

Application reference: 21/1608/FUL KEW WARD

Date application received	Date made valid	Target report date	8 Week date
06.05.2021	10.05.2021	20.08.2021	20.08.2021

Site:

173 Mortlake Road, Kew, Richmond

Proposal:

Replacement outbuilding for use as ancillary residential accommodation to existing dwelling.

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

APPLICANT NAME

Sarah Bower
173B Mortlake Road
Kew
Richmond
TW9 4AW

AGENT NAME

Sergio Olavegogeoascoechea
142B Petersham Road
Wolsey House
Richmond
TW10 6UX

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

Consultations:

Internal/External:

Consultee

LBRUT Transport

Expiry Date

01.06.2021

Neighbours:

9 High Park Road, Kew, Richmond, TW9 4BL, - 11.05.2021
 11 High Park Road, Kew, Richmond, TW9 4BL, - 11.05.2021
 173A Mortlake Road, Kew, Richmond, TW9 4AW, - 11.05.2021
 179 Mortlake Road, Kew, Richmond, TW9 4AW, - 11.05.2021
 171 Mortlake Road, Kew, Richmond, TW9 4AW, - 11.05.2021
 175 Mortlake Road, Kew, Richmond, TW9 4AW, - 11.05.2021
 12 Brick Farm Close, Kew, Richmond, TW9 4EF, - 11.05.2021
 9 Brick Farm Close, Kew, Richmond, TW9 4EF, - 11.05.2021
 7 Brick Farm Close, Kew, Richmond, TW9 4EF, -
 5 Brick Farm Close, Kew, Richmond, TW9 4EF, - 11.05.2021
 2 Brick Farm Close, Kew, Richmond, TW9 4EF, - 11.05.2021
 25 Brick Farm Close, Kew, Richmond, TW9 4EF, - 11.05.2021
 23 Brick Farm Close, Kew, Richmond, TW9 4EF, - 11.05.2021
 21 Brick Farm Close, Kew, Richmond, TW9 4EF, - 11.05.2021
 18 Brick Farm Close, Kew, Richmond, TW9 4EF, - 11.05.2021
 16 Brick Farm Close, Kew, Richmond, TW9 4EF, - 11.05.2021
 14 Brick Farm Close, Kew, Richmond, TW9 4EF, - 11.05.2021
 West Farm, West Hall Road, Kew, Richmond, TW9 4EE, - 11.05.2021
 24 Brick Farm Close, Kew, Richmond, TW9 4EF, - 11.05.2021
 22 Brick Farm Close, Kew, Richmond, TW9 4EF, - 11.05.2021
 20 Brick Farm Close, Kew, Richmond, TW9 4EF, - 11.05.2021
 19 Brick Farm Close, Kew, Richmond, TW9 4EF, - 11.05.2021
 17 Brick Farm Close, Kew, Richmond, TW9 4EF, - 11.05.2021
 15 Brick Farm Close, Kew, Richmond, TW9 4EF, - 11.05.2021
 13 Brick Farm Close, Kew, Richmond, TW9 4EF, - 11.05.2021
 11 Brick Farm Close, Kew, Richmond, TW9 4EF, - 11.05.2021
 10 Brick Farm Close, Kew, Richmond, TW9 4EF, - 11.05.2021

Application Number	21/1608/HOT
Address	173 Mortlake Road, Kew, Richmond
Proposal	Replacement outbuilding for use as ancillary residential accommodation to existing dwelling.
Contact Officer	Kerry McLaughlin
Legal Agreement	YES

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 detached building, comprising flats. The main building is a building of townscape merit (BTM) and was designated as such in 1983. It is located adjacent to the grade II listed 179 Lower Mortlake Road and West Farm situated to the south-east. It would appear that the early part of the dwelling was originally a coach house, with staff accommodation above, serving the listed building at 179 Lower Mortlake Road.

Although there is a chance the site comprising the existing garage may be within grounds that were once part of the listed building, the garage does not pre-date July 1948 and as such would not be subject to curtilage listing in any case.

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: 173 Mortlake Road Kew Surrey TW9 4AW
Floodzone 2	Tidal Models
Floodzone 3	Tidal Models
SFRA Zone 3a High Probability	Flood Zone 3
Strategic Flood Risk Assessment Zone 2 Medium Probability	
Surface Water Flooding (Area Less Susceptible to) - Environment Agency	
Take Away Management Zone	Take Away Management Zone
Village	Kew Village
Village Character Area	Brick Farm Close - Area 12 Kew Village Planning Guidance Page 41 CHARAREA02/12/02

Ward	Kew Ward
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3. RELEVANT PLANNING HISTORY

Planning history for No.173B:

Ref	Proposal	Decision	Dec Date
21/0145/FUL	Replacement outbuilding for use as ancillary residential accommodation to existing dwelling.	Refused Permission	24/03/2021

Planning history for No.173:

Ref	Proposal	Decision	Dec Date
15/3747/HOT	To erect a single storey extension to the side/front of the property.	Granted Permission	21/10/2015
15/1568/HOT	Side conservatory extension.	Granted Permission	13/08/2015
11/2921/FUL	Conversion of existing house into two 2 bedroom houses; creation of second car parking space and erection of new front boundary wall.	Granted Permission	16/01/2012

4. CONSULTATIONS CARRIED OUT

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

1 letter of objection has been received. This comment is summarised as follows:

- Loss of light and overshadowing
- Loss of privacy
- This sort of development tends to alter the existing character of the neighbourhood in terms of the density of population

Design and Neighbour Amenity considerations are assessed under Section 6 in the report below.

