

Application reference: 21/0785/PS192

HAM, PETERSHAM, RICHMOND RIVERSIDE WARD

Date application received	Date made valid	Target report date	8 Week date
03.03.2021	03.03.2021	28.04.2021	28.04.2021

Site:

6 Burnell Avenue, Ham, Richmond, TW10 7YE

Proposal:

Single storey side/rear extension, first floor rear extension with hipped roof. Cover to side passage. Hip to gable and rear dormer roof extension. 3 rooflights to front roof slope. Garden studio.

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

APPLICANT NAME

Phillippa and Limoz Logli
6 Burnell Avenue
Ham
Richmond
TW10 7YE

AGENT NAME

Mr Mark Prizeman
7 Dilke Street
London
SW3 4JE

DC Site Notice: printed on and posted on and due to expire on

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

-

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

Status: PCO

Date:

Application:21/0784/PDE

single storey rear extension (6m depth 2.77m eaves height 3.25m maximum height)

Development Management

Status: PDE

Date:

Application:21/0785/PS192

Single storey side/rear extension, first floor rear extension with hipped roof. Cover to side passage. Hip to gable and rear dormer roof extension. 3 rooflights to front roof slope. Garden studio.

Development Management

Status: INV

Date:

Application:21/0786/HOT

First Floor side extension and front porch with terrace.

Building Control

Deposit Date: 04.08.2009

Reference: 09/0173/CWALL

Cavity wall insulation

Application Number	21/0785/PS192
Address	6 Burnell Avenue, Ham, Richmond, TW10 7YE
Proposal	Single-storey side/rear extension, first-floor rear extension with hipped roof. Cover to side passage. Hip to gable and rear dormer roof extension. 3 rooflights to front roof slope. Garden studio.
Contact Officer	Kerry McLaughlin

1. Introduction

The Town and Country Planning (General Permitted Development) Order 2015 (as amended) applies to all land in England and Wales, other than land which is the subject of a special development order, and specifies various classes of development which may be undertaken without the permission of the local planning authority. Such development, referred to as "permitted development", is deemed to have planning permission by the Order, and does not require an application for planning permission to be submitted to the Council.

The applicant has submitted an application for a Certificate of Lawful Development (Proposed). In assessing this application, the Council is making a determination of law as to whether or not the proposed development complies with the Town and Country Planning (General Permitted Development) Order 2015 (as amended). Issues such as the policies contained in the Council's adopted Richmond Local Plan (2018) are not to be taken into consideration as the decision is based on fact and not on policy grounds.

2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

The application property is a two-storey, semi-detached dwelling, located on the northern side of Burnell Avenue.

The application site is subject to the following planning constraints:

Archaeological Priority (English Heritage)	Site: Ham Fields - Partly built over by grow of Ham, and used for gravel extraction, finds of prehistoric material indi
Article 4 Direction Basements	Article 4 Direction - Basements / Ref: ART4/BASEMENTS / Effective from: 18/04/2018
Neighbourhood Plan Area	Ham and Petersham Neighbourhood Area - Ham and Petersham Neighbourhood Plan - Adopted by Council on 22 January 2019
Take Away Management Zone	Take Away Management Zone
Village	Ham and Petersham Village
Ward	Ham, Petersham and Richmond Riverside Ward

3. PROPOSAL AND ANY RELEVANT PLANNING HISTORY

Volume Calculation:

Volume of hip to gable =
 $1/3 \times \text{width (GW)} \times \text{height (GH)} \times \text{depth (GD)} / 2 =$
 $1/3 \times 7.1 \times 2.75 \times 3.52 / 2 = 11.45 \text{ cu m}$

Volume of Dormer =
 $\text{Height (DH)} \times \text{width (DW)} \times \text{length (DL)} / 2 =$
 $2.73 \times 3.54 \times 6.93 / 2 = 33.49 \text{ cu m}$

TOTAL VOLUME INCREASE FOR LOFT = 44.94 cu m

The scheme seeks confirmation in the form of a lawful development certificate that the construction of the development described above would constitute permitted development.

The comprehensive list of planning history can be found above however the most relevant planning history is as follows:

Ref	Proposal	Decision
21/0784/PDE	single storey rear extension (6m depth 2.77m eaves height 3.25m maximum height)	Pending consideration
21/0786/HOT	First Floor side extension and front porch with terrace.	Received, not yet validated

4. CONSULTATIONS CARRIED OUT

This is an application for a Certificate of Lawful Development (Proposed), which is a request to the Council to confirm that the development as specified does not require an application for planning permission to be submitted to the Council. In assessing this application, the Council is making a determination of law, and as such it is not considered to be necessary to undertake a public consultation.

