

Application reference: 21/1754/PS192 EAST SHEEN WARD

Date application received	Date made valid	Target report date	8 Week date
14.05.2021	14.05.2021	09.07.2021	09.07.2021

Site:

12 Percival Road, East Sheen, London, SW14 7QE

Proposal:

Proposals include construction of a new garden studio for domestic use as a gym and writing studio.

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

APPLICANT NAME

Mr S Robson
12 Percival Road
East Sheen
London
SW14 7QE

AGENT NAME

Mr Ross McDonald
Level 2, 28 Poland Street
London
W1F 8QP

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: GTD Application:04/2566/PS192
Date:08/09/2004 Loft conversion to form habitable room.

Development Management

Status: PDE Application:21/1754/PS192
Date: Proposals include construction of a new garden studio for domestic use as a gym and writing studio.

Building Control

Deposit Date: 03.10.2000 Internal alterations to convert two flats back to a house.
Reference: 00/1878/FP

Building Control

Deposit Date: 05.12.2000 Conversion of garage into habitable room.
Reference: 00/2238/BN

Building Control

Deposit Date: 16.08.2004 Loft conversion
Reference: 04/1694/FP

Building Control

Deposit Date: 23.09.2004 Loft conversion

Reference: 04/1694/RS1/FP

Building Control

Deposit Date: 28.10.2009 Installed a Gas Boiler

Reference: 10/FEN00146/GASAFE

Building Control

Deposit Date: 14.04.2010 Formation of opening in loadbearing wall and insert steel support

Reference: 10/0658/BN

Application Number	21/1754/PS192
Address	12 Percival Road, East Sheen, London, SW14 7QE
Proposal	Proposals include construction of a new garden studio for domestic use as a gym and writing 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 western side of Percival Road.

The application site is subject to the following planning constraints:

Article 4 Direction Basements	Article 4 Direction - Basements / Ref: ART4/BASEMENTS / Effective from: 18/04/2018
Critical Drainage Area - Environment Agency	Richmond Town Centre and Mortlake [Richmond] / Ref: Group8_004 /
Main Centre Buffer Zone	East Sheen Town Centre Boundary Buffer Zone - A residential development or a mixed use scheme within this 400 metre buffer area identified within the Plan does not have to apply the Sequential Test (for Flood Risk) as set out in Local Plan policy LP21.
Surface Water Flooding (Area Less Susceptible to) - Environment Agency	
Take Away Management Zone	Take Away Management Zone
Village	East Sheen Village
Village Character Area	Temple Sheen Road / Palmerston Road / York Avenue - Character Area 12 East Sheen Village Planning Guidance Page 39 CHARAREA05/12/01
Ward	East Sheen Ward

3. PROPOSAL AND ANY RELEVANT PLANNING HISTORY

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:

There is no relevant planning history associated with the site.

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 E

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 area of the curtilage (excluding the ground area of the original dwellinghouse)	Complies
(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 maximum height of the structure from natural ground floor level measures 2.5m.
(f) the height of the eaves of the building would exceed 2.5 metres	Complies

(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 veranda, 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	Complies
(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 meters from any wall of the dwellinghouse would exceed 10 square meters	

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 - The application site is not situated on article 2(3) land.

Other Matters - Excavation Works

It is a matter of fact and degree whether excavation in its own right constitutes development. There is case law on this: *Eatherley v. Camden LBC [2016] EWHC 3108 (Admin)*. The Eatherley case found that LPA's should consider the extent of the excavation and engineering works and the impact they may have. If significant, they should be subject to a planning application notwithstanding whether they affect the external appearance of the building.

A summary of the case can be found here: <http://planninglawblog.blogspot.com/2016/12/basement-excavation-may-not-be.html>

In this case the extent of excavation works is considered minor and would not consist of such significant engineering works that it would require submission of a planning application.

7. RECOMMENDATION

Grant Certificate

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: 24.05.2021

I agree the recommendation:

Principal Planner

Dated:WWC.....26/5/21.....

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

U0051506	Composite Informative
U0051507	Section 192 Informative