



UNION 4 PLANNING

Sunny Day Trading Ltd

139-143 Station Road, Hampton, TW12 2AL

Section 73 application to vary and remove conditions approved through planning consent 18/3804/FUL, as subsequently amended by consents 19/2087/VRC and 19/3829/VRC

PLANNING STATEMENT

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EXECUTIVE SUMMARY

This Planning Statement has been prepared by Union4 Planning on behalf of Sunny Day Trading ('the Applicant') and supports an application submitted under Section 73 of the Town and Country Planning Act 1990 (as amended).

The Section 73 application proposes the variation of original consent 18/3804/FUL, granted 14th May 2019, which was subsequently amended through s73 planning permission on 28th November 2019 (Ref: 19/2087/VRC) and most recently through section 73 planning permission on 17th April 2020 (Ref: 19/3829/VRC).

This Section 73 application is seeking to amend the existing planning permission to incorporate a series of minor variations to the plans, which have emerged further to post-consent detailed design work. In addition to the minor variations to the plans, we are proposing to remove the planning condition requiring details of a minimum 1.7m high privacy screen to the private balconies and roof terrace. This evolving design process is not unusual and such improvements and efficiencies are regularly sought following planning consent.

A comprehensive list of the proposed amendments is set out in Section 3 of this Planning Statement. The proposed amendments do not impact to any material extent on the design or scale of the approved buildings and are all minor in their nature. Moreover, none of the changes will have a detrimental impact on the appearance of the building, residential amenity or the setting of the Hampton Village Conservation Area.

The Section 73 application follows on from a recently refused Section 73 application which proposed minor variations to the plans (Ref: 20/1237/VRC). The Applicant and Design Team have carefully considered the Reasons for Refusal and sought to address the matters raised as part of this current Section 73 application.

Given the timescales and current progress on site, it is vital that we can engage with the Local Planning Authority through the application process, should there be any clarifications or further information required as part of the Section 73 application.

In terms of physical changes, the proposals include some minor amendments to the mews building towards the southern end of the site, including replacing brick with render on the western elevation, re-aligning fenestration on the eastern elevation and amendments at roof level to provide improved access to the roof terraces serving these two properties, as required to meet DDA compliance. It is considered that the first of these two physical amendments are agreed, given their non inclusion in the previous reasons for refusal.

We consider that the proposed amendments are consistent with planning policies at national, regional and local levels and we would respectfully submit that the Section 73 application should be approved.

1.0 INTRODUCTION

- 1.1 This Planning Statement has been prepared by Union4 Planning on behalf of Sunny Day Trading ('the Applicant') and supports an application submitted under Section 73 of the Town and Country Planning Act 1990 (as amended).
- 1.2 The Section 73 application seeks to vary the existing planning permission to make a series of minor material amendments to the scheme. More specifically, we are proposing the variation of Condition U0061605 (approved drawings) to provide for a revised set of plan drawings.
- 1.3 The s73 application also seeks to remove condition U0061598, which requires the provision of a 1.7m privacy screen to balconies and roof terrace, as this condition is unnecessary and would lead to a negative and unattractive form of development.
- 1.4 In addition to this Planning Statement, the application comprises the following:
- Application Form and Certificates;
 - Plan Drawings;
 - Application Fee.
- 1.5 The plan drawings submitted as part of the Section 73 application are set out in the following table:

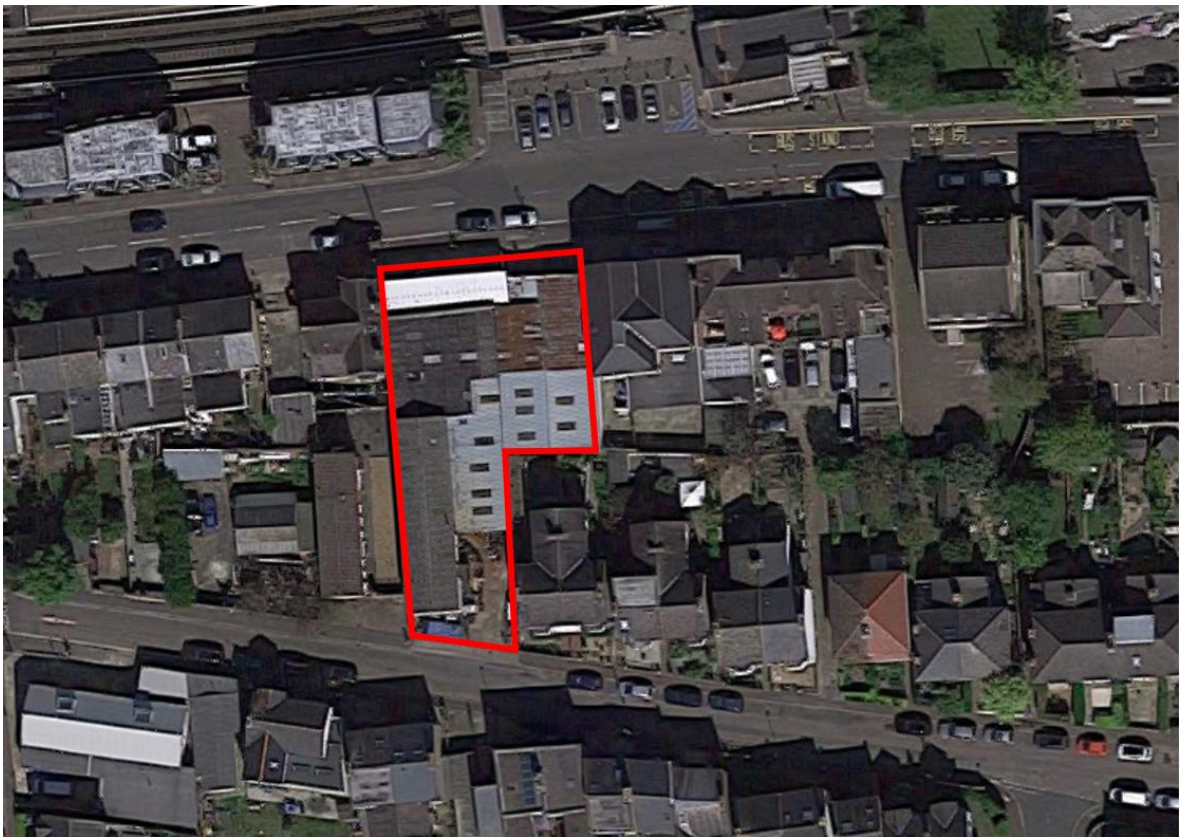
Drawing Number	Drawing Title
6034 (20) 110 Rev P	Proposed Houses - Roof Plan
6034 (20) 403 Rev P7	Proposed Elevations CC and DD
6034 (20) 406 Rev P1_colour	Proposed Elevations BB and FF

