

## Application reference: 21/1614/OUT HAM, PETERSHAM, RICHMOND RIVERSIDE WARD

Date application received	Date made valid	Target report date	8 Week date
06.05.2021	20.05.2021	15.07.2021	15.07.2021

**Site:**

Rear Of, 11 Fanshawe Road, Ham,

**Proposal:**

Demolition of existing garage and erection of single storey dwelling, with all matters reserved.

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

**APPLICANT NAME**

Mr Saeed Fitoohi  
11, Fanshawe Road  
Ham  
TW10 7XT

**AGENT NAME**

Mr S Clarke  
5  
Abbey Parade  
Ealing  
London  
W5 1EE

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

**Consultations:****Internal/External:****Consultee**

14D POL  
14D Urban D  
LBRUT Transport

**Expiry Date**

08.06.2021  
08.06.2021  
08.06.2021

**Neighbours:**

23 Beaufort Court,Beaufort Road,Ham,Richmond,TW10 7YG, - 25.05.2021  
24 Beaufort Court,Beaufort Road,Ham,Richmond,TW10 7YG, - 25.05.2021  
22 Beaufort Court,Beaufort Road,Ham,Richmond,TW10 7YG, - 25.05.2021  
21 Beaufort Court,Beaufort Road,Ham,Richmond,TW10 7YG, - 25.05.2021  
20 Beaufort Court,Beaufort Road,Ham,Richmond,TW10 7YG, - 25.05.2021  
19 Beaufort Court,Beaufort Road,Ham,Richmond,TW10 7YG, - 25.05.2021  
18 Beaufort Court,Beaufort Road,Ham,Richmond,TW10 7YG, - 25.05.2021  
17 Beaufort Court,Beaufort Road,Ham,Richmond,TW10 7YG, - 25.05.2021  
16 Beaufort Court,Beaufort Road,Ham,Richmond,TW10 7YG, - 25.05.2021  
15 Beaufort Court,Beaufort Road,Ham,Richmond,TW10 7YG, - 25.05.2021  
14 Beaufort Court,Beaufort Road,Ham,Richmond,TW10 7YG, - 25.05.2021  
13 Beaufort Court,Beaufort Road,Ham,Richmond,TW10 7YG, - 25.05.2021  
13 Beaufort Road,Ham,Richmond,TW10 7YF, - 25.05.2021  
11 Fanshawe Road,Ham,Richmond,TW10 7XT, - 25.05.2021  
139 Latchmere Lane,Kingston Upon Thames,KT2 5NX, -  
26 Myrtle Park,DunLaoghaire,Dublin,A96 VE28 - 25.05.2021  
1 Fanshawe Road,Ham,Richmond,TW10 7XT, - 25.05.2021  
3 Fanshawe Road,Ham,Richmond,TW10 7XT, - 25.05.2021  
4 Fanshawe Road,Ham,Richmond,TW10 7XT, - 25.05.2021  
9 Fanshawe Road,Ham,Richmond,TW10 7XT, - 25.05.2021  
11 Beaufort Road,Ham,Richmond,TW10 7XS, - 25.05.2021  
7 Fanshawe Road,Ham,Richmond,TW10 7XT, - 25.05.2021  
5 Fanshawe Road,Ham,Richmond,TW10 7XT -

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

Status: REF Application:01/1713  
 Date:24/09/2001 Erection Of A Two Storey House With 2 Car Parking Bays And Crossover  
 Onto Beaufort Road.

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Development Management

Status: WDN Application:02/0513  
 Date:16/05/2002 Erection Of A Two Storey 3 Bed House And Two Garages.

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Development Management

Status: REF Application:02/1672  
 Date:11/10/2002 Proposed Development Of New 3 Bedroom House.

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Development Management

Status: REF Application:03/0683/HOT  
 Date:28/04/2003 Construction Of Two Storey Side Extension And Single Storey Rear  
 Extension.

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Development Management

Status: GTD Application:03/2826  
 Date:12/11/2003 Proposed Two Storey Side Extension And Single Storey Rear Extension.

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Development Management

Status: REF Application:20/0236/OUT  
 Date:24/03/2020 Outline application for the demolition of existing garage and construction of a  
 self contained Granny annexe (ancillary accommodation to existing  
 dwellinghouse)

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Development Management

Status: WON Application:20/1179/OUT  
 Date:06/05/2021 Demolition of existing garage and construction of self contained house.

