



LONDON BOROUGH OF
RICHMOND UPON THAMES

ENVIRONMENT DIRECTORATE

PLANNING REPORT

Printed for officer by
Nicki Dale on 1 September 2021

Application reference: 21/1777/VRC
TWICKENHAM RIVERSIDE WARD

| Date application received | Date made valid | Target report date | 8 Week date |
|---------------------------|-----------------|--------------------|-------------|
| 14.05.2021 | 24.05.2021 | 19.07.2021 | 19.07.2021 |

Site:

The Bungalow, Willoughby Road, Twickenham, TW1 2QH

Proposal:

Variation of conditions U73866 - Decision drawings pursuant to planning permission 13/2484/FUL to allow for:

Raising the front, side and rear parapet height at roof and garage level and amending the mansard roof profile. 1.1m rear ground floor living space of house A. 4m and 2.2m rear ground floor living space of house B. Reconfiguring the internal layouts of each house. Amendments to the openings, doors and fenestration, to all facades of house A and B as described in the proposed drawings. Creating additional windows to the side elevations of house B. Amending the approved stairs to the front entrance of house A and B and creating covered porches.

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

APPLICANT NAME

Jorge Dainton, Nomad
Developments
126 Mew Kings Road
Fulham
London
SW6 4LZ

AGENT NAME

DC Site Notice: printed on 25.05.2021 and posted on 04.06.2021 and due to expire on 25.06.2021

Consultations:

Internal/External:

Consultee

Environment Agency
LBRuT Trees Preservation Officer (North)
14D POL

Expiry Date

20.08.2021
08.06.2021
08.06.2021

Neighbours:

-

16 Montpelier Row, Twickenham, TW1 2NQ, - 30.07.2021

FLAT 6, MADINGLEY COURT, WILLOUGHBY ROAD, EAST TWICKENHAM, MIDDLESEX, TW1 2QN - 30.07.2021

Madingley Court Residents Management Ltd, Madingley Court, Willoughby Road, Twickenham, TW1 2QN, - 30.07.2021

3 Deniel Lodge, 2A Park Road, Twickenham, TW1 2QF, - 30.07.2021

Richmond Slipway, 1 Ducks Walkm, Twickenham, TW1 2DD, - 30.07.2021
 The Bungalow, Willoughby Road, Twickenham, TW1 2QH - 30.07.2021
 Flat 5, Deniel Lodge, 2A Park Road, Twickenham, TW1 2QF, - 30.07.2021
 Flat 3, Deniel Lodge, 2A Park Road, Twickenham, TW1 2QF, - 30.07.2021
 Flat 1, Deniel Lodge, 2A Park Road, Twickenham, TW1 2QF, - 30.07.2021
 Bream House, Willoughby Road, Twickenham, TW1 2QG, - 30.07.2021
 12 Madingley Court, Willoughby Road, Twickenham, TW1 2QN, - 30.07.2021
 9 Madingley Court, Willoughby Road, Twickenham, TW1 2QN, - 30.07.2021
 7 Madingley Court, Willoughby Road, Twickenham, TW1 2QN, - 30.07.2021
 5 Madingley Court, Willoughby Road, Twickenham, TW1 2QN, - 30.07.2021
 3 Madingley Court, Willoughby Road, Twickenham, TW1 2QN, - 30.07.2021
 1 Madingley Court, Willoughby Road, Twickenham, TW1 2QN, - 30.07.2021
 Flat 12, Deniel Lodge, 2A Park Road, Twickenham, TW1 2QF, - 30.07.2021
 Flat 10, Deniel Lodge, 2A Park Road, Twickenham, TW1 2QF, - 30.07.2021
 Flat 8, Deniel Lodge, 2A Park Road, Twickenham, TW1 2QF, - 30.07.2021
 Flat 11, Deniel Lodge, 2A Park Road, Twickenham, TW1 2QF, - 30.07.2021
 Flat 9, Deniel Lodge, 2A Park Road, Twickenham, TW1 2QF, - 30.07.2021
 Flat 7, Deniel Lodge, 2A Park Road, Twickenham, TW1 2QF, - 30.07.2021
 Flat 6, Deniel Lodge, 2A Park Road, Twickenham, TW1 2QF, - 30.07.2021
 Flat 4, Deniel Lodge, 2A Park Road, Twickenham, TW1 2QF, - 30.07.2021
 Flat 2, Deniel Lodge, 2A Park Road, Twickenham, TW1 2QF, - 30.07.2021
 13 Madingley Court, Willoughby Road, Twickenham, TW1 2QN, - 30.07.2021
 11 Madingley Court, Willoughby Road, Twickenham, TW1 2QN, - 30.07.2021
 10 Madingley Court, Willoughby Road, Twickenham, TW1 2QN, - 30.07.2021
 8 Madingley Court, Willoughby Road, Twickenham, TW1 2QN, - 30.07.2021
 6 Madingley Court, Willoughby Road, Twickenham, TW1 2QN, - 30.07.2021
 4 Madingley Court, Willoughby Road, Twickenham, TW1 2QN, - 30.07.2021
 2 Madingley Court, Willoughby Road, Twickenham, TW1 2QN, - 30.07.2021
 Mandalay, Willoughby Road, Twickenham, TW1 2QG, - 30.07.2021
 Salix House, Willoughby Road, Twickenham, TW1 2QG, - 30.07.2021
 23 Beresford Avenue, Twickenham, TW1 2PY, - 30.07.2021
 7 SARUM VIEW, WINCHESTER, SO22 5QF - 30.07.2021

