

**PETER D KYTE ASSOCIATES
& ENABLING PROJECTS
SCHEMES**

**PLANNING FEASIBILITIES,
APPLICATIONS & NEGOTIATIONS,
APPEALS AND OTHER WORK**

**CASE EXAMPLES
1991 - 2009**

EXAMPLES FROM 1991 - 2009 CASELOAD

PLANNING FEASIBILITY STUDIES

- DALSTON SITE** **COMMUNITY USE:** Feasibility study for a community scheme in the Dalston area. Extensive work conducted for Age Concern. 2005-2007. **(L. B. Hackney).**
- BARNHILL ROAD:** **RESIDENTIAL DEVELOPMENT** - The site contained 44 garages, with dwellings and open space adjacent. The feasibility study proposed two scheme options for small, low cost dwellings, with urban design advice as to the layout of the scheme. **(L. B. BRENT).**
- ALBANY TERRACE:** **USE OF A GROUP OF LISTED BUILDINGS** - The client wanted to achieve an office use for this group of six listed buildings. We proposed a mix of office and residential uses, this having respect to the Council's policies and to similar decisions made on other buildings in the area. **(L. B. CAMDEN).**
- GLOUCESTER ROAD:** **MIXED USE SCHEME** - An open site close to residential accommodation and a railway line. A residential/office scheme was proposed, with advice given on internal layout and railway noise aspects. **(L. B. EALING).**
- BONNER HILL ROAD:** **REDEVELOPMENT OF INDUSTRIAL SITE** - The client took advice on the possible change of use from light industrial to offices, particularly the issues of lawful use status and loss of use rights. **(L.B. KINGSTON-U-THAMES).**
- WANSTEAD HOSPITAL:** **SOCIAL HOUSING SCHEME** - Advice given to architects for the presentation of a scheme to the Health Authority. Matters referred to included planning policy, accommodation mix, road & footpath layout, bulk & height, open space distribution and general urban design matters. Over 190 units were proposed in a conversion of the grade I listed building complex and new build to the rear of the site. **(L. B. REDBRIDGE).**

- SUSSEX WAY:** **RESIDENTIAL DEVELOPMENT** - The developer client was keen to progress a residential scheme. We advised that this was not appropriate in terms of policy, the planning standards and the effect on residential amenity. Unnecessary cost was avoided in not pursuing the proposal. (**L. B. ISLINGTON**).
- CARNWARTH ROAD:** **RESIDENTIAL DEVELOPMENT**- The developer client wished to know about the prospects of changing the use of a large site on the banks of the Thames from industrial to residential. Employment, conservation and housing policy issues involved and advice given on status of development plan policies. Client advised to submit residential and retail outline applications as separate proposals. (**L.B. HAMMERSMITH & FULHAM**).
- WEST CROMWELL ROAD:** **ADVERTISING HOARDINGS** - A prime site for advertising use is close to being comprehensively redeveloped. The client was interested in retaining the advertising use. We gave policy advice, referred the client to the advertising regulations and to the possibility of a discontinuance order being served. (**L.B. KENSINGTON & CHELSEA**).

PLANNING APPLICATIONS AND NEGOTIATIONS

**SITES IN SOLENT ROAD
HAVANT & WESTHAM
BUSINESS PARK,
EASTBOURNE:**

CHANGES OF USE FROM B1 TO RENAL CLINIC: We undertook extensive site finding work for the client which culminated in a number of successes. The sites at Havant and Eastbourne successfully argued a loss of B1 space in favour of a renal clinic use. March and May 2008 (**HAVANT COUNCIL**).

**SANS WALK,
ISLINGTON:**

CONVERSION FROM UNDERGROUND MUSEUM TO OFFICES: We led this unusual office conversion, which was a museum, historically a prison and a grade II listed building. Permission obtained in January 2008 (**ISLINGTON COUNCIL**).

**GROVE GREEN ROAD,
LEYTON:**

CONSTRUCTION OF FAMILY DWELLINGHOUSE: After the client got a refusal they approached us to sort out the planning issues. On the basis of our design advice an application was submitted for a new, modernistic house. Permission was granted in May 2006. (**WALTHAM FOREST COUNCIL**).

**7 DAINFORD CLOSE
BROMLEY**

Advice given on greatly improving an initial scheme for a backland bungalow scheme. The submission and negotiation completely turned around the situation into a successful planning consent. May 2005. (**BROMLEY COUNCIL**).

