



# The Planning Inspectorate

Room 1003  
Tollgate House  
Houlton Street  
Bristol BS2 9DJ

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

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RECEIVED BY PLANNING SERVICE

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

Your Ref: 

X	HDC	N	C	SW	SE	ENF	AO
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PP/99/00740

Our Ref:

APP/K5600/A/99/1027147

38	12 AUG 1999					
PEL	IO	REC	ARB	FWD	CON	FEES
1999		PLN	DES			

11 August 1999

Dear Madam

**TOWN & COUNTRY PLANNING ACT 1990  
APPEAL BY MR & MRS FARAH  
SITE AT 14 ASTELL STREET, LONDON, SW3 3RU**

I have received an appeal form 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 appeal is not acceptable, I will write again.

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

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

◆ **Within 5 working days** - notify interested persons who were required to be consulted on the original planning application, and all those who made representations at application stage, that an appeal has been made. You should tell interested persons that any comments they have on the appeal 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 questionnaire 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 questionnaire and supporting documents do not comprise your case. Please keep the statement concise as recommended in Appendix 1 of DOE circular 15/96.

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

(4)

You should keep to the timetable set out above. Inspectors will not accept representations at the site visit, nor will they wait for representations. Having drawn your attention to the timetable, I will not send reminders to you or the appellant.

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

Yours faithfully

*AL Page*

Mr D Shorland

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## SITE VISIT DATES

We have improved the time taken to fix the date for a site visit. Most visits are now arranged within 8 to 12 weeks from the start of the appeal. Ministers are anxious that appeal decisions are issued quickly. You must comply with the timetable in the accompanying letter, and ensure your representations are with us on time. If the representations are late, the Inspector may proceed to issue a decision without considering them.

## SECTION 106 AGREEMENTS

If you intend to rely on an obligation made under Section 106, we must receive a completed, signed and dated copy before the date of the site visit. We will

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not delay the issue of the decision letter to wait for

the completion of a Section 106 obligation.

~~43~~

# PLANNING APPEAL

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FOR OFFICIAL USE ONLY  
Date received



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.

<b>A. INFORMATION ABOUT THE APPELLANT(S)</b>	
Full Name: <u>MR HATIM and MRS PEGGY FARAH</u>	
Address: <u>14 ASTELL STREET</u> <u>LONDON</u>	
Postcode: <u>SW3 3RU</u> <small>Failure to provide the postcode may cause delay in processing your appeal.</small>	
Daytime Telephone No: <u>0171-376 4642</u> Fax No: <u>-</u>	
Agent's Name (if appropriate): <u>PETER TIGG PARTNERSHIP LTD</u>	
Agent's Address: <u>WALMER COURTYARD, 225 WALMER</u> <u>ROAD, HOWLAND PARK, LONDON,</u>	
Postcode: <u>W11 4EY</u> Reference: <u>P. TIGG</u> <small>Failure to provide the postcode may cause delay in processing your appeal.</small>	
Daytime Telephone No: <u>0171-221 5568</u> Fax No: <u>0171-229 8771</u>	
<b>B. DETAILS OF THE APPEAL</b>	
Name of the Local Planning Authority (LPA): <u>R. B. KENSINGTON &amp; CHELSEA</u>	
Description of the Development: <u>DOMESTIC REAR EXTENSIONS</u> <u>and IMPROVEMENTS</u>	
Address of the Site: <u>14 ASTELL STREET</u> <u>LONDON</u>  Postcode: <u>SW3 3RU</u> <small>Failure to provide the postcode may cause delay in processing your appeal.</small>	National Grid Reference (see key on OS map for Instructions). Grid Letters: Grid Numbers eg TQ:298407
Date and LPA reference number of the application you made and which is now the subject of this appeal: <u>9 APRIL 1999</u> <u>PP/99/00740</u>	Date of LPA notice of decision (if any): <u>30/7/99</u>
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: <u>No</u>	

**C. REASON FOR THE APPEAL**

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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 its decision within the appropriate period on an application for permission or approval.

**D. CHOICE OF PROCEDURE**

CHOOSE ONE OF THE FOLLOWING TYPES OF PROCEDURES - Appeals decided by written representations are normally decided much quicker than by the hearing/inquiry method. For further information see the booklet "Making your planning appeal" 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 (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);

5. Other relevant correspondence with the LPA; please identify the correspondence by date or otherwise: letter from RBK+C 15.7.99

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;

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: .....

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**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
CADOGAN ESTATE	18 CADOGAN GARDENS LONDON SW3	5 AUG 1999

I further certify that:

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

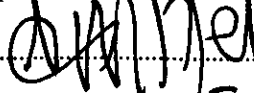
\*• None of the land to which the appeal relates is, or is part of, an agricultural holding.

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
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\* 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  (on behalf of) MR and Mrs FARAH  
 Name (in capitals) S. PATEL PETER TIGG PARTNERSHIP Date 5 AUGUST 1999

**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.

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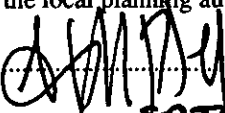
110

We are appealing against the refusal by the Local Authority to grant the application dated 9.4.99 and revised on 21.6.99 on the grounds that are spurious and contentious and were brought about because the adjoining owner managed to persuade a number of local councillors, prior to the planning meeting, that they should object to the proposals even though the council's own planning officers were recommending the proposals for approval since the proposals did comply in all respects with the local authority guidelines and requirements. A copy of the planning refusal is attached and also a copy of the report prepared for the committee hearing indicating that the planning officers were recommending approval for the scheme.

*Further details will be submitted once a response is received from the Local Authority in respect to this 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  (on behalf of) MR and MRS FARAH  
Name (in capitals) SATISH PATEL Date 5 AUGUST 1999

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.



NEW APPEAL

DATE: 13/8/99

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TO: ROY THOMPSON / DEREK TAYLOR

PAUL KELSEY / BRUCE COEY

~~ROY THOMPSON~~

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

14 ASTELL STREET, SW3

THE APPEAL FILES ARE ATTACHED

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

CT

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

APPEAL NOTIFICATIONS

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REFERENCE NUMBER: PP/99/00740'

SITE ADDRESS: 14 ASTELL STREET, SW3

48

PLEASE TICK RELEVANT BOXES AND RETURN SAME DAY TO:

APPEAL REGISTRATION OFFICER

AREA ADMIN. OFFICER

WARD COUNCILLORS

I.

II.

III.

KENSINGTON SOCIETY

CHELSEA SOCIETY

LOCAL AMENITY SOCIETIES. PLEASE SPECIFY

I.

II.

III.

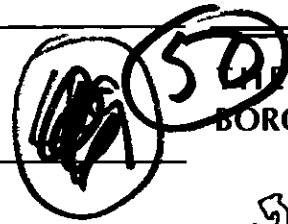
ALL THOSE ORIGINALLY NOTIFIED

ALL OBJECTORS/SUPPORTERS

OTHERS; PLEASE SPECIFY

**PLANNING AND CONSERVATION**

THE TOWN HALL HORNTON STREET LONDON W8 7NX



THE ROYAL  
BOROUGH OF

Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS



Peter Tigg Partnership Limited,  
225 Walmer Road,  
Kensington,  
London  
W11 4EY

Switchboard: 0171-937-5464

Direct Line: 0171-361-2012

Extension: 2012

Facsimile: 0171-361-3463

**KENSINGTON  
AND CHELSEA**

Date: 19 August 1999

My Ref: DPS/DCSE/PP/99/00740/CT

DETR's Reference: App/K5600/APP/A/99/1027147

Please ask for: C. Turner

Dear Sir/Madam,

**TOWN AND COUNTRY PLANNING ACT 1990**  
**Appeal relating to: 14 Astell Street, London, SW3 3RU**

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.

