

Application reference: 21/1697/FUL BARNES WARD

Date application received	Date made valid	Target report date	8 Week date
12.05.2021	27.05.2021	22.07.2021	22.07.2021

Site:

30 Castelnau Gardens, Barnes, London, SW13 8DU

Proposal:

Replacement windows.

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

APPLICANT NAME

Mr Matthew King
20D Tower J
Robinson Place
70 Robinson Road
Hong Kong
China

AGENT NAME

Mr Lionel King
The Beach
Gravel Path
Berkhamsted
Herts
Buckinghamshire
HP4 2PJ

DC Site Notice: printed on and posted on 04.06.2021 and due to expire on 25.06.2021

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

28 Arundel Terrace, Barnes, London, SW13 8DS, - 28.05.2021
10 Arundel Court, Arundel Terrace, Barnes, London, SW13 8DR, - 28.05.2021
8 Arundel Court, Arundel Terrace, Barnes, London, SW13 8DR, - 28.05.2021
6 Arundel Court, Arundel Terrace, Barnes, London, SW13 8DR, - 28.05.2021
4 Arundel Court, Arundel Terrace, Barnes, London, SW13 8DR, - 28.05.2021
2 Arundel Court, Arundel Terrace, Barnes, London, SW13 8DR, - 28.05.2021
26 Arundel Terrace, Barnes, London, SW13 8DS, - 28.05.2021
11 Arundel Court, Arundel Terrace, Barnes, London, SW13 8DR, - 28.05.2021
9 Arundel Court, Arundel Terrace, Barnes, London, SW13 8DR, - 28.05.2021
7 Arundel Court, Arundel Terrace, Barnes, London, SW13 8DR, - 28.05.2021
5 Arundel Court, Arundel Terrace, Barnes, London, SW13 8DR, - 28.05.2021
3 Arundel Court, Arundel Terrace, Barnes, London, SW13 8DR, - 28.05.2021
1 Arundel Court, Arundel Terrace, Barnes, London, SW13 8DR, - 28.05.2021
24 Arundel Terrace, Barnes, London, SW13 8DS, - 28.05.2021
36 Castelnau Gardens, Barnes, London, SW13 8DU, - 28.05.2021
34 Castelnau Gardens, Barnes, London, SW13 8DU, - 28.05.2021
32 Castelnau Gardens, Barnes, London, SW13 8DU, - 28.05.2021
29 Castelnau Gardens, Barnes, London, SW13 8DU, - 28.05.2021
27 Castelnau Gardens, Barnes, London, SW13 8DU, - 28.05.2021
25 Castelnau Gardens, Barnes, London, SW13 8DU, - 28.05.2021
23 Castelnau Gardens, Barnes, London, SW13 8DU, - 28.05.2021
20 Castelnau Gardens, Barnes, London, SW13 8DU, - 28.05.2021
27 Clavering Avenue, Barnes, London, SW13 8DX, - 28.05.2021
25 Clavering Avenue, Barnes, London, SW13 8DX, - 28.05.2021
23 Clavering Avenue, Barnes, London, SW13 8DX, - 28.05.2021

35 Castelnau Gardens, Barnes, London, SW13 8DU, - 28.05.2021
33 Castelnau Gardens, Barnes, London, SW13 8DU, - 28.05.2021
31 Castelnau Gardens, Barnes, London, SW13 8DU, - 28.05.2021
28 Castelnau Gardens, Barnes, London, SW13 8DU, - 28.05.2021
26 Castelnau Gardens, Barnes, London, SW13 8DU, - 28.05.2021
24 Castelnau Gardens, Barnes, London, SW13 8DU, - 28.05.2021
22 Castelnau Gardens, Barnes, London, SW13 8DU, - 28.05.2021
21 Castelnau Gardens, Barnes, London, SW13 8DU, - 28.05.2021
19 Castelnau Gardens, Barnes, London, SW13 8DU, - 28.05.2021

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

Development Management

Status: GTD Application: 21/1697/FUL
Date: 30/06/2021 Replacement windows.

Building Control

Deposit Date: 05.08.2002 Provision of relocated door opening to lounge.
Reference: 02/1490/BN

Application Number	21/1697/FUL
Address	30 Castelnau Gardens, Barnes, London, SW13 8DU
Proposal	Replacement windows.
Contact Officer	Kerry McLaughlin
Legal Agreement	N/A

1. INTRODUCTION

This application is of a nature where the Council's Constitution delegates the authority to make the decision to Officers rather than it being determined by the Planning Committee.

Before preparing this summary report the planning officer has considered any relevant previous planning applications in relation to the development and considered any comments made by those interested in the application such as consultees with specialist knowledge and nearby residents.

