

# News from Ladbroke

The Newsletter of the Ladbroke Association

SUMMER 1992

## FIVE BURNING ISSUES:

### *Permitted Development and the Ladbroke Area*

This issue of the newsletter is largely devoted to a report of a meeting we arranged on Thursday 19th March 1992 between our Association and representatives of both the Royal Borough of Kensington and Chelsea and English Heritage. The R.B.K.C. Planning Committee was represented by the Chairman, Councillor Andrew Fane, and the Borough staff by Mary Dent, Executive Director of Planning and Conservation, Michael French, Director of Planning Services, Paul Kelsey, the Planning Officer dealing with the Ladbroke Area, and David McDonald, Resident Conservation Officer. English Heritage was represented by Sophie Andreae and Philip Davis; our Association by our then Chairman, Thomas Pakenham, our Chairman Elect, Stephen Enthoven, and Ian Grant. With the permission of the participants a recording was made of the discussion of which this is an edited version.

The meeting between the Planning Committee and English Heritage was something of a breakthrough; there had been no previous liaison; in future they resolve to work more closely together to preserve the Conservation Area.

Thomas Pakenham presented an illustrated dossier of five 'burning issues':

### 1: FORECOURT PARKING

Pakenham Building 'carports' over front gardens involves the destruction of railings and often the uprooting of trees. It is, under the planning acts, 'permitted development' - meaning that no planning permission is needed - provided the house is in single ownership and the front wall is no more than one metre high. This worries us very much. In this photograph of Kensington Park Gardens (fig 1) you will see the way that the pavement, with children on it, is being constricted. There is not even a proper car parking space on that garden; whether they got planning permission or did it under permitted development, it is quite outrageous. Here are listed buildings, some of the most im-

portant buildings in the whole area, and a car sticking right out on the pavement.

The second picture is of 77 Elgin Crescent, designated to have a car parked on the front garden (fig 2). First, the owners applied for planning permission; then they were told they did not need it under

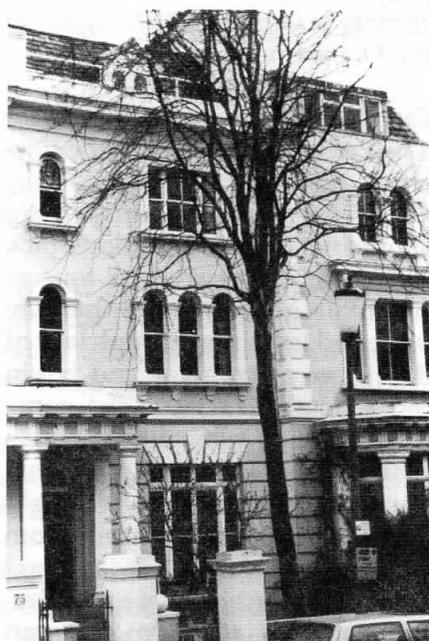
Fig 1: Kensington Park Gardens, showing 'off-street' parking blocking the pavement for pedestrians.



'permitted development'. I suggested that the Planning Committee should make an Article 4 direction - in other words, to suspend 'permitted development' in this respect - to stop them putting a car there. But the decision of the Council was not to intervene.

French To answer on 77 Elgin Crescent, I said it was not normal to go for Article 4 on single properties. What the Council should do if they intend to use Article 4, would be to go for it on whole terraces. I think it is more likely to gain support than individual cases, which I am sure on past evidence will not be supported by the Secretary of State. However, Council did attempt to effect a complete blanket application of Article 4 directions in the Conservation Area in about 1984/85 on virtually every category of permitted development, which would have covered side extensions, rear extensions, roof extensions, forecourt parking and, I think, painting as well. This was

Fig 2: Elgin Crescent, where planning permission for off-street parking is not even required.



rejected by the Department of the Environment at the time because it was not specific, and they were very clear that any new direction the Council should apply for should be specific to individual terraces and show where there was a real threat against one particular form of development.

*Andreae* In the context of the Department of the Environment's somewhat changed approach on this, have you thought of putting this forward again?

*French* This is really what is going through my mind. It seems to me, this is something which is better done on an area-wide basis rather than an issue-wide basis, if possible.

*Fane* Yes, I do like the idea of having another 'go', particularly on an area-wide basis.

