

PLANNING SERVICES APPLICATION

5

CONSULTATION SHEET

OBJECTORS NOTIFIED  
17 SEP 1999

APPLICANT:

David Harding, BSc ARICS  
Hardings, Chartered Building Surveyors,  
Unit 2 Bridge Road,  
Ashford, Kent.  
TN23 1BB

APPLICATION NO: PP/99/00742

*[Handwritten signature]*

APPLICATION DATED: 08/04/1999

DATE ACKNOWLEDGED: 15 April 1999

APPLICATION COMPLETE: 15/04/1999

DATE TO BE DECIDED BY: 10/06/1999

SITE: 17A Princes Place, London, W11 4QA

PROPOSAL: Approval of details and variation of conditional planning permission dated 9th May, 1997 (Ref: TP/96/0558) for the erection of a yet to be constructed dwelling house. Application includes/seeks variation to condition 8 so that some of the windows may be clear glazed with a trellis system to maintain privacy.

ADDRESSES TO BE CONSULTED

- 1. Repeat 96/0558 + any additional objectors
- 2.
- 3.
- 4.
- 5. SEE LIST
- 6.
- 7.
- 8.
- 9.
- 10.
- 11.
- 12.
- 13.
- 14.
- 15.

27

✓  
20/4/99

CONSULT STATUTORILY

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

ADVERTISE

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

✓ ①

*[Handwritten signature]*

# DEVELOPMENT CONTROL

## TECHNICAL INFORMATION

THE ROYAL BOROUGH OF



KENSINGTON AND CHELSEA

ADDRESS ~~17A Princes place~~

PP990742

(6)

17A PRINCES PLACE

W11.

(N)

(F)

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

Conservation Area	HB	CPO	TPO	AMI	MDO	MOL	SBA	Unsuitable for Diplomatic use	PSC		LSC	AI	SV	SNCI	REG 7	ART IV	
									C	N							
2			✓					✓									

20/14 (21-4-74)

Density	
Site Area	
Habitable rooms proposed	
Proposed Density	

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

<b>Daylighting</b>	Complies	
	Infringes	

<b>Car Parking</b>	Spaces required	
	Spaces proposed	

**Notes:**

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# PLANNING AND CONSERVATION

THE TOWN HALL HORNTON STREET LONDON W8 7NX

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Executive Director MJ FRENCH FRICS Dip TP MRTPI Cert TS

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7

THE ROYAL  
BOROUGH OF



KENSINGTON  
AND CHELSEA

---

Jean Loup Msika,  
Atelier D'Architecture et D'Urbanisme,  
65 Bld. Arago,  
75013  
F-Paris,  
France.

Switchboard: 0171-937 5464

Extension: 3265

Direct Line: 0171-361 3265

Facsimile: 0171-361 3463

7 December 1998

My reference: DPS/BAR/MW      Your reference:

Please ask for: Mike Walsh

Dear Sir,

**The Town and Country Planning Act 1990**  
**17a Princes Place, W11**

I wrote to you on 17 December 1997 and 8 July 1998 about the derelict state of this property. In your replies dated 22 December 1997 and 16 July 1998, you indicated that works were about to commence on site. However, in spite of your assurances I note that works have not yet commenced and the site is still an eyesore.

Unless works commence on site in the immediate future, this matter will be reported to the Planning and Conservation Committee on 22 February 1999 where it is expected they will agree to acquire the property compulsorily under the above Act.

Yours Faithfully,

*M. J. French*

M. J. French,  
Executive Director, Planning and Conservation.

# FAX FROM

NAME: MRS S. WILDEN

THE DIRECTORATE OF PLANNING SERVICES

DATE: 13.4.99

MAIN TELEPHONE NUMBER: 0171 937 5464

DIRECT LINE: 0171 361 2082

FAX NUMBER (if different from below): \_\_\_\_\_

8

THE ROYAL  
BOROUGH OF



KENSINGTON  
AND CHELSEA

## TO

NAME: MR HARDING

OF: HARDING

ADDRESS: BRIDGE RD  
ASHFORD

KENT

POSTAL CODE TN23 1BB

FAX NUMBER: 01233 612707

NUMBER OF PAGES TO FOLLOW: 1

COMMENTS AND/OR INSTRUCTIONS (if any)

17 A PRINCES PLACE, W11

I have been unable to transmit the attached fax to Mr Msika. Would you kindly advise him of its contents.

Sunder Mrs S. WILDEN

OUR FAX NUMBER IS: 071 361 3463

# FAX FROM

NAME: Mrs S. Wilden

THE DIRECTORATE OF PLANNING SERVICES

DATE: 13.4.99

MAIN TELEPHONE NUMBER: 0171 937 5464

DIRECT LINE: 0171 361 2082

FAX NUMBER (if different from below): /

9

THE ROYAL  
BOROUGH OF



KENSINGTON  
AND CHELSEA

# TO

NAME: Mr J. Msika

OF: ATELIER D'ARCHITECTURE ET D'URBANISME

ADDRESS: 65 BLD. ARAGO 75013 -F  
PARIS FRANCE

POSTAL CODE

FAX NUMBER: 33 (1) 45 35 87 75

NUMBER OF PAGES TO FOLLOW: 0

COMMENTS AND/OR INSTRUCTIONS (if any)

Regarding 17 A Princes Place, W11

I am not in the office tomorrow and cannot meet you as requested. Mr Harding is aware that the advice I gave him concerning starting work on site followed consultation with the Council's solicitor, and I am afraid that the planning conditions do not allow work to start until the scheme is fully approved.

Swales

OUR FAX NUMBER IS: 071 361 3463

ATELIER D'ARCHITECTURE ET D'URBANISME JEAN-LOUP MSIKA

65, bd. Arago F-75013 Paris

Tel: (33) 1 47 07 40 42 Fax: (33) 1 45 35 87 75

FACSIMILE

To: Ms. Sara WILDEN  
Kensington and Chelsea Planning Services

N°: 0171 361 3463

From: Jean-Loup MSIKA

Paris, 14/04/99

TO  
SW  
Bodie  
Place

Ref: 17A Princes Place, LONDON W 11

R.B.N. & C.  
TOWN PLANNING  
15 APR 1999  
RECEIVED

Dear Ms. Wilden,

We received your fax of 13/04/99.

On 16th February 1998, we provided all the particulars required by condition 2 and agreed to follow strictly all the other conditions.

I would like to stress that we will not vary from any one of these conditions (like for instance conditions 8 and 10) without a prior written permission from the Executive Director of Planning and Conservation.

It was only in July 1998, after 4 and a half months, that we were asked to provide samples of materials, which we did immediately and completely.

Since then, we have not heard one single objection from the Kensington and Chelsea Planning Services in regard to the particulars and samples provided.

Therefore, we would think that they were considered as satisfactory.

Then, after another 9 months wait, we were recently asked for yet another round of particulars and samples. We provided them immediately again: however, we were very surprised by this erratic and incredibly time consuming procedure which consists in requiring, every 6 months or so, new rounds of particulars and samples.

This kind of procedure, which delays works beyond the reasonable and the acceptable is heavily detrimental to the owner and the people involved with the project.

Therefore, we would appreciate if you could please tell us today, by urgent fax, which, if any, is the condition that has not as yet been satisfied?

Sincere thanks,

*Handwritten signature of Jean-Loup Msika*

Jean-Loup Msika

*Handwritten initials*

CC: Mr. David Harding

— SW there's a new app. in with RT.

N° de SIRET / 305/113 896 00024 - APE : 742A

*Handwritten numbers and initials*

MEMORANDUM

11

WBS

**TO: FOR FILE USE ONLY**

**From: EXECUTIVE DIRECTOR  
PLANNING & CONSERVATION**

**My Ref:** PP/99/00742/SW  
**Room No:**

**CODE A1**

**Date:** 19 April 1999

**DEVELOPMENT AT:**

17A Princes Place, London, W11 4QA

**DEVELOPMENT:**

Approval of details and variation of conditional planning permission dated 9th May, 1997 (Ref: TP/96/0558) for erection of constructed dwelling house. Application includes/seeks variation to condition 8 so that some windows may be clear glazed with a trellis system to maintain privacy.