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Development Management

Status: REF Application:20/1682/OUT  
 Date:22/09/2020 Sub-division of rear garden, demolition of existing garage and construction  
 of 2 storey dwelling house with all matters reserved.

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Development Management

Status: PDE Application:21/1614/OUT  
 Date: Demolition of existing garage and erection of single storey dwelling, with all  
 matters reserved.

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Development Management

Status: PDE Application:21/1614/OUT  
 Date: Demolition of existing garage and erection of single storey dwelling, with all  
 matters reserved.

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Appeal

Validation Date: 07.12.2020 Sub-division of rear garden, demolition of existing garage and construction  
 of 2 storey dwelling house with all matters reserved.

Reference: 20/0287/AP/REF

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Building Control

Deposit Date: 19.02.2004 Two storey side and single storey rear extension  
 Reference: 04/0328/BN

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<b>Application Number</b>	<b>21/1614/OUT</b>
<b>Address</b>	<b>Land rear of 11 Fanshawe Road, Ham, Richmond, TW10 7XT</b>
<b>Proposal</b>	<b>Demolition of existing garage and erection of single storey dwelling, with all matters reserved.</b>
<b>Contact Officer</b>	<b>Grace Edwards</b>
<b>Legal Agreement</b>	<b>NO</b>

## 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 application site comprises the rear half of the garden belonging to No. 11 Fanshaw Road. There is a single storey detached garage existing on site with a modest pitched roof. The site is not located within a Conservation Area, however it is within an Area of Archaeological Priority. It is also located within the Ham and Petersham Neighbourhood Plan Area.

## 3. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

Permission is sought for the sub-division of rear garden, demolition of existing garage and construction of 2 storey dwelling house with all matters reserved. An additional access to serve the host dwelling at No. 11 is also proposed.

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

01/1713 - Erection Of A Two Storey House With 2 Car Parking Bays And Crossover Onto Beaufort Road. (Refused)

02/1672 - Proposed Development Of New 3 Bedroom House. (Refused)

20/0236/OUT - Outline application for the demolition of existing garage and construction of a self contained Granny annexe (ancillary accommodation to existing dwellinghouse) (Refused)

20/1682/OUT - Sub-division of rear garden, demolition of existing garage and construction of 2 storey dwelling house with all matters reserved. (Refused – Appeal Dismissed)

## 4. CONSULTATIONS CARRIED OUT

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

No letters of representation were received.

Letters of objection have been received from 5 neighbouring properties and the comments can be summarised as follows:

- Loss of light
- Loss of privacy through overlooking
- Noise and disturbance
- Insufficient parking
- Loss of view
- Reduction in property value
- Disturbance from construction works
- Non-compliance with policy LP39
- Out of character

- Inadequate spacing
- Inappropriate spacing

Neighbour amenity considerations are assessed under Section 6 (impact on neighbour amenity) in the report below.

## 5. MAIN POLICIES RELEVANT TO THE DECISION

### NPPF (2019)

The key chapters applying to the site are:

4. Decision-making
5. Delivering a sufficient supply of homes
9. Promoting sustainable transport
11. Making effective use of land
12. Achieving well-designed places
14. Meeting the challenge of climate change, flooding and coastal change
15. Conserving and enhancing the natural 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](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 GG2 Making the best use of land
- Policy D4 Delivering good design
- Policy D6 Housing quality and standards
- Policy D12 Fire Safety
- Policy H1 Increasing housing supply
- Policy H2 Small sites
- Policy SI 13 Sustainable Drainage
- Policy T6.1 Residential parking

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

### 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, LP39	<del>Yes</del>	No
Impact on Amenity and Living Conditions	LP8	Yes	<del>Ne</del>
Impact on Biodiversity	LP15	Yes	<del>Ne</del>
Impact on Trees, Woodland and Landscape	LP16	Yes	<del>Ne</del>
Impact on Flood Risk and Sustainable Drainage	LP21	Yes	<del>Ne</del>
Sustainable Design and Construction	LP20, LP22, LP23	Yes	<del>Ne</del>
Waste Management	LP24	Yes	<del>Ne</del>
New Housing, Mix, Standards and Affordable Housing	LP34, LP35, LP36	Yes	<del>Ne</del>
Sustainable Travel Choices	LP44	Yes	No
Parking Standards and Servicing	LP45	<del>Yes</del>	No

