

Application reference: 20/1680/HOT

SOUTH RICHMOND WARD

Date application received	Date made valid	Target report date	8 Week date
19.06.2020	19.06.2020	14.08.2020	14.08.2020

Site:

5 Abercorn Mews, Richmond, TW10 6BY,

Proposal:

Replacement French door to rear dormer roof extension and installation of a glazed balcony screen to roof of outrigger to facilitate use of roof to outrigger as roof terrace.

Status: Pending Decision (If status = HOLD please check that all is OK before you proceed any further with this application)

APPLICANT NAME

Dr Vanessa Ginn
5, Abercorn Mews
Richmond
TW10 6BY

AGENT NAME

Mrs Fiona Jones
3 Elizabeth Gardens
Ascot
SL5 9BJ

DC Site Notice: printed on 22.06.2020 and posted on 03.07.2020 and due to expire on 24.07.2020

Consultations:**Internal/External:****Consultee****Expiry Date****Neighbours:**

6 Princes Road, Richmond, TW10 6DH, - 22.06.2020
71 Kings Road, Richmond, TW10 6EG, - 22.06.2020
Richmond Ambulance Station, Kings Road, Richmond, TW10 6EG, - 22.06.2020
6 Abercorn Mews, Richmond, TW10 6BY - 22.06.2020
Flat 6, Princes House, 4 Princes Road, Richmond, TW10 6DH -
Flat 1, Princes House, 4 Princes Road, Richmond, TW10 6DH -

History: Development Management, Appeals, Building Control, Enforcements:Development Management

Status: REF

Date: 29/11/2006

Application: 06/3020/FUL

Replace pitched roofs with mansard roofs and create roof extensions with dormers.

Development Management

Status: REF

Date: 16/03/2017

Application: 17/0675/NMA

Extension of the existing bay parapet to the rear of the properties, by way of a dormer to the rear and the addition of four conservation rooflights to the front and two to the rear roof pitch. Rear single storey conservatory extension. [Non-Material Amendment application to Planning Permission 16/0071/FUL granted under appeal Ref No

APP/L5810/D/16/3148512 regarding omitting bank of 4 windows and adding french doors with side panels, also omitting one velux roof window].

Development Management

Status: REF
Date:23/05/2017

Application:17/1229/HOT
Loft conversion incorporating a rear dormer roof extension and 3 no. rooflights to front slope.

Development Management

Status: REF
Date:18/04/2018

Application:17/1229/NMA
Loft conversion incorporating a rear dormer roof extension and 3 no. rooflights to front slope. (Application for a non-material amendment to application 17/1229/HOT allowed on appeal to allow for increase in height to brick party wall).

Development Management

Status: GTD
Date:09/07/2018

Application:18/1646/VRC
Variation of conditions 2 and 3 (drawings/materials to match existing) of planning appeal 17/1230/HOT (our ref) and APP/L5810/D/17/3179128 (PINS ref) to raise the eastern party wall in brickwork.

Development Management

Status: WDN
Date:22/06/2020

Application:20/1664/VRC
Variation of condition U45569 (approved drawings) of planning permission 18/1646/VRC to insert french doors and a glazed balcony to the rear of the dormer roof extension. Variation of conditions 2 and 3 (drawings/materials to match existing) of planning appeal 17/1230/HOT (our ref) and APP/L5810/D/17/3179128 (PINS ref) to raise the eastern party wall in brickwork. (approved under 18/1646/VRC)

Development Management

Status: PDE
Date:

Application:20/1680/HOT
Replacement French door to rear dormer roof extension and installation of a glazed balcony screen to roof of outrigger to facilitate use of roof to outrigger as roof terrace.

Appeal

Validation Date: 04.09.2017

Loft conversion incorporating a rear dormer roof extension and 3 no. rooflights to front slope.

Reference: 17/0156/AP/REF

Appeal Allowed

Building Control

Deposit Date: 06.09.1996

Redevelopment comprising seven live work studios (Now known as 1-7 Abercorn Mews)