The above development is to be advertised under:-

1. Section 73 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (development affecting the character or appearance of a Conservation Area or adjoining Conservation Area)

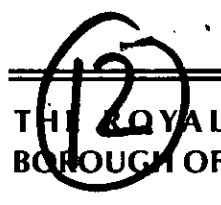
**M.J. French**

Executive Director, Planning & Conservation

**PLANNING AND CONSERVATION**

THE TOWN HALL HORNTON STREET LONDON W8 7NX

Executive Director M J FRENCH FRICS TP MRTPI Cert TS



THE ROYAL  
BOROUGH OF



**KENSINGTON  
AND CHELSEA**

F TEN BOS  
38 ADDISON AVENUE  
LONDON  
W11

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

Date: 20 April 1999

My reference:

Your reference:

Please ask for:

~~My Ref: DPS/DCN/PP/99/00742/SW~~

Planning Information Office

Dear Sir/Madam,

**TOWN AND COUNTRY PLANNING ACT 1990**

The Council has received a planning application for development at:

**17A Princes Place, London, W11 4QA**

Brief details of the proposed development are set out below. Members of the public may inspect copies of the application, the plans and any other documents submitted with it. The Council's Planning Services Committee, in considering the proposal, welcomes comments either for or against the scheme. Anyone who wishes to make representations about the application should write to the Council at the above address **within 21 days** of the date of this letter. Unfortunately, the Council does not have the resources to advise objectors of the Committee date, and you should telephone for further information.

**Proposal for which permission is sought**

**Approval of details and variation of conditional planning permission dated 9th May, 1997 (Ref: TP/96/0558) for erection of constructed dwelling house. Application includes/seeks variation to condition 8 so that some windows may be clear glazed with a trellis system to maintain privacy.**

**Applicant**

**David Harding, BSc ARICS Hardings, Chartered Building Surveyors, Unit 2 Bridge Road, Ashford, Kent. TN23 1BB**

**PLEASE NOTE: Applications for districts W.10, W.11 & W.2 in the NORTH of the Borough can be seen at: THE INFORMATION CENTRE, NORTH KENSINGTON LIBRARY, 108 LADBROKE GROVE, W.11 (Tel: 0171 727 6583) and NOT at the location stated overleaf.**

Yours faithfully,

**M. J. FRENCH**

Executive Director, Planning and Conservation



(13)

## **WHAT MATTERS CAN BE TAKEN INTO ACCOUNT**

When dealing with a planning application the Council has to consider the policies of the Borough Plan, known as the Unitary Development Plan, and any other material considerations. The most common of these include (not necessarily in order of importance):

- \* The scale and appearance of the proposal and impact upon the surrounding area or adjoining neighbours;
- \* Effect upon the character or appearance of a Conservation Area;
- \* Effect upon the special historic interest of a Listed Building, or its setting;
- \* Effect upon traffic, access, and parking;
- \* Amenity issues such as loss of Sunlight or daylight, Overlooking and loss of privacy, Noise and disturbance resulting from a use, Hours of operation

## **WHAT MATTERS CANNOT BE TAKEN INTO ACCOUNT**

Often people may wish to object on grounds that, unfortunately, **cannot** be taken into account because they are not controlled by Planning Legislation. These include (again not in any order of importance):

- \* Loss of property value;
- \* Private issues between neighbours such as land covenants, party walls, land and boundary disputes, damage to property;
- \* Problems associated with construction such as noise, dust, or vehicles (If you experience these problems Environmental Services have some control and you should contact them direct)
- \* Smells (Also covered by Environmental Services)
- \* Competition between firms;
- \* Structural and fire precaution concerns; (These are Building Control matters)

## **WHAT HAPPENS TO YOUR LETTER**

Planning applications where objections have been received are presented to the Planning Services Committee which is made up of elected Ward Councillors. Planning Officers write a report to the Committee with a recommendation as to whether the application should be granted or refused. Letters received are summarised in the report, and copies can be seen by Councillors and members of the public including the applicant. The Councillors make the decisions and are not bound by the Planning Officer's recommendation. All meetings of the Committee are open to the public.

**If you would like further information, about the application itself or when it is likely to be decided, please contact the Planning Department on the telephone number overleaf.**

## **WHERE TO SEE THE PLANS**

Details of the application can be seen at the **Planning Information Office, 3rd floor, Town Hall, Hornton Street W.8**. It is open from 9am to 4.45pm Mondays to Thursdays (4pm Fridays). A Planning Officer will always be there to assist you.

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**PLANNING AND CONSERVATION**

THE TOWN HALL HORNTON STREET LONDON W8 7NX

Executive Director M J FRENCH FRICS TP MRTPI Cert TS



14

THE ROYAL  
BOROUGH OF



**KENSINGTON  
AND CHELSEA**

The Occupier  
1 FILE COPY  
0171-361-2082

Switchboard: 0171-937-5464  
Extension: 2082  
Direct Line:

Facsimile: 0171-361-3463

Date: 20 April 1999

My reference:

Your reference:

Please ask for:

My Ref: DPS/DCN/PP/99/00742/SW

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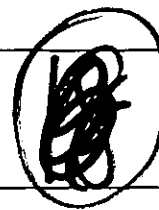
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**THE ROYAL  
BOROUGH OF**

Executive Director M J FRENCH FRICS TP MRTPI Cert TS



**KENSINGTON  
AND CHELSEA**

D BEWLEY  
44 ADDISON AVENUE  
LONDON  
W11

Switchboard: 0171-937-5464  
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Direct Line: 0171-361- 2082  
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Your reference:

Please ask for:

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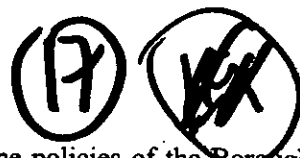
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**PLEASE QUOTE THE APPLICATION REFERENCE NUMBER ON YOUR REPLY**



THE ROYAL  
BOROUGH OF

# NOTICE OF A PLANNING APPLICATION



**KENSINGTON  
AND CHELSEA**

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

Notice is hereby given the Royal Borough of Kensington and Chelsea Council have received an application:

- (a) for development of land in or adjacent to a Conservation Area.

Details are set out below.

Members of the public may inspect copies of the application, the plans and other documents submitted with it at:

The Planning Information Office, 3rd floor, The Town Hall, Hornton Street, W8 7NX between the hours of 9.15 and 4.45 Mondays to Thursdays and 9.15 to 4.30 Fridays;

For applications in the Chelsea area: The Reference Library, Chelsea Old Town Hall, Tel. 0171-361-4158.

For postal areas W10, W11 and W2: The 1st floor, North Kensington Library, 108 Ladbroke Grove, W11, Tel. 0171-727-6583.

Anyone who wishes to make representations about this application should write to the Executive Director of Planning and Conservation at the Town Hall (Dept. 705) within 21 days of the date of this notice.

## SCHEDULE

Reference: PP/99/00742/SW

Date: 23/04/1999

**17A Princes Place, London, W11 4QA**

Approval of details and variation of conditional planning permission dated 9th May, 1997. (Ref: TP/96/0558) for erection of constructed dwelling house. Application includes/seeks variation to condition 8 so that some windows may be clear glazed with a trellis system to maintain privacy.

**APPLICANT** David Harding, BSc ARICS



J/AD

19
~~21~~
**RBKC**  
**District Plan Observations**  
**CONSERVATION AND DESIGN**

Address 17A PRINCES PLACE	Appl. No. 99/0742/SW	L.B.	C.A.	N C S
Description Approval of details at variance of condition	Code			

Having gone through the drawings and supporting information - it appears that the amendments to the approved scheme is minimal.

There are no changes in size or detailing that I find objectionable

No objection

GR (28/9/99)

Carmel.

FILE NUMBER: .. PP 99/742 .....

ADDRESS: .. 17A Princes Place .....

20

Additional notification

~~REVISED DRAWINGS RECEIVED~~

the occupier { 18 Queensdale Rd  
44 + 38 Addison Ave,  
W11

1. Please ~~notify all objectors.~~ Add to letter:

"Revised drawings received. Any further comments must be received by ..." \*

2. Please re-advertise \*

\* delete or add as appropriate

✓  
24/5/99'

Thanks.

Sarah 24/5



17 A PRINCES PL

21

1. Write to Maria once it's on agenda.
2. Notify 44 + 38 Add Ave? + 18 Queens Rd  
Now get 21 Jap. → see 24/6.
3. Peter Marshall's - inc height objection  
26 Qu. Rd - reduces distance set back from road? check.  
- inc sense of enclosure.  
- glazing in gables + at eaves (privacy)
4. Derek Wilson  
22 Qu. Rd - glass in gables.  
light emission  
- no clear glass on s. elevation behind 24.  
- supports trellis  
- all gl. should be obscure for privacy + less brightness.
5. TPO tree? → see TREES
6. Check mat samples.
7. EG - height of side path?  
EL
8. Small tree rear garden. → see TREES

Tel con with Mr Harding 24/5

Requested - omit glazing from south facing gables on the boundary. 2 AOs are objecting.