These policies can be found at

[https://www.richmond.gov.uk/media/15935/adopted\\_local\\_plan\\_interim.pdf](https://www.richmond.gov.uk/media/15935/adopted_local_plan_interim.pdf)

### Ham and Petersham Neighbourhood Plan (2019)

The main policies applying to the site are as follows:

Issue	Plan Policy	Compliance	
Protecting Green Character	C1	Yes	No
Character and Context Appraisal	C2	Yes	No

These policies can be found at

[https://www.richmond.gov.uk/media/16749/hpn\\_plan\\_2018\\_to\\_2033\\_january\\_2019.pdf](https://www.richmond.gov.uk/media/16749/hpn_plan_2018_to_2033_january_2019.pdf)

### **Supplementary Planning Documents**

Affordable Housing  
Design Quality  
House Extension and External Alterations  
Transport  
Refuse and Recycling Storage Requirements  
Residential Development Standards  
Small and Medium Housing Sites  
Sustainable Construction Checklist

These policies can be found at:

[https://www.richmond.gov.uk/services/planning/planning\\_policy/local\\_plan/supplementary\\_planning\\_documents\\_and\\_guidance](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:

Community Infrastructure Levy

## **6. EXPLANATION OF OFFICER RECOMMENDATION**

The key issues for consideration are:

- i Principle of development and impact on heritage assets
- ii Impact on neighbour amenity
- iii Residential standards
- iv Affordable housing
- v Sustainability
- vi Transport
- vii Trees
- viii Flood Risk
- ix Archaeology
- x Fire Safety

### **Issue i – Principle of development and impact on visual amenity**

The application seeks outline permission to construct a single storey dwelling to the rear of No. 11 Fanshawe Road. The application site comprises garden land and as such is classed as backgarden development. Notwithstanding this, it has a frontage onto Beaufort Road and can therefore also be considered against the principles of infill development.

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.

Policy LP39 states a presumption against loss of back gardens due to the need to maintain local character, amenity space and biodiversity. Back garden land which contributes either individually or as part of a larger swathe of green space to amenity of residents or provides wildlife habitats must be retained.

However, it also states that in some cases, a limited scale of infill and backland development may be considered acceptable if it complies with the factors set out below:

1. Retain plots of sufficient width for adequate separation between dwellings;
2. Retain similar spacing between new buildings to any established spacing;
3. Retain appropriate garden space for adjacent dwellings;
4. Respect the local context, in accordance with policy LP 2 Building Heights;
5. Enhance the street frontage (where applicable) taking account of local character;
6. Incorporate or reflect materials and detailing on existing dwellings;
7. Retain or re-provide features important to character, appearance or wildlife;
8. Result in no unacceptable adverse impact on neighbours, including loss of privacy to existing homes or gardens;
9. Provide adequate servicing, recycling and refuse storage as well as cycle parking;

10. Result in no unacceptable impact on neighbours in terms of visual impact, noise or light from vehicular access or car parking.

Outline application 20/1682/OUT for the sub-division of rear garden, demolition of existing garage and construction of 2 storey dwelling house with all matters reserved was previously refused on site for the following reason:

*The proposal, by reason of unsatisfactory siting, height, layout and the principle of backland development is considered to be an alien and incongruous form of development to the established back garden appearance and open character of the surrounding area to the detriment of the visual amenities of the general locality. The proposed scheme would erode the open character of the large swathe of rear garden areas within the immediate vicinity and result in a visually obtrusive, unsympathetic and prominent form of development that fails to contribute positively to the visual amenity of the street scene. As such, the proposal is contrary to, in particular, policies LP1 and LP39 of the Local Plan (2018) and Supplementary Planning Document 'Small and Medium Housing Sites'(2006).*

Since the refusal of application 20/1682/OUT, the London Plan 2021 has been published. Policy H2 of the London Plan 2021 states that boroughs should pro-actively support well-designed new homes on small sites through planning decisions in order to significantly increase the contribution of small sites to meeting London's housing needs as well as to diversify the sources, locations, type and mix of housing supply. The policy also notes that boroughs should recognise that local character evolves over time and will need to change in appropriate locations to accommodate additional housing on small sites.