Structure of this Planning Statement

- 1.6 This Planning Statement comprises the following structure:
- Section 2 provides an overview of the application site's location and description, including details of the site's relevant planning history;
 - Section 3 describes the proposed development;
 - Section 4 sets out the policy context pertaining to the proposals;
 - Section 5 outlines the planning and environmental considerations, which we would submit are pertinent to the determination of the Section 73 application;
 - Section 6 provides a summary and conclusions.

2.0 SITE LOCATION AND CONTEXT

- 2.1 The subject site is located on the southern side of Station Road and originally comprised a car repair and MOT garage (Alderson's Garage) and a period door and fireplace showroom/workshop (Peco of Hampton).



Source: Google Maps

- 2.2 The original consent has since been implemented and all buildings on site have been cleared. Construction of the approved scheme is now well underway.
- 2.3 The neighbouring building to the west of the application site is a detached 2.5 storey residential property with a large roof area. Neighbouring to the east and in line with the general character of Station Road, is a 3 storey building comprising residential units above ground floor commercial. Directly opposite, on the northern side of Station Road, is a 3 storey residential building and the station entrance.
- 2.4 Further east, along Station Road, the character comprises predominantly 4 storey residential buildings in the form of blocks of flats, as indicated on the following images.



Source: Google Maps

- 2.5 The character of Oldfield Road, especially to the east of the application site, is predominantly 2 storey detached and semi-detached residential properties with on street or driveway parking.
- 2.6 It is this area, adjoining the site to the east and south, which lies within the conservation area and features a higher quality of design, albeit still displaying a range of building styles and materials.
- 2.7 This includes a flat roof building directly opposite the rear of the application site, not dissimilar to the form of the approved mews block. The character of Oldfield Road is shown on the following images:





Source: Google Maps

Planning History

2.8 The site is subject to a number of historic planning applications. Those of relevance are detailed as follows:

06/2759/FUL – Demolition of garage and erection of 10 flats over four commercial units. Refused.

2.9 This scheme comprised development of just the Station Road block, to provide a 4 storey building, as per the following elevation. The scheme also included vehicular access under the building to a rear parking court providing 5 parking spaces.



2.10 The proposal was refused with 9 reasons for refusal, as follows:

- Incongruous and out of scale overdevelopment of the site, by reason of design, bulk and excessive height.

- Loss of employment floorspace.
- As employment floorspace is lost, units would be required to be affordable.
- Unneighbourly form of development, by reason of excessive height, resulting in overlooking, noise and disturbance.
- Exacerbate the existing on street parking shortage.
- Lack of appropriate s106 contributions.
- Inadequate pedestrian and vehicular access.
- No wheelchair access.
- Under-provision of 1 bedroom units at 20%.

13/0821/OUT (52-54 Oldfield Road) – Demolition of existing buildings and erection of a pair of semi-detached dwellings (Outline). Refused 05.03.14.

2.11 This proposal comprised redevelopment of the rear part of the site only fronting Oldfield Road, with the elevation to Oldfield Road as follows:



2.12 The application was refused with 5 reasons for refusal, as follows:

- Loss of employment floorspace
- Unacceptable design, height and lack of detailing
- Overbearingness and loss of light to No.50 Oldfield Road
- Lack of off street parking
- Failure to meet Code Level 3

13/0822/OUT (139-143 Station Road) – Demolition of existing buildings and erection of a building comprising retail space on the ground floor and 8 apartments above (outline). Refused 26.02.14.

2.13 Again this proposed redevelopment of the front part of the site only, fronting Station Road, comprising complete site coverage and zero off street parking. The frontage onto Station Road was as follows:



2.14 The proposal was refused for 6 reasons, as follows:

- Loss of employment floorspace
- Unacceptable siting, design, height, scale and relationship with adjoining properties
- Overbearingness and overlooking on Nos. 48 and 50 Oldfield Road
- Lack of off street parking
- Absence of a transport statement
- Failure to meet Code Level 3.