5. MAIN POLICIES RELEVANT TO THE DECISION

NPPF (2021)

The key chapters applying to the site are:

- 4. Decision-making
- 12. Achieving well-designed places

These policies can be found at:

<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

London Plan (2021)

The main policies applying to the site are:

- Policy D4 - Delivering Good Design
- Policy D12 - Fire Safety

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

Non-Designated Heritage Assets	LP4	Yes	No
Amenity and Living Conditions	LP8	Yes	No
Flood Risk and Sustainable Drainage	LP21	Yes	No
Infill, Back-Land and Back Garden Development	LP39	Yes	No
Sustainable Travel Choices	LP44	Yes	No
Parking Standards and Servicing	LP45	Yes	No

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
Transport
Kew Village Plan

These policies can be found at:

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

6. EXPLANATION OF OFFICER RECOMMENDATION

The key issues for consideration are:

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

Professional Comments

This current application is a resubmission of previously refused case 21/0145/FUL, rejected for the following reasons:

Design

The proposed outbuilding by virtue of its siting, design, materials and scale, height and bulk would constitute an incongruous addition which would be detrimental to visual amenities and the character and appearance of the wider area. Furthermore, the proposed structure represents a bulky and visually intrusive addition to the garden setting and wider street scene. The scheme is therefore contrary to policies LP1, LP4 & LP39 of the Local Plan (2018) and Supplementary Planning Document on 'House Extensions and Alterations' (2015).

Transport

In the absence of a parking survey to demonstrate there to be sufficient capacity in the locality to accommodate an additional car, the proposal is considered to adversely impact on the free flow of traffic in the locality to the detriment of highway and pedestrian safety. The proposal fails to comply with the aims and objectives of, in particular, policies LP44 & LP45, as well as Transport SPD (2020).

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

Policy LP39 B states there is 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. In exceptional cases where it is considered that a limited scale of backgarden development may be acceptable it should not have a significantly adverse impact upon the factors set out above. Development on backgarden sites must be more intimate in scale and lower than frontage properties.

The House Extensions and External Alterations SPD states 'Extensions should not lead to a substantial reduction in existing garden area and properties with small gardens may need to restrict the size of their

extension to ensure a useable open space is retained.'

The proposal seeks to replace the existing single-storey garage with a new two-storey outbuilding for ancillary residential accommodation. The footprint will be rectangular in shape with an increased footprint compared with the existing garage, the proposed measuring ~10.24m in depth and ~4.3m in width, with a pitched roof at a maximum height of ~5.25m from ground level. The outbuilding will comprise 2x rooms on the ground floor (1x seating room and 1x kitchen/dining room) and 2x rooms on the first floor (1x bedroom and 1x bathroom). The subject main dwellinghouse itself remains unaltered by the application. The existing garage is legible from the street as a structure for use as off-street parking or storage.

This current proposal has reduced the maximum height from the previously refused scheme, from 6m to 5.25m so that the ridge is in line with the gutter line at the neighbouring dwelling (No.171). The footprint has not been altered from that previously proposed however, given the reduced height and the footprint being largely in line with the neighbouring dwelling on balance and given the presumption in favour of sustainable development the amended proposal is considered acceptable.

Whilst considerably large in footprint the outbuilding will be in scale with the garden area. The amenity space in the rear garden would be reduced as a result of the proposal. However, the reduction will be no more than 50% of the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) and is therefore acceptable.

Concerns regarding views from the street scene were previously raised. The reduction in height under this application, together with the structure being setback from the pavement and siting of the building limiting much of the bulk from the street scene contribute to limiting any harm caused to public views.

The council raise no objection to the proposed brickwork which has been amended in keeping with the wider locality, nor are any objections raised to the white aluminium framed fenestration. The black timber verge board is accepted in this instance given it is somewhat similar to that on the opposite side of the street.

As such, it is considered that the two-storey replacement outbuilding would on balance remain proportionate to the host dwelling/application site, and given its siting would not result in any unreasonable adverse visual amenity impact to the wider area/street scene. The proposed development is therefore acceptable with regards to Policies LP1, LP4 & LP39 of the Local Plan (2018) and the relevant SPDs.

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.