- Section S3 - wall at boundary - height

NB 2 area WC + B' room. - don't tally with wall heights as EG + request that windows directly facing boundary be obs. Angled ones not. AO - East elev - will accept in absence of obj. objection from No 18.

conditions - sample low.

- all conditions

- trellis on east boundary to be parallel.

- trellis on s. boundary painted/stained?

- pruned tree in rear garden

TPO tree missing from No 20

Queensdale +

No TPO tree front garden No 1A.

~~DA~~

22

**PLANNING AND CONSERVATION**

THE TOWN HALL HORNTON STREET LONDON W8 7NX

Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS

D. Harding,  
Hardings Chartered Building Surveyors,  
Bridge Road,  
Ashford,  
Kent TN23 1BB

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

28 June 1999

**23**  
THE ROYAL  
BOROUGH OF



**KENSINGTON  
AND CHELSEA**

My reference: **DPS/DCN/SW/  
PP/99/00742**

Your reference: **DH/CS/4120**

Please ask for: **Mrs. S. Wilden**

Dear Sir,

TOWN AND COUNTRY PLANNING ACT 1990  
17A PRINCES PLACE, W.11

I refer to your application in respect of the above premises and letter dated 25<sup>th</sup> May concerning the glazing and trellis work proposed.

I have discussed the proposal with the case officer Mrs. Wilden and would advise you as follows.

It is understood that the high level glazing of the gables would not present privacy problems. However, concern has been expressed about the light emissions associated with the scheme's extensive areas of glazing facing towards the southern boundary and properties in Queensdale Road which currently back onto imperforate brick walls. A possible alternative to the omission or reduction of glazing in the gables would be the installation of non-translucent blinds to be drawn after lighting-up time. Would you kindly let me know whether your client would find this acceptable?

With reference to the trellis, I do not consider it appropriate to rely upon the foliage of climbing plants or the tree in the adjoining garden for screening purposes since their benefits are seasonal and their permanent retention unenforceable. The trellis should be of a design to provide a sufficiently dense screen in its own right. A sample of the proposed trellis is required for assessment, but I would advise you that the design indicated on the submitted drawing E6 appears too open to be of screening value. I am also concerned about the clear glazing of any windows facing directly towards the southern boundary and I consider that the clear glazing of the western window of room G5 is unlikely to be acceptable.

Yours faithfully,

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

**PLANNING AND CONSERVATION**

THE TOWN HALL HORNTON STREET LONDON W8 7NX



THE ROYAL  
BOROUGH OF



**KENSINGTON  
AND CHELSEA**

Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS

Councillor Champion  
13 Rodney House  
12/13 Pembridge Crescent  
London  
W11 3DY

Switchboard: 0171-937 5464  
Extension: 2944  
Direct Line: 0171-361-2944  
Facsimile: 0171-361-3463

02 July 1999

My reference:

Your reference:

Please ask for:

Dear Councillor Champion,

**Town and Country Planning Act 1990**  
**17a Princes Place**

Further to your e-mail of the 30<sup>th</sup> June regarding the above property, I wish to inform you that planning permission was granted in April 1997 to erect a single family dwelling house.

The applicant has incrementally sought to amend approved designs over the last 12 months. The amendments were such that the dwelling house had become materially different from the approved scheme. Consequently, a new planning application was required which is now the subject of consideration and I would hope that the application can be reported to the Committee shortly. However, in the meantime, the applicant has demolished the previous building and is anxious to commence development.

Finally, I am satisfied that we were not unreasonable when the applicant sought to make material changes and we only insisted upon a new application when the changes became too material to deal with by approval of details.

Yours sincerely,

M.J. French  
Executive Director, Planning and Conservation.

Mike

~~AA~~

25

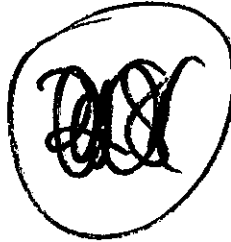
17A Princes Place

Application is likely to go to committee on 12th August, subject to receipt of a trellis sample to be used as a screen to windows which the applicant wishes to clear glaze.

I'm not overjoyed about the extra glazing in the gables, but applicant is intransigent about reduction and has said they'll use blinds and I don't think we can make an issue of this esp. as there are no privacy problems from gables.

We are aware of the demolition. Applicant said building was unsafe and I can believe it having seen the derelict condition. They are aware that they have to await decision before starting work on the development.

Sarah 21/7



REC  
19/7/99

19/7/99

26 Queensdale Road,  
London W11 4QB,  
July 16, 1999

26

David Champion, Esq  
Chairman,  
Planning and Conservation Committee,  
Royal Borough of  
Kensington and Chelsea

Dear Mr. Champion,

PLANNING APPLICATION, 17A PRINCES PLACE, W11

It was very good of you to spare the time to come to the Norland Conservation Society AGM last week, and indeed to have been ready to hear about the question of the long-running saga at 17A Princes Place, W11.

Like our neighbours in Queensdale Road, we have to admit to a certain disenchantment over the way in which the application has been pursued. A previous application for redevelopment, involving a large increase in ground area and bulk of the proposed new building, as compared with the ruin of the existing structure, was made in March, 1995. The then owner applicant insisted that the intention was that it should be a dwelling for his family. (His assurance on the subject however sat oddly with the fact that the property was already being advertised for sale by an estate agent in Notting Hill, and was in fact sold shortly afterwards.) After some debate, the Committee approved the application, but made a number of stipulations, the most important of which from our point of view related to the height of the building and the distance it was to be set back from the road - 5.9 metres and 7.3 metres respectively.

The present application on behalf of the new owner, however, does not respect these stipulations in that it significantly increases the height and reduces the distance back from the road: it would thus all but block out the view down our garden. In a report dated January 30, 1997 (reference TP/96/0558/G/21), the Planning and Conservation Department recommended refusal of the application, and set out a number of cogent reasons for doing so. For example, page 1, para 2 (increased height overshadowing 13 and 14 Princes Place); page 2, para 4.3 (need to conform to existing building lines); page 3, para 4.7 (proposed roof higher than existing building and projecting 4.3 metres in front of existing building and 1.5 metres in front of adjacent building 13 and 14 Princes Place); page 3, para 4.8 (proposed gable ends higher than existing building and leading to unacceptable impact in terms of increased

27



sense of enclosure to the gardens of Queensdale Road (including, of course, ours).

In spite of this, the applicant made no changes of substance to the plans already submitted. The Planning and Conservation Department nonetheless changed its stance, much to our surprise and disappointment, and recommended acceptance. The Committee gave its approval in April, 1997, subject to certain conditions set out in the Permission of May 9, 1997 (reference TP/96/0558).

Matters then seemed to hang fire until we were asked in May, 1998, to appoint a Surveyor for the purpose of concluding a Party Wall Agreement. Two significant points emerged from the subsequent discussions, neither of them directly related to the Party Wall Agreement. First, the plans indicated that the eaves of the proposed structure would overhang our garden, in spite of the fact that the application which was approved was accompanied by a Certificate A, indicating there would be no encroachment on neighbouring property. No information about this was given to the Council. The idea was subsequently dropped in the face of the firm opposition of the neighbours.

Secondly, it emerged that the architect was proposing to clear-glaze "the triangular spaces between the the beams of the gable framework". This was likewise news to the Department when I reported the matter to them. Their reply to me of December 31, 1998 (reference DPS/DCN/SW/TP/96/0558) noted that "the approved drawings appear ambiguous as to the material to be used in the triangular spaces concerned" However the letter went on to say that the areas "are set at a high level in relation to the first floor.... Glazing at these levels would not allow overlooking of the premises in Queensdale Road".

When the required further details were at last supplied by the applicant in April, 1999, it transpired not only that it was proposed to use clear glazing in the triangular spaces, but also that there would be in addition a series of oblong clear glass apertures BELOW the gables. This addition, for which it is difficult to see any architectural or aesthetic justification, completely undermines the contention that glazing in the gable somehow does not constitute a window, or that glazing above head height does not allow overlooking. There is nothing presumably to stop the owner from altering the floor height in such a way that the glazing was no longer "high level", nor from seeking to enlarge the oblong apertures. Light shining through clear glass could not but be intrusive. I cannot help wondering whether the Committee would have taken an equally favourable view of the application in 1997 if this glazing proposal had been part of it

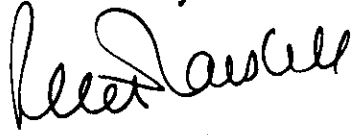
I hope that this letter, which does not, I fear, err on the side of brevity, will help in explaining the feeling that there is a disturbing pattern about this affair. The architect has pursued a somewhat individualistic path, and has shown himself largely impervious to Council requirements. At the moment, for example, demolition and preparation of the site are in full swing, although the revised plans have not received approval. The history of the application has understandably

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engendered a good deal of mistrust about how far any stipulations made by the Council will in fact be respected.