*Andreae* This whole question of Article 4 is something of very great concern to English Heritage and it is a matter which we have been taking up with the Department over the last two years. What came out of our discussions with the Department was that there are disparate attitudes being adopted across the country as a whole. Since the formation of English Heritage we are now in a position to gather together a national picture, and the message coming across from amenity groups and local authorities all over the country is one of concern at having many of these proposals turned down, and the climate is very much changing in the Department.

*Fane* I would love to try and create a test case somewhere in the Borough, and the Ladbroke Conservation Area is as good as any. We should not be over-ambitious; pick two or three streets, pick four or five main abuses, and if they say we failed last time through lack of detail, we grind away and put in more detail. If that is the game they want to play, fine, we can play it. What I would urge is that you work jointly with us; we might as well get as much input from you as we can. If we still get thwarted then we have a wonderful publicity platform, we can

point out we are trying to do something here; English Heritage and the Council and the Residents' Association, all working together and we are all being thwarted by government diktats saying 'no'. That might be the way to play it. I like the idea.

## 2: MOULDINGS

*Pakenham* The second issue is the question of mouldings. The area is very rich in mouldings. There have been some disasters, when stucco details have been deliberately removed, but we are also getting natural erosion slowly with time and decay. Mouldings become unstable and then the moment comes when the builder says 'it will cost a bit of money to make that safe, actually to restore it' and the householder, perhaps not aware of its importance in the scheme, just says 'why not just knock it off?' Under the permitted development they can 'just knock it off'. This photograph of Elgin Crescent illustrates the problem rather neatly (fig 3). The Borough, The GLC and the Department of the Environment were all offering grants to Elgin Crescent to restore the mouldings, and the main cornice of this house was being restored with public money. At the same time, the builder working on this adjoining house on the corner was knocking off the mouldings; and they were not restored with public money, or with any other money. So, at the same moment there were two sets of scaffolding, one to destroy the moulding and the other to restore the

adjoining one. It seems ironic.

*Grant* The question of mouldings is a real hoary chestnut, and it has bothered me as a classical architect ever since I came here 30 years ago. There is a very strict language of classical architecture; you have to know the vocabulary and you have to use it properly. If you don't, it is a travesty. So there are two fairly separate issues here. One, is that, when mouldings have gone, how can we get them back? And the other is that where people are prepared to put them back, how can we ensure that they do them right and not wrong?

*Fane* Well, I mentioned grants earlier, and this is precisely the type of work that does attract grant aid. There has been some restoration of porticos done fairly recently in the area, including in Elgin Crescent, with the help of grant aid from the Council. While we can do a certain amount, I think it is also a matter for local associations who can be very effective in terms of helping with publicity and information.

*Grant* But if you have permitted development, you don't need planning permission anyway.

*Enthoven* If you want to knock down a porch, do you need planning permission?

*Grant* Not if it is a house in single

*Fig 3 Elgin Crescent showing one cornice removed and others restored.*



occupancy.

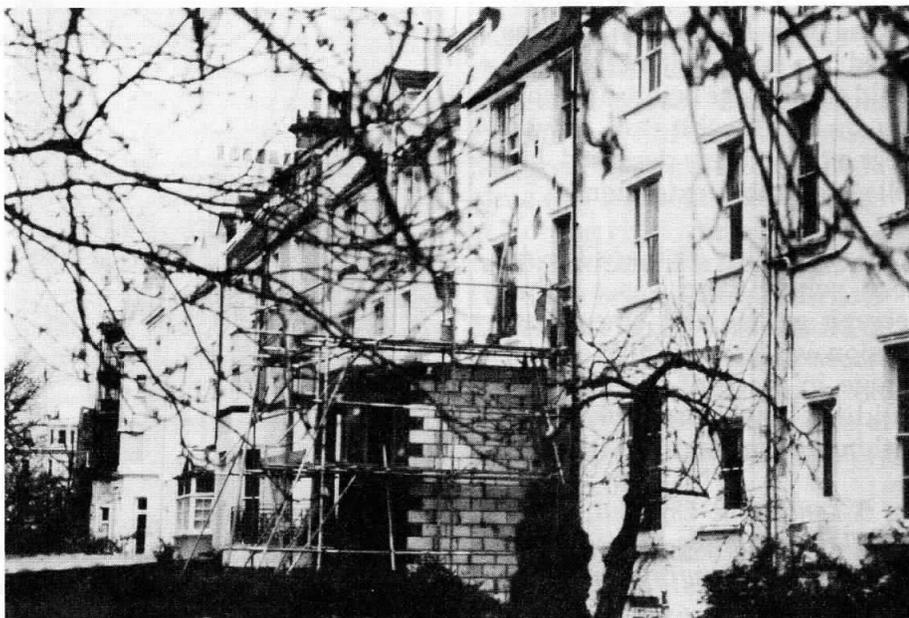
*Enthoven* If the builders say 'knock it off', the Council can't do anything about it. That is what will happen. And that is why we should publicise these grants effectively.