The London Plan 2021 supports incremental intensification within PTALs 3-6 or within 800m distance of a station or town centre boundary and that can include infill development and redevelopment of residential garages where this results in net additional housing provision (para 4.2.4). Whilst only in a PTAL of 1b, the application site is approximately 650m away from the Teddington Town Centre boundary, albeit with pedestrian/cycle access only over the footbridge at Teddington Lock.

The supporting text to London Plan policy H2 also specifically states that incremental intensification can take a number of forms such as “redevelopment or extension of existing buildings, including ... residential garages, where this results in net additional housing provision.” The area of garden proposed for the new dwelling is occupied by a residential garage and part hardstanding. The proposed new dwelling would be larger but the redevelopment of the more functional part of the garden and existing outbuildings is in the spirit of the London Plan policy direction.

As such, it is considered that the London Plan supports incremental intensification in the form of infill development in this location, given that it would result in net additional housing provision. In terms of local policy, this further lends support that there are circumstances whereby the 'presumption against' can be overcome.

It is acknowledged that the proposal would contribute to the Boroughs housing supply. The NPPF requires the borough to identify and maintain an effective rolling five-year housing land supply. The Council has identified an effective supply of 2,219 units over the five year period (2020/21 to 2024/25), which exceeds the remaining target by 644 unit, or 141%. Given that the Council can demonstrate a 5 year housing land supply, it is not considered that any additional weight should be afforded to housing need. Furthermore, paragraph 9.6.7 of the Local Plan remains applicable stating that housing delivery from backgarden land is not needed so the weight to be attached to the additional dwelling unit in the planning balance must be very limited.

As stated above, the adopted local policy position is that there is a presumption against loss of back gardens due to the need to maintain local character, amenity space and biodiversity. As such, it is necessary to consider whether this is an exceptional case where a limited scale of backgarden development may be acceptable by consideration against the relevant criteria as set out above.

The area surrounding the application site is characterised by mainly two storey terraced and semi-detached dwellings with higher flats on the opposite side of Beaufort Road. Dwellings generally have generous front and rear gardens with the rear gardens along this stretch of Fanshawe Road being ~19-21m in depth. The rear gardens and notably the views to these from the public realm, particularly from Beaufort Road, give some breathing space in the suburban pattern of development. Whilst there are outbuildings within rear gardens, including the application site, these appear to be small scale single storey structures, incidental in nature and appearance. The garden, both individually and as part of the wider pattern of green space, is therefore considered to make a positive contribution to the streetscene and local character.

It is acknowledged that quantitatively, sufficient garden land would remain for the existing property at No. 11 Fanshawe Road as a result of the proposals and the new dwelling could also meet the Council's standards for provision of external amenity space, subject to final details of siting and design. Nonetheless, it is also

acknowledged that the foreshortening of the garden to just 6m and characteristics of the new plot created would be out of character with the prevailing pattern of development.

Application 20/1682/OUT was refused and subsequently dismissed at appeal. The Inspector noted the following:

*The plans show the house set back from Beaufort Road with a two storey rear wall on the boundary to 9 Fanshawe Road leaving just enough land for a parking space in front. Whilst such a siting would align with the front and rear walls to 13 Beaufort Road, the adjacent house, the proposal would still appear cramped within its plot having no rear garden and just a small side garden providing little privacy from pedestrians on Beaufort Road.'*

The Inspector then goes on to say:

*'An alternative siting would further reduce the size of the small garden.'*

It is noted that the appeal scheme proposed a two storey dwelling, and that proposed under the current application is single storey, however in relation to the footprint on site, the proposed dwelling under the current application has sited the dwelling further to the north of the site and it would now span the width of the plot and, as mentioned by the inspector would have no side or rear garden space. The dwelling currently proposed, whilst smaller in scale, is still considered to appear cramped and would erode the spacious back garden character of the area. This is evidenced by the staggered boundary line required to fit the dwelling in and lack of amenity space which is able to provide a suitable degree of privacy to future occupants, indicating over development of the site.

It is noted that its single storey nature and flat roof helps to reduce the visual impact within the streetscene and would help to preserve the open and spacious character of the area. However, the dwelling would still be visible above the front boundary treatment for ~1.3m. Furthermore, it is noted that a significant proportion of the boundary treatments consists of railings and is therefore visually permeable.

