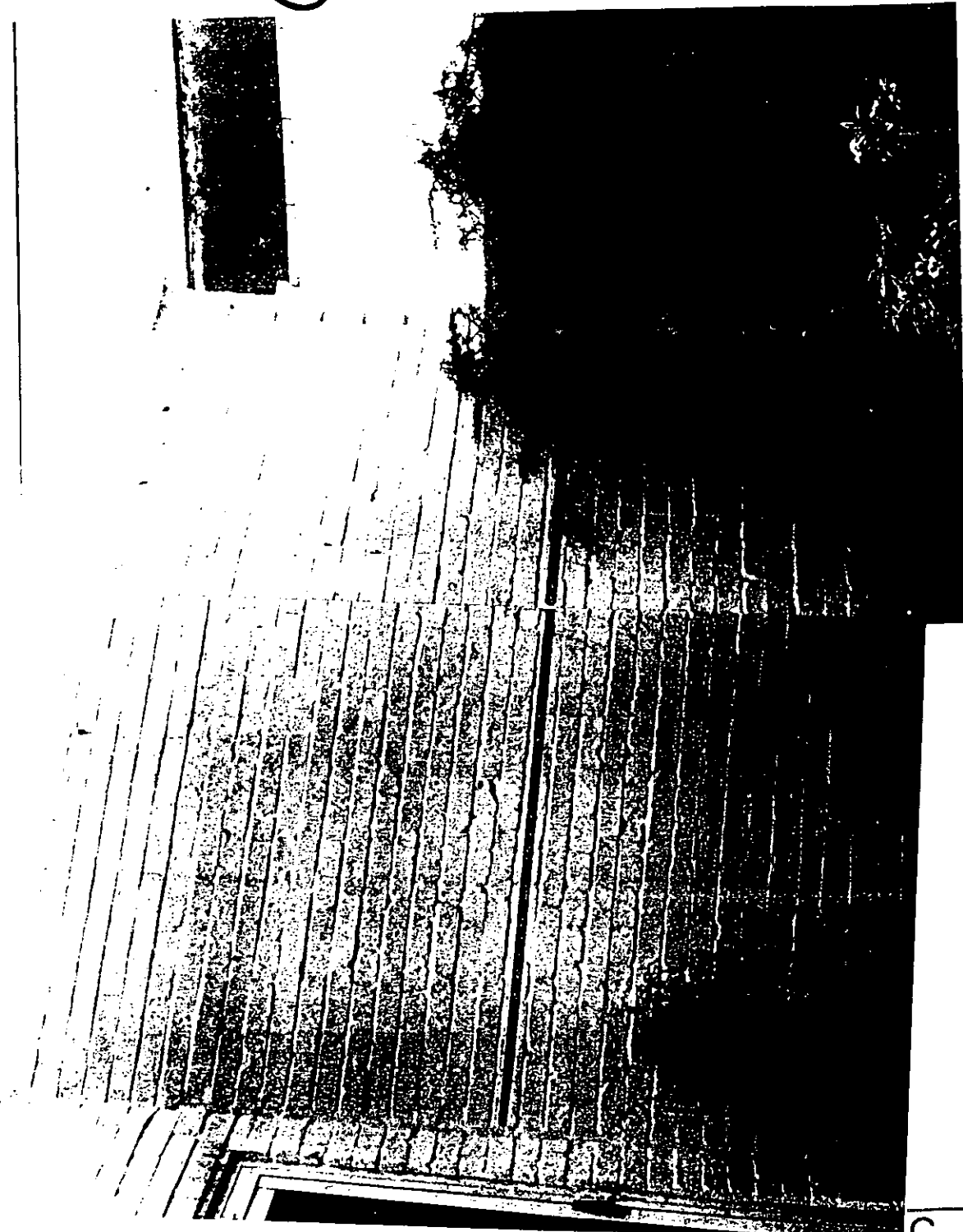
Accordingly we enclose photographs to assist the inspector on his site visit.