175 & 179 Mortlake Road

The proposed outbuilding is sited a significant distance away from the built form of both neighbouring properties to the south-eastern side of the development. For this reason, it is found the proposal will not result in any unreasonable overbearing impact, loss of light, visual intrusion or create a sense of enclosure to the occupants of these dwellings.

It is not considered the proposal would lead to any adverse impacts in terms of privacy to these properties. Whilst the scheme does propose openings along this elevation, the openings comprise; rooflights, which raise no significant issues in terms of privacy since they are above head height and face skyward and 1x window & door at ground floor level, it is found these openings will not afford any additional views to which could not otherwise be achieved through the use of garden. The scheme also proposes a small circular window to the front elevation at first-floor level. Given this window is at an oblique angle it is not considered this opening will cause any additional viewing angles to the habitable windows of 175. Moreover, there is an existing degree of mutual overlooking within the vicinity and therefore no concerns regarding overlooking from this window are raised. It is also there is also a significant amount of mature vegetation along the boundary which further limits views between the sites.

171 Mortlake Road

It is acknowledged No.171 does benefit from a side window facing the development site. However, this window serves a bathroom. The 'House Extensions and External Alterations' SPD states "residential development should create good living conditions and should not cause any significant loss of daylight or sunlight to habitable rooms in neighbouring properties". Given the window does not serve a habitable room, the light impact on this room would be acceptable.

The scheme proposes roof lights only along the north-western side elevation. These rooflights raise no significant issues in terms of privacy since they are above head height and face skyward. It is noted the scheme
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does propose a large glazed opening on the first-floor rear elevation which could potentially cause some overlooking into the rear garden of 171, however when considered against the existing on-site situation the scheme would not result in any further additional viewing angles/overlooking from that which could already be achieved through the first-floor fenestration of the main dwelling at 173 and 167 Mortlake Road into the rear garden of 171. Thus, the proposal would not increase overlooking onto this property.

The built form of 171 abuts the shared boundary line. As the scheme will not protrude beyond the rear elevation of this dwelling the scheme will not result in any unreasonable overbearing impacts.

The council do have concerns regarding the intended use of the proposed building, this is further discussed in the 'Use' section below. However, subject to a legal agreement the property would remain solely in residential use as a result of the proposal. An undue increase in noise or pollution would be unlikely to occur as a result of the proposal.

For the above reasons it is found this scheme complies with the aims and objectives of LP8 of the Local Plan, 2018 and relevant SPD/SPG's.

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.'

A Flood Risk Assessment (FRA) has been provided as part of this application to comply with the requirements of LP21, which states the floor levels within the proposed development to be set no lower than existing levels and flood proofing of the proposed development has been incorporated where appropriate.

Issue iv - Transport

Policy LP 44 of the Local Plan states 'The Council will work to promote safe, sustainable and accessible transport solutions, which minimise the impacts of development including in relation to congestion, air pollution and carbon dioxide emissions, and maximise opportunities including for health benefits and providing access to services, facilities and employment.'

Policy LP 45 of the Local Plan states 'The Council will require new development to make provision for the accommodation of vehicles in order to provide for the needs of the development while minimising the impact of car based travel including on the operation of the road network and the local environment, and ensuring making the best use of the land.'

The planning history is considered relevant. Planning permission was granted in January 2012 (ref: 11/2921/FUL) for the conversion of the main house to two dwellings. Conditions attached to that consent required a legal agreement to be signed precluding access to parking permits for Unit A of the development (condition No. U47198). Also restricted by condition was the use of the parking/garage for use only for the garaging of vehicles. It is also noted the garage shall be permanently retained in connection with unit A (condition No. U47199). It is understood these conditions were considered necessary owing to parking stress at the time of the decision.

Since the 2012 decision, the site has been included within a controlled parking zone (CPZ) KA which is operational Monday to Friday 10am to noon. This suggests the area is under parking stress. In this context, the loss of the garage off street parking space is material. The adopted Transport SPD (2020) states "dimensions for new or re-build garages are 3.0m x 6.0m". Whilst it is acknowledged the internal dimensions of the existing garage fall just slightly short of this, measuring at ~2.7m x ~6.1m, the council consider the garage suitable to park a modern car. Indeed, the conditions attached to the 2012 decision echo this, and the submitted drawings indicate the garage is utilised for the garaging of a vehicle.

Whilst there is a loss of 1x parking space the supporting parking survey demonstrates there is capacity in the surrounding streets to accommodate an additional vehicle on street.

Evidence also indicates the retention of a car parking space is available and utilised forward of the outbuilding in addition to a space sited forward of the gates. Thus, the parking provision is compliant with policy LP45.

Other Matters

Use

The council have sought to secure ancillary use, prohibiting the use of the outbuilding as a separate self-contained dwelling via legal agreement due to the nature of the proposed rooms and scale of the development.

Fire Safety

The applicant has submitted a fire safety 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

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: 13.08.2021

I agree the recommendation:

This application has been subject to representations that are contrary to the officer recommendation. 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: 

Dated: 18.08.2021