I understand that the matter may come before the Committee on August 12. I shall remain in touch with the Department and am in the meantime sending them a copy of this letter.

Yours sincerely



(Peter Marshall)



cc The Executive Director,  
Planning and Conservation,  
The Royal Borough of  
Kensington and Chelsea



**PLANNING AND CONSERVATION**

THE TOWN HALL HORNTON STREET LONDON W8 7NX

Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS

29  
[Handwritten initials]

THE ROYAL  
BOROUGH OF



**KENSINGTON  
AND CHELSEA**

Sir Peter Marshall,  
26 Queensdale Road,  
LONDON, W11 4QB.

Switchboard: 0171-937 5464  
Extension: 2944  
Direct Line: 0171-361-2944  
Facsimile: 0171-361-3463

26 July 1999

My reference: EDPC/MJF/PP/  
99/0742

Your reference:

Please ask for: Mr. French

Dear Sir Peter,

**17A Princes Place, W.11.**

I write with reference to your letter of 16 July addressed to Councillor David Campion regarding the outstanding planning application on the above property. As it is likely that Councillor Campion will be chairing the meeting at which this application will be considered, it would be inappropriate for him to comment.

I would inform you that, subject to receipt of a trellis sample to be used as a screen to windows which the applicant wishes to clear glaze, the application will go to the Planning Services Committee on 12 August. I am sorry that the application does appear to have taken longer than one would have hoped, but there have been a number of issues which needed resolution.

I am aware that the previous building has already been demolished; however, the applicant advised that it was unsafe and having seen its derelict condition, I have no evidence to doubt the fact.

Finally, I would assure you that the applicant is well aware that he has to await a formal planning decision before making any material start on site.

Yours sincerely,

M. J. French,  
Executive Director, Planning and Conservation.

c.c. Councillor David Campion,  
Chairman - Planning and Conservation Committee.

MESSAGE FORM



To Sarah

30

WHILE YOU WERE OUT

M Peter Marshall

of

Tel. No 071 2291921

CALLED TO SEE YOU	<input type="checkbox"/>	PLEASE RING	<input checked="" type="checkbox"/>
TELEPHONED	<input checked="" type="checkbox"/>	PLEASE VISIT	<input type="checkbox"/>
WANTS TO SEE YOU	<input type="checkbox"/>	WILL RING YOU	<input type="checkbox"/>
URGENT	<input checked="" type="checkbox"/>	WILL CALL AGAIN	<input type="checkbox"/>

re ITA Prices Place

Message

Worland AGM

Tell him cee date

Signed 9/7

Date 9/7 Time 3.8h

PAD-MF

R

**PLANNING AND CONSERVATION**

THE TOWN HALL HORNTON STREET LONDON W8 7NX

AB 31

THE ROYAL  
BOROUGH OF

Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS



Sir Peter Marshall,  
26 Queensdale Road,  
London W11 4QB

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

**KENSINGTON  
AND CHELSEA**

24 August 1999

My reference: **DPS/DCN/SW/  
PP/99/00742**

Your reference:

Please ask for: **Mrs. S. Wilden**

Dear Sir Peter,

**TOWN AND COUNTRY PLANNING ACT 1990**  
**17A PRINCES PLACE, W.11**

Further to my letter of 26<sup>th</sup> July, I would advise you that the application in respect of the above property is to be considered by the Planning Services Committee on 16<sup>th</sup> September.

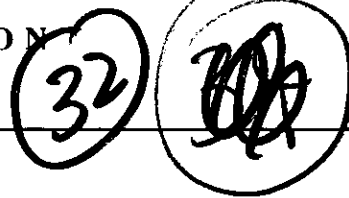
The sample trellis and corresponding amended drawings have been received and are available for inspection at the Planning Information Office in the usual way.

Yours faithfully,

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

**PLANNING AND CONSERVATION**

THE TOWN HALL HORNTON STREET LONDON W8 7NX



**THE ROYAL  
BOROUGH OF**



**KENSINGTON  
AND CHELSEA**

Executive Director M J FRENCH FRICS TP MRTPI Cert TS

THE OCCUPIER  
1 FILE COPY  
0171-361- 2082

Switchboard: 0171-937-5464  
Extension: 2082  
Direct Line:

Facsimile: 0171-361-3463  
Date: 24 August 1999

My reference:

Your reference:

Please ask for:

My Ref: DPS/DCN/PP/99/00742/SW

Planning Information Office

Dear Sir/Madam,

**TOWN AND COUNTRY PLANNING ACT 1990**

**Proposed development at: 17A Princes Place, London, W11 4QA**

You were recently notified on, and/or have commented on, the application for development at the above address. The Council has now received **AMENDMENTS** to this application, and brief details of these are set out below. The Council's Planning Services Committee, in considering the proposal, welcomes comments upon these amendments. Members of the public may **inspect copies of the amended plans**, and any other submitted documents. Details are provided overleaf.

**Amended Proposal**

**Amended trellis design to rear of 24 Queensdale Road. Revised drawings received and sample of trellis proposed to be used at the boundary with No. 22-26 Queensdale Road is available for inspection at the Planning Information Office. Any further comments must be received by 15.9.1999. N.B. Committee date is 16.9.99.**

**Applicant**

**David Harding, BSc ARICS Hardings, Chartered Building Surveyors, Unit 2 Bridge Road, Ashford, Kent.  
TN23 1BB**

Anyone who wishes to submit comments on the amended application should write to the Council at the above address within **14 days** of the date of this letter.

**PLEASE NOTE: Applications for districts W.10, W.11 & W.2 in the NORTH of the Borough can be seen at: THE INFORMATION CENTRE, NORTH KENSINGTON LIBRARY, 108 LADBROKE GROVE, W.11 (Tel: 0171 727 6583) and NOT at the location stated overleaf.**

Yours faithfully,

**M. J. FRENCH**

Executive Director, Planning and Conservation

20 33

**WHAT MATTERS CAN BE TAKEN INTO ACCOUNT**

When dealing with a planning application the Council has to consider the policies of the Borough Plan, known as the Unitary Development Plan, and any other material considerations. The most common of these include (not necessarily in order of importance):

- \* The scale and appearance of the proposal and impact upon the surrounding area or adjoining neighbours;
- \* Effect upon the character or appearance of a Conservation Area;
- \* Effect upon the special historic interest of a Listed Building, or its setting;
- \* Effect upon traffic, access, and parking;
- \* Amenity issues such as loss of Sunlight or daylight, Overlooking and loss of privacy, Noise and disturbance resulting from a use, Hours of operation

**WHAT MATTERS CANNOT BE TAKEN INTO ACCOUNT**

Often people may wish to object on grounds that, unfortunately, **cannot** be taken into account because they are not controlled by Planning Legislation. These include (again not in any order of importance):

- \* Loss of property value;
- \* Private issues between neighbours such as land covenants, party walls, land and boundary disputes, damage to property;
- \* Problems associated with construction such as noise, dust, or vehicles (If you experience these problems Environmental Services have some control and you should contact them direct)
- \* Smells (Also covered by Environmental Services)
- \* Competition between firms;
- \* Structural and fire precaution concerns; (These are Building Control matters)

**WHAT HAPPENS TO YOUR LETTER**

Planning applications where objections have been received are presented to the Planning Services Committee which is made up of elected Ward Councillors. Planning Officers write a report to the Committee with a recommendation as to whether the application should be granted or refused. Letters received are summarised in the report, and copies can be seen by Councillors and members of the public including the applicant. The Councillors make the decisions and are not bound by the Planning Officer's recommendation. All meetings of the Committee are open to the public.

**If you would like further information, about the application itself or when it is likely to be decided, please contact the Planning Department on the telephone number overleaf.**

**WHERE TO SEE THE PLANS**

Details of the application can be seen at the **Planning Information Office, 3rd floor, Town Hall, Hornton Street W.8.** It is open from 9am to 4.45pm Mondays to Thursdays (4pm Fridays). A Planning Officer will always be there to assist you.