By indicating that the development proposal complies with relevant Local Plan Policies, the planning officer is taking into account the information submitted with the application, any previous relevant applications, any comments received in connection with the application and any other case specific considerations which are material to the decision.

2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

The proposal site is a top floor flat within Castelnau Gardens (Block No's.25-30). The site is located on the eastern side of Arundel Terrace.

The application site is subject to the following planning constraints:

Area Benefiting Flood Defence - Environment Agency.	Areas Benefiting from Defences
Article 4 Direction Basements	Article 4 Direction - Basements / Ref: ART4/BASEMENTS / Effective from: 18/04/2018
Building of Townscape Merit	Site: 25-30 Castelnau Gardens Barnes London SW13 9DU
Conservation Area	CA25 Castelnau
Floodzone 2	Tidal Models
Floodzone 3	Tidal Models
SFRA Zone 3a High Probability	Flood Zone 3
Strategic Flood Risk Assessment Zone 2 Medium Probability	

Take Away Management Zone	Take Away Management Zone
Village	Barnes Village
Village Character Area	Castelnau - Character Area 2 & Conservation Area 25 Barnes Village Planning Guidance Page 21 CHARAREA04/02/01
Ward	Barnes Ward

3. RELEVANT PLANNING HISTORY

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

The list of neighbours notified of this application are listed above.

No letters of representation were received.

5. MAIN POLICIES RELEVANT TO THE DECISION

NPPF (2019)

The key chapters applying to the site are:

- 4. Decision-making
- 12. Achieving well-designed places
- 16. Conserving and enhancing the historic environment

These policies can be found at:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/810197/NPPF_Feb_2019_revised.pdf

London Plan (2021)

The main policies applying to the site are:

- Policy D4 - Delivering Good Design
- Policy D12 - Fire Safety
- Policy HC1 - Heritage Conservation and Growth
- Policy SI12 - Flood Risk Management
- Policy SI13 - Sustainable Drainage

These policies can be found at: <https://www.london.gov.uk/what-we-do/planning/london-plan/new-london-plan/london-plan-2021>

Richmond Local Plan (2018)

The main planning considerations applying to the site and the associated Local Plan policies are:

Issue	Local Plan Policy	Compliance	
Local Character and Design Quality	LP1	Yes	No
Impact on Designated Heritage Assets	LP3	Yes	No
Impact on Non-Designated Heritage Assets	LP4	Yes	No
Impact on Amenity and Living Conditions	LP8	Yes	No

Impact on Flood Risk and Sustainable Drainage	LP21	Yes	No
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These policies can be found at

https://www.richmond.gov.uk/media/15935/adopted_local_plan_interim.pdf

Supplementary Planning Documents

Buildings of Townscape Merit
House Extension and External Alterations
Barnes Village Plan

These policies can be found at:

https://www.richmond.gov.uk/services/planning/planning_policy/local_plan/supplementary_planning_documents_and_guidance

Other Local Strategies or Publications

Other strategies or publications material to the proposal are:

CA25 Castelnau Conservation Area Statement
CA25 Castelnau Conservation Area Study

Determining applications in a Conservation Area

In considering whether to grant planning permission with respect to any buildings or other land in a conservation area, Section 72 of the Planning (Listed buildings and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area. In this context, "preserving", means doing no harm.

To give effect to that duty, decisions of the court have confirmed that for development proposed to be carried out in a conservation area, a decision-maker should accord "considerable importance and weight" to the desirability of preserving or enhancing the character or appearance of the conservation area, when weighing this factor in the balance with other material considerations which have not been given this special statutory status. This creates a strong presumption against granting planning permission where harm to the character or appearance of a conservation area is identified. The presumption can be rebutted by material considerations powerful enough to do so.

In applications where the decision-maker is satisfied that there will be no harm to the character or appearance of a conservation area, the statutory presumption against granting planning permission described above falls away. In such cases the development should be permitted or refused in accordance with the policies of the development plan and other material considerations.

6. EXPLANATION OF OFFICER RECOMMENDATION

The key issues for consideration are:

- i Design/Visual Amenity
- ii Neighbour Amenity
- iii Flood Risk

Issue i - Design/Visual Amenity

Policy LP1 of the Local Plan 2018 seeks to maintain and, where possible, enhance the high architectural and urban design quality which contributes to the character and heritage of the area. Proposals should demonstrate an understanding of the site and its context when considering the design including layout, siting and access and the compatibility of the works to the neighbouring uses.

