

## OBJECTING TO PLANNING APPLICATIONS

The Association is always ready to consider objecting to planning applications that would compromise the integrity of the Ladbroke Conservation Area. But we cannot always help, and it is important that neighbours make their own representations to the Council on applications that would adversely affect them. This article aims to explain the process and highlight the pitfalls.

When the Council receives a planning application in a conservation area, it is required to advertise it in a local newspaper (the *Kensington and Chelsea Informer*) and also to put up “site notices” on or near the property – these are the plastic covered yellow sheets that one sees attached to front gates or some other handy feature. The Council also sends letters to the occupiers of immediately neighbouring properties, notifying them of the application and telling them how to comment.

The site notices and letters give only the briefest details of what is planned, but the full application can be viewed on the Council’s website [www.rbkc.gov.uk](http://www.rbkc.gov.uk) or at the Town Hall. Far too often, architects draw plans in a way that is difficult for the lay person to interpret, and their drawings (which now include wonderful computer-generated photograph-style colour images) often show the new structure from an angle that disguises objectionable features. So for anything complicated, it is well worth asking to see the planning officer dealing with the application and then to go through the plans with them. He or she will also be able to give you an indication of the Council’s general attitude to applications of that sort. The planning officer always visits the site and can look at particular problems drawn to his or her attention.

All comments on the application must be sent to the Council within 21 days of the site notices being put up and the letters sent. We think this period is too short. In particular, during the summer when people are away on holiday, they may not be aware that an objectionable application has been made until it is too late to comment. Not surprisingly, canny architects often deliberately choose to submit their more controversial applications during the holiday period. So it is well worth asking neighbours to look out for planning applications and to alert you if any come in while you are away.

There is a pro-forma on the Council website that can be used, but letters or emails commenting on an application do not have to take any particular form. Before writing to the Council, it is well worth talking to the person putting in the application or to their architects (the latter is usually best if the applicant is a developer). Quite often householders or architects are prepared to consider small adjustments to their plans to avoid objections. And – although it is trite to say it – if both sides discuss and understand each other’s concerns, a friendly compromise can often be worked out.

Except in the case of major applications, if the Council receives fewer than three objections, the matter does not go to the Planning Applications Committee but is decided by the Council officers. So it is well worth encouraging neighbours similarly affected to send in their own objections.

If the matter goes to the Planning Applications Committee, which usually meets on a Tuesday evening, objectors will be notified and can attend the meeting (as can any member of the public). The chairman of the committee also normally allows the applicant and one objector to address the meeting for a maximum of five minutes each, to put their respective cases. So it is worth the objectors getting together and choosing a spokesperson. In really difficult cases it may be worth employing a

planning consultant to put the objectors' case. It is also worth attending a previous planning meeting to get a flavour of the proceedings.

Councillors for the ward in which the development is planned also have a right to address the planning committee, and if sufficient residents approach their Councillor (or the development affects something near to the Councillor's heart), he or she may well be prepared to speak on behalf of the objectors. Councillors who are actually on the planning committee are required to keep an open mind before the meeting so that they can look at each application with suitable objectivity. So although objectors can approach them, they will not be able to take a view in advance of the meeting. The Chairman of the committee meeting often personally visits the site of applications that are going to be considered by the committee.

The Council does not have a free hand in making decisions on planning applications, as they are tightly bound by central government rules and a decision that goes against those rules is likely to be overturned on appeal. Generally, Councils should normally abide by the policies set out in their "Unitary Development Plan". That of the Royal Borough can be consulted at the Town Hall or on the Council's website. It covers everything from not building on green spaces to maintaining the privacy of neighbouring properties. The best hope of getting a planning application refused is to show that it is against the policies set out in the Unitary Development Plan. So do look at the Unitary Development Plan, and draw attention to anything that seems to go against it, both in your letter of comment and in any subsequent address to the planning committee.

It is also worth remembering that it is not always necessary to get a planning application turned down; sometimes the required objective can be achieved by the imposition of conditions by the Council, e.g. as to the way the work should be done or the materials to be used.