5. AMENDMENTS

None.

6. EXPLANATION OF RECOMMENDATION

The application site is a dwellinghouse, and the application will be assessed against Schedule 2, Part 1 of the Town and Country (General Permitted Development) Order 2015 (as amended), which relates to "Development within the curtilage of a dwellinghouse".

Class A

The scheme *is not* considered to be permitted development under Class A 'The enlargement, improvement or other alteration of a dwellinghouse'

A.1 Development is not permitted by Class A if --

A.1 Development is not permitted by Class A if—	Officer's Comment:
(a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P, PA or Q of Part 3 of this Schedule (changes of use);	Complies
(b) as a result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than original) dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);	Complies
(c) the height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse	Complies
(d) the height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse;	Complies
(e) the enlarged part of the dwellinghouse would extend beyond a wall which – (i) forms the principal elevation of the original dwellinghouse; or (ii) fronts a highway and forms a side elevation of the original dwellinghouse	Complies

<p>(f) subject to paragraph (g), the enlarged part of the dwellinghouse would have a single storey and ---</p> <p>(i) extend beyond the rear wall of the original dwellinghouse by more than 4m in the case of a detached dwellinghouse, or 3m in the case of any other dwellinghouse, or</p> <p>(ii) exceed 4m in height</p>	<p>Does not Comply</p> <p>(i) The proposed wrap-around extension far exceeds 3m in depth beyond the rear elevation. Whilst it is acknowledged larger extensions can be applied for under Permitted Development a 'Prior Approval for Large Home Extensions' is required for this.</p> <p>(ii) Complies</p>
<p>(g) For a dwellinghouse not on article 2(3) land nor on a site of special scientific interest, the enlarged part of the dwellinghouse would have a single storey and ---</p> <p>(i) extend beyond the rear wall of the original dwellinghouse by more than 8m in the case of a detached dwellinghouse, or 6m in the case of any other dwellinghouse, or</p> <p>(ii) exceed 4m in height;</p>	<p>Not Applicable</p>
<p>(h) the enlarged part of the dwellinghouse would have more than a single storey and ---</p> <p>(i) extend beyond the rear wall of the original dwellinghouse by more than 3m, or</p> <p>(ii) be within 7m of any boundary of the curtilage of the dwellinghouse being enlarged which is opposite the rear wall of that dwellinghouse</p>	<p>Complies</p>
<p>(i) the enlarged part of the dwellinghouse would be within 2m of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3m;</p>	<p>Complies</p>
<p>(j) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would ---</p> <p>(i) exceed 4m in height,</p> <p>(ii) have more than a single storey, or</p> <p>Have a width greater than half the width of the original dwellinghouse;</p>	<p>Does not Comply</p> <p>(i) Complies</p> <p>(ii) The scheme forms a side/rear extension, the combined extension has a width greater than half the width of the original dwellinghouse and therefore fails to comply with this criterion.</p>
<p>(ja) any total enlargement (being the enlarged part together with any existing enlargement of the dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in sub-paragraphs (e) to (j);</p>	<p>Complies</p>
<p>(k) it would consist of or include ---</p> <p>(i) the construction or provision of a verandah, balcony or raised platform,</p> <p>(ii) the installation, alteration or replacement of a microwave antenna,</p> <p>(iii) the installation, alteration or replacement of a chimney, flue, soil and vent pipe, or</p> <p>(iv) an alteration to any part of the roof of the dwellinghouse or</p>	<p>Complies</p>
<p>(l) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).</p>	<p>Complies</p>

The proposal fails to comply with (f) and (j) of Class A, A.1, Schedule 2, Part 1 of the Town and Country (General Permitted Development) Order 2015 (as amended).

