

## Application reference: 21/1873/PS192

### HAM, PETERSHAM, RICHMOND RIVERSIDE WARD

Date application received	Date made valid	Target report date	8 Week date
24.05.2021	24.05.2021	19.07.2021	19.07.2021

**Site:**

6 The Shires, Ham Common, Richmond, TW10 5HF

**Proposal:**

Two-storey rear extension.

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

**APPLICANT NAME**

Mr Dan Abbott  
6 The Shires  
Ham Common  
Richmond  
TW10 5HF

**AGENT NAME**

Mr Jeffrey Thwaites  
58 Broad Oaks  
Wickford  
SS12 9BQ

**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: REF Application:65/0773  
Date:03/11/1965 Erection of sixteen 4 bedroom houses.

Development Management

Status: REF Application:65/0870  
Date:12/11/1965 Erection of 13 terraced and two detached houses.

Development Management

Status: REF Application:65/1118  
Date:12/11/1965 Construction of access road in cul-de-sac form and erection of 14 houses including a terrace of 9 backing on to Church Road.

Development Management

Status: REF Application:65/1366  
Date:12/11/1965 Erection of 14 terraced houses with integral garages.

Development Management

Status: GTD Application:65/1537  
Date:24/12/1965 Erection of 13 houses with garages.

Development Management

Status: GTD Application:65/1670  
Date:16/02/1966 Erection of 11 four-bedroom houses.

Development Management

Status: GTD Application:66/0101  
Date:23/02/1966 erection of 4 terraced 4 bedroom houses with garages at rear.

<u>Development Management</u> Status: GTD Date:23/02/1966	Application:66/0102/DD01 erection of eleven houses. Condition No. (a) of planning permission 66/0102 dated 16th January, 1966.
<u>Development Management</u> Status: GTD Date:22/03/1966	Application:66/0285/DD01 New elevations and revised first floor layout plans for 3 4-bedroomed terrace houses. Condition No. (a) of notice 66/0285 of planning permission dated 17th January, 1966.
<u>Development Management</u> Status: GTD Date:18/05/1966	Application:66/0691 Erection of 12 four-bedroom houses. Condition No. (a) & (i) of notice of planning permission 66/0691 dated 17th January, 1966.
<u>Development Management</u> Status: GTD Date:19/07/1966	Application:66/1221 Erection of 12 four-bedroom two-storey houses in blocks of 3, 4 and 5 together with garage accommodation.
<u>Development Management</u> Status: GTD Date:05/07/1967	Application:66/2268/DD01 Erection of 3 terraced and 7 detached houses. Condition No. (g) of notice of planning permission 66/2268 dated 19th January, 1967.
<u>Development Management</u> Status: GTD Date:19/01/1967	Application:66/2268 Erection of 7 detached houses and separate garages plus 3 terraced houses with integral garages.
<u>Development Management</u> Status: GTD Date:08/01/1976	Application:75/0848 Erection of a single storey extension at the front of the property.
<u>Development Management</u> Status: REF Date:04/05/2021	Application:21/0971/PS192 Part two storey part single storey rear extension.
<u>Development Management</u> Status: REF Date:28/05/2021	Application:21/1764/PS192 Two-storey rear extension.
<u>Development Management</u> Status: PDE Date:	Application:21/1873/PS192 Two-storey rear extension.
<u>Building Control</u> Deposit Date: 30.08.2006 Reference: 06/93233/CORGI	Installed a Gas Boiler
<u>Building Control</u> Deposit Date: 09.05.2019 Reference: 19/NIC01145/NICEIC	Install a replacement consumer unit
<u>Building Control</u> Deposit Date: 08.03.2021 Reference: 21/0401/BN	Internal alterations to reconfigure walls to reform the existing first floor bathroom area.

<b>Application Number</b>	<b>21/1873/PS192</b>
<b>Address</b>	<b>6 The Shires, Ham Common, Richmond, TW10 5HF</b>
<b>Proposal</b>	<b>Two-storey rear extension.</b>
<b>Contact Officer</b>	<b>Kerry McLaughlin</b>

## 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, detached dwelling, located on the western side of The Shires.

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
Neighbourhood Plan Area	Ham and Petersham Neighbourhood Area - Ham and Petersham Neighbourhood Plan - Adopted by Council on 22 January 2019
Village	Ham and Petersham Village
Ward	Ham, Petersham and Richmond Riverside 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:

Ref	Proposal	Decision
21/1764/PS192	Two Storey rear extension	Refused Permission
21/0971/PS192	Part two storey part single storey rear extension.	Refused Permission

## 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
(f) subject to paragraph (g), the enlarged part of the dwellinghouse would have a single storey and --- (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 (ii) exceed 4m in height	Not Applicable
(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 --- (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 (ii) exceed 4m in height;	Not Applicable
(h) the enlarged part of the dwellinghouse would have more than a single storey and --- (i) extend beyond the rear wall of the original dwellinghouse by more than 3m, or (ii) be within 7m of any boundary of the curtilage of the dwellinghouse being enlarged which is opposite the rear wall of that dwellinghouse	Complies
(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;	Does not Comply The two-storey extension is located just 20cm from the boundary of the curtilage to the northern side of the dwellinghouse and the eaves far exceed 3m in height.

<p><b>(j)</b> 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,                  (ii) have more than a single storey, or                  Have a width greater than half the width of the original dwellinghouse;</p>	Complies
<p><b>(ja)</b> 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>	Complies
<p><b>(k)</b> it would consist of or include ---</p> <p>(i) the construction or provision of a verandah, balcony or raised platform,                  (ii) the installation, alteration or replacement of a microwave antenna,                  (iii) the installation, alteration or replacement of a chimney, flue, soil and vent pipe, or                  (iv) an alteration to any part of the roof of the dwellinghouse or</p>	Complies
<p><b>(l)</b> the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).</p>	Complies

The proposal fails to comply with (i) of Class A, A.1 of 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 as the proposal site is not situated on 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:
<p><b>(a)</b> 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;</p>	Not Applicable
<p><b>(b)</b> The enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse; or</p>	Not Applicable
<p><b>(c)</b> The enlarged part of the dwellinghouse would have more than a single storey and extend beyond the rear wall of the original dwellinghouse</p>	Not Applicable
<p><b>(d)</b> 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).</p>	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:
<p><b>(a)</b> 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;</p>	Does not Comply It is considered that the proposed metal framed fenestration would not be of a similar appearance or design to those existing.
<p><b>(b)</b> any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse must be—</p> <p>(i) obscure-glazed, and</p>	Not Applicable - There are no upper-floor side facing windows proposed under this application.

(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.	
(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

**7. RECOMMENDATION**

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 the height of the eaves of the two-storey extension would exceed 3m in height and would be within 2m of the boundary of the curtilage of the dwellinghouse, and the proposed fenestration is of a different style and material to existing. Therefore, the scheme does not meet the criteria laid down under Class A, A.1 (i) and A.3 (a) in the Town and Country Planning (General Permitted Development) (England) Order 2015 and any subsequent legislative amendments.

**Refuse 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: 28.05.2021

**I agree the recommendation:**



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

Dated: ...28/05/2021.....

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: .....