Yours sincerely

M. E. Sleep
(M E Sleep)

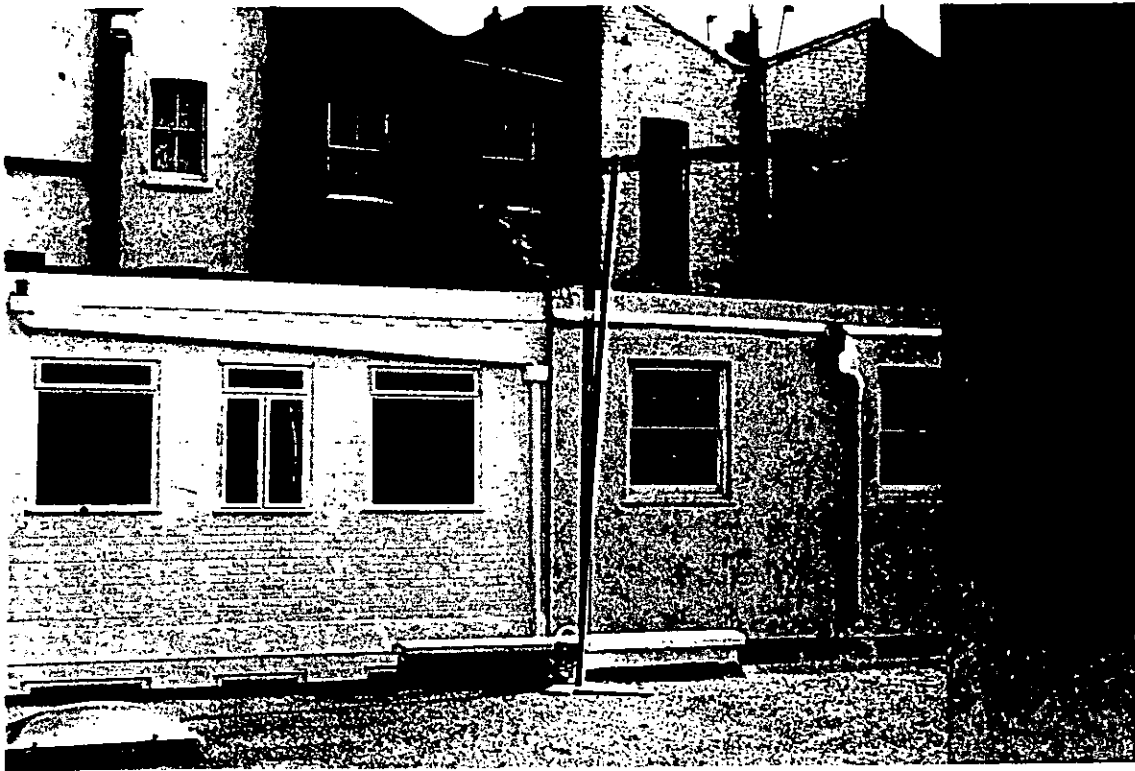
Encs

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6. View from No. 48 Princedale Road rear garden showing boundary wall with proposed reduction of 1.6m. indicated.