15/2316/OUT – Demolition of existing garage and workshop and construction of ground floor offices with flats over on three floors with associated car parking, cycle, refuse and recycling storage. Application refused 20.07.16.

2.15 This proposed redevelopment of the whole site, with built development at the front, facing Station Road, and car parking to the rear, onto Oldfield Road. The elevation onto Station Road was as follows:



2.16 The application was refused for the following reasons:

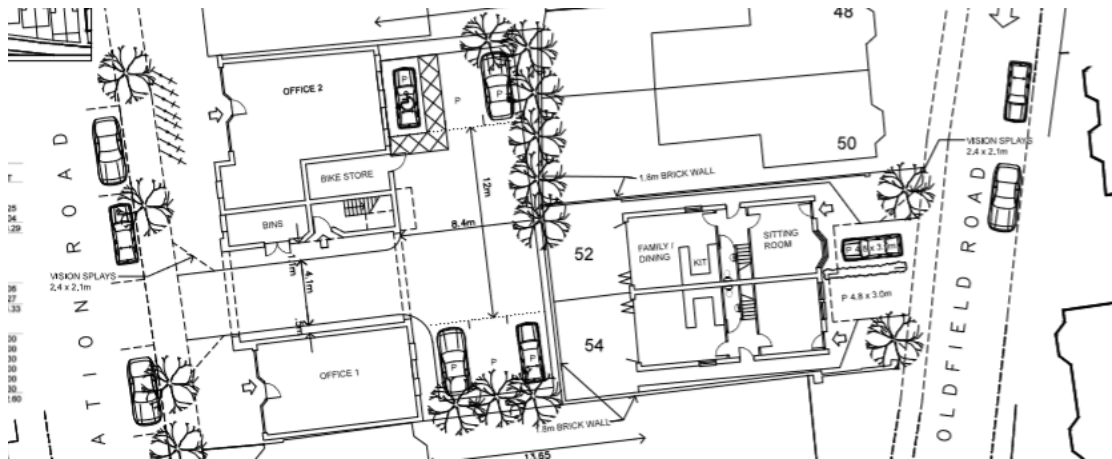
- Partial loss of employment floor space;
- Failure to provide off street parking for the proposed office units;

- Absence of evidence to demonstrate the proposal is sustainable;
- Impact on the street scene;
- Overbearingness and overlooking to Nos.48 and 50 Oldfield Road.

- 2.17 The refusal was subsequently appealed under appeal reference APP/L5810/W/15/3137700, which was dismissed in April 2016.
- 2.18 The Inspector found that the premises were dated and offered redevelopment potential and that the condition of the building to the rear and unsightly yard was regrettable. It was also considered that the wider area around the appeal site as generally pleasing in appearance.
- 2.19 It was however determined that the frontage building as proposed would be too large and dominant in its context and would lack interest and variation at roof level. The proposal also lacked design cues from the vicinity.
- 2.20 It was also considered that the arrangement on Oldfield Road would be unacceptable, with a crossover spanning the entire frontage, end on parking, refuse storage and hardstanding being out of keeping with a suburban residential street and the Conservation Area context of the neighbouring land. Greater consideration of visual amenity and local character was required.
- 2.21 It was considered that the development, extending right up to the southern boundary of residential properties on Oldfield Road, would result in these neighbours feeling hemmed in, given the proximity and height of development.
- 2.22 With regard to the local economy, it was considered that any loss of physical employment floorspace would not be detrimental and would provide for greater levels of employment when compared with the existing uses. As such, this was discounted as a reason for refusal.

16/3097/OUT - Demolition of existing garage/workshop and retail showroom; construction of ground floor offices with six flats on two floors over and two cottages all with associated car parking, cycle, refuse and recycling storage (outline application to consider layout and access).

- 2.23 The scheme included development of the whole site, but with built development at the front and rear, fronting onto Station Road and Oldfield Road. It also included vehicular access through from station road and courtyard parking for 6 vehicles to the rear. Off road forecourt parking was provided for the two properties fronting Oldfield Road as follows:



2.24 Proposed elevations to Station Road and Oldfield Road were as follows:



2.25 As the application was not determined within the statutory timeframe, the applicant submitted a non-determination appeal. This was dismissed for the following reasons:

- Loss of employment floorspace
- Insufficient amenity garden space for Oldfield Road properties

2.26 Importantly, the Inspector did find the following in this most recent appeal decision:

- The showroom/ancillary workshop element is not employment floorspace, thus existing employment floorspace (garage) at the site amounts to 180sqm.
- A loss of employment floorspace may be acceptable if replacement is of a better quality
- Current uses on site are low density
- Built form and height is acceptable
- Non-provision of parking for the commercial element is acceptable, given the accessible location
- There is no requirement to provide affordable housing or a contribution towards this

2.27 Consent was granted for the neighbouring development to the east in December 2008 for demolition of the existing building and erection of a new building comprising ground floor commercial (flexible use B1/A1/A2) and two floors of residential flats above.

2.28 In reference to flexible use and loss of employment floorspace, the officers report confirmed that additional commercial floorspace would be provided when compared with the existing situation and whilst this could be occupied by an A-class use and result in lower employment levels, this was not considered to be of concern or contrary to policy EMP4. It was also considered that the design of the rear elevation would not detract from the character of the Conservation Area.

18/2695/FUL - Consent was sought for the demolition of buildings on site and construction of a single block on Station Road, comprising 7 flats above 253sqm of B1/D1 floorspace and a separate mews building at the rear of the site, comprising 2 x 2-bed houses.