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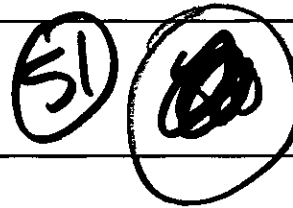
**PLANNING AND CONSERVATION**

THE TOWN HALL HORNTON STREET LONDON W8 7NX

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Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS

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**THE ROYAL  
BOROUGH OF**



**KENSINGTON  
AND CHELSEA**

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Department of the Environment  
Room 1003  
Tollgate House  
Houlton Street  
Bristol BS2 9DJ

Switchboard: 0171-937-5464

Direct Line: 0171-361-2012

Extension: 2012

Facsimilie: 0171-361-3463

Date: 19 August 1999

My Ref: DPS/DCSE/PP/99/00740/CT

DETR's Reference: App/K5600/APP/A/99/1027147

Please ask for: Mrs. P. Abdelrahman

Dear Sir/Madam,

**TOWN AND COUNTRY PLANNING ACT 1990**

**Appeal relating to: 14 Astell Street, London, SW3 3RU**

With reference to the appeal on the above premises, I return the completed questionnaire, together with supporting documents. In the event of this appeal proceeding by way of a local Inquiry the Inspector should be advised that Committee Rooms in the Town Hall must be vacated at 5.00 p.m. unless prior arrangements have been made for the Inquiry to continue after 5.00 p.m.

Yours faithfully,

**M.J. FRENCH**

Executive Director, Planning and Conservation

Enc.

# APPEAL QUESTIONNAIRE

To be used for all appeals relating to applications made on or after 14 March 1999

Planning, Listed Building Consent or Conservation Area Consent

APPEAL REF: APP/KS600/A/99/1027147

GRID REF: \_\_\_\_\_

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APPEAL BY: MR & MRS FARAH

SITE: 14 ASTELL STREET, SW3

**PLEASE SEND THE COMPLETED QUESTIONNAIRE (TOGETHER WITH ANY ENCLOSURES) TO THE INSPECTORATE AND TO THE APPELLANT OR AGENT WITHIN 14 DAYS OF THE DATE ON WHICH YOU RECEIVED THE APPEAL FORM.**

*If notification or consultation under an Act, Order or Departmental Circular would have been necessary before granting permission and has not yet taken place, please inform the appropriate bodies of the appeal now and ask for any comments to be sent direct to the Inspectorate within 28 days of the date you received the appeal form.*

<p>1. Do the Council agree to the written representations procedure?</p> <p>OR Do the Council wish to appear before and be heard by an Inspector at: a. a local inquiry? b. a hearing?</p>	<p>YES / NO</p> <p>YES / NO</p> <p>YES / NO</p> <p>YES / NO</p>
<p>2. a If the written procedure is agreed, could the Inspector see the whole site clearly from a road or other public land?</p> <p>b From your knowledge of the issues, would the Inspector need to enter the site for any reason eg to view/measure any dimensions from within it?</p>	<p>YES / NO</p> <p>YES / NO</p>
<p>3. Does the appeal relate to an application for approval of reserved matters?</p>	<p>YES / NO</p>
<p>4. Was an Article 7 (Regulation 6 for listed building or conservation area consent) certificate submitted with the application?</p>	<p>YES / NO / NA</p>
<p>5. Was it necessary for the Council to advertise the proposals under Article 8 of the GDPO 1995 and/or Section 73 of the Planning (Listed Buildings and Conservation Areas) Act 1990?</p>	<p>YES / NO</p>
<p>6. Is the appeal site within an approved Green Belt or ANOB? Please specify which .....</p>	<p>YES / NO</p>
<p>7. Is there a known surface or underground mineral interest at or within 400 metres of the appeal site which is likely to be a material consideration in determining the appeal? (If YES, please attach details.)</p>	<p>YES / NO</p>
<p>8. a Are there any other appeals or matters relating to the same site or neighbourhood still before the Secretary of State? If YES, please attach details and, where necessary, give the Inspectorate's reference numbers.</p>	<p>YES / NO</p>
<p>b Where the development would affect a public right of way, please provide an extract from the Definitive Map and Statement for the area, and any other details.</p>	<p>YES / NO</p>
<p>9. Is the site within a Conservation Area? If YES, please attach a plan of the Conservation Area. (If NO, go to Q11.)</p>	<p>YES / NO</p>
<p>10. Does the appeal relate to an application for conservation area consent?</p>	<p>YES / NO</p>
<p>11. a Does the proposed development involve the demolition, alteration or extension of a Grade I / II* / II listed building? (Delete as appropriate.)</p>	<p>YES / NO</p>
<p>b Would the proposed development affect the setting of a listed building?</p> <p>If the answer to question 11a or b is YES, please attach a copy of the relevant listing description from the List of Buildings of Special Architectural or Historic Interest. (If NO, go to Q13.)</p>	<p>YES / NO</p>
<p>12. Has a grant been made under Sections 3A or 4 of the Historic Buildings and Ancient Monuments Act 1953?</p>	<p>YES / NO</p>
<p>13. Would the proposals affect an Ancient Monument (whether scheduled or not)?</p>	<p>YES / NO</p>
<p>14. a Is the appeal site in or adjacent to or likely to affect an SSSI? If so, please attach the comments of English Nature.</p>	<p>YES / NO</p>
<p>b Are any protected species likely to be affected by the proposals? If so, please give details.</p>	<p>YES / NO</p>

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

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YES/NO

Sch 1 Sch 2 col 1

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.

YES/NO

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?

YES/NO

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

YES/NO

Number of Documents Enclosed N/A

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;

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

	✓
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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;

1	
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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);

see Q 16 c(i)

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

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

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

to follow

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

to follow

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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.

YES / NO

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.

Number of documents enclosed N/A

i representations received from interested parties about the original application

2	
---	--

ii the planning officer's report to committee

✓	
---	--

iii any relevant committee minute to follow

✓	
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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.

Chapters 1-4 of Unitary Development Plan.

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

YES / NO

Council's reference: PP/99/00740

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

Signature: CMorris on behalf of RBK&C Council

Date of despatch: 19/8/99

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

**PLANNING AND CONSERVATION**

THE TOWN HALL HORNTON STREET LONDON W8 7NX

AB 54



Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS

FILE COPY

1 Direct Line: 0171-361-2012

Extension: 2012

Facsimilie:

Switchboard: 0171-937-5464

0171-361-3463

**KENSINGTON  
AND CHELSEA**

Date: 19 August 1999

My Ref: DPS/DCSE/PP/99/00740'

DETR's Reference: App/K5600/APP/A/99/1027147 Please ask for: Mr.C. Turner

Dear Sir/Madam,

**TOWN AND COUNTRY PLANNING ACT 1990**

**Notice of a Planning Appeal relating to: 14 Astell Street, London, SW3 3RU**

A planning appeal has been made in respect of the above property and the proposal referred to on the attached notice. This notice sets out the reasons put forward by the Council for refusing planning permission and I attach also the Appellant's grounds of appeal.

The Council and the Appellant have agreed that this appeal should proceed by way of **WRITTEN REPRESENTATIONS** and I therefore afford you the opportunity to make your views known to the Secretary of State. Any representations that you may wish to make should be sent to:

**The Planning Inspectorate  
(Room 1003) Tollgate House  
Houlton Street  
Bristol BS2 9DJ**

You should quote the DETR's Reference number above and send your letters no later than **4 weeks** from the date of this letter. It would also be helpful if two copies could be provided. You are asked to note that a copy of the Inspector's decision letter on the appeal will only be forwarded to those who request one.

As the Secretary of State can only take representations into account if they are made known, by him, to all the parties including the Appellant, it will be assumed that you are willing for a copy of any representations which you make to be supplied to any other interested party.

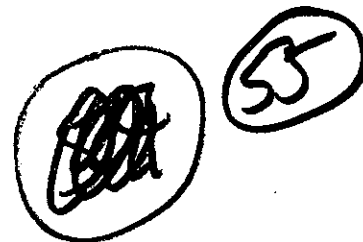
If you have any further enquiries, please do not hesitate to contact the case officer on the above extension.