**WESTGATE STREET,
BATH:**

PUB/RESTAURANT IN LISTED BUILDING: Instructions were received on this job when permission was about to be refused. A complex listed building refurbishment scheme was successfully negotiated by adopting a more assertive position with the Council and a comprehensive submission: planning statement including customer capacity, archaeological and noise assessments and a revised scheme were submitted. Conditions proposed by ourselves were accepted by the Council. Extensive advice was given on scheme amendments. Granted October 1997. (**BATH & N.E SOMERSET COUNCIL**).

STOCK ORCHARD STREET,

**PETER D KYTE ASSOCIATES:
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- ISLINGTON:** **STRAW BALE HOUSE/STUDIO OFFICE:** PDK Associates were instructed to negotiate this scheme, involving a radical design STRAW built house/office on the boundary of a conservation area of a Victorian character. Advice was given on scheme revisions, application content and the planning strategy. A very positive planning statement - including design objectives and a statement on energy efficiency - was formulated. A big success ensued: Officers were so impressed with the presentation that permission was granted (Sept. 97) by delegated authority. The scheme is the first building of straw bale construction in Britain. *(L.B. ISLINGTON).*
- WEST GREEN ROAD:** **SOCIAL HOUSING REDEVELOPMENT-** Scheme for the Hornsey Housing Trust involving negotiation of scheme after refusal. Comprehensive submission resulted in high quality, modernistic scheme being implemented. *(L.B. HARINGEY)*
- NORFOLK SQUARE MEWS: MEWS DEVELOPMENT** - Negotiation to change use and refurbishment of mews property, for Kensington Housing Trust. 1999 case. *(L.B. KEN & CHELSEA).*
- CHOUMERT ROAD:** **LIVE/WORK SCHEME** – Negotiation overcame loss of employment and amenity problems to achieve consent for 6 live/work units. Autumn 1999. *(L.B. SOUTHWARK).*
- HAMPSTEAD HIGH STREET: RESTAURANT SCHEME** - The project involved a first floor extension to a restaurant in the Hampstead Village Conservation Area and involving a listed building. The Architects had great problems in negotiating the scheme, which was just about to fail when we were instructed. The scheme design was comprehensively re-negotiated over a long period and an urban design led submission made. The permission (May 2000) was a very big negotiation success for our practice *(L.B. CAMDEN).*
- KILBURN LANE:** **LIVE/WORK SCHEME** - Planning application for a change of use from B1 to live/work was successfully negotiated (April 98). The main issues were loss of employment space, railway noise and amenity issues. Application granted with minor amendments. *(L. B. BRENT)*
- BROOKSVILLE AVENUE:** **CONSERVATION AREA SCHEME** - The Council refused the proposal for a large extension to the property. We advised that an amended scheme be submitted in duplicate. One was appealed the other negotiated with the Council, this resulting in a grant of permission. *(L. B. BRENT).*

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- ELDON ROAD:** **SOCIAL HOUSING SCHEME:** This difficult case involving the change of use of a backland site from warehousing to sheltered housing was strongly resisted by planners initially. After our research provided convincing evidence on vacancy and employment issues and further to our advice on scheme layout and design, permission was granted by the Council (January 1996). PDK Associates introduced the site and project managed the scheme to planning permission stage (*L.B. HARINGEY*).
- BLOMFIELD VILLAS:** **RESIDENTIAL DEVELOPMENT** - Advice was given at feasibility stage on matters of amenity, scale, conservation and policy and the scheme revised for submission. We undertook a noise assessment and gave extensive advice to the architects on urban and detailed design matters. Scheme consists of a mix of 21 small and family dwellings. (*L. B. WESTMINSTER*).
- PULTON PLACE:** **SOCIAL HOUSING SCHEME** - A large scheme involving high density development close to Fulham town centre. A complicated planning negotiation ensued, centring around the interpretation of UDP policy and standards. Ultimately, a scheme with 54 units was achieved. Permission granted December 1992. (*L. B. HAMMERSMITH & FULHAM*).
- FACTORY LANE:** **SOCIAL HOUSING SCHEME:** Negotiated the land purchase for a housing association for a site in Tottenham. A speedy transaction was necessary in order to secure HAG funding (*L.B. HARINGEY*)
- SYDENHAM HILL:** **OFFICE REDEVELOPMENT** - We gave extensive design and layout advice on this scheme, resulting in a recommendation for a grant of permission. Issues involved loss of hotel use and effect on residential amenity. (*L. B. LEWISHAM*).
- EDGWARE ROAD:** **RETAIL DEVELOPMENT** - Our client wanted to expand their successful business without relocating. This involved a substantial extension to the available floorspace. The permission was successfully negotiated (May 1992) with the main issues being loss of amenity space, overlooking and retail policy aspects. (*L. B. WESTMINSTER*).
- VIOLET HILL:** **RESIDENTIAL CONVERSION** - A change of use from a pub in a conservation area. A scheme was negotiated that achieved a substantial extension and a relaxation of the Council's parking standards. Design and townscape issues were raised. Permission granted October 1992. (*L. B. WESTMINSTER*).
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WEYMOUTH MEWS: ROOF EXTENSION – PDK Associates were approached after the architect had problems in negotiating with the Council. On the basis of our advice the scheme design was wholly changed. A lengthy negotiation ensued, plus a comprehensive submission including planning statement and photo-montages was made. Permission granted August 2000. (**L.B. WESTMINSTER**).