As such, by virtue of its excessive width and footprint spanning the full width of the site, and being significantly wider than the existing garage, it is considered that the proposed dwelling would be significantly more prominent within the streetscene and would fail to integrate satisfactorily with surrounding development.

Concerns raised in relation to the proposed design failing to take cues from the locality and appearing out of keeping with surrounding development have been noted, however given the nature of an outline application, these are considered to be reserved matters and would be assessed under a subsequent application.

## **Issue ii - Impact on Neighbour Amenity**

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. To protect privacy, there should normally be a minimum distance of 20m between main facing habitable room windows. In addition the Council will generally seek to ensure that the design and layout of buildings enables sufficient sunlight and daylight to penetrate into and between buildings, and that adjoining properties or land are protected from overshadowing in accordance with established standards.

The application site is adjoined by No. 9 Fanshawe Road to the east. To the south is No. 13 Beaufort Road, however this is separated from the application site by an access way to the rear of the properties fronting Fanshawe Road.

The proposed dwelling would be sited approximately 6m from the rears of Nos. 9 and 11 Fanshawe Road and approximately 9.4m away from No. 13 Beaufort Road.

It is acknowledged that these distances do not constitute particularly significant separations. However, the modest, single storey height of 3.1m demonstrates that a scheme can be achieved which will not cause loss of light to neighbouring properties. Furthermore, the proposed dwelling could be slightly set off the shared boundary with No. 9 Fanshawe and it is not considered that the dwelling would create an unacceptable sense of enclosure to neighbouring properties.

Concerns raised by neighbouring properties in relation to loss of privacy resulting from overlooking have been noted. However, given the dwelling would be single storey in nature, the windows would be at ground floor level. It is noted that there are windows proposed within the flank elevations, however these are shown to be high level and could be conditioned to be obscurely glazed given that they serve bathrooms. Had the Officer Planning Report – Application 21/1614/OUT Page 7 of 11

scheme been considered acceptable, it would have been reasonable and necessary to include a condition in this regard.

It is acknowledged that the new dwelling would be a notable addition and would be visible to neighbouring properties. However, having regard to its single storey nature and modest height, it is not considered that it would have a harmful impact on neighbouring amenity.

The site would remain in a residential use which is not considered inherently noisy. The use would be compatible with the surrounds and no material harm is identified in respect of noise.

### **Issue iii – Residential Standards**

Policy LP35 states that development should generally provide family sized accommodation, except within main centres and Areas of Mixed Use where a higher proportion of small units would be appropriate. It also requires that all new housing developments are required to comply with the Nationally Described Space Standard.

The application site is not in a main centre, or an Area of Mixed Use. It is therefore considered that a two bedroom house, which has the potential to provide for a small family, is in accordance with Policy LP35(A) and is considered appropriate in this location.

Policy LP 35.B requires new housing to comply with the nationally described space standard - which sets a minimum gross internal floor area of 61sqm for a 2B3P single storey dwelling, or 70sqm for a 2B4P single storey dwelling. It is noted that one of the bedrooms would fall short of the GIA required to provide two bedspaces. The indicative proposed house has an overall Gross Internal Area of 61.5sqm and although occupancy is not specified, it appears that the proposal could meet the minimum standard.

The Nationally Described Space Standard sets a minimum ceiling height of 2.3 meters for at least 75% of the gross internal area of the dwelling. As set out in paragraph 9.2.6 of the Local Plan, a minimum ceiling height of 2.5m for at least 75% of the gross internal area is strongly encouraged so that new housing is of adequate quality, especially in terms of light, ventilation and sense of space. Regrettably, no sections have been submitted to demonstrate that the internal heights accord with these requirements, however given the overall height of the dwelling it is considered that this may be achievable. Had the scheme been considered acceptable, additional information would have been sought in this regard. The amenity space shown would satisfy the requirements of the Residential Development Standards SPD.

The proposal represents an acceptable standard of living accommodation and is largely compliant with the above national standards and adopted local policies and guidance.

### **Issue iv – Affordable Housing**

Policy LP36 requires contributions to affordable housing from all small sites, further details are set out in the Affordable Housing SPD. The contribution that would be sought would be discounted to represent 5% affordable housing, given the proposal creates one new unit.