In addition, copies of applications in the **Chelsea Area (SW1, SW3, SW10)** can be seen at **The information Office, Chelsea Old Town Hall, Kings Road SW3 (0171-352 1856)**, for the **Central Area (W8, W14, SW5, SW7)** can be viewed in the **Central Library, Town Hall, Hornton Street, W.8.** and applications for districts **W10, W11 and W2** in the North of the Borough can be seen at **The Information Centre, North Kensington Library, 108 Ladbroke Grove, London W11** (under the Westway near Ladbroke Grove Station **0171-727-6583**). Please telephone to check the opening times of these offices.

If you are unable to come to the Office due to illness or disability, it may be possible for a Officer to come to your home with the plans. Please contact the Planning Department and ask to speak to the Case Officer for the application.

**PLEASE QUOTE THE APPLICATION REFERENCE NUMBER ON YOUR REPLY**

Cornel

Can you adjust the letter so it just refers to

FILE NUMBER:

PP 99/00.74.2

trellis, as below. Should not say revised drawings received.

ADDRESS:

17. A. Princes Place, W11

(34) S

REVISED DRAWINGS RECEIVED

AOS at No 22-28 (NB by name, those who have written in) and Robin M Price, Norland Coun<sup>n</sup> Sec<sup>n</sup>.

1. Please re-notify all objectors. Add to letter: Sample of trellis proposed to be used at the boundary with "Revised drawings received. Any further comments must be received by ....." \* 15.9.99, NB Committee date
2. Please re-advertise \* 16.9.99.



No 22-26 Queensdale Road is available for inspection at the Planning Information Office.

\* delete or add as appropriate

Cornel

Could you hold back on this until tomorrow (Tues). Sarah has rung to say that the wording should be changed. Caroline will bring a note of the changes tomorrow Ray 27/8

② Re 17 A Princes Place  
PF 99 / 00742A

③ 35

You need to take a copy of attached drawing because agent did not supply enough, then distribute one to IO, one to NKL.

+ I did an AO renofication letter request (see your tray) referring only to trellis sample.

Can you change letter to refer to revised drawings too. Amended Proposal

"Summary of Proposed Amendments" would be "Amended trellis design to rear of 24 Queensdale Rd"

**CURRENT APPLICATION**

Com slip

COMMITTEE: \_\_\_\_\_

**FOR OBSERVATIONS:**

1. 214. Design (GR)

2. \_\_\_\_\_

3. \_\_\_\_\_

**PLEASE ENTER OBSERVATIONS ON 2ND PAGE OF CURRENT PINK SHEET IN FILE**

Officer SW

Report Written \_\_\_\_\_

**NOTES:** 138

For Schedule Typing Committee FILE

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**PLANNING AND CONSERVATION**THE TOWN HALL HORNTON STREET LONDON W8 7NX

---

Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS

36

~~711~~

**THE ROYAL  
BOROUGH OF****KENSINGTON  
AND CHELSEA**

---

**Mr. D. Harding,**  
Hardings Chartered Building Surveyors,  
Bridge Road,  
ASHFORD, Kent, TN23 1BB

Switchboard: 0171-937 5464

Extension: 2944

Direct Line: 0171-361 2944

Facsimile: 0171-361 3463

10 September 1999

My reference: **EDPC/MJF/TP/** Your reference:  
99/0742Please ask for: **Mr. French**

Dear Mr. Harding,

**17A Princes Place, W.11.**

I am writing to inform you that arrangements have been made for you to attend and address the Planning Services Committee on 16 September 1999 at the Town Hall in Committee Room 1 at 8 p.m. on the above planning application.

An objector to the planning application has requested to attend and address the Committee. In order to avoid deferrals caused by either or both invited parties not attending, I am hereby advising you that should either party fail to attend or provide adequate reasons for non-attendance, the Committee will proceed to determine the application. You may of course bring photographs etc. if you consider that they help to illustrate your case more clearly. Upon arrival, you are advised to make yourself known to the Committee Administrator seated within the Committee meeting room.

In the event of only the objector appearing, he/she will be given an opportunity to state his/her objections and answer any questions asked by Members relating to the proposals. With regard to the applicant/agent, he/she will be allowed to make a short summary address of the proposals and be prepared to answer any questions raised by Members of the Committee.

Should you have any queries regarding either the arrangements made or this letter, I would be grateful if you would contact my secretary in the first instance.

Yours sincerely,

M. J. French,  
Executive Director, Planning and Conservation.



---

# PLANNING AND CONSERVATION

THE TOWN HALL HORNTON STREET LONDON W8 7NX

---

Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS



KENSINGTON  
AND CHELSEA

---

Sir Peter Marshall,  
26 Queensdale Road,  
LONDON, W11 4QB.

Switchboard: 0171-937 5464

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Direct Line: 0171-361 2944

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10 September 1999

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99/0742

Please ask for: Mr. French

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The agent for the planning application has also been invited to attend and address the Committee. In order to avoid deferrals caused by either or both invited parties not attending, I am hereby advising you that should either party fail to attend or provide adequate reasons for non-attendance, the Committee will proceed to determine the application. You may of course bring photographs etc. if you consider that they help to illustrate your case more clearly. Upon arrival, you are advised to make yourself known to the Committee Administrator seated within the Committee meeting room.

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Yours sincerely,

M. J. French,  
Executive Director, Planning and Conservation.

Ray

Committee 16.9.99

(40)

17 A Rumors Place

(38)

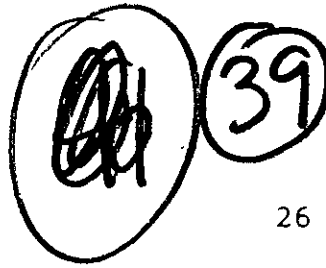
Sir Peter Marshall telephoned  
(speaker / objector)

He considers that his letter of objection has been seriously misrepresented in the Committee report. In order to appease him, I have promised that in the Pre-Committee memo we will try & set the record straight.

I have warned Sarah.

This letter will be circ. at the meeting.

Thanks  
Lesley



DC

17/7/99

26 Queensdale Road,  
London W11 4QB,  
July 16, 1999

David Campion, Esq  
Chairman,  
Planning and Conservation Committee,  
Royal Borough of  
Kensington and Chelsea

Dear Mr. Campion,

PLANNING APPLICATION, 17A PRINCES PLACE, W11

It was very good of you to spare the time to come to the Norland Conservation Society AGM last week, and indeed to have been ready to hear about the question of the long-running saga at 17A Princes Place, W11.

Like our neighbours in Queensdale Road, we have to admit to a certain disenchantment over the way in which the application has been pursued. A previous application for redevelopment, involving a large increase in ground area and bulk of the proposed new building, as compared with the ruin of the existing structure, was made in March, 1995. The then owner applicant insisted that the intention was that it should be a dwelling for his family. (His assurance on the subject however sat oddly with the fact that the property was already being advertised for sale by an estate agent in Notting Hill, and was in fact sold shortly afterwards.) After some debate, the Committee approved the application, but made a number of stipulations, the most important of which from our point of view related to the height of the building and the distance it was to be set back from the road - 5.9 metres and 7.3 metres respectively.

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40

SR

sense of enclosure to the gardens of Queensdale Road (including, of course, ours).

In spite of this, the applicant made no changes of substance to the plans already submitted. The Planning and Conservation Department nonetheless changed its stance, much to our surprise and disappointment, and recommended acceptance. The Committee gave its approval in April, 1997, subject to certain conditions set out in the Permission of May 9, 1997 (reference TP/96/0558).

Matters then seemed to hang fire until we were asked in May, 1998, to appoint a Surveyor for the purpose of concluding a Party Wall Agreement. Two significant points emerged from the subsequent discussions, neither of them directly related to the Party Wall Agreement. First, the plans indicated that the eaves of the proposed structure would overhang our garden, in spite of the fact that the application which was approved was accompanied by a Certificate A, indicating there would be no encroachment on neighbouring property. No information about this was given to the Council. The idea was subsequently dropped in the face of the firm opposition of the neighbours.

Secondly, it emerged that the architect was proposing to clear-glaze "the triangular spaces between the the beams of the gable framework". This was likewise news to the Department when I reported the matter to them. Their reply to me of December 31, 1998 (reference DPS/DCN/SW/TP/96/0558) noted that "the approved drawings appear ambiguous as to the material to be used in the triangular spaces concerned" However the letter went on to say that the areas "are set at a high level in relation to the first floor.... Glazing at these levels would not allow overlooking of the premises in Queensdale Road".

