

FILE

Rohi

Letter to dear

Osbornes Solicitors  
68 Parkway  
London  
NW1 7AH

Date: 17 December 1998  
Our ref: G9/3/B ;  
Your ref: JA/FA/17522.2.2  
Tel Inq: R Hersey  
Ext: 5624

Dear Sirs

Town & Country Planning Act 1990  
142-144 Haverstock Hill, NW3

I refer to your letter dated 23 November.

It is not correct that a reason for refusal in respect of the earlier scheme related to land ownership. The reasons for refusal were concerned with

- 1) excessive bulky building which would be out of keeping with the character of the Conservation Area,
- 2) Design details
- 3) Lack of information regarding impact of the development on existing trees,
- 4) Detrimental effect of the development on the setting of the adjoining listed building.

The Development Control Sub-Committee in granting planning permission in July of this year were aware of objections raised on the grounds that part of the proposed development <sup>was</sup> said to be in the ownership of the adjoining property. This however would not be a valid planning reason for refusing permission. The Committee decided to grant planning permission, although it added an informative to the decision letter that the permission is without prejudice to the land ownership issue.

The Council has no evidence that any development is taking place which is in breach of the terms of the planning permission. If there should be evidence that development is taking place, which is materially different from that which has been approved, the Council would need to consider whether it is expedient to take enforcement action. The carrying out of development on land which is not in the ownership of the developer would not be a reason for taking enforcement action.

Yours faithfully.

Richard Hersey  
for Director  
Environment Department  
*RM*

**PART I**

**TOWN AND COUNTRY PLANNING ACT, 1962  
APPLICATION FOR PERMISSION TO DEVELOP LAND**

For office use only

Borough reference 69/3/1B  
 G.L.C. reference  
 Registered number 581A  
 Date received 1/2/68  
 Copies required

1. Name and address of applicant (i.e. developer)  
(IN BLOCK LETTERS)

Name Mrs. Mary Bone,  
 Address 140 Haverstock Hill,  
London N.W.3.

Applicant's telephone number 722-2144

(If applicable) Name and Address of applicant's agent, to whom notices or other documents in respect of this application should be sent as above.

Agent's telephone number

I/We hereby apply for permission to carry out the development described in this application and on the attached plans and drawings.

Signed [Signature] on behalf of \_\_\_\_\_ Date \_\_\_\_\_

2. Full address or location of the land to which application relates.	140 Haverstock Hill, London N.W.3.
3. (a) Brief particulars of the proposed development including the purpose or purposes for which the land and/or buildings are to be used. (b) State what the proposal involves. (Delete the items which do not apply.) (c) Is this application submitted as:- (See notes)	(a) To build one studio with living accommodation above, and one studio above existing one. (b) (i) New building (ii) Alterations (iii) <del>Change of use</del> (iv) <del>Renewal of a permission previously granted for a limited period</del> (c) (i) An application for full planning permission (ii) An outline application only (iii) An application under Section 40 only
4. State the purpose or purposes for which the land and/or buildings:- (a) are now used (b) if vacant, were last used and the period of use (c) were used on 1st July, 1948, if known	(a) Garden and builders yard. (b) Up to present date. (c) As builders yard.
5. State whether the proposed development involves the construction of a new, or the alteration of an existing, access to or from a highway, (a) pedestrian, (b) vehicular, (c) both.	(a) (b) (c) Both
6. State whether permission is desired for permanent development or use, or for a limited period, and if the latter for what period.	Permanent.
7. List of drawings and plans submitted with the application. (See notes).	4 copies of 1' = 1/8" scale drawings No. H/1
8. (a) State gross floor area of proposed building/s. (b) State gross area of land or building/s affected by proposed change of use (if more than one use involved please state gross area of each use).	(a) 1961 (b) Builders yard 2088 Part of garden 858

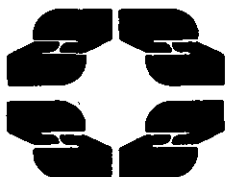
**CERTIFICATE UNDER SECTION 16 OF THE TOWN AND COUNTRY PLANNING ACT, 1962**

**CERTIFICATE A.** (See notes)

I hereby certify \* I am the estate owner in respect of the fee simple\* of every part of the land to which  
 1. that the applicant is entitled to a tenancy this application relates.  
 2. that none of the land to which the application relates constitutes or forms part of an agricultural holding.