*Grant* I think publicity to new owners about the opportunities, approaching people with buildings that are missing details asking them to consider trying to put them back and looking to grant aid, might be successful. I think what you say about the change of attitude is true, it is enormously different. I mean, in the Sixties, everyone took off everything and now they are busy putting back things which were never there!

### 3: STUCCO BACKS

*Pakenham* The next issue is stucco at the backs of terraces. This is not peculiar to Ladbroke, but something we specialise in. These houses are designed with stucco at the back but there is, in one sense, no back at all; there are two fronts, each designed with a sense of unity. The richest of all are the listed houses by Thomas Allom himself, the planner of the east part of the Conservation Area. In Elgin Crescent the backs of the houses are much less spectacular. But at the back of 92 Elgin Crescent the unity is now being broken by a very large projection, not only

Fig 4 Elgin Crescent from the garden, with a large extension breaking into the intended terrace effect.



on the ground floor, but on the first floor, too, which was given planning permission (fig 4). We feel that this was a great mistake because although there were, it is true, already projecting bays they were nothing like this size; I think it projects about three metres more than the others.

*Fane* We all anguished hard over this. It was one of the toughest decisions which I had to lead through the Committee, and I am sure I was identified as being seen to push it through, not that I liked it in any way. The key point, I think, is that it was less in volume terms than they could have put up under permitted development rights, so that snag number one was that we had not got Article 4 to protect us. But the main point was - and you can blame who you will - I was absolutely assured by our legal advisers, who are very good, that if we let it go to Appeal, we would lose and we would run a high risk of suffering costs. Now this is a classic example, I may say, of a cowed planning committee chairman, but I don't have a budget from my Council to pay punitive costs to the other side's lawyers.

*Enthoven* Perhaps we should think about Article 4 to protect the rest of these valuable rear elevations.

*Fane* By all means, if we can. We may have a problem with compensation, but I would rather pay compensation than I would pay costs to lawyers to humiliate the

Council. I think the problem with 92 Elgin Crescent was that it only required planning permission if it was over four metres high and within two metres of the boundary. If they had reduced it to below four metres, then they could have gone out further into the rear garden. Originally they came back to the planning committee saying what they could have done under permitted development: they could have doubled the projection.

*Grant* But this really brings us back to the whole question, surely, of the idea of 'permitted development' in a Conservation Area.

*Enthoven* I think that should be part of the change in legislation we should press for.

*French* All that Article 4 says is that you need to apply for planning permission; you don't have 'permitted development' rights, and therefore you have to seek planning permission. Only if it is refused does the Council have to pay compensation.

*Pakenham* Surely listing takes away 'permitted development' rights. And the Council doesn't pay compensation if a building is listed, does it?

*Fane* Well, if someone wanted to add to a listed building, they would have to get listed building consent.

*Pakenham* There is no 10% concession for listed buildings, is there?

*French* It depends on the circumstances; if the house is listed as a single family dwelling, then the compensation issue still applies, does it not?

*Davis* It rather depends on the grounds. If it was refused totally on the grounds that it was a listed building, then you might be able to avoid compensation, but they are separately entitled to compensation on refused planning permission.

*Fane* To my mind it brings into question the meaning of these marvellous Conservation Areas

and, indeed, listings. Here we are talking about what marvellous things they are but at the end of the day, we either can't refuse development or we have to pay substantial compensation. I am just a figurehead, yet again; I am just there to pass things on the nod over which I have no real control and that is, I suppose, the key to the frustration. If we are going to have marvellous things like Conservation Areas, I think we should have powers with some teeth.