A.2 In the case of a dwellinghouse on article 2(3) land, development is not permitted by Class A if --- **All not applicable, this site is not situated within article 2(3) land.**

A.2 In the case of a dwellinghouse on article 2(3) land, development is not permitted by Class A if —	Officer's Comment:
(a) It would consist of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebble dash, render, timber, plastic or tiles;	Not Applicable
(b) The enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse; or	Not Applicable
(c) The enlarged part of the dwellinghouse would have more than a single storey and extend beyond the rear wall of the original dwellinghouse	Not Applicable
(d) Any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in sub-paragraphs (b) and (c).	Not Applicable

A.3 Development is permitted by Class A subject to the following conditions—

A.3 Development is permitted by Class A subject to the following conditions—	Officer's Comment:
(a) the materials used in any exterior work (other than materials used in the construction of a conservatory) must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;	Unable to Determine The applicant has confirmed the proposed brickwork will match that of the existing dwellinghouse, however the proposed materials to the fenestration and roof of the two-storey extension have not been confirmed. Had the proposal have been found acceptable in all other aspects confirmation of the proposed materials would have been sought.
(b) any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse must be— (i) obscure-glazed, and (ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.	Not Applicable There are no side facing windows on the upper-floor of the two-storey rear extension.
(c) where an enlarged part of the dwellinghouse has more than a single storey, or forms an upper storey to an existing enlargement of the original dwellinghouse, the roof pitch of the enlarged part must, so far as practicable, be the same as the roof pitch of the original dwellinghouse.	Complies

Class B

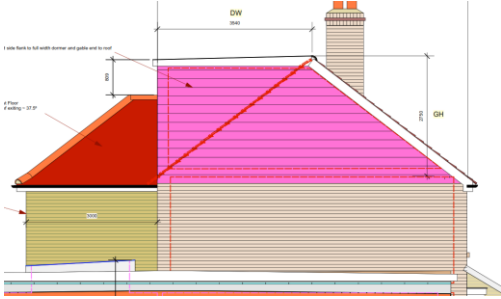
The scheme *is not* considered to be permitted development under Class B 'The enlargement of a dwelling house consisting of an addition or alteration to its roof' for the following reasons:

B.1 Development is not permitted by Class B if—

B.1 Development is not permitted by Class A if—	Officer's Comment:
(a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P, PA or Q of Part 3 of this Schedule (changes of use);	Complies
(b) any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof;	Complies

(c) any part of the dwellinghouse would, as a result of the works, extend beyond the plane of any existing roof slope which forms the principal elevation of the dwellinghouse and fronts a highway;	Complies
(d) the cubic content of the resulting roof space would exceed the cubic content of the original roof space by more than— (i) 40 cubic metres in the case of a terrace house, or (ii) 50 cubic metres in any other case;	Complies Please see calculations set out under 'Proposals' above.
(e) it would consist of or include— (i) the construction or provision of a verandah, balcony or raised platform, or (ii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe;	Complies
(f) the dwellinghouse is on article 2(3) land;	Complies
(g) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses); or	Complies
(h) the existing dwellinghouse has been enlarged in reliance on the permission granted by Class AA (enlargement of a dwellinghouse by construction of additional storeys)	Complies

B.2 Development is permitted by Class B subject to the following conditions—

B.2 Development is permitted by Class B subject to the following conditions—	Officer's Comment:
(a) the materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;	Unable to Determine The proposed materials to the roof works have not been confirmed. Had the proposal have been found acceptable in all other aspects confirmation of the proposed materials would have been sought.
(b) the enlargement must be constructed so that— (i) other than in the case of a hip-to-gable enlargement or an enlargement which joins the original roof to the roof of a rear or side extension— (aa) the eaves of the original roof are maintained or reinstated; and (bb) the edge of the enlargement closest to the eaves of the original roof is, so far as practicable, not less than 0.2 metres from the eaves, measured along the roof slope from the outside edge of the eaves; and (ii) other than in the case of an enlargement which joins the original roof to the roof of a rear or side extension, no part of the enlargement extends beyond the outside face of any external wall of the original dwellinghouse; and	Does not Comply The rear dormer is not set in at least 20cm from the newly created eaves of the two-storey rear extension. 
(c) any window inserted on a wall or roof slope forming a side elevation of the dwellinghouse must be— (i) obscure-glazed, and (ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.	Not Applicable There are no side facing windows proposed under this application.

The proposal fails to comply with (b) of Class B, B.2, Schedule 2, Part 1 of the Town and Country (General Permitted Development) Order 2015 (as amended).