Signed Mary Bone on behalf of \_\_\_\_\_ Date Aug 16 1968

\* Delete as appropriate



Planning Department

Old Town Hall  
197 High Holborn  
London, WC1  
Telephone: Holborn 3411 Ext. 43 or  
105

B. Schlaffenberg, Dr. Arch. (Rome), Dip. TP.  
Planning Officer MTP1

Date 1 NOV 1968

Mrs. H. Eone,  
140 Haverstock Hill,  
N.W.3.

Your reference

Our reference CTP/68/3/2/5814

Dear Mrs. Eone,

**TOWN AND COUNTRY PLANNING ACT, 1962  
LONDON GOVERNMENT ACT, 1963**

**Permission for Development (Conditional)**

The Council, in pursuance of its powers under the above-mentioned Acts and the Town and Country Planning General Development Order, 1963, hereby permits the development referred to in the undermentioned Schedule subject to the conditions set out therein and in accordance with the plans submitted, save in so far as may otherwise be required by the said conditions.

Your attention is drawn to the Statement of Applicant's Rights set out overleaf.

The permission is given subject also to due compliance with any local Acts, regulations, building bye-laws and general statutory provisions in force in the area and nothing herein shall be regarded as dispensing with such compliance or be deemed to be a consent by the Council thereunder.

Your particular attention is drawn to the provisions of the London Building Acts, 1930-39 and the byelaws in force thereunder which must be complied with to the satisfaction of the District Surveyor, whose address, in case of doubt, may be obtained from this office.

I would also remind you that the Council's permission does not modify or affect any personal or restrictive covenants, easements, etc., applying to or affecting either this land or any other land or the rights of any persons (including the London Borough of Camden) entitled to the benefit thereof or holding an interest in the property concerned in this development or in any adjoining property.

**Schedule**

Date of application: 16th August, 1968.

Plans submitted: Reg. No: 5814

Your Nos: 4/1

Development:

**The erection of a two storey addition comprising studio and 2 room dwelling unit and a first floor addition to existing studio extension at 140 Haverstock Hill, Camden.**

Conditions:

1. That details of the layout of the forecourt parking and landscaping proposals including provision for planting of semi-mature trees be submitted for the Council's approval before any works on the site are commenced.

All communications to be addressed  
to the Planning Officer.

**Conditions (cont'd)**

- 2. All new external work shall be carried out in materials that resemble, closely as possible, in colour and texture, those of the existing building.**
- 3. The buildings and forecourt shall not be constructed or laid out except in accordance with levels specified by the Greater London Council for Haverstock Hill.**
- 4. The boundary wall on the frontage of the site shall not exceed 3ft. in height measured from ground level at the backline of the footway.**

Reasons for the imposition of conditions:

- 1. In order to enhance the visual amenities and safeguard the general character of the area.**
- 2. To ensure that the Council may be satisfied with the external appearance of the building.**
- 3. To safeguard the improvement of Haverstock Hill.**
- 4. To provide an adequate sight line from the site to the highway.**

Yours faithfully,

Planning Officer,

(Duly authorised by the Council to sign this document.)

**Statement of Applicant's rights arising from the refusal of planning permission or from the grant of permission subject to conditions**

- (1) If the Applicant is aggrieved by the decision of the local planning authority to refuse permission or approval for the proposed development, or to grant permission or approval subject to conditions, he may by notice served within one month of receipt of this notice, appeal to the Minister of Housing and Local Government in accordance with Section 23 of the Town and Country Planning Act, 1962. The Minister has power to allow a longer period for the giving of a Notice of Appeal and he will exercise his power in cases where he is satisfied that the applicant has deferred the giving of notice because negotiations with the local planning authority in regard to the proposed development are in progress. The Minister is not, however, required to entertain such an appeal if it appears to him that permission for the proposed development could not have been granted by the local planning authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the provisions of Section 17, 18 and 19 of the Act and of the Development Order and to any directions given under the order.**
- (2) If permission to develop land is refused, or granted subject to conditions, whether by the local planning authority or by the Minister of Housing and Local Government and the owner of the land claims that the land has become incapable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the London Borough Council or, in the case of land in the City of London, on the Common Council of that City a purchase notice requiring that council to purchase his interest in the land in accordance with Section 129 of the Town and Country Planning Act, 1962.**
- (3) In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused, or granted subject to conditions by the Minister on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 123 of the Town and Country Planning Act, 1962.**
- (4) Any appeal should be made on the appropriate form which can be obtained from the Minister of Housing and Local Government, Whitehall, S.W.1.**