*Dent* Before the original designation of Conservation Areas, people could just pull down buildings without any problems. I think that there has been a gradual movement forward in terms of the amount of detail one wants to protect and control, and although one may be very concerned about some of the things that do go on, and feel forced to give permission and so on, one has actually got a very substantial measure of protection and control.

*Andreae* You are not losing whole terraces, which was the case 25 years ago.

*Grant* I don't think this is the moment to be smug. There are huge areas for improvement. But, as you said, Conservation Area legislation is 20 years old.

*Fane* I think it is time it was tightened up. I think what we need - and one wants a particular case in point to focus on - is to have something to go to the Secretary of State with and say 'do you realise that this is what can happen through the present system, is this really what you want?' It has to be a detailed submission from ourselves, no doubt politically posed by me with the full support of the Amenity Society who understands the issues.

*Andreae* It is particularly timely to make those points over the next few months because even now the English Historic Counties document will be debated and considered by government and I think if there is hard information coming through from the key local planning authorities as to what are the real problems on the ground, par-

ticularly in terms of compensation, then one may get an effective tightening up of the legislation for Conservation Areas.

*Fane* I don't mind this one going forward as an example (92 Elgin Crescent) because I knew I had a gun to my head when I passed it. I didn't think it was that disastrously bad, but the precedent is critical and I did it under duress; I was really very unhappy and of course, got a lot of stick from everybody in the locality, no doubt rightly.

#### 4: GAP FILLING

*Enthoven* Gap filling is another very sensitive and frustrating issue. As one walks about the Conservation Area, one can see how it must have been planned originally, with pairs of villas with views between and trees behind to let light and air into the whole thing. When you look about now and see how this has been replaced with great cliffs of varied architecture, you can get an idea of what we have lost, and a sense of what we should be fighting to retain. It is very frustrating that even when the Council has backed us up solidly, as they did on 9 Lansdowne Crescent, it was still overturned by the Department of the Environment on appeal because they thought that this pointed thing was prettier than the single-storey extension which would have been two metres lower (fig 5). We and the Council were on the same side, and the Department of the Environment Inspector took the developer's point of view in allowing this to happen. It was raised two and a half metres. You could see the tree before and now you can hardly see it at all. All you see is a quite nicely designed, but still undesirable, extension.

Similarly, with 31 Lansdowne Road, where there was a rather decrepit garage and where permission was given to build a small garage in place of a temporary building, itself probably built without permission. Although

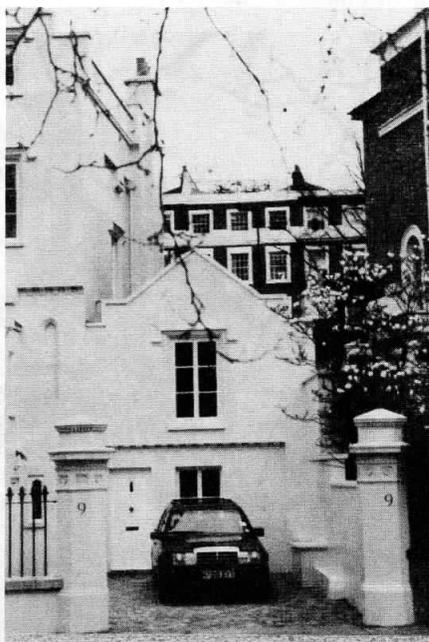
Fig 5 Lansdowne Crescent, where gap filling is ruining the designers' intention of showing greenery between houses.

there was already something there it is still another gap lost forever. The question is how can we keep the rest of the gaps which have been very much highlighted in the Conservation Area Policy Statement (CAPS).

*Dent* I think we can keep the gaps we have got.

*Enthoven* Several of the ones in the CAP Statement have actually been filled in since that was issued. What can we do about it? We know we are all on the same side here but how can we win this battle? The Policy Statement is excellent; it highlights all these issues very clearly and we are asking ourselves 'is there a way we can give it more teeth and make it weigh more heavily with the Inspectors than it does at the moment?'

*Dent* I think in terms of teeth, the Article 4 is the route down which we need to go. That will obviously help in terms of not establishing precedents by little bits of buildings that have been erected under permitted development rights, but I think we have to be very careful about which ground we fight the case on. Each one has to be looked at on its own merits. Quite a lot can be achieved by energetically advising people that if they do works appropriately they are more likely to obtain permission. We have got government commitment to much greater backing for up-to-date local plans.



