

MEMORANDUM

To: ~~Exec Dir, Planning & Conservation~~ From: Director of Legal Services

Local Land Charges

RECEIVED BY PLANNING SERVICES

Our Ref: LSJ/MS
Room No: 313

DC	DC	DC	E	Ap Ack
N	C	S		

Your Ref: Pat Adelrahman
Paul Kelsey
~~Lloyd/McBarnette~~
John Stevens

- 4 OCT 1996 13

Ext: 2118

Exec Dir		Records	AMB	Com Des
Appeals Office	IO	Fees Office	Forward Plan	Head DC

Date: 2 October 1996

Section 171 Town and Country Planning Act 1990 (as amended)

Enforcement Notice

Flat 5, 73 Ladbroke Grove, London W11

With reference to the above, I write to advise you that the Enforcement Notice has been issued and copies served on all interested parties.

I set down below details of the Enforcement Notice for insertion in the Enforcement Register:-

- (a) Address of Property Flat 5, 73 Ladbroke Grove, London W11
- (b) Issuing Authority Royal Borough K&C
- (c) Date of Issue 2nd October 1996
- (d) Service of Copies:

<u>Name</u>	<u>Address</u>	<u>Date of Service</u>
The Owner	Flat 5, 73 Ladbroke Grove, W11	2nd October 1996
The Occupier	Flat 5, 73 Ladbroke Grove, W11	2nd October 1996
Mr Benjamin Bach	Flat 5, 73 Ladbroke Grove, W11	2nd October 1996
73 Ladbroke Grove Residents Management Ltd	"Kimberley", Water Lane, Speen, Aylesbury, Bucks HP17 OSW	2nd October 1996

- (e) Summary of alleged breach and requirements: the replacement of an original timber sash window at second floor level in the front facade of the Building with a UPVC "tilt and turn" window. Required to remove the UPVC window and replace with a timber sash to match the one removed.
- (f) Date on which Notice takes effect: 29th November 1996.
- (g) Time for Compliance: two calendar months from Notice taking effect.

I attach hereto a copy of the Enforcement Notice for your file, and an additional copy of this Memorandum for submission to the Department of the Environment if required.

Louise Jackson

Louise Jackson
For Director of Legal Services

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Local Land Charges

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Room No: 313

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Louise Jackson
For Director of Legal Services

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA

TOWN AND COUNTRY PLANNING ACT 1990
(as amended by the Planning and Compensation Act 1991)

ENFORCEMENT NOTICE
(Operational Development)

ISSUED BY: The Royal Borough of Kensington and Chelsea ("the Council")

1. **THIS IS A FORMAL NOTICE** which is issued by the Council because it appears to them that there has been a breach of planning control, under Section 171A(1)(a) of the above Act, at the land described below. They consider that it is expedient to issue this notice, having regard to the provisions of the development plan and to other material planning considerations.

2. **THE LAND AFFECTED**

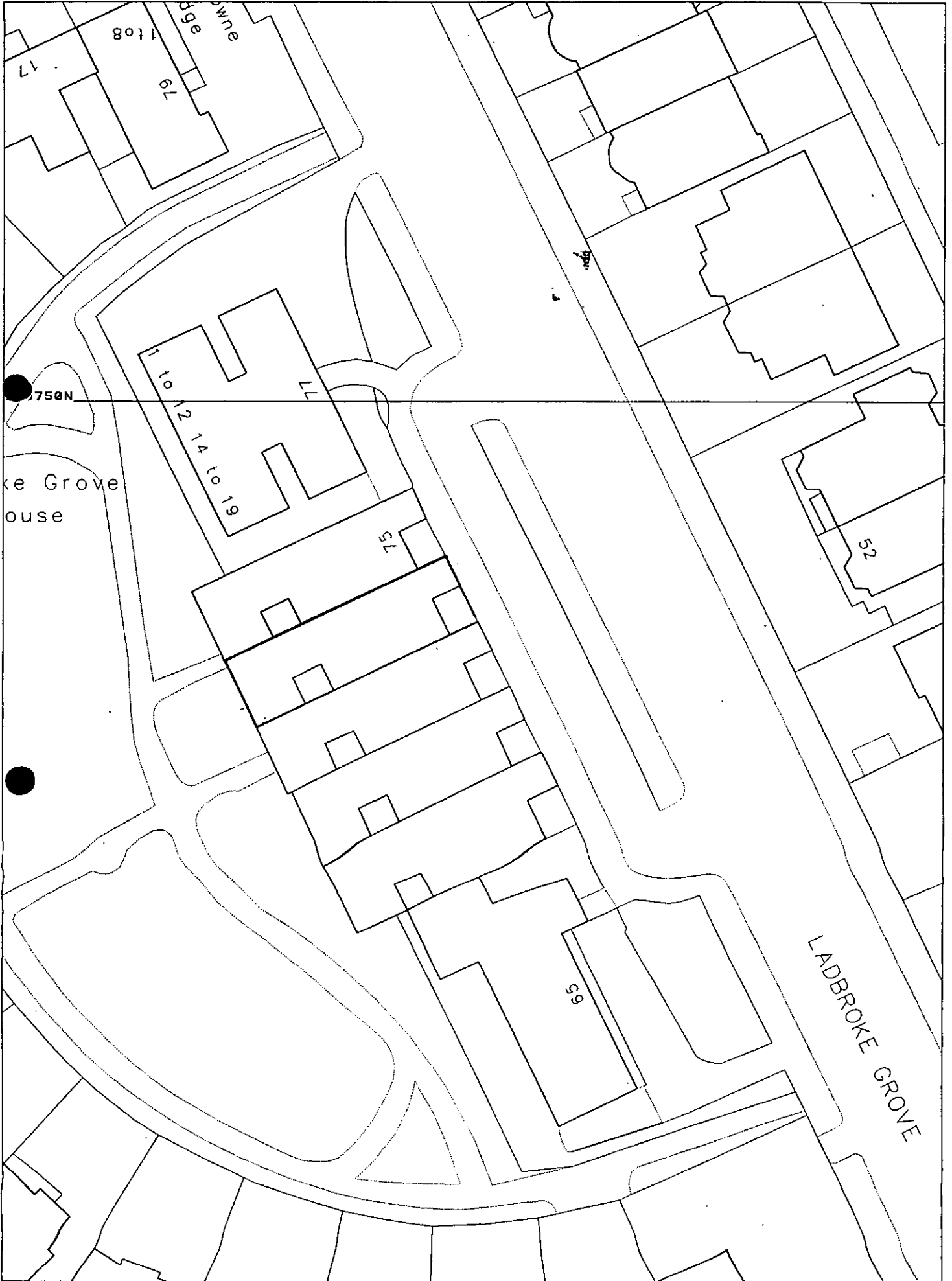
Land at Flat 5, Second Floor, 73 Ladbroke Grove, London W11 ("the Building"). 73 Ladbroke Grove is shown edged red on the attached plan.