Yours faithfully,

**M. J. FRENCH**

Executive Director, Planning and Conservation

NOTICE OF A PLANNING APPEAL



Reasons for Refusal

Property

14 Astell Street, London, SW3 3RU

Proposal

Erection of rear extensions at first and second floor levels.

Reason for refusal

The proposed first floor rear extension, due to its height, bulk and detailed design, would be harmful to amenities enjoyed by the occupiers of adjoining properties and harmful to the character and appearance of this part of the Chelsea Conservation Area, contrary to policy set out in Chapter 4 of the Unitary Development Plan, in particular Policies CD28, CD41, CD52 and CD53.

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Plans and drawings are/are not available for inspection.

(If plans are available, these may be seen in the Planning Information Office between the hours of 9.15 a.m and 4.30 p.m Mondays to Thursdays and between 9.15 a.m and 4.00 p.m on Fridays)

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**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.

~~56~~ 56

We are appealing against the refusal by the Local Authority to grant the application dated 9.4.99 and revised on 21.6.99 on the grounds that are spurious and contentious and were brought about because the adjoining owner managed to persuade a number of local councillors, prior to the planning meeting, that they should object to the proposals even though the council's own planning officers were recommending the proposals for approval since the proposals did comply in all respects with the local authority guidelines and requirements. A copy of the planning refusal is attached and also a copy of the report prepared for the committee hearing indicating that the planning officers were recommending approval for the scheme.

*Further details will be submitted once a response is received from the Local Authority in respect to this Appeal.*



# The Planning Inspectorate

Room 1003  
Tollgate House  
Houlton Street  
Bristol BS2 9DJ

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

CT  
(S7)  
(Signature)

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

Your Ref:  
PP/99/00740  
Our Ref:  
APP/K5600/A/99/1027147  
3 September 1999

Dear Madam

**TOWN & COUNTRY PLANNING ACT 1990  
APPEAL BY MR & MRS FARAH  
SITE AT 14 ASTELL STREET, LONDON, SW3 3RU**

I enclose copies of correspondence from 2 interested persons.

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 appellants' agent.

Yours faithfully

*Dave Shorland*

Mr D Shorland

211A

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EX DIR	HDC	N	C	SW	SE	ENF	AO ACK			
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16, Godfrey St.,  
Chelsea,  
London SW3 3TA

Tel: 0171-352-9831

58

~~58~~

DETR's Ref: App/K5600/APP/A/99/1027147

26<sup>th</sup> August 1999

Dear Sirs,

Re: planning Appeal - 14, Astell St., London SW3 3RU

As the owner of 16, Godfrey St. I would ask that you dismiss the appeal against the refusal of planning consent for the above property. The decision of the Local Authority was correct and consistent with the representations we made to them. I trust that these comments will be considered. I note the comment made in the Grounds of Appeal suggesting the objections were "spurious and contentious" and suggesting they were only made by the adjoining owner. I can assure you that the objections we made were made wholly independently of the adjoining owner and most certainly were not spurious. The proposed development would result in a building being erected less than 15 feet away from the bedroom windows to the rear of our property. For your information no rear bedroom windows in Godfrey St. have the rear walls of Astell St. houses this close. If this permission is granted it would seem to set a precedent whereby others in Godfrey St with rear bedroom windows will find extensions erected in similar proximity.

I can also confirm that neither I nor my wife had any contact whatsoever with any member of the local council with regard to this application or indeed any other.

I would be grateful if you would forward me a copy of the Inspector's decision when this is to hand.

Yours faithfully,

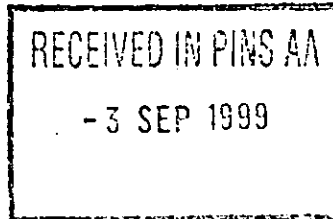
Antony Watson

PATRICIA MORE NISBETT

THE DRUM  
GILMERTON  
EDINBURGH  
EH11 5RN  
0131 664 7215

23 GODFREY STREET  
LONDON SW3  
01-357 3250

POOR QUALITY  
ORIGINAL



Planning & Conservation  
The Planning Inspectorate  
Room 1003  
Tollgate House  
Houlton Street  
Bristol BS2 9DJ

2nd September 1999

Dear Sirs,

your ref: DPS/DCSE/PP.99/00740  
DETR'S REFERENCE: APP/K5600/APP/A/1027147  
FAO Mr C Turner  
14 ASTELL STREET, LONDON SW3 3RU

Notwithstanding the fact that I currently have a planning application with yourselves for the erection of a third mansard floor to my house at 17 Godfrey Street, I have to write and register my unhappiness about the size of this particular development. 14 Astell Street backs onto Danube Street, so does my little house in Godfrey Street. The proposed extension will greatly overshadow the back of my house in Danube Street.

I understand that others are equally unhappy about the increased size of this particular development.

I look forward to hearing from you.

Yours truly

*Patricia More Nisbett*

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CT

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27/9  


# Watson Associates Planning Consultants

126 Leathwaite Road  
London  
SW11 6RR

Tel: 0181 265 3732  
Fax: 0181 874 4940

Contact David Watson  
Our ref AS/K&C/1  
Your ref

21st September 1999

The Executive Director, Planning and Conservation,  
R.B. of Kensington and Chelsea,  
The Town Hall,  
Hornton Street,  
London W8 7NX

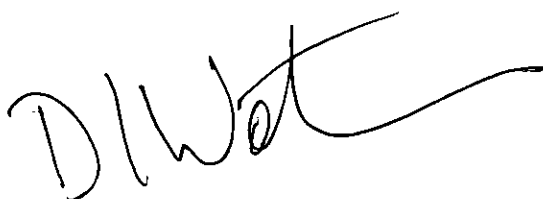
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EX DIR	HDC	N	C	SW	SE	ENF	AO ACK			
135		27 SEP 1999								
FEES	IO	REC	ARB	FWD PLN	CON DES	FEES				

Dear Sir,

**14 Astell Street, London SW3**  
**APP/K5600/A/99/1027147**

Please find attached a written statement in support of the above appeal for the above property, submitted on behalf of the appellants by the Peter Tigg Partnership, which I have sent to the Inspectorate. I believe it is self-explanatory.

Yours sincerely



David Watson  
for Watson Associates

14 Astell Street, London SW3 3RU

App/K5600/A/99/1027147

**Grounds of Appeal: Statement of Case**

1. **Introduction:** This statement of case is in support of the above appeal against the local planning authority's (LPA) refusal to grant planning permission for the erection of rear extensions at first and second floor level at the above property.
2. **Site description:** The property the subject of the appeal is a three-storey terraced house on the eastern site of Astell Street backing directly onto Danube Street. Danube Street is in effect a back alley. Properties in Godfrey Street similarly back onto Danube Street to the rear. The property is within the Chelsea Conservation Area.
3. **Details of the proposal the subject of this appeal:** The application (*application and drawings already submitted to the Inspectorate*) originally proposed a first floor extension 5.2m deep by 3.7m wide on top of the existing ground floor extension, to provide an additional bedroom. However at the request of officers of the LPA the extension has been reduced in length by approximately 1.7m, in order to protect the amenities of neighbouring properties. So the proposed extension is now 3.5m deep by 3.7m wide.
4. An extension of 0.5m is also proposed to the existing bathroom at second floor level, but this has not been objected to by the LPA (see below).
5. An extension is also proposed at ground floor level, but, as the property is a single family dwelling house, this work constitutes permitted development - this has been confirmed by the LPA. It does not, therefore, form part of this appeal.
6. **Reasons for Refusal:** The amended scheme was reported to the Planning Services Committee of the LPA at its meeting on 20<sup>th</sup> July 1999, with a recommendation by the Executive Director, Planning and Conservation to grant planning permission (*appendix 1*). However, the Committee resolved to refuse permission on the grounds that: "The proposed first floor extension, due to its height, bulk, and detailed design, would be harmful to amenities enjoyed by the occupiers of adjoining properties and harmful to the character and appearance of this part of the Chelsea Conservation Area, contrary to policy set out in Chapter 4 of the Unitary Development Plan, in particular



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CD41

policies CD28, CD41, CD52 and CD53." The decision letter was sent to the applicant dated 30<sup>th</sup> July 1999 (*already submitted*).