2.29 Following concerns raised by officers towards the end of the application process, the application was withdrawn to allow for an amended scheme resubmission.

18/3804/FUL - Following withdrawal of the above application, scheme changes were incorporated and submitted as a new application, addressing previous concerns. This application was approved by planning committee and a decision issued on 14th May 2019.

2.30 This scheme has now been implemented through the demolition of existing buildings on site and work is underway to construct the new residential buildings.

19/2087/VRC

2.31 Following approval and implementation of the above application, it became apparent that a number of minor scheme amendments were required, thus a s73 application was submitted and subsequently approved in November 2019. The approved changes comprised the following:

- 1) relocated access door to pedestrian passageway, from rear of building,
- 2) addition of 2 additional access doors at Station Road frontage,
- 3) internal alterations to layout of 2 x 1 bed flats in Station Road building- switching living rooms and bedrooms around,
- 4) addition of ensuite bathroom to recessed area at first floor, serving the rear 2-bed mews house,
- 5) relocation of velux window in rear roof of Station Road building,
- 6) alteration to fenestration pattern at Station Road frontage to facilitate above internal layout changes,
- 7) reduction in height of rooftop access structures of Station Road building,
- 8) increased balustrade height on mews building,
- 9) removal of rear window at first floor of the mews building and replacement with inset brickwork

19/3829/VRC

- 2.32 Further amendments were approved on 17th April 2020 under the above s73 application. The amendments comprised minor changes to the passageway along the eastern and southern elevations of the main building, more flexible use of the ground floor commercial unit and a relaxation of the BREEAM requirement from 'Excellent' to 'Very Good'.

20/1237/VRC

- 2.33 Following further design work, a Section 73 application was submitted to vary a condition to allow for minor amendments to the Mews building towards the end of the site including replacement of brickwork with render at western elevation, realignment of fenestration to eastern elevation, amendment at roof level to provide improved access to the roof terraces to 2 properties. The application was refused on 16th July 2020, with two Reasons for Refusal provided:

- 2.34 The first Reason for Refusal (Ref: U0084867) referred to 'Visual Neighbour Amenity' and stated as follows:

"The stair enclosure by reason of its combined design, siting, height, scale and bulk would result in a visually intrusive, unsympathetic form of development. It would be an incongruous feature when viewed from in particular the rear garden of No. 50 Oldfield Road to the detriment of the visual amenity of its occupants. As such the proposal fails to comply with, with policies LP1 and LP8 and the aims and objectives of the Hampton Village SPD (2017)."

- 2.35 The second Reason for Refusal (Ref: U0084866) referred to 'Heritage, Character and Design' and stated as follows:

"The proposed stair enclosure in terms of its siting, design, materials, height and bulk would be a dominant and incongruous form of development to the detriment of the host use less than substantial harm to the setting of the Hampton Village Conservation Area. It is not considered that the applicant has demonstrated that the public benefit of the proposal would outweigh the harm and the scheme is unacceptable. The proposal is therefore contrary to the NPPF paragraphs 193-196, Policies LP1 and LP3 of the Council's Local Plan (2018), and the aims and objectives of the Hampton Village Planning Guidance SPD. Furthermore, it would be out of keeping with the Priory Road East and Surroundings Village Character Area."

- 2.36 Having regard to the aforementioned Reasons for Refusal, it is our understanding that the issues of concern to the Council related to the proposed stair enclosure at roof level, which would provide access to the roof terrace of the mews building. In this regard, we understand that the two other minor material amendments were considered acceptable – the replacement of brickwork with render at the western elevation and the realignment of fenestration to eastern elevation.

2.37 The Applicant and Design Team have carefully considered the Reasons for Refusal and this Section 73 application seeks to address the Reasons for Refusal with amendments to the design of the roof-level access and provision of additional supporting information.

3.0 PROPOSED DEVELOPMENT

3.1 The summary description of the proposed development is as follows:

"Section 73 application for proposed variations to planning permission 18/3804/FUL, as amended by 19/2087/VRC and 19/3829/VRC, seeking amendments to the front and rear elevations of the mews building, alterations at roof level to provide improved access to amenity space (covered by Condition U0061605), together with the removal of Condition U0061598 requiring the provision of privacy screening."

3.2 The proposed variations are set out in further detail below.

Proposed Variations to Condition U0061605

3.3 The Section 73 application is seeking to amend condition U0061605 attached to the original planning permission to incorporate three minor variations, which have arisen further to detailed design work on the scheme, as follows:

- Replacement of brick with render on western elevation of mews building;
- Realignment of fenestration on eastern elevation of mews building;
- Addition of rooftop structure to provide improved, DDA compliant access for residents to rooftop amenity space.

3.4 A brick band will be retained down the two edges of the rear (western) elevation of the mews building, but the introduction of white render across the majority of the elevation will improve its appearance as viewed from the west, removing a large expanse of brickwork. This will provide an improved outlook for residents of the neighbouring building to the west and increase light levels in the vicinity.

3.5 The realignment of windows on the eastern elevation provides a much better symmetry and improves the appearance of this elevation. There is no loss or gain in windows proposed, rather a reorganization of those already approved. The amendment will improve the appearance of the building, improve buildability and have no impact on neighbouring properties to the east.