TOWN PLANNING
26 NOV 1999
RECEIVED



3. View from no. 48 Princedale Road first floor rear window with the proposed flank wall outlined.

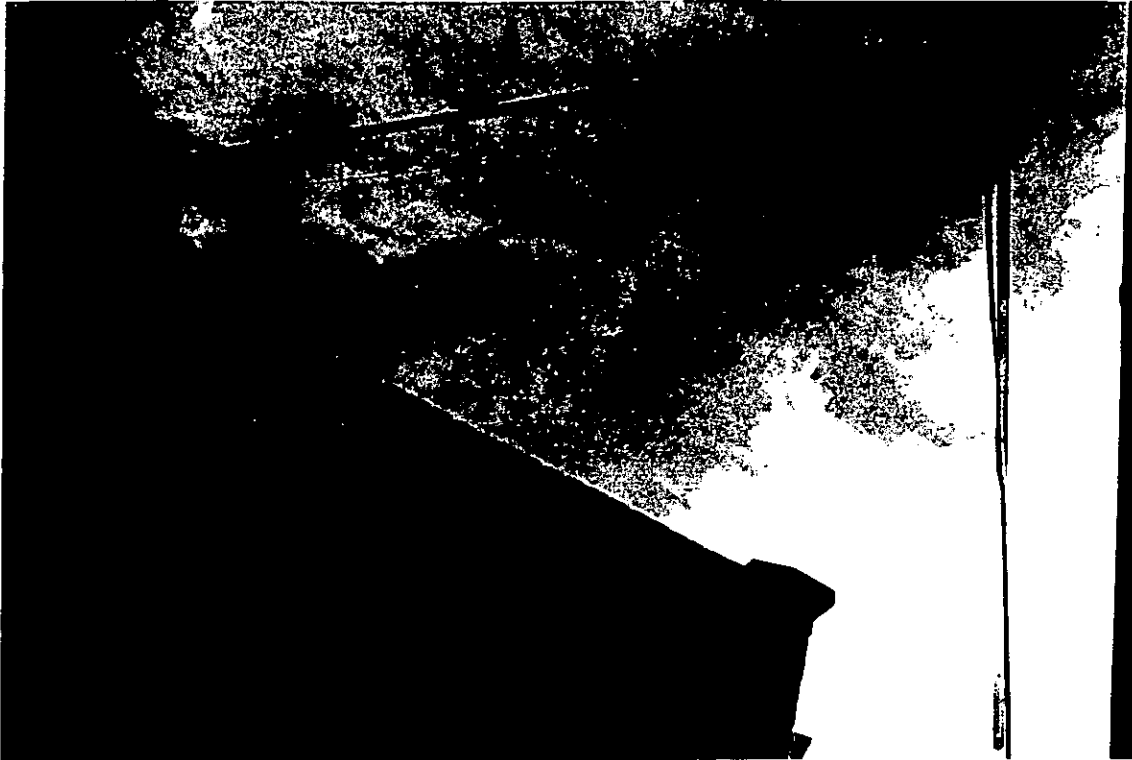
29



4. View from no. 48 Princedale Road rear garden area.

R.B.K.& C.
TOWN PLANNING
26 NOV 1999
RECEIVED

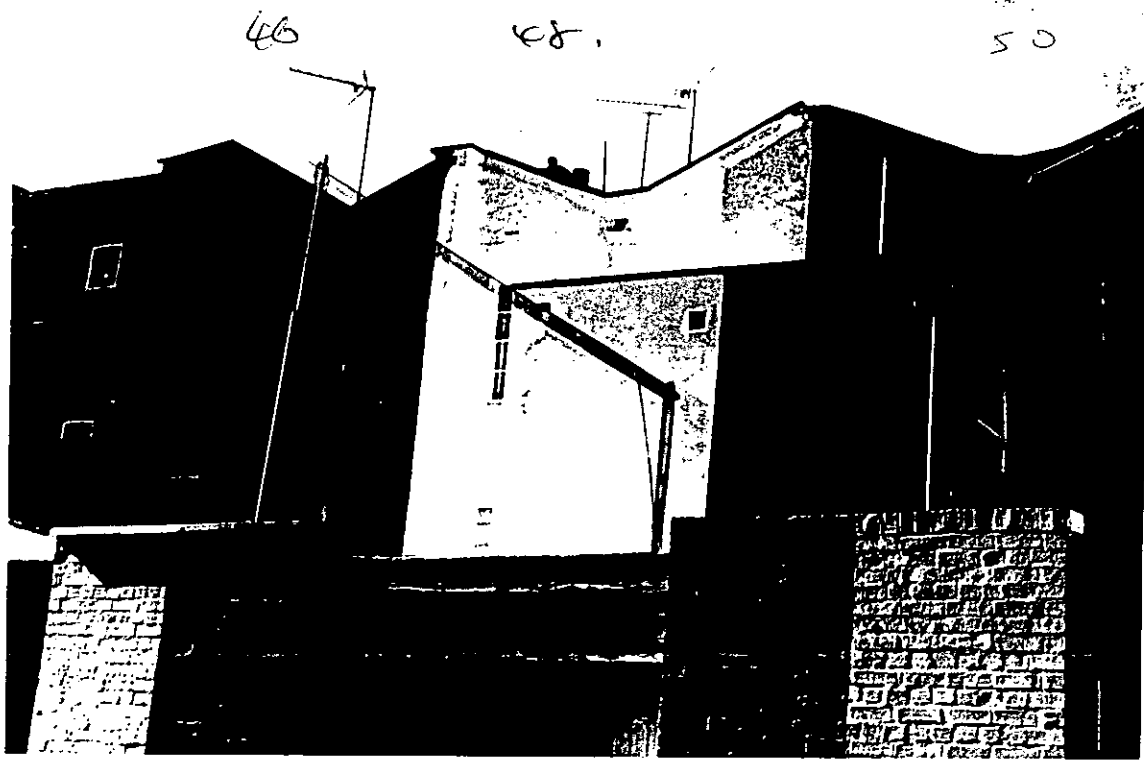
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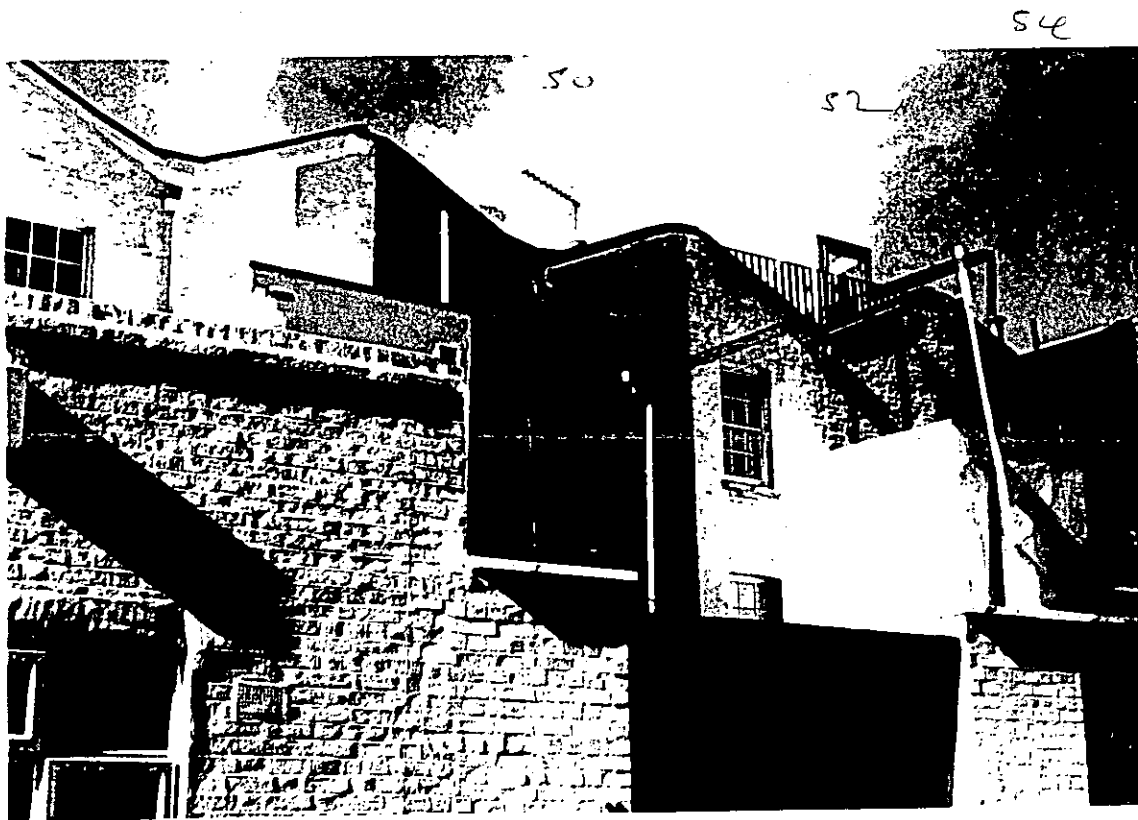
5. View from no. 48 Princedale Road rear garden area with proposed flank wall outlined.

Boundary wall to be lowered by 1.6m - see RBK&C Report 4.9

R.B.K.& C.
TOWN PLANNING
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1. View from Pottery Lane with the proposed flank wall outlined.



2. View from Pottery Lane with the proposed flank wall outlined.

R.B.K. & C.
 TOWN PLANNING
 26 NOV 1999
 RECEIVED



The Planning Inspectorate

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

Your Ref: TP/99/721

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

Handwritten initials 'MD' in a circle.

8 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 have received the correspondence dated 7 December from the appellant. If this has not been copied to you already, please contact the appellant and ask for a copy.