## 5: LISTING

*Grant* One of the matters which has always distressed the Ladbroke Association, the Kensington Society and the G.L.C. and its Historic Buildings Committee, when it was in existence, was the very low level of listing in the area, which the Department of the Environment was reluctant to increase after numerous applications from both the Council and the G.L.C. These have always been met with blank refusal. What I have never been able to understand is that when I look at listed buildings elsewhere, they appear to me of no greater quality than the ones in the Ladbroke area. For what reason is listing so sparse and spasmodic? It seems absolutely ridiculous.

*Andreae* One has to see the whole question of listing in a national context. Listings began after the Second World War. There have been successive re-surveys and strenuous efforts over the years. A list like the Kensington list, which was reviewed in 1984, is reasonably up-to-date in a national context.

*Grant* I have always found it very curious that all the buildings in Kensington Palace Gardens are listed Grade 1. They are no better quality than, for instance, Ladbroke Square, but, 'surprise, surprise', they are on the 'Crown Estate'.

*Andreae* I can say, most of the London lists are reasonable. It depends on where you sit. No one is going to be wholly satisfied that lists are complete. But certainly, in London, while we are not embarking on major resurveying work, which is the case elsewhere in the country, there is a review going on, so if there are specific cases where you feel things are under-represented, by all means let us know. But I have to say the Kensington list is, compared even with some of the London boroughs, more cohesive than others.

*Enthoven* Should we put forward a more specific list of buildings which we feel it would be nice to be considered for listing so that you can look at those?

*Fane* I am sure there would be other parts of the Borough which would share these sentiments. I am obviously in favour of getting more listings.

*Dent* There are a lot of quality buildings in this area, whereas if you are in an area with a large number of mediocre buildings, then something stands out and is very definitely added.

*Davis* One of the real difficulties is the mid-19th century west London stucco in this area. It was the same problem we encountered in the Westminster list in places like Bayswater and Pimlico. Precisely when should you have a building listed because it is actually making a contribution to the Conservation Area? There is no easy answer. It is exactly these issues which one is trying to tackle with buildings of more recent date. So there are now fuller guidelines. Looking at certain terraces, one's feeling is probably that the correct answer is conservation status for the whole area in that their essential character is as a group. It may well be that one should be looking at Conservation Area protection and Article 4.

*Fane* We would like to get more terraces listed if we can.

*Pakenham* May I make one point which has not been mentioned? There is a special national interest focused on Ladbroke because this is the only place in the country where you have fifteen squares of communal gardens behind the terraces. There is nowhere else in the country like this. Nobody has coined the phrase 'the Ladbroke experiment', but there was one. It is of great historical interest, in the same way as the cabmen's shelter at Notting Hill Gate is of historic, rather than architectural, interest. I think there is a social and historical interest here which should be recognised by listing those terraces which back on to the communal gardens. We have been looking at them as though they were simply types of buildings.

*Davis* If you read the list of categories of listings, one is 'examples of early town planning', and that may

well be one of the points you want to stress. If you are suggesting putting forward certain terraces, I would suggest you do it on the basis of some sort of priority system.

*Enthoven* There are a lot of buildings we'd be a great deal less concerned about listing if we didn't have the 'permitted development' coach and horses that goes through the Conservation Area status. If Conservation Area status really meant something, then there would be many fewer buildings that we would want to list.

The debate went a long way towards clarifying the respective viewpoints of the R.B.K.C. and of English Heritage. Now it is time to see what the Government can do. The Ladbroke Association believe that Permitted Development can only be dealt with in the short term by using Article 4, and that in the long term the Government must change the Planning Acts for conservation areas. Only then can we hope to get the level of protection that such areas need in order to survive.

## PLANNING

*Robert Meadows*

### TWO APPEALS

During the last year two important Planning Appeals were heard.

#### 10 LADBROKE TERRACE.

Numerous Planning Applications by the Health Care Corporation to turn this house into offices and to build a terrace of houses in the back garden were turned down by the Borough Council. The HCC lodged an Appeal and this was rejected. This was a significant success for the Association and the local residents who put considerable energy and resources into opposing the Appeal.

#### 9 LANSDOWNE CRESCENT

The Planning Application to build a two-storey side extension to replace the existing single storey was turned down by the Council on the grounds that it constitutes 'gap filling'. The owners went to Appeal and their Appeal was up-

held. This was a significant defeat, and has weakened the case against further gap filling between the paired houses in Lansdowne Crescent.