3.6 The approved scheme design included a hatch type arrangement onto the rooftop amenity space of the mews building. However, it has transpired that this would not be user friendly, nor would it comply with the Building Regulations M4(2) requirements and therefore an improved solution is required. The proposal includes a pop-up element providing improved, undercover access onto the terrace for residents of the 2 mews houses and enables the two houses to meet the requirements of M4(2) as required by condition U0061596.

3.7 The proposed addition to the rooftop has been carefully considered by the Design Team to take account of the concerns raised by the Council as part of the recent Section 73 application (Ref: 20/1237/VRC).

- 3.8 Whilst the pop-up element is visible on the 2-dimensional elevational drawings, it is set back approximately 7.5 metres from the southern elevation of the building, fronting Oldfield Road. It is also set back approximately 2.6 metres from the eastern elevation. In this regard, the pop-up element will be almost imperceptible from street level, as illustrated in the photographs provided with this submission. We would, therefore, submit that the pop-up required for the roof access is not a visually intrusive or unsympathetic form of development and actually, as evidenced by the photographs, adds a degree of interest to the building, more in keeping with its neighbours.
- 3.9 Moreover, we consider that the proposal will not cause harm to the setting of the Hampton Village Conservation Area.
- 3.10 We would respectfully submit that the proposed rooftop access, as presented in this current Section 73 application, will not only ensure that the development is DDA compliant, as required by planning condition, but will also ensure that it is a sympathetic form of development which will not impact adversely on the setting of the Hampton Village Conservation Area or residential amenity.

Proposed Removal of Condition U0061598

- 3.11 In addition to the proposed amendments to the approved plans, this Section 73 application proposes the removal of Condition U0061598 which requires that details of a minimum 1.7-metre high privacy screen to the private balconies and roof terrace serving the development be submitted to and approved in writing by the Local Planning Authority.
- 3.12 This was a condition imposed late on by members at planning committee and it is clear that the implications of this were not fully thought through, nor was the necessity of such screening fully considered. The condition is also particularly vague as it refers to 'balconies and roof terrace' but does not confirm which terrace.
- 3.13 The privacy screens referred to in this condition were not illustrated on the approved plans, which show metal balustrades at a height of 1.3 metres.
- 3.14 Firstly, it is contended that there is no requirement for such privacy screens, given the separation distances between amenity areas and neighbouring residential uses, as well as design features such as set backs and balustrading which ensure no loss of residential privacy.
- 3.15 We also consider that 1.7-metre screens would be a design feature which would detract from the quality of the development, as well as having an adverse impact on the quality of the amenity space provided at roof and balcony level.
- 3.16 Furthermore, we consider that privacy screens on the balconies and roof terraces would impact on the setting of the Hampton Village Conservation Area. The privacy screen would be closer to the perimeter of the building than the pop-up roof access and as such, it would be more visually prominent from street level.
- 3.17 We are therefore proposing the removal of Condition U0061598.

4.0 PLANNING POLICY CONTEXT

Introduction

4.1 This section considers the planning policies and legislative framework, which together provide the context against which a planning application would be considered. It identifies those national and local policies which are contained within statements of Government policy or the development plan for the area, or which otherwise may be material to the consideration of the proposed development, considering the very minor nature of the changes hereby proposed. A full policy assessment, relating to the wider development, is found in the original planning statement.

National Planning Policy Framework (February 2019)

4.2 The National Planning Policy Framework (NPPF) sets out the Government's strategic planning policies and how these are expected to be applied.

4.3 The NPPF sets out the economic, environmental and social planning objectives at the national level. Taken together, these policies articulate the Government's vision of sustainable development, which should be interpreted and applied locally to meet local aspirations.

4.4 The Framework contains a number of general policies of relevance. It introduces a presumption in favour of sustainable development. With regard to decision making on applications, Paragraph 11 states that local authorities be 'approving development proposals that accord with an up to date development plan without delay'.

4.5 Section 12 concerns design with paragraph 124 stating that good design is a key aspect of sustainable development.

4.6 Paragraph 127 requires development that will add to the overall quality of the area, display good architecture, layout and landscaping, are sympathetic to local character, establish a strong sense of place and optimise the potential of the site.

4.7 Paragraph 131 states that great weight should be given to outstanding or innovative design which help raise the standard of design in the area.

4.8 Paragraph 189 requires a consideration of heritage assets and their settings, including the positive contribution that development can make to heritage assets.

The Development Plan

4.9 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, all planning decisions must be made with reference to the statutory Development Plan first, and all decisions must accord with the provisions of the plan, unless other material considerations indicate otherwise.

4.10 The statutory Development Plan for the Site comprises the recently adopted London Plan and the London Borough of Richmond upon Thames Local Plan.

London Plan (2016)

- 4.11 Policy 3.5 requires that housing developments are of a high quality and should protect and enhance London's residential environment. Policy 3.8 requires a range of different homes that Londoners can afford.

Richmond Upon Thames Local Plan (2018)

- 4.12 The LBRuT Local Plan was adopted in July 2018, superseding the Core Strategy and Development Managements Policies DPD. Those policies of relevance are as follows:
- 4.13 Policy LP1 concerns Local Character and Design Quality, requiring development to retain and enhance the high-quality character and heritage of the Borough. A key facet of this is to make best use of land, whilst respecting building heights and spaces between buildings.
- 4.14 Policy LP8 concerns Amenity and Living Conditions, requiring development to protect amenity for neighbouring and new occupants alike. Development should respect daylight and sunlight levels, avoiding overlooking, visual impact, noise and disturbance and enclosure.