If you wish to comment on the correspondence, please ensure that your reply is received in this office no later than 7 days from the date of this letter. Remember to send a copy to the appellant.

Yours faithfully

D Shorland

Mr D Shorland

211A

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EX	HDC	N	C	SM	SF	ENF	AC	ACK	
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J



The Planning Inspectorate

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JW

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/99/721

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

13 December 1999

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DIB			C	SW					
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			PLN	DES					

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 inform you that the inspector appointed by the Secretary of State to determine the above appeals in accordance with the provisions of Schedule 6 of the Act is

Mr B D Bagot BA(Arch) MCP RIBA MRTPI FRSA.

With reference to the above appeals, the Secretary of State has arranged for the inspector to visit the appeal site at 11:00 on Tuesday 18 January 2000 and you are requested to arrange for the inspector to be met at the site at 11:00 to enable the inspection to be made.

The Inspector will expect to be accompanied by representatives of both parties. If one of the parties fails to arrive, the Inspector will determine the most suitable course of action, which could mean that he will conduct the visit unaccompanied. In other circumstances, the visit might have to be aborted.

At the commencement of the site inspection the Inspector will make it clear that the purpose of the visit is not to discuss the merits of the appeals or to listen to arguments from any of the parties.

The Inspector will ask the parties to draw attention to any physical features on the site and in its vicinity. In turn the inspector may wish to confirm particular features referred to by interested parties in their written representations.

In general, decision letters are issued within 5 weeks of the date of the inspector's site visit, although we cannot be precise about individual cases. If despatch of the letter is likely to be significantly delayed, due for example to the receipt of late representations, we will let you know.

Yours faithfully

34



Miss C Clements

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

209D.

[Faint, illegible text, possibly a stamp or header]

11
11

R

PLANNING AND CONSERVATION

THE TOWN HALL HORNTON STREET LONDON W8 7NX

(35)

THE ROYAL
BOROUGH OF

Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS



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

**KENSINGTON
AND CHELSEA**

05 January 2000

My reference: **DPS/DCN/SW/** Your reference: **APP/K5600/E/99/** Please ask for: **Sarah Wilden**
PP/99/721 1029848 and
APP/K5600/A/99/
1029849

Dear Sir

Town and Country Planning Act 1990
23 Pottery Lane, W.11

I refer to your letter of 8th December and the appellant's letter dated 7th December concerning the appeals in respect of the above property.

With reference to Point 4 of the appellant's letter, the source of her comment "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" is not known and the statement is disputed.

With reference to the assessment of light to adjoining properties, the appellant has misunderstood the advice contained in my letter of 26th November 1997. This referred to a demonstration "that impact in general on the two properties to the north does not constitute material harm", meaning the whole premises not just the buildings. Unitary Development Plan Policies CD28 and CD41(g) to which attention was drawn in that letter, make specific reference to "amenity spaces" and "gardens".

Yours faithfully

M. J. French
Executive Director, Planning and Conservation

cc Ms. M. Dunlop, 3 Pembroke Mews, London W8 6ER



The Planning Inspectorate

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GTN 1374-8930

36

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

Your Ref:
TP/99/721

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

31 January 2000

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**

The attached decision is in a new format. Traditionally decisions have been issued as a letter. That form of layout has meant that the administrative data, facts about the appeal - including the site address, who made the appeal, the local planning authority - as well as information to support the decision and the decision itself, has been embedded within the text. This new approach is intended to provide a clearer and more customer friendly document.

All the information about the appellant, the LPA, the site, the development and the relevant legislation is now at the top of the first page. The decision itself is also given at the beginning with the reasoning which supports it following. No changes have been made to the way in which the decision is reached; the reasoning behind the decision will remain..

Yours faithfully

Handwritten signature

Mr D Shorland
211B

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15		1 - FEB 2000							
APPEALS	IO	REC	ARB	FWD PLN	CON DES	FEEES			

COPY to RT 1/2 ✓



Appeal decision

site visit on 18 January 2000

by **B D Bagot** BA(Arch) MCP RIBA MRTPI FRSA

an Inspector appointed by the Secretary of State for the Environment, Transport and the Regions

31 JAN 2000

The Planning Inspectorate
Tollgate House
Houlton Street
Bristol BS2 9DJ
☎ 0117 987 8927

37

Appeal 1: T/APP/K5600/E/99/1029848/P8

- The appeal is under Section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a failure to give within the prescribed period notice of decision on an application for conservation area consent.
- The appeal is by Mrs M Dunlop against the failure of the Council of the Royal Borough of Kensington and Chelsea.
- The building is at 23 Pottery Lane, London W11.
- The application, No CC/99/00721 was dated 31 March 1999.
- The works proposed are demolish existing structure & build house.