- 7. Grounds of Appeal:** That the grounds of refusal are "spurious and contentious". In particular that the proposed first floor extension would not be harmful to the amenities of adjoining properties and would not have a harmful impact on the character and appearance of the Chelsea Conservation Area. (See also the Planning Appeal form dated 5<sup>th</sup> August 1999 from Peter Tigg Partnership, on behalf of the appellants).

### **Amplification of Grounds of Appeal**

8. The LPA's reason for refusal covers two separate issues, namely the impact of the proposal on the amenities of the occupiers of adjoining properties, and the impact on the character and appearance of the Chelsea Conservation Area. We will deal with each in turn.

#### **Impact on amenities:**

9. The LPA have several detailed policies within their adopted UDP which deal with "amenity" issues regarding proposals of this type, in particular policies CD28, CD30 and CD41. CD28 deals with sunlight and daylight, CD30 with the visual privacy of residents and CD41 with rear extensions (*already submitted by LPA*). The scheme was assessed by the Executive Director, Planning and Conservation, against these policies and in his report to the Planning Services Committee of 20<sup>th</sup> July he states clearly: "...it is considered that the rear extension at first floor level does not have a seriously detrimental impact on the daylight and sunlight experienced by the adjoining properties. Similarly, the proposed extension is not considered to cause an unacceptable sense of enclosure" (para 4.6 appendix 1). This is reiterated at para 5.1, which deals with objections from neighbours.
10. It is difficult to understand exactly what the Council finds wrong with the proposal, for the reason for refusal merely states that the first floor extension, "...due to its height, bulk and detailed design, would be harmful to amenities enjoyed by the occupiers of adjoining properties...". Nonetheless, it would seem reasonable to assume that if a proposal was likely to have a harmful impact on neighbours' amenities, it would not comply with policies CD28 and CD30 of the UDP in particular. We argue that in fact the proposed extension, as amended, is not contrary to these policies and would not have a significant impact on neighbouring properties, neither on sunlight or daylight nor on "sense of enclosure" experienced by occupiers of these properties. Given the reduction in size of the proposed extension at first floor level and the position of and distance from neighbouring windows, the impact is not sufficient, in our opinion to warrant refusal. Additionally the proposed bedroom window would not cause undue overlooking, given the distance of

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the window from neighbouring properties and given that the extension replaces an existing roof terrace. Indeed this point is accepted by the Executive Director, Planning and Conservation in his report to the Planning Services Committee of 20<sup>th</sup> July (appendix 1). Paras 4.7 to 4.10 of the report deal in detail with the impact of the proposal on daylight and sunlight to, and sense of enclosure from, the neighbouring properties most affected by the proposed extension, namely Nos. 12 and 16 Astell Street, the adjoining properties either side of the appeal premises, and No. 16 Godfrey Street, the nearest property backing on to Danube Street at the rear. There is no need to quote this report in full, as it can be read at appendix 1, but merely to state that the Executive Director's conclusion is that the proposal will not have an unacceptable impact on any of these properties on these grounds. Similarly, para 4.12 states that the neighbouring properties are not considered to experience a significant loss of privacy. He concludes (para 4.13) that "Therefore, the proposed extensions are also considered to comply with Policies CD28 and CD30 of the UDP".

11. The reason for refusal also mentions the design of the proposed extension, but again this issue would appear to be dealt with by the Director of Planning and Conservation in his report to Committee. UDP Policy CD25 sets out the Council's approach to standards of design, which is, quite rightly, to seek out a high standard of design for new development. At para 4.2 of the Committee Report it is stated: "The principle of the proposed first floor extension is considered acceptable in design terms". At para 4.5 it is added: "The detailed design of the proposed extensions is considered appropriate. The extensions will be of brick to match the rest of the property with matching windows. Therefore, the proposed extensions are considered to comply with Council policy as set out in...CD25". Further amplification we believe is unnecessary.

**Impact on the Character and Appearance of the Chelsea Conservation Area:**

12. As will be well known to the Inspector, the South Lakeland District Council case has established that development in a conservation area is acceptable if it does not materially harm the character or appearance of the area in terms of its special architectural or historic interest. The character of Chelsea Conservation Area would not change at all as a consequence of the proposed rear extensions. A residential property would become a slightly bigger residential property, leaving the character of the area totally unaltered. The appearance of the area would change minutely and in our opinion insignificantly. Many of the properties in this part of Astell Street have had rear extensions added to them, as can be seen from the photographs (**Appendix 2**). An extension similar to the proposal the subject of this appeal exists at the next door property, No. 16 Astell Street, as well as at Nos 18, 10, 8, and 6. This point is acknowledged by the Director of Planning and



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Conservation in para 4.2 of his report to Committee, where he concludes: "Therefore the proposed extension is considered to comply with Council policy, in particular with Policy CD41 parts (c) and (d), as it will be visually subordinate to the parent building and will not rise above the general height of nearby extensions". The photos also show that the backs of many of the properties of the houses in Godfrey Street have been altered and extended, many right on to the boundary with Danube Street. The appearance of this part of the Chelsea Conservation Area, when viewed from Danube Street, is of backs of houses, many of which have been extended in similar style to the proposal. Given this, it is clear the extension will not have a harmful impact on the character or appearance of the conservation area.

13. The appellants agreed to the extension being reduced in size by 1.7m in length at the request of Council officers, who considered this would make the scheme more in keeping with the area. This reduction in size would help create a "stepped" form which is characteristic of the neighbouring properties Nos 16 and 18 Astell Street. Indeed the Director of Planning and Conservation confirms in his report to Committee that the first floor extensions at Nos 10, 8 and 6 Astell Street project further than the proposal the subject of this appeal, as they cover the entire flat roofed area of the ground floor outreach. But: "...given the proximity of the properties in Danube Street and the character of Nos. 14 and 16 Astell Street, a stepped extension is considered to be more appropriate in this location. Therefore, the proposed first floor extension is also considered to comply with part (a) of CD41 as it will not extend rearwards beyond the general rear building line at first floor level".
14. The Executive Director concludes at para 4.5: "The proposed extensions are considered to comply with Council policy as set out in Chapter 4 of the UDP, in particular with policies CD25, CD41, CD48, CD52 and CD53 as they are considered to preserve and enhance the character and appearance of the Conservation Area".
15. At 4.4 of the above report it is acknowledged that the proposed second floor extension has no more than a minimal effect on the character of the property and on the Conservation Area. This extension is not included in the LPA's reasons for refusal.

## Conclusion

16. The appeal property is located in a terrace where many of the neighbouring properties have been altered and extended at the rear in similar or even larger ways than that proposed here. When viewed from Danube Street, the alleyway at the rear, the proposed extension will fit in with the general character and appearance of the rear of these buildings. Indeed the

W 65

extension has been reduced in size, at the request of Council officers, so that it will be more in character with neighbouring properties. This point has been accepted by the Executive Director of Planning and Conservation in his report on the planning application to the Planning Services Committee of the Council. The proposal complies with the relevant Council policies dealing with development in conservation areas, and clearly does not harm the character or appearance of the Chelsea Conservation Area. Similarly the extension would not have a significant impact on the amenities of occupiers of neighbouring properties, many of which have already been extended. The size and position of the extension, as amended, is such that there would be no significant loss of sunlight or daylight, or a resultant sense of enclosure caused to neighbouring properties. In our opinion the proposal complies with the Council's particular policies dealing with the impact of rear extensions on adjoining properties, and, again, this point is accepted in the planning application report to the Committee. The Council has not detailed any additional reasons above and beyond these issues as to why the scheme should be refused. Accordingly the Inspector is urged to allow this appeal.

## Appendices

1. Report by Executive Director, Planning and Conservation to Planning Services Committee 20<sup>th</sup> July 1999.
2. Photos of appeal property and general shots to the rear.