5.0 PLANNING CONSIDERATIONS

- 5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that, if regard is to be had to the Development Plan for the purpose of any determination to be made under the planning Acts, the determination must be made in accordance with the plan, unless material considerations indicate otherwise.
- 5.2 This section assesses the planning considerations that we consider relevant to the planning application.
- 5.3 The changes hereby sought are all minor in nature and will have no material impact on the appearance of the building or its impact on the streetscene or neighbouring amenity, assessed as follows.

Render - Western Elevation

- 5.4 As detailed above, the addition of render to the western elevation of the mews building will improve its appearance and the outlook for residents of the building to the west. Outlook from the west will be onto a bright, high quality render, replacing the 2 storey expanse of brickwork previously approved. The inclusion of render will also improve light levels in the courtyard area between the properties, better reflecting sunlight into this space.
- 5.5 A render finish is also in line with the previous situation, as shown on the following image:



Source: Google Maps

- 5.6 Inclusion of a column of brickwork down the two sides of the elevation will frame the rendered element and ensure a neat and attractive finish.

Realignment of Fenestration

- 5.7 Proposed alterations to the eastern elevation of the mews building comprise the minor relocation of windows to ensure ground and first floor fenestration aligns. This improves the appearance of the

building and also improves buildability. The minor relocation of these windows will have no impact on light levels to the mews building, nor does it raise any concerns relating to the privacy of neighbouring occupiers.

- 5.8 This element might normally be considered through a s96A Non-Material Amendment application, if proposed in isolation.
- 5.9 As detailed above, as both these elements were not included in either of the 2 reasons for refusal attached to the previous s73, it is considered that these matters are agreed.

Rooftop Access

- 5.10 The Applicant and Design Team have carefully considered the Reasons for Refusal provided as part of the recent Section 73 application (Ref: 20/1237/VRC) and sought to address the issues concerning the design of the roof-level access through the provision of additional information.
- 5.11 As a starting point, it should be noted that a suitable rooftop access is required, in order to ensure that the development is DDA compliant, meeting the criteria of Building Regulations M4(2) as required by condition U0061596 which states:
- 'The two residential houses hereby approved shall not be constructed other than in accordance with Building Regulation M4(2).'*
- 5.12 One of the requirements of M4(2) is that in the event of the conversion of the house to be wheelchair accessible, including the provision of a lift to all levels, level access to all amenity areas must be provided for wheelchair users.
- 5.13 The only solution to this requirement is a pop-up element at roof level to provide this manoeuvring and access area.
- 5.14 Notwithstanding the above M4(2) requirement, the proposed pop-up element on the roof of the mews building will also provide improved access for residents of these two units, to their private roof terraces, improving the quality of residential accommodation provided. Access will be secure and undercover and avoids the need to use hatches to provide access.
- 5.15 Of course it is also important to note that whilst 2D elevations show the full extent of the pop up, given that this is set away from the eastern and southern elevations, the latter by some 7.5m, it will never be viewed in this context and in reality, only partial and glimpsed views will be afforded.
- 5.16 Given this, we would suggest that it is vital that the case officer undertakes a site visit to observe the building in its current form.
- 5.17 Whilst the principle of the need for the access pop up is established, clearly its impact on the appearance of the building and on neighbouring residential amenity was a concern for the Council and ultimately led to the refusal of the previous application.

- 5.18 We have taken a series of photographs from various viewpoints, of the roof top structure in situ, which demonstrate that there will be no negative impact on the appearance of the building and thus the Conservation Area and no negative impact on residential amenity.
- 5.19 Image 1 shows the view from Oldfield Road, within the Conservation Area, looking NW. The SE corner of the roof pop up is just visible above the parapet and scaffolding planks on the eastern elevation of the building.

Image 1



- 5.20 Image 2 is as viewed from the southern side of Oldfield Road, looking due North and shows that the pop up element is not at all visible from this viewpoint.

Image 2



- 5.21 Image 3 shows that looking NE, from Oldfield Road, the chamfered element of the western side of the pop up is just visible above the western elevation of the mews building.

Image 3



- 5.22 Whilst the pop up element becomes more visible as you move to the west or east, views are marginal and certainly not to the detriment of the appearance of the building or conservation area, as shown in image 4, looking NW from Oldfield Road.
- 5.23 The parapet, currently silver on the following image, will block the majority of views of the pop up and in reality will be taller when completed, therefore blocking more of the view.
- 5.24 Beyond this, views are blocked by the houses on the northern side of Oldfield Road.

5.25 As these images are taken from towards the southern side of Oldfield Road, they are also considered the 'worst case scenario' in terms of the visibility of the rooftop structure from the public realm and pedestrians on the northern pavement would be afforded further reduced views.

Image 4



- 5.26 Given the range of roof forms in the road, and shown on image 4 alone, including the frontage gable to the west, the flat roof to the proposed building and the side gable to the east with chimney, the pop up element is not considered incongruous in the street scene or conservation area.
- 5.27 The ridge height to the east remains significantly higher than the highest element of the pop up and image 4 demonstrates how the pop up creates a step up in height between the lower rise building to the west and highest rise building to the east.
- 5.28 Turning to the impact on neighbouring amenity, the concerns raised by the case officer related to the residential block to the west. As shown on the elevations, the pop up element is chamfered away from the west, thereby removing any impact on the residential block or residential amenity.
- 5.29 The following image, image 5, was taken from the new flatted block to the north and shows the significant degree of chamfering away from the western elevation and therefore the reduced impact this will have on flats to the west, who in reality will not see the chamfered element, even at first floor level.
- 5.30 This image also shows the extent of the parapet around the mews building.