Appeal 2: T/APP/K5600/A/99/1029849/P8

- The appeal is under Section 78 of the Town and Country Planning Act 1990 against a failure to give within the prescribed period notice of decision on an application for planning permission.
- The appeal is by Mrs M G Dunlop against the failure of the Council of the Royal Borough of Kensington and Chelsea.
- The site is land at 23 Pottery Lane, London W11.
- The application, No PP/99/00720 was dated 27 March 1999.
- The development proposed is demolition of existing structure & garage & replace with single dwelling with garage.

Decision: The appeals are dismissed and conservation area consent and planning permission, respectively, are refused.

Development plan

1. The development plan for the area is the unitary development plan for the borough that was adopted in 1995. Under that plan, the further intensification of development is resisted if the quality of the residential environment would be adversely affected. The plan comments that small open spaces, especially domestic gardens, contribute to meeting open space needs. It advises that family-sized dwellings should have access to their own amenity space, and that the proximity of existing public parks and playground space will be a factor in determining the amount and form of amenity space provided for new family housing.
2. The Council is concerned, under policy CD25 of the plan, to seek that all development is to a high standard of design and is sensitive to and compatible with the scale, height, bulk and character of the surroundings. Policy CD28 is normally to resist development which significantly reduces sunlight or daylight enjoyed by existing adjoining buildings and amenity spaces, and policy CD29 is normally to require development to be designed to ensure good light conditions for its buildings and spaces. Policy CD30 requires development to ensure sufficient visual privacy of residents and the working population.



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3. Policy CD51 of the plan is to resist demolition or partial demolition of buildings in conservation areas unless the building or part of the building structure makes no positive contribution to the character or appearance of the area, or the condition of the building is proved to be such that refurbishment is not possible, and a satisfactory scheme for redevelopment has been approved. Policy CD52 is to ensure that any development in a conservation area preserves or enhances the character or appearance of the area. Policy CD53 is to ensure that all development in conservation areas is to a high standard of design and is compatible with surrounding development in terms of character, scale and pattern, bulk and height, proportion and rhythm, roofscape, materials, and landscaping and boundary treatment.

Other provisions

4. Proposed alterations to the unitary development plan have been placed on deposit. Those alterations would include a new policy to resist development where it would result in a harmful increase in the sense of enclosure to nearby residential property.
5. The appeal building and site is within the Norland Conservation Area as extended in 1979. In a case such as this Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.

Main issues

6. The main issues are whether the proposed new dwelling would preserve or enhance the character or appearance of the conservation area, and whether it would cause detriment to the amenities enjoyed by adjoining residential occupiers.

Inspector's reasons

Conservation area

7. Pottery Lane is a narrow winding street. It has in my view something of the character of a mews, being lined for the most part by 2 storey buildings on both sides, backing on to the taller 3 storey terraces fronting Portland Road to the north-east and Princedale Road to the south-west. However this property and the adjoining properties at Nos 25 and 27 to the north-west are single storey garages, built following a planning permission granted in 1971 for the restoration of the houses at 46, 48 and 50 Princedale Road, and replacing former 2 storey buildings that were used as printing works.
8. In my opinion the existing building makes no positive contribution to the character or appearance of the area. Its proposed replacement by a 2 storey building, rising no higher than buildings at Nos 19 and 29 and faced in London stock brickwork, would in my view fit in well with the general character of the street. There would be some idiosyncrasy in the design of the window and door openings on the front elevation. However bearing in mind the variety evident in the area I do not consider that the scheme would be out of context for the street. Provided that redevelopment is carried out in the form proposed, the demolition of the existing building on the site would not to my mind be harmful either to the character or to the appearance of the conservation area.