CT.



# The Planning Inspectorate

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:  
PP/99/00740  
  
Our Ref:  
APP/K5600/A/99/1027147

6 October 1999

Dear Madam

**TOWN & COUNTRY PLANNING ACT 1990  
APPEAL BY MR & MRS FARAH  
SITE AT 14 ASTELL STREET, LONDON, SW3 3RU**

I enclose copies of correspondence from two interested parties.

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's agent.

Yours faithfully

*R S Newson*

Mr D Shorland  
211A

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ROYAL BOROUGH OF KENSINGTON AND CHELSEA  
THE TOWN HALL KENSINGTON W8 7NX 0171-937 5464

67

The Planning Inspectorate  
(Room 1003) Toulgate House  
Houlton Street  
Bristol BS2 9DJ

21 September 1999  
By fax & post

Dear Sir/Madam,

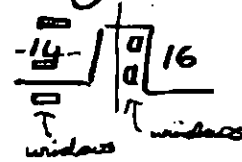
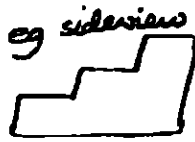
Ref: APP/K5600/APP/A/99/1027147

Please accept my apologies for this letter being a few days late, but I have just returned from holiday and was unable to respond to your letter as it arrived just before I left due to the Council postal system.

I find the Applicant's grounds of appeal to be verging on the insulting in ~~the~~ contention that the adjoining neighbour managed to persuade a number of local councillors, prior to the planning meeting, that they should object to the proposal...". Both the Applicant and the Objector are ~~constant~~ constituents of mine and Mr Buchenham, the Objector, requested my assistance. At no time prior to this meeting did I, or to my knowledge, Mr Buchenham, speak to any of the councillors sitting on the Planning Committee. It is both insulting and inflammatory for the Applicant to suggest any such impropriety.

Turning to the appeal itself, the Applicant's plan was seriously detrimental to the Objector's premises in reducing the available natural daylight to the habitable

rooms of the house. The rear of the houses (which front onto Astell Street and back onto Danube Street) are built in sets of two and have windows either at the rear of the premises or at the side, so as to maximise the daylight available to each without intruding on the other house's privacy. The houses are also built in tiered steps, again to allow maximum light and privacy. eg <sup>side view</sup>



g Rear view

In the case of 14 and 16 Astell Street. The windows at the rear of 14 Astell Street are at the rear backing onto the street. By contrast those of number 16 are at the side of the building which overlooks 14 Astell Street.

The proposed building works to 14 Astell St would take away the natural daylight to both a bedroom, dining room and, to a lesser extent, the kitchen of 16. Mr Buckham produced a written report by a lighting expert to show the detrimental effect the proposed structure would have on the rooms he and his family live in and that the levels would be reduced below those legally permitted for habitable rooms, in particular the bedroom. In addition, the spacing between the two buildings is small and the existing structures, both in their tiered structure and the positioning of the windows in different places on each block has been designed so as to maximise the light, space and air to each building. The works proposed would, contrary to CD28 of the Council's UDP, have "significantly reduced the sunlight [and] daylight <sup>enjoyed</sup> by the existing adjoining buildings", namely no 16. I ~~at~~ drew the Planning Committee's attention to CD61 of the Council's UDP, as I think this applied significantly to the site - both with unimpairing existing light, a reduction of garden space and openness and a severe sense of enclosure to the neighbouring property at no 16 if approved.

(69)

~~(10)~~

Cont page 3 Cllr J Gardner

Astell Street is in a conservation area and it is important that the nature of the area and adjoining streets is maintained in line with the Council's high standards. The rear of the premises in Astell Street have seen very few extensions or alterations since their original construction, with only one such site which is at the far end of the street where it is at its widest. The area therefore still very much retains its original appearance and the proposed works would seriously undermine this. In addition, the road is at its narrowest outside numbers 14 and 16 and the owner of the premises on the other side of the street objected due to the loss of his privacy if the application was approved. In both his case and Mr Buckham's case, the sense of enclosure, loss of privacy and appearance would be severely detrimental to the enjoyment of his house.

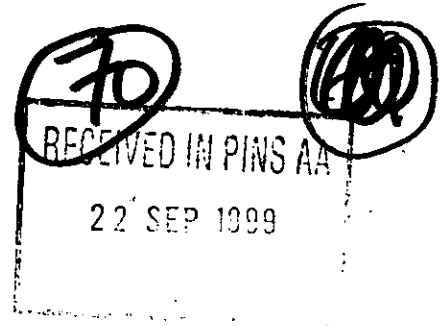
I therefore ask that the appeal be refused in the interests of the adjoining neighbours' enjoyment of their properties - to grant the appeal would be to make the light to a number of rooms in 16 Astell Street fall below the accepted standard, as well as increase the sense of enclosure and density in a well designed and structured set of buildings.

Yours faithfully

Janna Gardner

Councillor for Church Ward

16 ASTELL STREET  
LONDON SW3 3RU



Dear Sir

Re: Notice of a Planning Appeal relating to: 14 Astell St. SW3 3RU

We would like to make the following points for your consideration:

1. We are "the adjoining owner" referred to in the Appeal. We categorically refute the statement that we approached, let alone "managed to persuade, a number of local Councillors....that they should object to the proposals....". We in fact only contacted our Ward Representative Joanna Gardner, who is both highly respected and experienced and who needed no persuasion from us or anyone else to form an opinion that was subsequently shared by the other Councillors at the Planning Services Committee meeting held on the 20th July.

We find offensive the use of the words "spurious and contentious" in the Appeal and in view of our comments in the previous paragraph they would appear to be without foundation. We take strong objection to them as they reflect on the integrity of certain people and on the planning system in general.

2. With reference to the Report presented at the Meeting of 20th July and the Planning Officer's comments at the Meeting: it was stated that several houses in Astell Street already had rear extensions and specific reference was made to our house, No.16. However, the Officer admitted that he had not only used the word 'extension' to mean a subsequent alteration to a building, but also to refer to an original architectural feature. The latter being the case, i.e. the 'extensions' are an integral part of the original buildings, it was agreed a precedent had not been set by these houses.
3. Reference was made to No.8 Astell Street, which had received permission for an extension in 1998. The Councillors stated that this did not set a precedent. In this connection we would like to point out that the gap at the rear of No.8 and its neighbour is considerably wider than that between Nos.14 and 16. In addition, the extension faces a blank wall, being the rear of a house in Godfrey Street. Any loss of light or amenity value is therefore minimal. I have photographs that clearly show this and would be glad to make them available if required.
4. It was stated at the Meeting that No.16 is larger than No.14. For the record our house (No.16) has four bedrooms, and certainly does not appear to be bigger.

5. Finally, we would like to endorse the various points taken into account by the Councillors, including acceptance of the written Opinion given by a leading 'Affect of Light' expert, in arriving at their decision to turn down the Application.
6. We would also repeat the applicable representations made in our letter to the Planning Officer of 11th May, and in particular points 1,2 & 3.

If you require any further information or assistance from us, we would be glad to provide it.

Yours faithfully



J.K. BUCKENHAM

The Planning Inspectorate  
Tollgate House, Bristol.



CT.



# Watson Associates

Planning Consultants

The Executive Director, Planning and Conservation,  
R.B. of Kensington and Chelsea,  
The Town Hall,  
Hornton Street,  
London W8 7NX

126 Leathwaite Road  
London  
SW11 6RR

Tel: 0181 265 3732  
Fax: 0181 874 4940

Contact David Watson  
Our ref AS/K&C/2  
Your ref

25th October 1999

Dear Sir,

14 Astell Street, London SW3  
APP/K5600/A/99/1027147

Please find attached a letter I have sent to the Inspectorate, concerning the above appeal. I believe it is self-explanatory.