KINGS GROVE, PECKHAM: MIXED USE SCHEME - The architect approached us to assist in the negotiation of the scheme which had a very modernistic design. The scheme had hit problems in some areas. The presence of a planning consultant at meetings and a more assertive presentation of the case assisted the obtaining of permission (December 1999). (**L.B. SOUTHWARK**)

PETERS AVENUE: ROOF TO CHURCH – The proposal involved the addition of a pitched roof to a flat roofed art deco church. Initially strongly resisted by the planners, an urban design led submission and negotiated successfully achieved planning consent. September 2000. (**L.B. BRENT**)

PLANNING APPEALS AND INQUIRIES

**ALBERMARLE ROAD
BECKENHAM:**

The planning appeal was for an extra 2 flats in the block, to give a total of 14 units. The successful appeal (January 2007), argued that the 2 extra dwellings would not create an amenity problems, would not lose amenity space to the extent that scheme quality would be affected and was acceptable in terms of planning policy. (*L.B. BROMLEY*).

**WILSON GROVE,
BERMONDSEY:**

The situation involved an already converted house into two flats and, if the appeal was lost, the prospect of an expensive conversion back to a house. At the Informal Hearing in May 2006 we referred to housing need matters and argued against the restrictive application of policy. Thankfully, we were successful for our client!! (*L.B. SOUTHWARK*).

**ST. ALBANS LANE,
GOLDERS GREEN:**

We were successful with a planning appeal against a refusal for a roof extension to a substantial office building – granted in September 2005. (*L.B. BARNET*).

LEICESTER ROAD:

RESIDENTIAL SCHEME - The appeal was against a refusal for the addition of a pitched roof with one bedroom flat to a flat roofed block of flats. The Inspector accepted the argument that, although taller, the enlarged building was in keeping with the character of the surrounding area. Appeal allowed in December 1993. (*L. B. BARNET*).

BAKER STREET:

ESTATE AGENTS USE - The appeal went to informal hearing and involved an assessment of primary and secondary shopping frontages. Permission was granted (January 1991) because the use was considered as beneficial to the shopping centre. (*L. B. WESTMINSTER*).