There is a commuted sum spreadsheet submitted with the application, which suggests a contribution of £10,586. This is correctly on the basis of 5%, however it does not reflect the Council's benchmark rent per week for 2021/22 (reflecting the adopted 2019 Tenancy Strategy) of £171.20 for an affordable 2 bed rented unit.

The application has been reviewed by the Council's Planning Viability Advisor including the open market value, who identifies a lower open market value of £524,000 on the basis of comparables. On this basis, at 5% and using the Council's benchmark rent for use in the pro-forma, a contribution of £13,065 is suggested. Had the scheme been considered acceptable, this amount would have been secured via legal agreement.

However, in the absence of a binding legal agreement to secure the appropriate level of affordable housing contribution, the development fails to address the recognised housing need within the borough and would be prejudicial to meeting the Council's affordable housing objectives.

### **Issue v – Sustainability**

Policy LP22 states that developments will be required to achieve the highest standards of sustainable design and construction to mitigate the likely effects of climate change. It requires that new dwellings comply with the Sustainable Construction Checklist and incorporate water conservation measures to achieve maximum water consumption of 110 litres per person per day. It also requires that new dwellings achieve a 35% reduction in carbon dioxide emissions.



The applicant has submitted an Energy Report which states that due to the design of the scheme being a reserved matter, it has not been advanced to such a stage whereby a sustainability assessment can be made. They have also submitted a statement noting that the proposed dwelling would comply with the water consumption targets of 105 litres or less per person per day, and 5 litres or less per head per day for external use.

No information has been submitted as to whether the development would achieve the requirement in carbon reduction. Had the scheme been considered acceptable, more information would have been sought in this regard.

#### **Issue vi - Transport**

Policy LP44 and 45 require development to make provision for the accommodation of vehicles in order to provide for the needs of the development, whilst minimising the impact of car based travel.

The application site is located in an area with a PTAL rating of 1b, indicating access to public transport is poor. As such, the development is required to provide one car parking space to meet parking standards set out in Appendix 3 of the Local Plan.

In addition, the proposal would result in the displacement of 2 no. off-street parking spaces serving No. 11 Fanshawe Road. It is noted that one of these spaces has been re-provided in the rear garden of No. 11 Fanshawe Road and would be served by an additional vehicular access point which would result in the loss of an on street parking space.

Overall, the proposal results in a shortfall of 1 off-street parking space and 1 on-street parking space.

The Council has set maximum parking standards for developments in the Local Plan and these are expected to be met, unless it can be shown that there will not be an adverse effect on on-street parking. Where there is a shortfall of parking on site, a parking survey of the surrounding streets will be required.

The Richmond Methodology requires 2 x weekday surveys (Monday to Thursday) and one weekend survey on a Sunday between 01h00 and 05h30 for residential surveys. This will capture the residential peak parking time.

The submitted survey includes just 2 x weekday surveys, a Monday and a Thursday in July 2020. The Parking Report references the previously refused application number and also lacks information required by the Richmond Methodology. There are therefore concerns in relation to the validity of the findings. Additionally, the Councils Transport Officer has been consulted on the proposal and considers that the parking survey has not been carried out by a relevant professional which raises further concerns in relation to the findings.

In the absence of information to satisfactorily demonstrate that there is capacity in the surrounding roads to accommodate the resultant parking shortfall, the proposal is considered to adversely impact on parking, the free flow of traffic and pedestrian and vehicular safety on the surrounding highway network.

#### **Issue vii - Trees**

Policies LP15 and LP16 seek to protect biodiversity and health and longevity of trees, woodland and landscape in the borough. Local Plan policy LP16, subsection 5 requires;

"That trees are adequately protected throughout the course of development, in accordance with British Standard 5837 - Trees in relation to design, demolition and construction, Recommendations (2012)."

The application site is not located within a Conservation Area, nor are there any Tree Protection Orders on or adjacent to the site. Notwithstanding this, it is noted that there are a number of trees within the vicinity of the site which have the potential to be impacted by the proposed dwelling.

Had the scheme been considered acceptable, it would have been reasonable and necessary to the protection of these trees by way of condition.

Policy LP15 protects and enhances the boroughs biodiversity, in particular, but not exclusively on sites designated for their biodiversity and nature conservation value, including the connectivity between habitats.