Yours sincerely

David Watson  
for Watson Associates

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27 OCT 1999 (76)							
APPEALS	IO	REC	ARB	FWD PLN	CON DES	FEEES	



**Watson  
Associates**  
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The Planning Inspectorate,  
Room 1003  
Tollgate House  
Houlton Street  
Bristol BS2 9DJ

126 Leathwaite Road  
London  
SW11 6RR

Tel: 0181 265 3732  
Fax: 0181 874 4940

Contact David Watson  
Our ref AS/Insp/2  
Your ref

25<sup>th</sup> October 1999

Dear Sirs,

**14 Astell Street, London SW3**  
**APP/K5600/A/99/1027147**

I refer to the above appeal. I have now received the Council's statement of case, and have the following comments to make in response on behalf of the appellants. I also have some comments to make on correspondence submitted to you by a neighbour and a councillor.

While the Council has not raised any significant issues beyond those included in their reason for refusal, and these issues have been dealt with substantially in our own statement of case submitted 21<sup>st</sup> September 1999, nonetheless the following comments may prove helpful to the Inspector.

In the section "Amplification of Council's reasons for refusal", the written statement directly contradicts many of the statements made by the Executive Director, Planning and Conservation, in his report on this application to the Planning Services Committee of the Council on 20<sup>th</sup> July 1999 (report previously submitted to the Inspectorate). At 5.3 of the Council's written statement it says "*The principle of the proposed extension is not considered to comply with Council policy as set out in the Royal Borough's UDP as it is not considered to preserve or enhance the character or appearance of the Chelsea Conservation area*". This contrasts somewhat strongly with the comment of the Executive Director in his report on the planning application at 4.5 where he states "**Therefore, the proposed extensions are considered to comply with Council Policy as set out in Chapter 4 of the UDP, in particular with policies CD25, CD41, CD48,**

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**CD52 and CD53 as they are considered to preserve and enhance the character and appearance of the Conservation Area**". Clearly, it is possible to hold different views on this issue, but we do not accept or agree with the Council's present position. We have explained in our previously submitted statement of case (paras 12-14) as to why we consider the proposals preserve the character and appearance of the conservation area.

At 5.4 of their written statement the Council state that *"The fact that the rear elevations of the Astell Street buildings step down in height towards Danube Street is an important element in ameliorating the oppressive and narrow nature of Danube Street."* This "step down" is exactly what the proposed extension to no 14, as amended, will achieve. It will be similar to other properties in the street, particularly nos 16 and 18, and will in fact project less further than those at nos 6, 8 and 10 which cover the entire flat roofed area of the ground floor extension. Indeed this point is acknowledged in the Executive Director's report (previously referred to) at 4.3 where he says **"At the request of the officers, the proposed first floor rear extension will be set back from the existing rear building line at ground level by 1.7metres. This will create a "stepped" form which is characteristic of the neighbouring properties, Nos 16 and 18 Astell Street."** The resultant impact on the overall "perception of oppressiveness" of Danube Street, which, as the Council acknowledges, is not much more than an alleyway, is likely to be minimal. As explained in our previous submission, there would be no adverse impact on the character and appearance of the conservation area.

The other specific criticism the Council now makes of the design of the extension is that it is *"overly large in relation to the parent building and fails to be visually subordinate to the building"* (para 5.7 of written statement). This is a little hard to accept, as the proposed first floor extension is just 3.7m wide and would project just 3.5m back from the existing back projection of 2.2m. This is to be built on the back of a three-storey building 10m deep by 6m wide which already has a large ground floor extension and existing second floor rear projection. While "visually subordinate" cannot be precisely measured, nonetheless it would normally be considered that an extension of the dimensions above, to be added onto a house of the size described, would be judged "visually subordinate". Indeed, the Executive Director, at 4.2 of his report to the committee states **"Therefore the proposed extension is considered to comply with Council policy, in particular with Policy CD41 parts (c) and (d), as it will be visually subordinate to the parent building and will not rise above the general height of nearby extensions."**

The Council is also concerned about the impact of the proposal on the amenity of the neighbouring house no.16 Astell Street, in particular on the windows to a dining room at ground floor and a bedroom at first floor level. In para 5.8 of the Council's statement it says *"The proposed first floor extension will have a material impact on both the outlook and on the daylight experienced by the dining room. Similarly the proposed extension will have a material impact on the sense of enclosure experienced by the bedroom in the rear outreach at first floor level."* We disagree. The proposed first floor extension projects back just 3.5m from the

(75) (scribble)

existing first floor projection, and would be located on the southern side of the property, furthest away from the boundary with no 16. The flank wall of the extension would be at least 4.5ms from the flank wall of the rear extension of no16. In our opinion, given the position of and outlook from these windows and the size and positioning of the proposed extension the impact on daylight and sense of enclosure to these windows would not be significant. I enclose some additional photos to demonstrate these points.

Turning firstly to the ground floor dining room window of no.16, this is located in the flank wall partly opposite the existing 3-storey rear extension of no. 14 (which is part of the main building in fact). The flank wall that the window is located in is some 1.75m from the boundary wall, and the existing three-storey rear extension at no. 14 is on the boundary at this point. The flank wall of the rear addition of no.14 on which the first floor extension is proposed to be situated is a further 2.75m away from the boundary. Because of the position of the existing three-storey extension and the position, distance from the window and reduced size of the proposed extension, the impact on the dining room window of the proposal will not be significant. It will only project back some 3.5ms and will be at least 4.5m from the neighbouring flank wall. Indeed, the raising of the party wall in connection with the proposed ground floor extension, to be built as permitted development, would have a more significant impact, in terms of daylight and sense of enclosure on the dining room window, and, as a result of this and discussions with both the occupiers of no 16 and Council officers, the height of this party wall has been reduced. This voluntary reduction indicates the good faith of the appellants with regard to the amenities of their neighbour at no 16. The ground floor extension, once built, will largely screen the proposed first floor extension from the dining room window.

With regard to the first floor bedroom window, this too is located on the flank wall of the rear addition of no 16, opposite the existing three-storey rear projection of no 14. Again, the position of this projection will reduce the impact of the proposed extension on the bedroom window. Similarly, the proposed extension will be 4.5m at least away from the flank wall of no 16, and projecting just 3.5ms, partly screened by the existing addition, and at the same level as the bedroom window, will have little impact on this window. Indeed because of the relative alignment and positioning the extension will be barely visible from this window.

We have dealt with these issues in our previously submitted statement, where we outlined how the Council has its own standards for assessing the impact on neighbouring amenity of such proposals, and officers had assessed that the proposal was acceptable in these terms. Perhaps it is worth quoting from the report of the Executive Director. At para 4.8 he states "**..the impact on the daylight experienced by these windows is considered to comply with Council standards on daylighting as set out in Chapter 13 of the UDP.....the increased sense of enclosure is not considered to be unacceptable given the relative position of the windows and the size of the proposed extension. The window most affected by the proposed extension serves a bedroom lying at first floor level. However any loss of outlook is not considered to be**

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significant given the current view from this window which is of the existing flank wall of the application property. One will only be able to see the proposed extension from this window if one were to stand very close to the opening and to look out obliquely east."

With regard to points raised by the neighbour at no 16 Astell Street in his letter to the Inspector, while we do not consider the width of the gap between no 8 and 6 Astell Street to be a significant issue in relation to the assessment of this case, nonetheless we would dispute that this gap is wider than that between no 14 and 16. This is borne out by both a study of the Ordnance Survey extract for the street and by a visual examination on site. With regard to the points made by the Councillor in her letter to the Inspector, as the photos already submitted show, there are windows in the flank and rear elevations of both no 14 and 16 Astell Street. What we do not dispute is that no 16 has a series of large rear extensions, built closer to the boundary than proposed at no 14, and these clearly have a significant impact on the amenities of no 14. In contrast the proposed rear extension at no 14, as amended, will not, due to its relative size and position, have a significant impact on the amenities of no. 16. With regard to her other points about compliance with UDP policies, this has been dealt with earlier, both above and in our previous submission.