## PART I

TOWN AND COUNTRY PLANNING ACT, 1962  
APPLICATION FOR PERMISSION TO DEVELOP LAND1. Name and address of applicant (i.e. developer)  
(IN BLOCK LETTERS)Name MRS. M. BONEAddress 140 HAVERSTOCK HILL,  
LONDON, N.W.3.

Applicant's telephone number \_\_\_\_\_

For office use only

Borough reference G9/3/B/6

G.L.C. reference \_\_\_\_\_

Registered number 6829Date received 1st Rd

Copies required \_\_\_\_\_

(If applicable) Name and Address of applicant's agent to whom notices or other documents in respect of this application should be sent ANTHONY D. LODGE, A.R.I.B.A.33A, DOWNSIDE CRESCENT, LONDON, N.W.3.Agent's telephone number 794 3738

I/We hereby apply for permission to carry out the development described in this application and on the attached plans and drawings.

Signed [Signature] on behalf of MRS. M. BONE Date 14th MARCH 1969

2. Full address or location of the land to which application relates.	140 HAVERSTOCK HILL LONDON, N.W.3.
3. (a) Brief particulars of the proposed development including the purpose or purposes for which the land and/or buildings are to be used. (b) State what the proposal involves. (Delete the items which do not apply.) (c) Is this application submitted as:- (See notes)	(a) Annexe to house consisting of 2 No. Studio flats to N.W. side of property (b) (i) New building <del>(ii) Alterations</del> <del>(iii) Change of use</del> <del>(iv) Renewal of a permission previously granted for a limited period</del> (c) (i) An application for full planning permission <del>(ii) An outline application only</del> <del>(iii) An application under Section 40 only</del>
4. State the purpose or purposes for which the land and/or buildings:- (a) are now used (b) if vacant, were last used and the period of use (c) were used on 1st July, 1948, if known	(a) Private Dwelling and Building Contractor's (b) Yard. (c)
5. State whether the proposed development involves the construction of a new, or the alteration of an existing, access to or from a highway, (a) pedestrian, (b) vehicular, (c) both.	(a) (b) New vehicular access from Haverstock Hill. (c)
6. State whether permission is desired for permanent development or use, or for a limited period, and if the latter for what period.	Permanent development
7. List of drawings and plans submitted with the application. (See notes).	Drawing No. HH 13 A
8. (a) State gross floor area of proposed building/s. (b) State gross area of land or building/s affected by proposed change of use (if more than one use involved please state gross area of each use).	(a) 1960 sq.ft. (b) Land, 12000 sq.ft. approximately.

## CERTIFICATE UNDER SECTION 16 OF THE TOWN AND COUNTRY PLANNING ACT, 1962

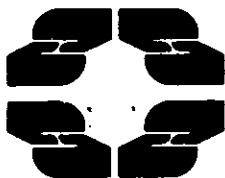
## CERTIFICATE A. (See notes)

I hereby certify

1. that I am the estate owner in respect of the fee simple\* of every part of the land to which the applicant is entitled to a tenancy this application relates.
2. that none of the land to which the application relates constitutes or forms part of an agricultural holding.

Signed [Signature] on behalf of MRS. M. BONE Date 14th MARCH 1969

\* Delete as appropriate



Planning Department

Old Town Hall  
197 High Holborn  
London, WC1  
Telephone: Holborn 3411 ext 43  
or 105

B. Schlaffenberg, Dr. Arch. (Rome) Dip. TP.  
Planning Officer MTP!

Date - 3 JUN 1969

Anthony D. Lodge, Esq. ARIBA  
33a Downside Crescent,  
London, N.W.3.