Whilst the site is not located within a designated site, it is noted that the proposal would result in a loss of soft landscaping which could have an impact on the biodiversity on site and factors into the assessment of the Officer Planning Report – Application 21/1614/OUT Page 9 of 11

application against the criteria in policy LP39. However, it is considered there is sufficient space for soft landscaping to be provided around the proposed dwelling to mitigate this loss. As such, subject to the inclusion of conditions securing soft landscaping details as well as ecological enhancements and protection during the course of construction, the proposal is considered to safeguard the ecology of the site and no objections are raised in this regard.

#### **Issue viii - Flood Risk**

Policy LP21 states that 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. The Council requires the use of Sustainable Drainage Systems (SuDS) in all development proposals.

Whilst the site is not located within a flood zone, it is susceptible to ground water flooding whereby all developments are required to follow the London Plan drainage hierarchy. Given the proposal is at outline stage, had the scheme been considered acceptable, it would have been reasonable and necessary to secure a final drainage strategy by way of condition.

#### **Issue ix - Archaeology**

Having regard to the siting of the proposed dwelling and given the existing pattern of development in the locality, it is not considered that the dwelling would disturb any previously undisturbed land and is therefore not likely to impact on any archaeological remains within the site.

#### **Issue x – Fire Safety**

The new London Plan (2021) has recently been adopted. Of particular relevance is Policy D12 Fire Safety.

Policy D12 states that:

In the interests of fire safety and to ensure the safety of all building users, all development proposals must achieve the highest standards of fire safety and ensure that they:

- 1) identify suitably positioned unobstructed outside space: a) for fire appliances to be positioned on b) appropriate for use as an evacuation assembly point
- 2) are designed to incorporate appropriate features which reduce the risk to life and the risk of serious injury in the event of a fire; including appropriate fire alarm systems and passive and active fire safety measures
- 3) are constructed in an appropriate way to minimise the risk of fire spread
- 4) provide suitable and convenient means of escape, and associated evacuation strategy for all building users
- 5) develop a robust strategy for evacuation which can be periodically updated and published, and which all building users can have confidence in
- 6) provide suitable access and equipment for firefighting which is appropriate for the size and use of the development.

The supporting text explicitly asks applicants to:

- a) demonstrate on a site plan that space has been identified for the appropriate positioning of fire appliances. These spaces should be kept clear of obstructions and conflicting uses which could result in the space not being available for its intended use in the future.
- b) show on a site plan appropriate evacuation assembly points. These spaces should be positioned to ensure the safety of people using them in an evacuation situation.

The supporting text also stresses that fire safety of developments should be considered from the outset. For this reason, a fire safety statement is now considered a validation requirement and is not considered appropriate to resolve by condition.

The applicant has submitted a Reasonable Exemption Statement outlining that standard fire precaution and means of escape provisions will be incorporated. The submission of this document therefore satisfies the requirement of Policy D12, however given that there are a number of reserved matters outstanding, had the scheme been considered acceptable, it would be reasonable and necessary to condition the submission of a detailed strategy.

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.

#### **Issue xi – Other matters**

Concerns raised by neighbouring properties in relation to the impact of the dwelling on the right of way to the rear have been noted. The applicant has confirmed that they are the sole owner of the land and therefore the correct ownership certificate has been signed. As such, rights of way over the land would be considered a civil matter.

**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.

This is to notify you that had this development received planning consent it would be liable for a chargeable amount under the Community Infrastructure Levy Regulations 2010 (as amended by the Community Infrastructure Levy Regulations 2012).

**8. RECOMMENDATION**

This recommendation is made following careful consideration of all the issues raised through the application process.

For the reasons set out above, it is considered that the adverse impacts of allowing this planning application would significantly outweigh the benefits, when assessed against the policies in NPPF (2019) and Development Plan, when taken as a whole.

**Refuse planning permission for the following reasons**

- REFUSAL – Backgarden development**
- REFUSAL – Transport/Parking**
- REFUSAL – Affordable Housing**

**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): .....GE.....

Dated: .....14/07/2021.....

**I agree the recommendation:**

This application has been subject to representations. The Head of Development Management / South Area Team Manager has considered those representations and concluded that the application can be determined without reference to the Planning Committee in conjunction with existing delegated authority.

South Area Team Manager: ..... *W. Patel* .....  
Dated: .....15.07.2021.....