## APPLICATIONS ST JOHN'S CHURCH AND 2 LANSDOWNE CRESCENT

Two Planning Applications were made; one to turn the present Parish Centre at 2 Lansdowne Crescent into offices for the Campden Charities, the other to build an improved Parish Centre in the undercroft below the west end of the church. Both these proposals generated a lot of controversy.

It was considered inappropriate to allow 2 Lansdowne Crescent to be used for offices in a residential area, even though the applicant was a worthy local charity. The church stands at the centre of the Conservation Area surrounded by grass and small trees and is a much loved prominent landmark. The proposals for light-wells to the new windows to the undercroft, for external access stairs on the north side, and especially for a wheel-chair ramp, were all the subject of many discussions between the Association, the Planning Department, English Heritage and the Church authorities. These resulted in a number of modifications to the scheme. Eventually, the Council considered the two Applications together and approved them both, subject to a number of conditions. Campden Charities subsequently withdrew their Application for offices in 2 Lansdowne Crescent, and the church was given independent approval for the new Parish Centre in the undercroft.

**92 ELGIN CRESCENT** The Application for a large two-storey extension at the back of this house was opposed by the Association and a number of local residents. The proposal was reduced in size and finally approved by the Council, mainly on the grounds of the precedent created by an existing back extension nearby.

**79 LADBROKE GROVE** This is the 1950s block of flats at the corner of Lansdowne Crescent, built originally for the police. Various

schemes to extend and improve this building have been submitted. The scheme which has been approved includes a new pent-house flat, a small extension at ground level, and will attempt to improve the appearance of the building by some applied decorative features.

**6 LADBROKE TERRACE** This is the building at the corner of Ladbroke Road, used as an hotel. The Application to extend the hotel involved building a large wing in the back garden along the Ladbroke Road 'frontage'. This was opposed on the grounds of an increase in commercial activity with possible car-parking implications, the scale and character of the proposed new wing, and the loss of garden space and views.

## HOLLAND PARK AVENUE RED ROUTE

The proposal to designate Holland Park Avenue a Red Route, with heavily restricted parking rights, has been withdrawn. The Ladbroke Association played an effective role in getting this proposal reversed. Although only a small part of our area would have been affected by this proposal the Ladbroke Association decided to oppose it for the following reasons:

**1 It didn't really serve any purpose** - Unlike previous Red Routes in the capital, Holland Park Avenue is not a direct route for through traffic, which is largely carried by the West Way. Existing regulations, if enforced, would prevent parking when the road is busy, but improving the flow of traffic through Holland Park Avenue would merely have the effect of moving the traffic jam to Shepherd's Bush.

**2 It could not have been effectively implemented** - Red Route regulations require the Council to provide additional parking off the route. There is nowhere for them to do this even if they had the funds, and they have no budget for this.

**3 It would have adversely affected local residents:**

- (a) by threats to pedestrian safety and by increased pollution from more and faster traffic.
- (b) by increased illegal parking in neighbouring residential areas.
- (c) by the nuisance of early and late goods deliveries to avoid the restricted hours.
- (d) by loss of businesses serving our community which might have found survival impossible.

Although we had no time to make our protest in time for the Council's meeting on March 24th, since we only received details the previous day, we made all these points in a letter to Councillor Doreen Weatherhead, the Chairman of the Highways and Traffic Committee, ready for a meeting she was to have with a representative of the Department of Transport in May. As we understood that the Council was no keener on this proposal than we were, we felt sure that a stout resistance would be put up and that we played an effective part in the withdrawal by the Government of the proposal for this particular Red Route.

*Henrietta Phipps, who is writing a book on communal gardens of the Ladbroke area, would like to hear from anyone with recollections of the garden earlier this century*

Please contact her on  
071 229 1460

*Join the Ladbroke Association and help to conserve your area. For £5 per annum you receive the Association's newsletter, can take part in guided walks around Ladbroke and its gardens and attend the annual lecture.*

I would like to join the Ladbroke Association. I enclose a cheque/postal order for £5.00, payable to the Ladbroke Association.

Name: .....

Address: .....

.....  
Send to Paul Bastick, Hon Treasurer, The Ladbroke Association, 75a Ladbroke Grove, W11 2PD.