3. **THE BREACH OF PLANNING CONTROL ALLEGED**

Without planning permission, the replace of an original timber sash window at second floor level in the front facade of the Building with a UPVC "tilt and turn" window.

4. **REASONS FOR ISSUING THIS NOTICE**

It appears to the Council that the above breach of planning control has occurred within the last four years. The UPVC window is inappropriate for the building and adversely affects the character of the Building and the character and appearance of the Ladbroke Conservation Area. The works are considered to be contrary to the Council's policies as set out in the Unitary Development Plan, in particular policies CD25, CD44, CD52, CD53 and CD56. Further the UPVC windows would set unwanted precedent on Ladbroke Grove and in the Ladbroke Grove Conservation Area.



5. WHAT YOU ARE REQUIRED TO DO.

- (i) Remove the UPVC window at second floor level of the front facade of the Building.
- (ii) Replace the UPVC window with a timber sash window to match the original timber sash windows for the Building and that in situ immediately before the installation of the unauthorised UPVC window.

Time for compliance: two months after this notice takes effect.

6. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 29th November 1996 unless an appeal is made against it beforehand.

Dated: 2nd October 1996

Signed:
Director of Legal Services
(The Officer appointed for the purpose).

On behalf of the Royal Borough of Kensington and Chelsea of The Town Hall, Hornton Street, London, W8 7NX

ANNEX

YOUR RIGHT OF APPEAL

You can appeal against this notice, but any appeal must be received, or posted in time to be received, by the Secretary of State before 29th November 1996. The enclosed booklet "Enforcement Appeals - A Guide to Procedure" sets out your rights. Read it carefully. You may use the enclosed appeal forms. One is for you to send to the Secretary of State if you decide to appeal. The second is to be returned to the Council at the same time. The third is for you to keep as a duplicate for your own records. You should also send the Secretary of State the spare copy of this enforcement notice which is enclosed.

WHAT HAPPENS IF YOU DO NOT APPEAL

If you do not appeal against this enforcement notice, it will take effect on 29th November 1996 and you must ensure that the required steps for complying with it, for which you may be held responsible, are taken within the period(s) specified in this notice. Failure to comply with an enforcement notice which has taken effect can result in prosecution and/or remedial action by the Council.

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

Director of Planning Services



Andrews Downie & Partners,
6 Addison Avenue,
Holland Park,
London W11 4QR

Switchboard: 0171-937 5464
Direct Line: 0171-361 2646

Facsimile: 0171-361 3463

2 SEP 1996

**KENSINGTON
AND CHELSEA**

My reference:

Your reference:

Please ask for:

DPS/PA/TP/96/0702/G/32/305

Mrs. P. Abdelrahman

Dear Sir/Madam,

TOWN AND COUNTRY PLANNING ACT, 1990
TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT ORDER, 1988

Permission for development (Conditional) (TP6a)

The Borough Council hereby permit the development referred to in the under-mentioned Schedule, subject to the conditions set out therein and in accordance with the plans submitted, save insofar as may otherwise be required by the said conditions. Your attention is also drawn to the enclosed Information Sheet.