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- BAYNES STREET:** **RESIDENTIAL DEVELOPMENT** - We gave policy and urban design advice on this high density residential scheme. Noise issues were involved, the site being close to a railway line. The application went to appeal and was ultimately successful. (**L. B. CAMDEN**).
- WILTON SQUARE:** **INDUSTRIAL DEVELOPMENT** - Our client's textile factory had enforcement problems over the operation of the boiler room, the use of which is restricted by planning condition. Permission was refused and we are now progressing an appeal - involving a noise assessment study - on their behalf. (**L. B. ISLINGTON**).
- GLOUCESTER ROAD:** **REAR EXTENSION:** Successful appeal involving conservatory extension to rear of house. Granted September 1999. (**L. B. ISLINGTON**).
- STATION ROAD, EDGWARE:** **CHANGE OF USE FROM RESIDENTIAL TO BANK** - Our client - one of the major High Street Banks - needed to expand into the residential accommodation above their premises. The case presented at Informal Hearing centred on census evidence and a detailed description of the Bank's commercial needs. A customer survey was conducted demonstrating that the use brought vitality to the town centre. The Inspector accepted the appellant's case that commercial considerations outweighed the need to retain the residential use. Appeal allowed November 1993. (**L. B. BARNET**).
- YORK WAY:** **RETAIL/OFFICE/RESIDENTIAL DEVELOPMENT** - The development involved a prime junction location on Camden Road. Successfully appealed on townscape grounds. (**L. B. CAMDEN**).
- AUBERT PARK:** **CONSERVATION AREA OFFICE SCHEME** - This case involved an assessment at Public Inquiry of a large office extension. We successfully argued the case on design, townscape, conservation and employment grounds. (**L. B. ISLINGTON**).
- ALBION SQUARE:** **OPEN SPACE USE IN CONSERVATION AREA & LONDON SQUARE** - Working for a Residents Association with 200 members, we have presented an argument to the Inspector that this high quality open space within a conservation area should remain as a recreational area, rather than be developed for housing purposes. A UDP Inquiry presentation was linked to this case. Appeal allowed in July of 1993. (**L. B. HACKNEY**).
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- LANCASTER ROAD:** **USE FOR HOMELESS ACCOMMODATION** - Of the seven simultaneous appeals by B&B hotel owners whose temporary permissions had expired, only this case was successful. The Inspector accepted our case that there was a pressing need for this type of accommodation and that a special exception to the policy was merited. Appeal allowed July 1992. (*L. B. BRENT*).
- HEATH STREET:** **RESTAURANT USE** - Not an easy appeal when considering the number of restaurants in Hampstead! Our client's ailing art gallery business was revitalised with the opportunity of a starting a new restaurant. The appeal was won (November 1992) on policy, locational and employment grounds. Parallel UDP objection involved. (*L. B. CAMDEN*).
- NICOLL ROAD:** **NURSERY SCHOOL USE** - The issue of need for this type of facility arose, coupled with an argument that the loss of residential floorspace was permitted by policy. The appeal was allowed. UDP objection on community policies involved as part of the case. (*L. B. BRENT*).
- KILBURN HIGH ROAD;
EAST LANE, WEMBLEY;** **HOT FOOD TAKE-AWAYS** - These three small operators were given the opportunity to start and expand their catering businesses in Brent. The appeals were successfully argued on retail policy, amenity and traffic grounds. It was also argued that the uses would cause no harm to amenity in each of the locations. Parallel UDP objection involved.
(*L. B. BRENT*).
- THE DRIVE, ILFORD** **RESIDENTIAL CONVERSION** - An eighth flat was proposed in the already converted house. The appeal was allowed (July 1993) on townscape grounds and on the basis that on-site parking was not required due to the close proximity to Ilford town centre. (*L. B. REDBRIDGE*).

ENFORCEMENT APPEALS AND INQUIRIES
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- CARLYON ROAD:** **MINI-CAB USE** - The case was presented to Inquiry with a revised floor plan showing a reduced operating area. The Inspector concluded that no harm would arise from the use and granted permission (April 1991). PDK Associates provided both the expert witness and advocate.
(L. B. BRENT).
- LIVERPOOL ROAD:** **BREACH OF CONDITION** - The enforcement action was taken on the basis that our client had only part obscure glazed a series of windows, this being in breach of condition. A complex planning argument relating to the content and interpretation of conditions ensued, with the appeal succeeding (January 1993) on the fact that the existing glazing was enough to protect residential amenity. *(L. B. ISLINGTON).*
- VICTOR GROVE:** **RETENTION OF EXTENSION** - The large extension was being used as a separate dwelling house when the appeal was lodged. A case was put forward using the 4 year immunity rule. The enforcement notice was withdrawn as a result of our convincing case and costs were awarded against the Council (May 1991). *(L. B. BRENT).*
- HIGH ROAD WILLESDEN:** **RETENTION OF OFFICE USE** - A strong case was presented on the basis that the notice could not require reversion back to an unlawful residential use. We contended that the office use was supported by policy and applied for an award of costs against the Council. As a result of our case, the Council withdrew the notice and went on to grant a separate permission submitted by ourselves. Costs were awarded against the Council.
(L. B. BRENT).