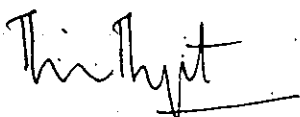
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Residential amenity

9. A report by the Building Research Establishment shows that if the proposed redevelopment were carried out the loss of light from all the windows of 48 and 50 Princedale Road would meet the guidelines in the BRE report 'Site layout planning for daylight and sunlight'. However the area lit by patio doors to the rear of 46 Princedale Road would experience a significant loss of light, and the report suggests that there should be changes in the use of the rooms in that house.
10. I understand that the layout of 46 Princedale Road is similar to that at the adjoining house at No 48, where the ground floor rear room is used as a principal living room, and that the patio doors give on to a courtyard that is the only amenity space for the house.
11. The proposed redevelopment would entail a reduction in the size of the amenity space to 46 Princedale Road, and its overshadowing by a 2 storey building some 8 m high. I consider that there would be a significant reduction in the amount of daylight enjoyed by the occupiers of that house and in their amenity space. I am aware that there is a permitted scheme for forming a roof terrace at No 46, and that there is public open space at Avondale Park, a short distance to the north. The house is owned by the appellant, but its occupation and the use of the rooms are not to my mind matters that could in my view be reasonably controlled by conditions on a planning permission in this case.
12. The proposed building would not be quite as high as is feared by the adjoining occupier at 48 Princedale Road. I nevertheless found at my visit that because of the proposed reduction in the height of the common boundary wall, and the overall bulk of the new dwelling, the redevelopment would appear overbearing and oppressive in relation to the that property. In addition, there could be overlooking and some loss of privacy from the flank window to the proposed first floor studio, unless overcome by the use of obscured glazing as suggested by the appellant.
13. In my opinion the proposed redevelopment would cause detriment to the amenities enjoyed by adjoining residential occupiers, and should not be permitted. The proposal in appeal 2 would not be in accordance with the development plan, and the material conclusions raised do not to my mind indicate a decision on that appeal otherwise than in accordance with the plan. In the absence of planning permission for a suitable scheme of redevelopment, conservation area consent for the demolition of the existing building on the site should not be granted.
14. I have taken into account all the other matters raised in the written representations, including the planning permissions granted for other developments in the Lane. However those matters are in my view outweighed by the considerations that have led to my decision.

Conclusions

15. For the reasons given above, I conclude that the appeals should not succeed, and I shall exercise the powers transferred to me accordingly.



TO: SEE DISTRIBUTION LIST

FROM: EXECUTIVE DIRECTOR OF
PLANNING &
CONSERVATION

40

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

APPEAL23 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

Gwyn

(4)

23 Pottery Lane

I need to speak to you about design on this one.

There are a number of other problems which in my opinion should lead to a refusal. In these circumstances, the applicant (who is already talking about an appeal) may not be bothered to negotiate on design. If it's not amended, would you object on design terms?

Applicant says it's the same as another new build in the street, but the hamlet said which number.

She may mean No 39, also designed by Onefelt, which is under construction (also attached) but it's not the same.

Sarah

P.S. Applicant was advised by letter on 26.11.97 (see '97 file) that we weren't satisfied with design & hasn't changed it.

→ GR would not want to ref, but would not approve without cond's re detailing

Referring to points raised in an letter of 26.11.97.

1. Car parking.

loss of No 46's garage remains a problem, but given pattern of dev't in street is not, on its own, sufficient reason for objection.

Practical doors not outward opening, would be ok in highway terms.

Supercar re provision of sliding doors + widen boxes to garage will create habitable use + drainage ent. problems. → CAN BE AMENDED.

[NB if to be rec for ref for other reasons, extra reason for ref.]

2. Appearance.

Benpu reservations.

* would OR rec refusal is not modified? *

→ CAN BE AMENDED

3. Amenity space.

loss of garden at No 46.

Contrary to UR14

sig. loss of amenity to garden at No 48 in terms of loss of light + privacy → PROB. IN PRINCIPLE

4. Light + sense of enc.

Adverse effects upon rear windows + patio to No 46

↳ Dining room

Loss of light + sense of enc to patio at No 48.

→ PROB. IN PRINCIPLE

Contrary to CD 28

5. Privacy.

Overlooking of patio at No 48.

Contrary to CD 30

→ CAN BE AMENDED