When the required further details were at last supplied by the applicant in April, 1999, it transpired not only that it was proposed to use clear glazing in the triangular spaces, but also that there would be in addition a series of oblong clear glass apertures BELOW the gables. This addition, for which it is difficult to see any architectural or aesthetic justification, completely undermines the contention that glazing in the gable somehow does not constitute a window, or that glazing above head height does not allow overlooking. There is nothing presumably to stop the owner from altering the floor height in such a way that the glazing was no longer "high level", nor from seeking to enlarge the oblong apertures. Light shining through clear glass could not but be intrusive. I cannot help wondering whether the Committee would have taken an equally favourable view of the application in 1997 if this glazing proposal had been part of it

I hope that this letter, which does not, I fear, err on the side of brevity, will help in explaining the feeling that there is a disturbing pattern about this affair. The architect has pursued a somewhat individualistic path, and has shown himself largely impervious to Council requirements. At the moment, for example, demolition and preparation of the site are in full swing, although the revised plans have not received approval. The history of the application has understandably

engendered a good deal of mistrust about how far any stipulations made by the Council will in fact be respected.

I understand that the matter may come before the Committee on August 12. I shall remain in touch with the Department and am in the meantime sending them a copy of this letter.

Yours sincerely

*Peter Marshall*

(Peter Marshall)



41

cc The Executive Director,  
Planning and Conservation,  
The Royal Borough of  
Kensington and Chelsea

POOR QUALITY  
ORIGINAL

Re: 17A Princes Place

42

~~42~~

The architect Mr Msika would like all future correspondence especially the "Confirmation of Consent" to go directly to him. Mr David Harding was employed by him as a surveyor & is ∴ not the architect in charge

Rashya

Copy to AAH & R.P.  
(Alice Moran)

20/9/99

~~B~~

←

✓

~~MSF~~ Draft reply to  
Cllr Walker-Arnott  
please JP

Councillor Richard WALKER-ARNOTT  
27, Flinstock Road  
London, W 10 6 LU

Paris, 15 January 2002

Ref: Complaint relating to the way our application for development of 17 A Princes Place, London W 11 was handled by Kensington and Chelsea Planning and Conservation.

R.A.R.

Councillor,

The development in reference is now in proces of completion.

As I mentoned it to you as soon as I became aware of it, in my letter to you dated 4 February 1997, and again on 12 April 1999, the handling of our application, by Kensington and Chelsea Planning and Conservation, was blatantly improper.

More improprieties kept appearing over the years, as Kensington and Chelsea Planning and Conservation was deliberately delaying the process in an unacceptable way.

These improprieties, which are described in the attached note:

- constitute a blatant case of maladministration and injustice,
- caused a waste of at least two and a half to three years, for no reason,
- and were therefore very detrimental to the owner, and to myself.

We did not get the service we were entitled to (timely and proper handling of our application...), and we suffered major financial loss which caused distress to both the owner and her architect.

We therefore would now require the handling of our application by Kensington and Chelsea Planning and Conservation to be fully investigated, and would expect adequate compensation to the owner and to myself for the losses and distress unfairly incurred.

I have not as yet received any answer to my letters to you.  
Could you now please help us, in the name of fairness?

Sincere thanks,

Jean-Loup Msika, Dipl. arch.(hons), member of the R.I.B.A.





45



About the strange, erratic, contradictory, illegal and unfair handling of our application for development at 17 a Princes Pl. London W 11, by Kensington and Chelsea Planning and Conservation which caused major financial loss and distress to both the owner and her architect.

We applied on 13/03/96.

A decision by the Council should have intervened within 8 weeks, i.e. by 14/05/96. Instead, we received on 02/05/96 a letter from Kensington and Chelsea Planning and Conservation ("Pl. and Cons."), declaring our scheme unacceptable for several reasons.

We then, without delay, attempted to satisfy these reasons, but met a lot of ill will and resistance from "Pl. and Cons.", until they issued on 30/01/97 a report to the Planning services Committee, recommending plain refusal.

With an intense effort, we were able to have "Pl. and Cons." reverse their stand, so as to obtain a "Conditional permission for Development" on 09/05/97 (for the very same design, except for some minute detail changes!.).

We then again, without delay, attempted to satisfy the conditions mentioned in the "Conditional permission", but more conditions and demands kept arising. We were asked for a list of samples, and brought immediately very satisfactory ones: there was no objection whatsoever to our samples, from "Pl. and Cons.". However, after 9 months (9 months !!!...) of complete silence (no answer to our mail or telephone calls.), "Pl. and Cons." awoke again to demand more samples of other details, etc... etc...

Why not ask for all samples once and for all? Why wait for so long?

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It was as if "Pl. and Cons.", at the exclusive service of that very ungentlemanly "Sir" so and so, were trying to discourage us and/or the owner.

The owner's rights and the time and efforts of her architect in favor of what was finally, at long last (it took three and a half years !!!), recognised as an appropriate scheme, were of no interest whatsoever to "Pl. and Cons.".

Now, the interesting thing is that during the same lengthy period during which "Pl. and

Cons." was delaying the approval process under any conceivable pretext, the very same "Pl. and Cons." was, again and again (17/12/97; 08/07/98; 07/12/98...),

- complaining to us that the site with the derelict building was "still an eyesore..."

- and was threatening us : "Unless works commence on site in the immediate future, this matter will be reported to the Planning and Conservation Committee, were it is expected they will agree to acquire the property compulsorily under the Town and Country Planning Act 1990..."

However, as late as 13/04/99, "Pl. and Cons." was still forbidding us to commence work "until the scheme is fully approved".

I suspect that these contradictions, and the deliberate delays to the approval process are proof of a fraudulent scheme by "Pl. and Cons."

Finally, on 20/09/99 (i.e. more than three and a half years after our 13/03/96 application!..), after an intense effort from our part to compel "Pl. and Cons." to process at long last our application, a Permission for Development was granted for an unchanged scheme, practically the exact same as was proposed on 13/03/96 (and considered then abusively as "overdevelopment" by "Pl. and Cons." ), except for some minute details which should have been solved in a few weeks, and certainly not in three and a half years !

"Pl. and Cons." was careful to mention on the 20/09/99 Permission for Development, 09/04/99 (???) as the application date, which is a fraudulently inaccurate statement. The real application date is 13/03/96, and a fact is that the more than three and a half years it took to "Pl. and Cons." to process it, in such an erratic and malevolent way, are totally unacceptable, and should ( and would, by any judge, in our opinion..) be considered as cause of actual damage:

- to the owner, who was prevented to enjoy his property in a normal way,

- and to the architect who met unfair resistance and had to face unreasonable difficulties, over three and a half years,

a damage to be compensated by Kensington and Chelsea Borough's Planning and Conservation services.

On the 20/09/99 Permission for Development, "Pl. and Cons." was also careful to substitute David HARDING's name instead of mine (David HARDING was MY representative, and Kensington and Chelsea Borough's Planning and Conservation services knew that full well..) as the owner's representative, so as to make believe that that was an altogether new application being dealt with, which was yet another fraudulent attempt by "Pl. and Cons." to conceal the truth of their abuse of power which wasted our time for so long.

Jean-Loup Msika, Dipl. arch.(hons), R.I.B.A., 01/01/02

46



THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA  
THE TOWN HALL KENSINGTON W8 7NX  
Tel: 020 7937 5464 Fax: 020 7938 1445

*Councillor Richard Walker-Arnott DL  
Norland Ward*

47

*[Handwritten signature]*

M. J-L Msika  
65 bld Arago  
75013  
Paris  
France

18<sup>th</sup> January 2002

Dear M. Msika

17a Princes Place

Thank you for your letter of 15th January. I have asked my Council colleague who is responsible for the work of the Planning and Conservation department to comment on the allegations which you make.

I will write to you again when I have had his response (or possibly he may respond to you direct).

Yours sincerely

*[Handwritten signature]*

Councillor Richard Walker-Arnott

bcc: Cllr Barry Phelps - I would be grateful if you would have a look at this, and let me have comments on the several allegations made by M. Msika as well as on his claim for compensation.

*[Handwritten signature]*

175 FRENCH

---

---

**French, Michael: PC-GrpSvc**

---

**From:** French, Michael: PC-GrpSvc  
**Sent:** 01 March 2002 15:54  
**To:** Cllr-Walker-Arnott  
**Cc:** Cllr-Phelps  
**Subject:** 17a Princes Place

48

~~48~~



msika.doc

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M. J. French,  
Executive Director, Planning and Conservation.  
020 7361 2944



THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA  
THE TOWN HALL KENSINGTON W8 7NX  
Tel: 020 7937 5464 Fax: 020 7938 1445

Councillor Richard Walker-Arnott DL  
Norland Ward

49 200

Mike Derek is  
leaving with this.  
Is on leave  
until 25/2  
Saver.