SCHEDULE

DEVELOPMENT

Erection of an additional storey, excavation of basement area, elevational alterations and creation of three additional self-contained units, at LANSDOWNE LODGE, 79 LADBROKE GROVE, KENSINGTON, W.11, as shown on submitted drawing(s) No(s). TP/96/0702 and TP/96/0702/C, Applicant's drawing(s) No(s). PD2789104, 2789/SD1, /SD2, PD2789101B, PD2789102B, PD2789103A and PD2789 505A, in accordance with your application dated 14/03/96, completed 26/03/96, revised 05/08/96.

/ CONDITIONS ...

CONDITIONS

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission. (C.1)
2. The tree(s) existing on the site at the date of this permission shall be protected against damage throughout the period of building and other operations pursuant to this permission. (C.20)
3. Full particulars of the method(s) by which all the existing trees on the site are to be protected during building and other operations on the site shall be submitted to and approved in writing by the local planning authority before the development commences and the protection so approved shall be provided before development commences and maintained for the duration of building and other operations on the site. (C.21)
4. No tree within the curtilage of the site shall be lopped, topped or felled without the prior written approval in writing of the local planning authority. (C.23)
5. The development hereby permitted shall be carried out exactly and only in accordance with the drawings and other particulars forming part of the permission and there shall be no variation therefrom without the prior written approval of the local planning authority. (C.68)
6. No water tank, lift motor room or other roof structure shall be erected which rises above the level of the roof hereby approved. (C.77)
7. Full particulars of the following shall be submitted to and approved in writing by the local planning authority before the development hereby permitted commences and the development shall not be carried out otherwise than in accordance with the details so approved:
 - (a) samples of the materials to be used on the external faces of the building.
 - (b) any proposed walls, fences or railings. (C.11)
8. The terrace shown on drawing No. PD2789-101B located outside bedroom No. 3 of the Penthouse flat, or the remainder of the flat roof shall not be used as a terrace.

/9. The rear ...

9. The rear elevation shall be rendered and painted to match the remainder of the altered building unless otherwise agreed in writing by the Executive Director of Planning & Conservation.

REASONS FOR THE IMPOSITION OF CONDITIONS

1. As required by Section 91 of the Town and Country Planning Act 1990 to avoid the accumulation of unexercised planning permissions. (R.1)
- 2-4. To ensure that the trees are adequately protected and to safeguard the amenities of the area. (R.20)
5. The details are considered to be material to the acceptability of the proposals and to safeguarding the amenities of the area. (R.68)
6. To safeguard the appearance of the building and area. (R.77)
7. The particulars reserved are considered to be material to the acceptability of the development and the local planning authority wishes to ensure that the details of the development are satisfactory. (R.11)
8. To protect the privacy and amenities of neighbouring properties. (R.79)
9. To ensure a satisfactory standard of external appearance. (R.71)

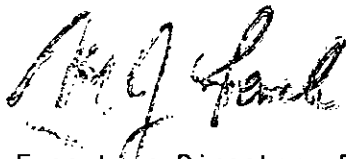
INFORMATIVES

1. This decision grants approval solely for the purposes of the Town and Country Planning Acts 1990, and does not convey any consent in relation to any restrictive covenant affecting the freehold interest or in relation to any covenant contained in a lease of the subject property. (I.41)
2. Approval under the Planning Acts is hereby granted for the development as shown on the approved drawings and subject to the conditions. Any alteration to the approved scheme, resulting from the requirements of the Building Regulations or for any other reason, may require further approval. You are advised to consult the Directorate of Planning Services before commencing work. (I.9)
3. Your attention is drawn to the conditions of this approval and to the Council's powers of enforcement, including the power to serve a Breach of Condition Notice under the Town and Country Planning Act, 1990, as amended. (I.10)

/4. Separate ...

4. Separate consent for the works hereby given approval under the Planning Acts may be required by the Building Act 1984 and the Building Regulations 1991, and this approval does not imply that such consent will be given. The Director of Building Control, Council Offices, 37 Pembroke Road, W8 6PW should be consulted before works commence. (I.21)
5. Any proposals for external fire escapes, roof walkways or safety railings arising from the requirements of the Building Regulations may require further approval under the Planning Acts, and consent under those Regulations does not imply that approval under the Planning Acts will be given. The Directorate of Planning Services will be pleased to advise on the implication of any changes. (I.22)
6. Demolition and building works are subject to the Environmental Protection Act, and appropriate controls over methods, noise and hours of work may be imposed by the Council. You are advised to consult the Director of Environmental Health, Council Offices, 37 Pembroke Road, W8 6PW at an early stage. (I.30)
7. Your attention is drawn to the British Standards Code of Practice for Demolition (CP 94 : 1971) the observance of which should considerably reduce the risks inherent in demolition work (particularly in relation to fire hazards arising from the practice of burning materials on site) both to operatives on the site and to the general public. (I.31)

Yours faithfully,



Executive Director, Planning & Conservation