Class C

The development *is* considered to be permitted development under Class C ‘Any other alteration to the roof of the dwelling house’ for the following reasons:

C.1 Development is not permitted by Class C if—

C.1 Development is not permitted by Class C if	Officer’s Comment:
(a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P, PA or Q of Part 3 of this Schedule (changes of use);	Complies
(b) the alteration would protrude more than 0.15 metres beyond the plane of the slope of the original roof when measured from the perpendicular with the external surface of the original roof;	Complies As shown on drawing number BUR20.
(c) it would result in the highest part of the alteration being higher than the highest part of the original roof;	Complies
(d) it would consist of or include - (i) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or (ii) the installation, alteration or replacement of solar photovoltaics or solar thermal equipment;	Complies
(e) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses)	Complies

C.2 Development is permitted by Class C subject to the condition that any window located on a roof slope forming a side elevation of the dwellinghouse must be—

C.2 Development is permitted by Class C subject to the condition that any window located on a roof slope forming a side elevation of the dwellinghouse must be	Officer’s Comment:
(a) obscure-glazed; and	Not Applicable There are no side facing windows proposed under this application.
(b) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.	Not Applicable There are no side facing windows proposed under this application.

The development *is* considered to be permitted development under Class E:

- (a) any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure; or
- (b) a container used for domestic heating purposes for the storage of oil or liquid petroleum gas

for the following reasons:

E.1 Development is not permitted by Class E if—

E.1 Development is not permitted by Class E if	Officer’s Comment:
(a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P, PA or Q of Part 3 of this Schedule (change of use)	Complies
(b) the total area of ground covered by buildings, enclosures and containers within the curtilage (other than the original dwellinghouse) would exceed 50% of the total	Complies

area of the curtilage (excluding the ground area of the original dwellinghouse)	
(c) any part of the building, enclosure, pool or container would be situated on land forward of a wall forming the principal elevation of the original dwellinghouse	Complies
(d) the building would have more than a single storey	Complies
(e) the height of the building, enclosure or container would exceed – (i) 4 metres in the case of a building with a dual-pitched roof, (ii) 2.5 metres in the case of a building, enclosure or container within 2 metres of the boundary of the curtilage of the dwellinghouse, or (iii) 3 metres in any other case	Complies The proposed outbuilding measures 4m maximum height with a pitched roof and is sited 2m from the boundary of the curtilage of the dwellinghouse.
(f) the height of the eaves of the building would exceed 2.5 metres	Complies The scheme comprises an eaves height of 2.5m from natural ground level.
(g) the building, enclosure, pool or container would be situated within the curtilage of a listed building	Complies
(h) it would include the construction or provision of a verandah, balcony or raised platform	Complies
(i) it relates to a dwelling or a microwave antenna	Complies
(j) the capacity of the container would exceed 3,500 litres; or	Not Applicable
(k) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses)	Complies

E.2

E.2 In the case of any land within the curtilage of the dwellinghouse which is within -	Officer's Comment:
(a) a World Heritage Site,	Not Applicable
(b) a National Park,	Not Applicable
(c) an area of outstanding natural beauty or	Not Applicable
(d) the Broads ,	Not Applicable
development is not permitted by Class E if the total area of ground covered by buildings, enclosures, pools and containers situated more than 20 metres from any wall of the dwellinghouse would exceed 10 square metres	Not Applicable

E.3	Officer's Comment:
E.3 In the case of any land within the curtilage of the dwellinghouse which is article 2(3) land, development is not permitted by Class E if any part of the building, enclosure, pool or container would be situated on land between a wall forming a side elevation of the dwellinghouse and the boundary of the curtilage of the dwellinghouse	Not Applicable This site is not situated on article 2(3) land.

7. RECOMMENDATION

Refuse Certificate

This proposal CONSTITUTES DEVELOPMENT within the meaning of Section 55 of the Town and Country Planning Act 1990, and a planning application IS REQUIRED. This is because it does not meet criteria laid down under Class A, A.1, (F) & (j) and Class B, B.2 (b) in the Town and Country Planning (General Permitted Development) (England) Order 2015 and any subsequent legislative amendments. This is because; the proposed extension exceeds 3m in depth beyond the rear elevation of the original dwellinghouse, the combined side/rear extension and has a width greater than half the width of the original dwellinghouse and the rear dormer is not set in by at least 20cm from the newly created eaves of the two-storey rear extension.

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 (which are not on the file) YES NO

This application has representations on file YES NO

Case Officer (Initials): KM

Dated: 15.05.2021

I agree the recommendation:

Team Leader/Head of Development Management/Principal Planner

Dated: VAA 16.03.21

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

U0049755	Decision Drawing Numbers
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