The Council's case, and other correspondence, does not justify the refusal of the proposed first floor extension. The Council has not demonstrated how the proposal would be harmful to the character and appearance of the conservation area nor how it would harm the amenities of the neighbouring property. The Council's case is contradicted in every way by the earlier report from the Executive Director, Planning and Conservation to the Planning Committee. We consider that the design of the proposal is in keeping with the character and appearance of the conservation area and its size and position in relation to the neighbouring property is such that there would be no significant impact on amenity. The proposal is in accord with the Council's own policies regarding such matters. Accordingly the Inspector is urged to allow the appeal.

I am sending a copy of this letter to the Local Planning Authority.

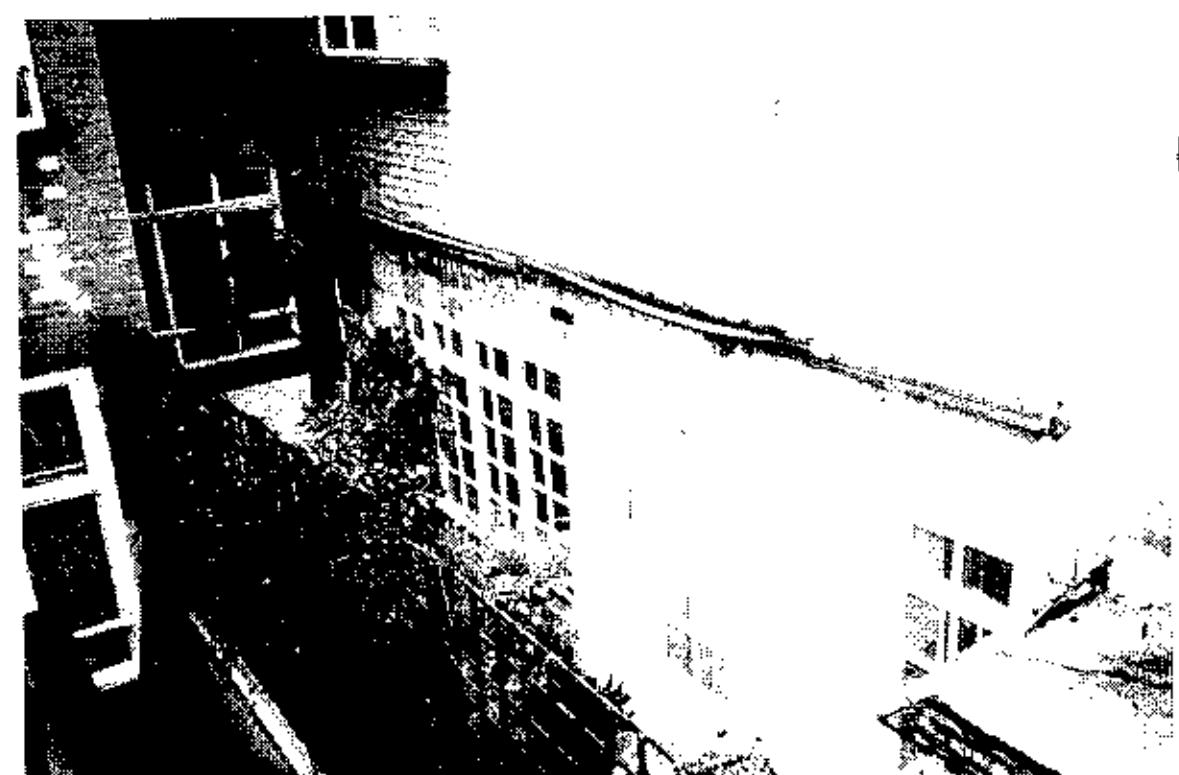
Yours sincerely

David Watson  
for Watson Associates



① R.O. no 14 Askill St, showing rear addition (left) and projection of main building (centre), with windows in R.O. no 16 (right).

② 1st flr bedroom window of no 16 (right) R.O. of no 14 (left).



③ Ground floor dining room window of no 16 Askill St.



# The Planning Inspectorate

CT.

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

Your Ref:  
PP/99/00740

Our Ref:  
APP/K5600/A/99/1027147

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25 October 1999

Dear Madam

**TOWN & COUNTRY PLANNING ACT 1990  
APPEAL BY MR & MRS FARAH  
SITE AT 14 ASTELL STREET, LONDON, SW3 3RU**

RECEIVED BY PLANNING SERVICES							
EX DIR	HDC	N	C	SP	SE	ENF	AO ACK
720 OCT 1999							
AS	IO	REC	ARB	PLN	CON	DES	FEES

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

Mr I J Broyd ARICS DipTP.

With reference to the above appeal, the Secretary of State has arranged for the inspector to visit the appeal site at 10:45 on Tuesday 09 November 1999 and you are requested to arrange for the inspector to be met at the site at 10:45 to enable the inspection to be made.

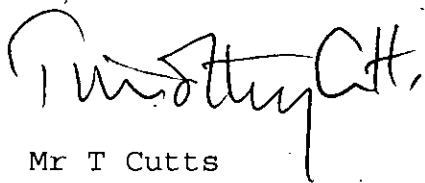
The Inspector will expect to be accompanied by representatives of both parties. If one of the parties fails to arrive, the Inspector will determine the most suitable course of action, which could mean that he will conduct the visit unaccompanied. In other circumstances, the visit might have to be aborted.

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 appeal 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.

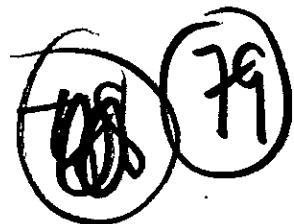
Yours faithfully



Mr T Cutts

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

209D






TO: SEE DISTRIBUTION LIST

FROM: EXECUTIVE DIRECTOR OF  
PLANNING &  
CONSERVATION



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ROOM NO: 324

EXTN: 2081

DATE: 24.12.99

**TOWN AND COUNTRY PLANNING ACT, 1990**

APPEAL 14 Astell St. SW3

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:**

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- COUNCILLOR R. HORTON
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- CHIEF EXECUTIVE & TOWN CLERK..... J. HARGREAVES      RM: 253
- DIRECTOR OF LEGAL SERVICES..... L. PARKER      RM: 315
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*(Handwritten scribble)*  
*(Handwritten 8)*

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

Your Ref:  
PP/99/00740

Our Ref:  
APP/K5600/A/99/1027147  
APP/K5600/A/99/1030103

23 December 1999

Dear Madam

**TOWN & COUNTRY PLANNING ACT 1990  
APPEALS BY MR & MRS FARAH AND MR H K & MRS P FARAH  
SITE AT 14 ASTELL STREET, LONDON, SW3 3RU**

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..

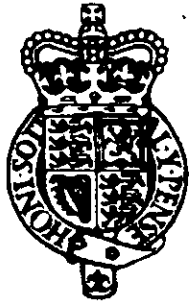
Yours faithfully

*PP Shorland*

Mr D Shorland  
211B

*Amg*

RECEIVED BY PLANNING SERVICES							
EK DIR	HDC	N	C	SW	SE	ENF	AO ACK
(5) 24 DEC 1999							
PLN	IO	REC	ARB	FWD PLN	CON DES	FEES	



# Appeal Decision

site visit held on Tuesday, 9 November 1999

by Ian Broyd ARICS DipTP

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

The Planning Inspectorate  
Tallgate House,  
Houlton Street  
Bristol BS2 9DJ  
☎ 0117 987 8827

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## Appeal 1: T/APP/K5600/A/99/1027147

- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is brought by Mr and Mrs Farah against a decision of the Council of the Royal Borough of Kensington and Chelsea.
- The site is located at 14 Astell Street, Chelsea, SW3.
- The application (ref:PP/99/0740/CHSE/25/4109), dated 9/4/99, was refused on 30/7/99.
- The development proposed is the erection of rear extensions.