Reference: 96/1252/FP

Building Control

Deposit Date: 04.05.2017

Install a gas-fired boiler

Reference: 17/FEN01723/GASAFE

Building Control

Deposit Date: 30.04.2019

Hip to gable loft conversion with rear dormer

Reference: 19/0689/IN

Building Control

Deposit Date: 24.09.2019

Install a replacement consumer unit Install one or more new circuits

Reference: 19/NIC02305/NICEIC

Building Control

Deposit Date: 24.09.2019

Install a replacement consumer unit Install one or more new circuits

Reference: 19/NIC02444/NICEIC

Enforcement

Opened Date: 26.05.2020

Enforcement Enquiry

Reference: 20/0179/EN/NAP

Application reference: 20/1680/HOT

Site Address: 5 Abercorn Mews, Richmond, TW10 6BY

Proposal	Replacement French door to rear dormer roof extension and installation of a glazed balcony screen to roof of outrigger to facilitate use of roof to outrigger as roof terrace.
Site description / key designations	<p>The application site relates to a gated mews development comprising of seven two storey houses. The site does not constitute a Building of Townscape Merit, however it does fall within the St Matthias Conservation Area.</p> <p>Other site designations:</p> <ul style="list-style-type: none"> • Article 4 direction restricting basement development • Main Centre Buffer Zone- Richmond Town Centre Buffer Zone
Planning history	<p>18/1646/VRC Variation of conditions 2 and 3 (drawings/materials to match existing) of planning appeal 17/1230/HOT (our ref) and APP/L5810/D/17/3179128 (PINS ref) to raise the eastern party wall in brickwork. Granted 09/07/18.</p> <p>17/1229/NMA Loft conversion incorporating a rear dormer roof extension and 3 no. rooflights to front slope. (Application for a non-material amendment to application 17/1229/HOT allowed on appeal to allow for increase in height to brick party wall). Refused 18/04/20.</p> <p>17/1229/HOT Loft conversion incorporating a rear dormer roof extension and 3 no. rooflights to front slope. Refused 23/05/17. Allowed on appeal 09/10/17.</p> <p>17/0675/NMA Extension of the existing bay parapet to the rear of the properties, by way of a dormer to the rear and the addition of four conservation rooflights to the front and two to the rear roof pitch. Rear single storey conservatory extension. [Non-Material Amendment application to Planning Permission 16/0071/FUL granted under appeal Ref No APP/L5810/D/16/3148512 regarding omitting bank of 4 windows and adding french doors with side panels, also omitting one velux roof window]. Refused 16/03/17.</p>
Policies	<p>The proposal has been considered having regard to the policies within the Council's Local Plan, in particular:</p> <p>Local Plan:</p> <ul style="list-style-type: none"> • LP 1 (Local Character and Design Quality); • LP 3 (Designated Heritage Assets); • LP 8 (Amenity and Living Conditions); <p>Supplementary Planning Documents / Guidance:</p> <ul style="list-style-type: none"> • House Extensions and External Alterations
Material representations	The application has been publicised in accordance with the Local Planning Authority's requirements as set out in the Town and

	<p>Country Planning (Development Management Procedure) (England) Order.</p> <p>Six letters of objection were received and one letter of observation. The issues raised can be summarised below:</p> <ul style="list-style-type: none"> • Overlooking into habitable rooms • Overlooking into garden areas • No other examples of balconies facing habitable rooms or gardens in the vicinity • Noise • Loss of property value
<p>Amendments</p>	<p>None.</p>
<p>Professional comments</p>	<p>Design/Visual Amenity</p> <p>Policy LP1 of the Local Plan requires all development to be of high architectural and urban design quality and compatible with local character in terms of development patterns, scale, height and design.</p> <p>Policy LP 3 requires development to conserve the historic environment of the borough, and where possible make a positive contribution. Development proposals likely to adversely affect the significance of heritage assets will be assessed against the requirement to seek to avoid harm and the justification for the proposal.</p> <p>The rear dormer under application 17/1229/HOT was refused and allowed on appeal. The current application seeks permission for the retention of the replacement French doors and the erection of a glazed balcony screen to roof of outrigger in order to facilitate use of the outrigger roof as a terrace. The glazed screen would be 0.62m in height.</p> <p>The application 17/1229/HOT gained approval for the French doors and Juliet balcony. Whilst the materials have not been explicitly specified on the plans, it is considered that it would be formed in dark painted metal. The Officer report stated that whilst the French doors and Juliet balcony are not SPD compliant, given the parapet wall would partly shield the doors and given they would be at roof level, they would not be considered as an alien feature and therefore acceptable.</p> <p>With regard to the current application, the addition of a glazed balcony screen to afford the creation of a roof terrace would be considered an incongruous feature. The screening would be visible from the side and rear elevations and is considered as an unsympathetic use of material, which would appear at odds with the host dwelling, the terrace that that it forms a part of and the immediate vicinity and the Conservation Area in general. The use of glass at roof level is uncharacteristic of the conservation area and thus the scheme fails to preserve or enhance the setting, character and appearance of the conservation area.</p>