Image 5



- 5.31 Image 6 is taken from ground level in the courtyard of the neighbouring residential property, but with a zoom, and shows the degree of which the pop up element will be visible directly from the west.
- 5.32 This shows the approved parapet (in silver) and then the small area of height increase of the chamfered side of the pop up, which is very minimal and extends to only a small proportion of the length of that western elevation.

Image 6

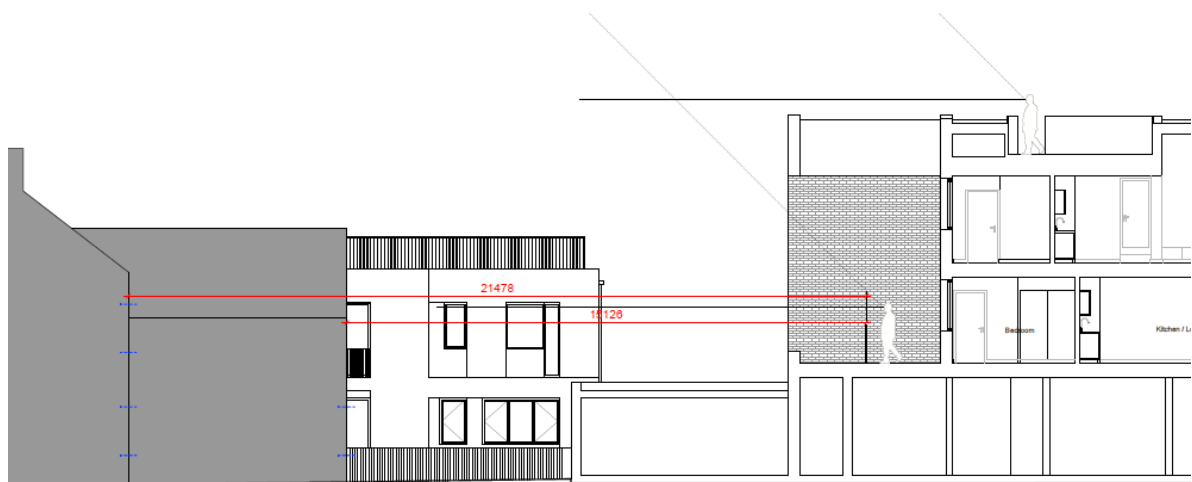


- 5.33 As shown on this image, it is not considered that there will be any impact of this pop up element on the amenity of residents to the west, and certainly not to such a degree that would warrant a reason for refusal.
- 5.34 Given the above, we would submit that the proposed roof level access is not a visually intrusive or unsympathetic form of development. Moreover, we consider that the proposal will not cause harm to the setting of the Hampton Village Conservation Area.
- 5.35 We would invite the case officer to visit the site to verify the above and would be happy to talk the through the works to date and timescales for ongoing works.

Privacy Screening

- 5.36 Condition U0061598 requires that full details of a minimum 1.7-metre high privacy screen to the private balconies and roof terrace serving the development be submitted to and approved in writing by the Local Planning Authority.
- 5.37 As detailed above, it is not clear to which terrace is being referred, however given the form of development and distances between properties, it is considered that the requirement for any screen on any of the amenity areas is unnecessary and that this condition should be removed.

- 5.38 From a visual point of view, structures of this height would be highly visible on top of the buildings and would extend around much of the roof area.
- 5.39 Bearing in mind the recent reason for refusal that considered a small pop up on the mews building as a dominant and incongruous form of development and detrimental to the Conservation Area, it is not considered how such a privacy screen could be supported, especially given that there is no requirement for a privacy screen for the reasons set out below.
- 5.40 As detailed above, the requirement for such screening was suggested at planning committee and added to the list on conditions, without any real discussion or consideration of the implications.
- 5.41 Regarding the amenity of the residents of the new buildings themselves, a solid screen rising to 1.7m above terrace level would create a very poor quality enclosed space, blocking light and in the case of the rear balconies, allowing for only a narrow sliver of outlook, between the top of the screen and the underside of the floor above.
- 5.42 Whilst the condition does not include sufficient detail, from the discussions at planning committee and the Conservation Area setting, it is considered that the roof terrace in question is that serving the top floor flats of the Station Road block. It is on this basis that this condition is therefore addressed.
- 5.43 The following section identifies separation distances between properties and angles of vision from both the roof terrace and rear balconies at first floor level.