What happens?

Derek next you  
Mike 18/2

M. J-L Msika  
65 bld Arago  
75013  
Paris  
France

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(51) (63)

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elier d'architecture et d'urbanisme Jean-Loup Msika

5 bld. Arago 75013 PARIS

Tel: 01 47 07 40 42 Fax: 01 45 35 87 75

~~MSF~~ Draft reply to  
Ch Walker-Arnott  
please RP

Councillor Richard WALKER-ARNOTT  
27, Flinstock Road  
London, W 10 6 LU

Paris, 15 January 2002



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Jean-Loup Msika, Dipl. arch.(hons), member of the R.I.B.A.



53

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

Date: 21 January 2002

Our ref: LS/SH/08

Your ref:

E-mail: l.sharkey@popall.co.uk

Direct line:

EX DIF	HDC	TP	CAC	AD	CLU	AO AK
R.B. K.C.	22 JAN 2002		PLANNING			
N	C	SW	SE	APP	IO	REC
			ARB	FPLN	DES	FEES

109

Dear Mr French

**Paparazzi Café, 58 Fulham Road, Chelsea, London**

Further to our telephone conversation last week, I confirm that I am acting upon behalf of the owners and operators of the above premises. They wish to carry out substantial alterations to the premises which will effectively relocate entertainment within the basement. The works will also involve substantial sound proofing of the premises.

Our client wishes to carry out the works to enable them to continue operating their business and providing entertainment at the premises, and also to ensure that they cause no further problems to the residents who live next door to the premises. We are fully aware of the background in relation to these premises, in that the residents living next door have been disturbed by noise, which we are aware led to the service of a Noise Abatement Notice and proceedings being taken.

My client has met with your colleague, Mr Mehaffy, to discuss their intentions and provided him with proposed layout drawings, together with a copy of the sound consultant's report. Before we proceed with the applications, we wish to liaise with Environmental Health. I had discussed with you arranging a meeting with the residents to discuss our proposals and you suggested that we did not arrange that meeting until such time as we together had discussed fully the proposals. You did indicate that you may be able to assist with our discussions with the residents. Clearly, I appreciate that before you would be prepared to speak with the residents together with ourselves, then you would wish to be satisfied with the proposals.

Cont/....

37 Sney Street  
 The Lace Market  
 Nottingham NG1 1LS

Telephone 0115 953 8500  
 DX 10100 Nottingham  
 Fax 0115 953 8501

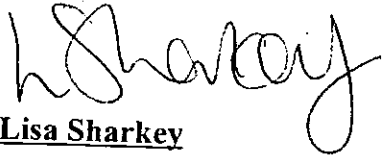


.../cont

~~54~~ 54

I will try and agree a meeting with Mr Mehaffy on site.

Yours sincerely



Lisa Sharkey

cc Mr Mahdavi

(Nancy Stevens) TP | 96 | 0558

55

~~OK~~

(Sarah Wilden) PP | 99 | 0742 (S.73 app. for variations)

54

DA

**DRAFT REPLY FROM CLLR. WALKER-ARNOTT TO JEAN-LOUP MSIKA**

**17A PRINCES PLACE W11**

Dear Mr Msika,

Further to my letter to you of 18th January 2002, and yours of 15<sup>th</sup> January, I write again as I promised now that I have been able to piece together the history to this site with the assistance of the planning department. Unfortunately the Officers who dealt with your original 1996 planning application have now left this authority, however the new Area Planning Officer, Mr Taylor, has gathered the necessary information from the Council's files and microfilm.

I must say I am slightly surprised at your letter of complaint, alleging "a blatant case of maladministration and injustice" and "strange, erratic, contradictory, illegal and unfair handling" of your applications 7 years after you submitted your first application and nearly 3 years after you submitted your second planning application, both of which I note were granted; nevertheless, I will endeavour to answer the points raised in your letter as best I can.

It is evident from the micro-film that the then Case Officers in 1996 and 1997 were firmly of the view that your original planning application, TP/96/0558, was contrary to the relevant planning policies and should be refused. The Officer's decision to recommend refusal in January 1997 carried three separate Reasons For Refusal, one based upon impact upon the Conservation Area, one based upon daylight impact, and one based upon loss of privacy. In the event I note that the case was withdrawn from the Committee and, following receipt of further revisions on 7<sup>th</sup> February 1997, was placed before the Planning Services Committee of 15<sup>th</sup> April 1997 this time with a recommendation for approval.

Part of your complaint relates to the length of time it took the Council to determine your application. In this case, the application was revised three times after submission and eventually approved 14 months after submission. It seems to me that, far from "deliberately delaying the process" the Officers at the time were allowing you several opportunities to overcome various planning objections with your proposals; they could of course have recommended it for refusal in May 1996, but they did not. The government, in framing planning legislation for this country, intended that negotiation should form an important part of the planning process, and I must say that I share the view of the majority of planning practitioners that a planning system based upon 'quick refusals' rather than negotiation would not benefit anyone participating in the process. If you had disagreed with the principle of negotiation to achieve a satisfactory scheme, you could of course have appealed after 6 months.

I have not been able to trace any reason for the "9 months of silence" you mention regarding the issue of subsequent written approval for Conditional matters. However, the Conditions attached to the planning permission did not "multiply"; the only possible sense in which they could have done was in the imposition of Conditions with the grant of the second planning

57

ADP

application in 1999. If you had objected to any of the Conditions, or believed that the length of time taken to approve Conditional matters was unreasonable, then again you could have appealed on those grounds.

I am unable to comment upon your allegations of "dishonesty" of one or more of the objectors to the proposal (of which there were four); certainly there is absolutely no evidence of that upon the planning files and all the indications are that the objectors raised perfectly proper and cogent objections to the proposals upon reasonable planning grounds, and that those objections were properly taken into account by the Officers and then by the Planning Services Committee who took the decision to approve your amended scheme.

This Council did not "substitute" any name in place of yours as you allege; David Harding was named on the application form as agent for the second application, and he signed the application form on 8<sup>th</sup> April 1999 on behalf of his client, Ms. Mullova; perhaps you should ask your client why David Harding was chosen as agent rather than yourself. Instructions to local planning authorities are that the names stated on the applications forms are those to be used in issuing planning decisions, and I must completely reject your accusation that the usage of the stated name was somehow a "fraudulent attempt" to abuse power on behalf of the Council.

The second application, ref. PP/99/0742, was made quite properly as an application for amendments to the original scheme, as provided for by S.73 of the Town and Country Planning Act 1990. As such, it constituted a separate application in law, commanded a new application fee of £95, and fell to be determined upon its own merits and to be subject to some, all, or further Conditions to those imposed upon the original planning permission. In the event opportunity was made for you and an objector to speak to the Planning Services Committee on 16<sup>th</sup> September 1999, and the Committee decided that, despite the objections presented to them by the neighbour, that planning permission should be granted.

In conclusion, it seems to me that whilst the whole process of two planning applications and approval of Conditional matters took over 3 years in total from March 1996 to September 1999, this time period was more a product of the sensitivities of this site in the Norland Conservation Area rather than any failure or maladministration on the part of the Council. I note there may have been unanswered telephone calls to the planning department which is clearly undesirable, however I do not see that the failure to return calls was a significant factor in the overall time period.

Finally, although you state that you met with "unfair resistance" to your proposals over the three and a half years, as far as I can see all the Officers concerned were doing was their professional best in trying to achieve a scheme that would be sympathetic to its Conservation Area setting and to the amenity of residential properties nearby. As a Member of this Council I would not wish them to do otherwise.

Yours faithfully..... etc

**French, Michael: PC-GrpSvc**

**From:** Richard Walker-Arnott [whatnots@lineone.net]  
**Sent:** 01 March 2002 16:35 -  
**To:** Michael.French@rbkc.gov.uk; Cllr.Walker-Arnott@rbkc.gov.uk  
**Cc:** Cllr.Phelps@rbkc.gov.uk  
**Subject:** Re: 17a Princes Place

58  
60

Dear Mr French

Thank you for the draft. I am quite happy for you to respond as per draft (tho no doubt you will have changed 1887 to 1997 at the end of your fourth para).