Your reference ADL/DB

Our reference CTE/G9/3/B/6825

Dear Sir,

## TOWN AND COUNTRY PLANNING ACT, 1968 LONDON GOVERNMENT ACT, 1963

### Permission for Development (Conditional)

### Orders made thereunder

The Council, in pursuance of its powers under the above-mentioned Acts and the ~~Town and Country Planning General Development Order, 1963~~ hereby permits the development referred to in the undermentioned Schedule subject to the conditions set out therein and in accordance with the plans submitted, save in so far as may otherwise be required by the said conditions.

Your attention is drawn to the Statement of Applicant's Rights set out overleaf.

The permission is given subject also to due compliance with any local Acts, regulations, building bye-laws and general statutory provisions in force in the area and nothing herein shall be regarded as dispensing with such compliance or be deemed to be a consent by the Council thereunder.

Your particular attention is drawn to the provisions of the London Building Acts, 1930-39 and the byelaws in force thereunder which must be complied with to the satisfaction of the District Surveyor, whose address, in case of doubt, may be obtained from this office.

I would also remind you that the Council's permission does not modify or affect any personal or restrictive covenants, easements, etc., applying to or affecting either this land or any other land or the rights of any persons (including the London Borough of Camden) entitled to the benefit thereof or holding an interest in the property concerned in this development or in any adjoining property.

### Schedule

Date of application: 14th March 1969

Plans submitted: Reg. No: 6825

Your Nos: EH.13A

Development: The erection of a two-storey addition comprising a studio accommodation and a 2 room dwelling unit at 140 Haverstock Hill, Camden.

**Standard Conditions:** This development must be begun not later than the expiration of five years from the date of this permission.

### Reason

To comply with Section 65 of the Town and Country Planning Act, 1968

All communications to be addressed to the Planning Officer.

### Additional Conditions

1. That details of the layout of the forecourt parking and landscaping proposals, including provision for planting of semi-mature trees be submitted for the Council's approval before any works on the site are commenced.
2. All new external work shall be carried out in materials that resemble, as close as possible, in colour and texture those of the existing building.
3. The building and forecourt shall not be constructed or laid out except in accordance with levels specified by the Greater London Council for Haverstock Hill.
4. The boundary wall on the frontage of the site shall not exceed 3ft in height measured from ground level at the backline of the footway.

### Additional

Reasons for the imposition of conditions:

1. In order to enhance the visual amenities and safeguard the general character of the area.
2. To ensure that the Council may be satisfied with the external appearance of the building.
3. To safeguard the improvement of Haverstock Hill.
4. To provide an adequate sight line from the site to the highway.

Yours faithfully,

Planning Officer,

(Duly authorised by the Council to sign this document.)

### Statement of Applicant's rights arising from the refusal of planning permission or from the grant of permission subject to conditions

- (1) If the Applicant is aggrieved by the decision of the local planning authority to refuse permission or approval for the proposed development, or to grant permission or approval subject to conditions, he may by notice served within one month of receipt of this notice, appeal to the Minister of Housing and Local Government in accordance with Section 23 of the Town and Country Planning Act, 1962. The Minister has power to allow a longer period for the giving of a Notice of Appeal and he will exercise his power in cases where he is satisfied that the applicant has deferred the giving of notice because negotiations with the local planning authority in regard to the proposed development are in progress. The Minister is not, however, required to entertain such an appeal if it appears to him that permission for the proposed development could not have been granted by the local planning authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the provisions of Section 17, 18 and 19 of the Act and of the Development Order and to any directions given under the order.
- (2) If permission to develop land is refused, or granted subject to conditions, whether by the local planning authority or by the Minister of Housing and Local Government and the owner of the land claims that the land has become incapable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the London Borough Council or, in the case of land in the City of London, on the Common Council of that City a purchase notice requiring that council to purchase his interest in the land in accordance with Section 129 of the Town and Country Planning Act, 1962.
- (3) In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused, or granted subject to conditions by the Minister on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 123 of the Town and Country Planning Act, 1962.
- (4) Any appeal should be made on the appropriate form which can be obtained from the Minister of Housing and Local Government, Whitehall, S.W.1.