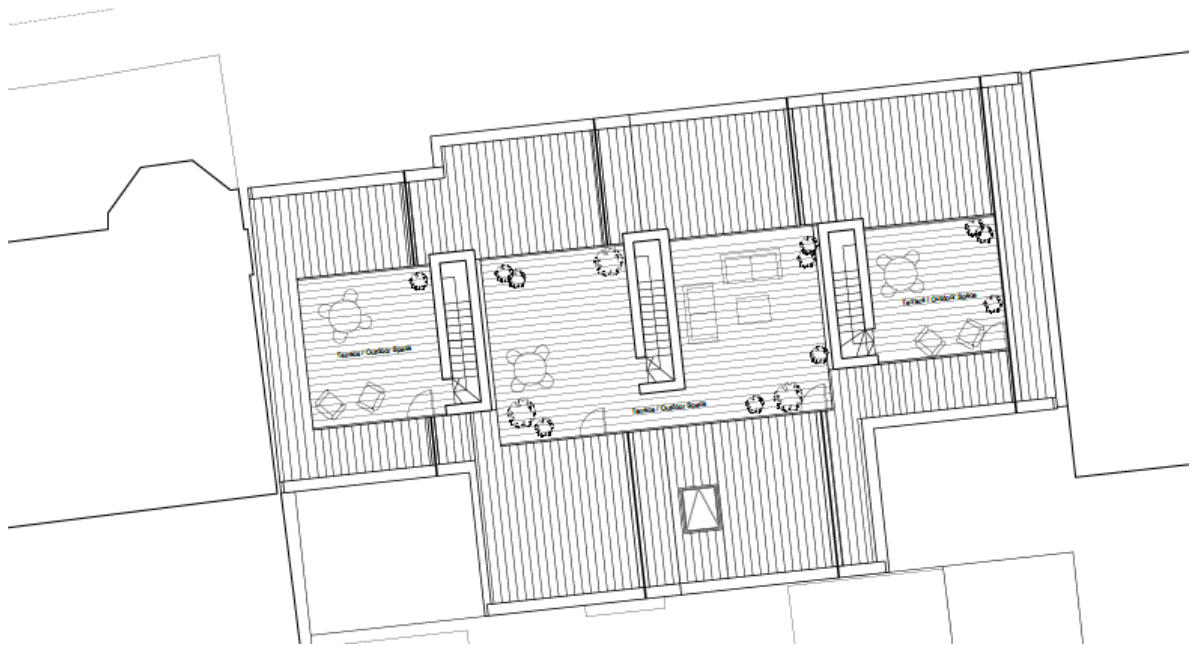


- 5.44 The easternmost rear balcony is set back from the southern elevation of the building and is separated from the neighbouring boundary by the set back and roof of the cycle store. As show above, the distance to the nearest neighbouring window, from the balcony, is almost 21.5m (there are no first floor rear windows in the projecting rear element of the houses fronting Oldfield Road).
- 5.45 Any potential views from the balcony, to the rear garden of the neighbouring property are blocked by the parapet and cycle store. It is considered that mutual overlooking of existing properties in the vicinity is much more prevalent than that created by the new development.

- 5.46 The separation distances and set back nature of the balcony means there is therefore no concern of loss of privacy to neighbouring properties and therefore no requirement for a privacy screen.
- 5.47 The westernmost rear balcony at first floor level provides outlook in a southerly direction only, towards the parking area and windowless flank elevation of the mews building, as shown on the following floorplan.



- 5.48 Any views to the east are blocked by the apartment building itself, whilst views to the west are blocked by a screen. As such, there is no requirement for a 1.7m high privacy screen along the southern side of this balcony.
- 5.49 Turning to the roof terrace, the section image above clearly demonstrates that any views will be much higher level, above the roof tops of any neighbouring residential units.
- 5.50 The position of the terraces and build up of the roof around it, as shown on the following roof plan, ensures there are only horizontal views to the north, east, south and west.
- 5.51 As well as the elevated nature, the roof terrace is also set back from the southern elevation of the building to a much greater extent than the easternmost first floor balcony, therefore distances to neighbouring windows, even if these were visible, are well over required standards.



5.52 The following image shows the outlook from the roof terrace, looking south.



5.53 This is taken from the southernmost extent of the roof terrace and shows that the only visibility is of properties on the southern side of Oldfield Road. Clearly there is no overlooking of neighbouring properties.

- 5.54 Looking the other way, from Oldfield Road, north towards the apartment block, the site operative on the roof terrace is not at all visible, but is holding a broom to identify his position, as follows:



- 5.55 This further demonstrates that there will be no overlooking from the roof terrace.

6.0 SUMMARY AND CONCLUSIONS

- 6.1 The proposed variations have all come about following ongoing detailed design work and it is not unusual for such changes to be sought following the grant of planning consent. None of the changes will have a detrimental impact on the appearance of the building, residential amenity or the setting of the Hampton Village Conservation Area.
- 6.2 The minor physical changes improve the usability and general appearance of the development. In particular, the pop-up element at roof level is designed to facilitate suitable access arrangements for disabled persons, thereby ensuring that the development is DDA compliant.
- 6.3 This application follows on from a recently refused Section 73 application which proposed minor variations to the plans (Ref: 20/1237/VRC). The Applicant and Design Team have carefully considered the Reasons for Refusal and sought to address the matters raised as part of this current Section 73 application.
- 6.4 The proposed variations to Condition U0061605 have been carefully designed to respect the surrounding residential context and to be sympathetic to the setting of the Hampton Village Conservation Area.
- 6.5 The proposed removal of Condition U0061598 follows discussions within the Design Team and follows concerns that 1.7m high privacy screens would impact on the outlook of prospective residents, whilst adding an incongruous design feature which is out of keeping with the surrounding residential context.
- 6.6 We would welcome the opportunity to engage with the Local Planning Authority should there be any clarifications or further information required as part of the Section 73 application and would be keen to arrange a site visit at your earliest convenience.
- 6.7 To conclude, we consider that the proposed variations to the existing planning permission are consistent with national and local policies and that the proposals are in accordance with the principles of sustainable development. We would, therefore, respectfully submit that planning permission should be granted for the proposed variations.