Policy LP3 of the Local Plan 2018 covers Designated Heritage Asset and states that proposals should conserve and take opportunity to make positive contribution to the historic environment such as retaining and preserving the original structure, layout, architectural features and materials or reinstatement of heritage assets. Appropriate materials and techniques should be used. There is a requirement to seek to avoid harm or justify for loss and demolition will be resisted. The significance of the asset is taken into consideration when assessing works proposed to a designated heritage asset.

Policy LP4 states that development shall preserve the significance, character and setting of non-designated heritage assets.

The councils SPD on 'House Extensions and External Alterations' states for replacement windows; "when an Officer Planning Report – Application 21/1697/FUL Page 5 Of 9

original window requires attention, the best course of action wherever possible is to repair. If, however the window is beyond repair, it should be replaced with a window of the same shape, size and design”.

It is proposed to replace all of the existing front and rear windows to the flat with new slimline double-glazed, white, timber framed units. The replacement windows have been found acceptable in regard to their appearance as the proposal has sought to ensure the opening size, design and materials are to match that of the existing.

The works retain the existing design/visual amenity of the wider host building of townscape merit, the replacement windows are of the same layout and material to that of the existing fenestration within the proposal block itself and neighbouring blocks, which are all currently largely symmetrical. The design of the proposal reflects the character of the existing building and is not considered to impact on the wider street scene or conservation area.

Overall, the proposed works are considered to have no adverse impact on the character and appearance of the host BTM or Castelnau Conservation area and are therefore are considered to comply with the aims and objectives of policies LP1, LP3 & LP4 of the Local Plan (2018) and relevant Supplementary Planning Documents.

Issue ii - Neighbour Amenity

Policy LP8 states that development must protect the amenity and living conditions of existing, adjoining and neighbouring occupants. Design must allow for good daylight standards, avoid overlooking or noise disturbance, avoid visual intrusion, overbearing impacts or harm to the reasonable enjoyment of the uses of buildings and gardens. Harm may arise from various impacts such as noise, air pollution, odours or vibration.

As there is no significant increase in the overall size of the openings or glazed areas, the proposal will not result in an increase in overlooking or raise any issues with regard to privacy on any neighbouring properties.

The property would remain solely in residential use as a result of the proposal. An undue increase in noise or pollution would not occur as a result of the proposal.

The proposed scheme is considered acceptable in terms of neighbour amenity. The proposal is not considered to detrimentally impact the amenities of any neighbouring occupiers and therefore, is in line with policy LP8 of the Local Plan (2018) and relevant Supplementary Planning Documents/Guidance.

Issue iii - Flood Risk

Policy LP 21 of the Local Plan states ‘All developments should avoid or minimise, contributing to all sources of flooding, including fluvial, tidal, surface water, groundwater and flooding from sewers, taking account of climate change and without increasing flood risk elsewhere.

This application relates only to the replacement of existing fenestration at third floor level, the proposal does not seek to alter the footprint of the existing dwelling in any way. Therefore, no increase in flood risk is anticipated and the proposal is consistent with LP21.

Other Matters

Fire Safety

The applicant has submitted a Fire Strategy as required under Policy D12 Of the London Plan (2021):

The applicant is advised that alterations to existing buildings should comply with the Building Regulations. This permission is NOT a consent under the Building Regulations for which a separate application should be made.

7. LOCAL FINANCE CONSIDERATIONS AND OTHER MATTERS

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. The weight to be attached to a local finance consideration remains a matter for the decision maker. The Mayor of London's CIL and Richmond CIL are therefore material considerations.

On initial assessment this development is not considered liable for the Mayoral or Richmond CIL however this is subject to confirmation by the CIL Administration Team.

8. RECOMMENDATION

This recommendation is made following careful consideration of all the issues raised through the application process. In making this recommendation consideration has been had to the statutory duties imposed by the Planning (Listed Buildings and Conservation Areas) Act 1990 and the requirements set out in Chapter 16 of Officer Planning Report – Application 21/1697/FUL Page 6 Of 9

the NPPF.

Paragraph 11 of the Framework explains how the presumption in favour of sustainable development applies. For the reasons set out above, this application falls to be determined in accordance with the test under section 38(6) of the 2004 Act, the proposal is in general conformity with the Development Plan overall and there are no material considerations of sufficient weight to justify refusal.

Grant planning permission with conditions

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: 30.06.2021

I agree the recommendation:

Team Leader/Head of Development Management/Principal Planner

Dated: VAA 30.06.21

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:

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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

AT01	Development begun within 3 years
U0104130	NRMM
U0104133	Fire Safety
U0104132	Materials as Submitted
U0104131	Approved Drawings

INFORMATIVES

U0052481	NPPF APPROVAL - Para. 38-42
U0052480	Composite Informative