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- CAMDEN HIGH ROAD:** **RETENTION OF EXTENSION** - A combined enforcement appeal and negotiation in order to regularise the situation. The Council accepted the scale of the extension and asked for minor variations to the details. Permission granted in July of 1993. *(L. B. CAMDEN)*.
- HARROWDENE ROAD:** **RETENTION OF MOSQUE USE** - Interesting issues of community need (of the large Muslim population) versus community conflict (the residents in the street). A detailed analysis of the character of the use, including a noise assessment study and traffic appraisal, was conducted. Research on community need was also involved. The Inspector refused permission on traffic grounds but granted an extension to the compliance period, in order to allow our client to relocate. This was a relatively successful outcome in what was a difficult case. *(L. B. BRENT)*.
- MELROSE AVENUE:** **RETENTION OF SIX SELF-CONTAINED DWELLINGS** - Our case presented to Inquiry contended that the change from six bedsits to six flats was not development under S.55 of the 1990 Act. The Inspector accepted the highly technical argument that development was not involved. Appeal allowed August 1994. The case was reported in the Journal of Planning and Environmental Law in April 1995. *(L.B. BRENT)*.
- CLAYTON AVENUE:** **RETENTION OF THREE FLATS & EXTENSIONS** - Another Public Inquiry at which we contended on the appellant's behalf that the three dwellings and operational works were lawful after application of the four year rule. Grounds A, C, D, F and G were argued. After our witness's presentation the Council withdrew the notices and a partial application for costs was successful. September 1994. *(L.B. BRENT)*.
- CLISSOLD CRESCENT:** **RETENTION OF FOUR STOREY EXTENSION** - PDK Associates provided the expert witness & advocate for this very difficult case, involving an extremely large rear extension. It was held at Inquiry that all except the top floor would receive planning permission. *(L.B. HACKNEY)*

SPRINGWAY, HARROW: **RETENTION OF REAR EXTENSION** - Appeal under ground A contended that the extension, although resulting in a small garden and on the boundary to neighbouring dwellings, was acceptable in design and amenity terms and complied with the objectives of the relevant policy. The Inspector agreed with our case and allowed the appeal in October 1994. (**L.B. HARROW**).

LANCELOT ROAD: **MINI-CAB USE:** A last minute instruction for an advocacy appearance. We gave advice on Proof content and submission, as well as the presentation and cross-examination of the evidence. At the Inquiry our advocate called neighbours to give evidence, who stated that the use caused no harm. On the basis of this and on accepting our policy case, the Inspector granted a personal permission. (**L.B. BRENT**).

RODERICK ROAD: **RETENTION OF GLAZED CONSERVATORY EXTENSION:** Another successful appeal for keeping a well designed extension, this one located in a conservation area (November 1994). The Inspector required that the side elevations be obscure glazed. (**L.B. CAMDEN**).

CERTIFICATES OF LAWFUL USE/ OPERATIONS

NORFOLK SQ. MEWS, W2: LAWFUL DEVELOPMENT CERTIFICATE - The client wanted to convert some storage space to offices. We advised this could be done without a planning permission and a Lawful Development Certificate was obtained in May 1998. (**L. B. WESTMINSTER**).

HILL ROAD, RICHMOND: LAWFUL USE CERTIFICATE - Obtained in 1997 for a restaurant operator, allowing them to take speedy occupation of the site. (**R.B. RICHMOND**).

ALFRED ROAD: LAWFUL USE CERTIFICATE - Granted for the use of first floor as one self-contained dwelling and two bedsits. Application granted in May 1993. (**L. B. EALING**).

WESTBOURNE STREET: LAWFUL USE CERTIFICATE - Use of the building as twelve self-contained flats. Application granted in June 1993. (**L. B. WESTMINSTER**).

TITCHFIELD ROAD: CERT. OF LAWFUL DEVELOPMENT APPEAL - A case was presented that the extension should be development permitted under Class B of the General Development Order. The case was successful and makes a practical point on the use of Class B. The case was reported in the Journal of Planning and Environmental Law in May 1995. (**L.B. WESTMINSTER**)



UNITARY DEVELOPMENT PLANS

- BARNET UDP:** Appearance at the first ever UDP Inquiry for an amenity organisation. Policies on traffic calming, cycling and better access to town centres were included as a result of our representations.
- HACKNEY UDP:** The presentation and cross-examination at Inquiry concerned a recreational open space use in a conservation areas and surrounded by 30 listed buildings. We contended that government guidance was strongly in favour of designating the land as open space and that the UDP should be amended accordingly. Decision awaited.
- BRENT UDP:** Representations submitted for a number of small businesses, and referring to Class B1 and A3 uses, parking standards and sustainable development. Inquiry to begin in September 1993.
- KENSINGTON & CHEL. UDP:** Objection lodged for developer in respect of housing site currently zoned for employment purposes.
- CAMDEN UDP:** Early representations for a restaurant business, linked to successful appeal in Hampstead High Street. Further representations at deposit draft stage secured various amendments to the Plan, including an improvement to the policy on air quality to refer to car trip generation.



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