	<p>Whilst the proposal would result in less than substantial harm to the setting, character and appearance of the conservation area, there is no public benefit to outweigh the harm and is therefore contrary to the NPPF.</p> <p>Having regard to the proposed development, it would fail to respect the character and appearance of the area and the host dwelling and therefore would be contrary to the Local Plan policy LP1 and LP3 and the NPPF.</p> <p>Neighbour Amenity</p> <p>Policy LP8 requires all development to protect the amenity and living conditions for occupants of new, existing, adjoining and neighbouring properties. This includes ensuring adequate light is achieved, preserving privacy and ensuring proposals are not visually intrusive.</p> <p>When assessing this application, it is vital to assess the impacts to the neighbouring properties. The site adjoins to No.6 Abercorn Mews. There are no concerns regarding the adjoining neighbour at No.6 given siting of the windows and distance.</p> <p>The rear of the property can be easily viewed by the rear of the properties along Princes Road, particularly Nos. 4-16.</p> <p>It is acknowledged that the previous application 17/1229/HOT raised no objection to the construction of a Juliet balcony in terms of neighbour amenity. It concluded that <i>'the balustrade on the Juliet balcony would ensure that access is limited to the rear elevation area of the dormer, offering an oblique and constricted view to the rear amenity space of neighbouring gardens'</i>.</p> <p>The current application involves the removal of the Juliet balcony balustrade, creating a roof terrace. It is considered that the substantial area would likely allow this space to be comfortably used for sitting out and could reasonably accommodate garden furniture. Indeed, timber decking has been installed on the terrace. As a result, the terrace would allow for prolonged views as well as greater levels of overlooking into the rear garden areas and rear habitable rooms of Nos. 4-16 Princes Road. This results in opportunities of overlooking and a harmful loss of privacy for the occupiers of these properties</p> <p>Having regard to the scale of the terrace, it is considered the proposal would result in actual and perceived loss of privacy and overlooking to the neighbouring rear gardens and rear habitable rooms that would adversely impact on the residential amenity of nearby occupants.</p> <p><u>Other matters</u></p> <p>It is noted that there is a breach of planning due to non-compliance with the approved plans. The roof of the outrigger is currently being used for the purpose of a terrace and the Juliet balcony is not in situ. As such, Enforcement actions are recommended to rectify this.</p>
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	<p>Refuse and Enforce</p> <p>Enforcement Action</p> <p>1) Issue an Enforcement Notice</p> <p>For the reasons set out in this report and owing to the fact that the unauthorised use of the terrace is already present it is considered expedient to take enforcement action. The Head of Legal Services is to be instructed to issue an Enforcement Notice under section 172 of the Town and Country Planning Act 1990 as amended, and to authorise in the event of non-compliance, to prosecute under Section 179 or other appropriate power and/or take direct action under section 178 in order to secure the cessation of the breach of planning control.</p> <p>THE BREACH OF PLANNING CONTROL ALLEGED</p> <p>Without planning permission within the last four years the unauthorised terrace at 5 Abercorn Mews is already present.</p> <p>REASONS FOR ISSUING THIS NOTICE</p> <p>a) The unauthorised terrace is considered to result in material harm to the surrounding area in terms of visual and residential amenity. The scheme is therefore contrary to, in particular, policies LP1, LP3 and LP8 of the Local Plan.</p> <p>WHAT YOU ARE REQUIRED TO DO</p> <p>1. Remove all structures which do not comply with the approved plans and halt the use of the unauthorised terrace.</p> <p>Compliance due date: within 3 months of this notice taking effect.</p>
Recommendation	REFUSAL

Recommendation:

The determination of this application falls within the scope of Officer delegated powers - YES / ~~NO~~

I therefore recommend the following:

- 1. REFUSAL
- 2. PERMISSION
- 3. FORWARD TO COMMITTEE

This application is CIL liable YES* NO
 (*If yes, complete CIL tab in Uniform)

This application requires a Legal Agreement YES* NO
 (*If yes, complete Development Condition Monitoring in Uniform)

This application has representations online YES NO

Case Officer (Initials):HEL.....

Dated:07/08/20.....

I agree the recommendation:

~~Team Leader/Head of Development Management/Principal Planner~~

Dated:WWC.....11/8/2020.....

This application has been subject to representations that are contrary to the officer recommendation. The Head of Development Management has considered those representations and concluded that the application can be determined without reference to the Planning Committee in conjunction with existing delegated authority.

Head of Development Management:

Dated:

REASONS:
CONDITIONS:
INFORMATIVES:
UDP POLICIES:
OTHER POLICIES:

The following table will populate as a quick check by running the template once items have been entered into Uniform

SUMMARY OF CONDITIONS AND INFORMATIVES

CONDITIONS

INFORMATIVES

U0044841	NPPF REFUSAL- Para. 38-42
U0044842	Decision Drawing Nos.