**Decision:** The appeal is dismissed.

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## Appeal 2: T/APP/K5600/A/99/1030103

- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a failure to determine within the prescribed period an application for planning permission within the appropriate period against a failure to determine an application for planning permission within the appropriate period.
- The appeal is brought by [name] against Mr and Mrs Farah against the Council of the Royal Borough of Kensington and Chelsea.
- The site is located at 14 Astell Street, Chelsea, SW3.
- The application (ref:DPS/DCSE/PP/99/01674), is dated 4/8/99.
- The development proposed is the erection of rear extensions.

**Decision:** The appeal is dismissed.

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## The Development Plan

1. The development plan for the area is the Royal Borough of Kensington and Chelsea Unitary Development Plan 1995 (UDP). A number of policies have been drawn to my attention, but I find Policies CD 28, CD41, CD52 and CD53 particularly relevant. Under Policy CD28, development which will significantly reduce sunlight or daylight enjoyed by existing adjoining buildings will be resisted. CD41 deals with rear extensions and lays down a number of circumstances where development will be resisted. These include situations where proposals would extend beyond the general rear building line, or rise above the height, of neighbouring extensions; the extension would not be visually subordinate to the parent building; or there would be a significant increase in overlooking. The site is located within the Chelsea Conservation Area (CA). Policy CD52 seeks to ensure that any development in a CA preserves or enhances its character or appearance. Policy CD53 identifies those matters, which will need to be compatible, when development is being proposed in a CA. Those matters include character, scale and pattern, bulk, height and roofscape.

## The main issues

2. From all I have read and seen I consider the main issues in both appeals to be:
-

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- (i) The implications for neighbours' living conditions with particular reference to the loss of daylight and sunlight, overlooking and visual intrusion.
- (ii) The effect the proposal would have on the character or appearance of the Chelsea CA.

*[Handwritten signature]*

**Inspector's reasons**

**The proposals**

3. Both proposals are for the erection of rear extensions at first and second floor levels of the property:
  - (a) **Appeal 1** is in respect of a first floor extension measuring some 3.5m in depth and 3.7m wide. It would be about 2.5m from the common boundary with No 16 Astell Street and 1.7m from the rear boundary with Danube Street. The extension would be flat roofed with a height of some 2.8m. At second floor level it is proposed to extend a bathroom some 0.5m towards the rear boundary. It, too, would have a height of some 2.8m.
  - (b) **Appeal 2** differs from Appeal 1 in that the first floor extension would be some 5.2m deep by 3.7m wide. Thus it would be about 1.7m deeper than the Appeal 1 proposal; it would extend the full depth of the ground floor, up to the rear boundary of the site on Danube Street.
4. The Council considers that the proposed extension to the ground floor and alterations to the pattern of fenestration in the rear elevation would be permitted development under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 1995. I have considered the proposals on that basis.
5. I agree with the Council's view that the proposed extension at second floor level, which would increase the depth of a bathroom, some 0.5m, would have no significant affect on neighbours' living conditions or the character or appearance of the area. The main concerns, therefore, are in relation to extensions to the first floor under both appeal proposals.

**Appeal 1**

**(i) Implications for neighbours' living conditions**

**No 16 Astell Street**

6. This property adjoins the appeal dwelling on its northern side. It is a terraced house on 3 floors. At the rear, the floors are stepped back from Danube Street. The windows most affected by the proposed development are on the ground and first floors and face south onto a light well. The windows overlook the appeal dwelling. The ground floor window lights a dining room and the first floor window lights a bedroom. The dining room window is located about 1.75m from the common boundary with No 14 Astell Street and about the same distance from the rear (west) wall of the well. Daylight to this ground floor window is already very restricted by the bulk and proximity of the building at No 14, which rises 3 storeys at distances varying between 1.75 and 4.5m from the window. In my judgement the proposed first floor extension by closing out a significant area of the sky at present visible from this room would materially reduce the daylight reaching the room. I consider that this consequence, together with the increased bulk, visual intrusion and sense of enclosure

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resulting from the proposal would be unacceptable compared with the present conditions enjoyed by the occupants of this property.

7. The appellant's agent argues that the impact of the proposed extension to the ground floor of No 14, which is permitted development, would have a greater affect on daylight reaching the dining room window than would the proposed first floor extension. I agree that the increase in height of the party wall will reduce daylight to the affected room and increase the sense of visual intrusion in a room where conditions of daylight and outlook are already poor. However, in my opinion, the proposed first floor extension would make a bad situation significantly worse. I regard that prospect as unacceptable.
8. The window in the first floor bedroom is located about 1m from rear (west) wall of the light well and about 1.75m from the common boundary. It looks directly across the light well onto a 3 storey high wall of No 14, which marks the boundary. In my judgement the proposed extension would, again reduce daylight to this bedroom window, but because it is at the same level, the loss would not be significant. However, in my view the visual intrusiveness of the proposed extension and the additional sense of enclosure within the room would be unacceptably increased.

#### No 16 Godfrey Street

9. The rear wall of this dwelling is on the opposite side of Danube Street from the appeal property. It has the windows lighting habitable rooms facing onto Danube Street, on the first and second floors, opposite the proposed development. At present the first floor of the appeal dwelling has a balcony accessed from a bathroom. The bathroom has a window with obscured glazing facing Danube Street. At present, this is the closest window to those in No 16 Godfrey Street, at about 8m distant. The proposal would result in a bedroom window positioned about 4.5m from the rear windows in No 16 Godfrey Street. I consider that such a close juxtaposition of windows serving habitable rooms would be too close to maintain a satisfactory level of privacy; it would create a degree of overlooking and loss of privacy for the occupants of No 16 Godfrey Street, which I find unacceptable compared with the present situation.
10. The appellant argues that the existing roof terrace already creates conditions of overlooking between the 2 properties and the proposal would not cause any significant worsening of the situation. While I accept that the terrace would permit overlooking of the affected windows in the Godfrey Street dwelling, the terrace is unlikely to be used other than on limited occasions during summer months. In my view, the proposed development would create unacceptable conditions of overlooking on a prolonged and permanent basis.
11. I find that none of the examples where extensions have been permitted and which have been drawn to my attention are comparable with the case before me or create precedents which I feel obliged to follow.
12. Summarising my views under this issue, I find that the objection to the proposed development under this issue is valid and is sufficient, on its own, for the appeal to fail. I find that the proposal conflicts with Policies CD28 and 41 of the UDP.

#### (ii) The effect of the proposal on the character or appearance of the CA

13. The proposed extensions are located at the rear of the property. The treatment of the rear elevations of the Astell Street and Godfrey Street properties presents a varied and irregular



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appearance to this narrow street. Viewed against this background, therefore, I am of the opinion that the proposed development would have a neutral affect on the CA. Accordingly, I find that the proposal would not harm the character and appearance of the CA.

### Appeal 2

#### (i) The implications for neighbours living conditions

14. The first floor extension under this proposal would be deeper than that proposed under Appeal 1. It would extend over the full depth of the ground floor, up to property's boundary on Danube Street. Accordingly, the harm to neighbours living conditions, which I have identified under Appeal 1, would be compounded in respect of the 2 properties most affected by the development. In my judgement, the larger extension would make worse the loss of daylight to, and increase the visual intrusion and sense of enclosure within, the ground floor dining room of No 16 Astell Street. It would also exacerbate the visual intrusion and sense of enclosure experienced within the first floor bedroom of that property. In addition, the proposal would create a new window in a habitable room, within about 3m, and some 1.7m closer to the affected windows in 16 Godfrey Street. I consider, therefore, that the appeal fails for the same reasons as those outlined above in respect of Appeal 1.

#### (ii) The effect of the proposal on the character or appearance of the CA

15. For the same reason as that given under this issue for Appeal 1, I find that the proposed development under Appeal 2 would have a neutral effect on the CA. I therefore conclude that the proposal would not harm the character and appearance of the CA.

### **Conclusions**

16. I have taken into account all other matters raised, but they do not outweigh the planning considerations which have led to my decision.
17. For the reasons given above I conclude that the appeals should not, on balance, succeed and I shall exercise the powers transferred to me accordingly.

*Jan Boyd*

Inspector