Regards

RWA

----- Original Message -----

**From:** <Michael.French@rbkc.gov.uk>  
**To:** <Cllr.Walker-Arnott@rbkc.gov.uk>  
**Cc:** <Cllr.Phelps@rbkc.gov.uk>  
**Sent:** Friday, March 01, 2002 3:54 PM  
**Subject:** 17a Princes Place

> <<msika.doc>> Dear Councillor Walker-Arnott,  
>  
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> happy with it, I will send it off.  
>  
> M. J. French,  
> Executive Director, Planning and Conservation.  
> .020 7361 2944  
>  
>  
> \*\*\*\*\*  
> The Royal Borough of Kensington and Chelsea  
>  
> This e-mail may contain information which is confidential, legally  
> privileged and/or copyright protected. This e-mail is intended for the  
> addressee only. If you receive this in error, please contact the sender  
and  
> delete the material from your computer.  
> \*\*\*\*\*  
>  
>  
>

**French, Michael: PC-GrpSvc**

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59  
~~59~~

**From:** Cllr-Phelps  
**Sent:** 01 March 2002 16:14 ✓  
**To:** French, Michael: PC-GrpSvc  
**Subject:** RE: 17a Princes Place

An excellent and cogent letter which earns you my strong support. Suggest "time period" (used twice) be changed to "period" *tout court*.

*done*

BP

-----Original Message-----

**From:** French, Michael: PC-GrpSvc  
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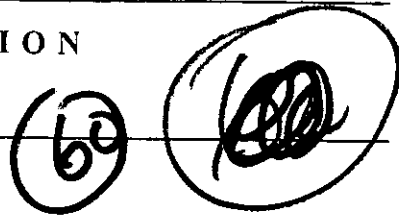
M. J. French,  
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020 7361 2944



# PLANNING AND CONSERVATION

THE TOWN HALL HORNTON STREET LONDON W8 7NX

Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS



THE ROYAL  
BOROUGH OF



KENSINGTON  
AND CHELSEA

M. J-L Msika,  
65 bld Arago,  
75013,  
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4 March 2002

My reference: EDPC/MJF

Your reference:

Please ask for: Mr. French

Dear Mr. Msika,

**17a Princes Place, W.11.**

I write with reference to your correspondence with Councillor Richard Walker-Arnott which has been referred to me for my attention. I have now been able to piece together the history of this site after liaison with my officers and I would advise you as follows:

Unfortunately the officers who dealt with your original 1996 planning application have now left this authority; however, the new Area Planning Officer, Mr Taylor, has gathered the necessary information from the Council's files and microfilm.

I must say I am slightly surprised at your letter of complaint, alleging "a blatant case of maladministration and injustice" and "strange, erratic, contradictory, illegal and unfair handling" of your applications 7 years after you submitted your first application and nearly 3 years after you submitted your second planning application, both of which I note were granted; nevertheless, I will endeavour to answer the points raised in your letter as best I can.

It is evident from the microfilm that the then case officers in 1996 and 1997 were firmly of the view that your original planning application, TP/96/0558, was contrary to the relevant planning policies and should be refused. The officer's decision to recommend refusal in January 1997 carried three separate Reasons For Refusal, one based upon impact upon the Conservation Area, one based upon daylight impact, and one based upon loss of privacy. In the event, I note that the case was withdrawn from the Committee and, following receipt of further revisions on 7<sup>th</sup> February 1997, was placed before the Planning Services Committee of 15<sup>th</sup> April 1997, this time with a recommendation for approval.

Part of your complaint relates to the length of time it took the Council to determine your application. In this case, the application was revised three times after submission and eventually approved 14 months after submission. It seems to me that, far from "deliberately delaying the process" the officers at the time were allowing you several opportunities to overcome various planning objections with your proposals; they could of course have recommended it for refusal in May 1996, but they did not. The government, in framing planning legislation for this country, intended that negotiation should form an important part of the planning process, and I must say that I share the view of the majority of planning practitioners that a planning system based upon 'quick refusals' rather than negotiation would not benefit anyone participating in the process. If you had disagreed with the principle of negotiation to achieve a satisfactory scheme, you could of course have appealed after 6 months.

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I have not been able to trace any reason for the "9 months of silence" you mention regarding the issue of subsequent written approval for conditional matters; however, the conditions attached to the planning permission did not "multiply"; the only possible sense in which they could have done was in the imposition of conditions with the grant of the second planning application in 1999. If you had objected to any of the conditions, or believed that the length of time taken to approve conditional matters was unreasonable, then again you could have appealed on those grounds.

I am unable to comment upon your allegations of "dishonesty" of one or more of the objectors to the proposal (of which there were four); certainly there is absolutely no evidence of that upon the planning files and all the indications are that the objectors raised perfectly proper and cogent objections to the proposals upon reasonable planning grounds, and that those objections were properly taken into account by the officers and then by the Planning Services Committee who took the decision to approve your amended scheme.

This Council did not "substitute" any name in place of yours as you allege; David Harding was named on the application form as agent for the second application, and he signed the application form on 8<sup>th</sup> April 1999 on behalf of his client, Ms. Mullova; perhaps you should ask your client why David Harding was chosen as agent rather than yourself. Instructions to local planning authorities are that the names stated on the applications forms are those to be used in issuing planning decisions, and I must completely reject your accusation that the usage of the stated name was somehow a "fraudulent attempt" to abuse power on behalf of the Council.

The second application, ref. PP/99/0742, was made quite properly as an application for amendments to the original scheme, as provided for by S.73 of the Town and Country Planning Act 1990. As such, it constituted a separate application in law, commanded a new application fee of £95, and fell to be determined upon its own merits and to be subject to some, all, or further Conditions to those imposed upon the original planning permission. In the event, opportunity was made for you and an objector to speak to the Planning Services Committee on 16<sup>th</sup> September 1999; and the Committee decided that, despite the objections presented to them by the neighbour, that planning permission should be granted.

In conclusion, it seems to me that whilst the whole process of two planning applications and approval of Conditional matters took over 3 years in total from March 1996 to September 1999, this time period was more a product of the sensitivities of this site in the Norland Conservation Area rather than any failure or maladministration on the part of the Council. I note there may have been unanswered telephone calls to the Planning Department which is clearly undesirable, however I do not see that the failure to return calls was a significant factor in the overall period.

Finally, although you state that you met with "unfair resistance" to your proposals over the three and a half years, as far as I can see all the officers concerned were doing was their professional best in trying to achieve a scheme that would be sympathetic to its Conservation Area setting and to the amenity of residential properties nearby.

Yours sincerely,

M. J. French,  
Executive Director, Planning and Conservation.

c.c. Councillor Richard Walker-Arnott  
Councillor Barry Phelps, Cabinet Member, Planning and Conservation Policy

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Jean-Loup Msika  
Atelier D'Architecture et D'Urbanisme  
65 bd Arago  
F-75013  
Paris

Date: 1<sup>st</sup> April 1999  
Our ref: DH/CS/4120

Dear Jean-Loup

**Re: 17a PRINCES PLACE, LONDON W11  
MEETING WITH MS S WILDEN - 31.3.99**

Please amend drawings as follows and provide five copies of each one.

<b>Drawing No.</b>	<b>Revisions Required</b>
Axonometry sketch	<ol style="list-style-type: none"><li>1. Show extent of hollow blocks which will allow grass to grow.</li><li>2. Show position of reclaimed pavement slabs (York stone or similar).</li><li>3. Show extent of grass.</li><li>4. Confirm raised brick walls to skylight of basement will match house wall.</li><li>5. Confirm skylights to basement will be timber framed and glazed as per house. (You decide if you want clear or opaque glass.)</li></ol>
E1	<ol style="list-style-type: none"><li>1. Amend drawing to show rendered pier on north side finishing short of the original eaves position.</li><li>2. Shade drawing to differentiate between wood and gloss.</li><li>3. Show/confirm ridge and hips to be finished with traditional lead flashings and weatherings.</li></ol>
P3	<ol style="list-style-type: none"><li>1. Place written notes to indicate position of front walls to 13/14 Princes Place in relation to front of 17a and balcony.</li><li>2. Show relationship with rear wall of 17a relative to 13 and 14.</li><li>3. Place note on drawing indicating water tank in rear garden.</li></ol>
S5	<ol style="list-style-type: none"><li>1. Confirm continuation of trellis to match existing trellis (provide photographs). Re No. 20.</li></ol>
E6	<ol style="list-style-type: none"><li>1. Show difference between stained wood and glass.</li></ol>