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

Development Management

Status: REF Application: 11/1097/FUL
 Date: 26/07/2011 Demolition of the Bungalow and the Annexe and erection of one pair of semi detached five bed houses on 3 and a half floors with integral garages, access, forecourt, bin stores, landscaping and ancillary works.

Development Management

Status: GTD Application: 11/1513/CAC
 Date: 16/06/2011 Demolition of the Bungalow and the Annexe.

Development Management

Status: REF Application: 12/1007/FUL
 Date: 25/05/2012 Demolition of the Bungalow and the Annexe and erection of one pair of semi detached five bed houses on 3 and a half floors with integral garages, access, forecourt, bin stores, landscaping and ancillary works.

Development Management

Status: GTD Application: 14/2247/FUL
 Date: 22/07/2014 Demolish "The Bungalow" and "The Annexe", garages, outbuildings etc. A renewal of Conservation Area Consent (Ref: 11/1513/CAC)

Development Management

Status: GTD Application: 13/2484/DD01
 Date: 19/01/2016 Details pursuant to conditions LT09A and B (hard and soft landscaping), DV18A (refuse arrangements), U73968 (BREEAM rating), U73969 (construction method statement), U76563 (Archaeology), U76564 (arboricultural method statement) and U76565 (site monitoring) of planning permission 13/2484/FUL.

Development Management

Status: WDN

Date:25/09/2017

Application:17/2855/FUL

Demolition of 'The Bungalow', 'The Annexe' and detached garage and erection of one pair of four/five bed semi-detached houses on three floors with garages, access, forecourt, bin stores, landscaping and ancillary works.

Development Management

Status: REF

Date:14/12/2020

Application:20/2712/VRC

Variation of Condition GD06A(No windows ~) to allow the installation of new side windows. Variation of condition U73969 (decision drawings) of planning approval 13/2484/FUL to allow for Raising the front, side and rear parapet height at roof level and amending the mansard roof profile; 3.5m rear ground floor extension of the garage to create a utility room for house A and 1.1m rear ground floor extension of the living space of house A. 4m and 2.2m rear ground floor extension of the living space of house B. Reconfiguring the internal layouts of each house; Amendments to the openings, doors and fenestration, to all facades of House A and B as described in the proposed drawings. Creating additional windows & doors to the side elevations of house A and B. Amending the approved stairs to the front entrance of both house A and B and creating covered porches

Development Management

Status: WDN

Date:12/04/2021

Application:21/0151/VRC

Variation of condition U0009653 - Decision Drawings, of planning application 16/2357/VRC to allow for the following alterations: Plot 1 - addition of front porch and steps, enlargement of garage and rear extension, raising height of parapet wall and alterations to roof, alterations to fenestration design Plot 2 - addition of front porch and steps, enlargement of rear extension, new/re-sited windows on side elevation, raising height of parapet wall and alterations to roof, alterations to fenestration design

Development Management

Status: SPL

Date:04/06/2021

Application:21/T0256/TPO

1) Horse chestnut (T1) - fell. The tree is in a deteriorating condition with a limited life expectancy. The current development of the site provides an opportunity to fund the establishment of a replacement tree. 2) Yew (T2) Prune off the two lowest branches overhanging the north east corner of the garden of The Bungalow to leave a canopy clearance over the garden of 2.5m from ground level

Development Management

Status: PDE

Date:

Application:21/1777/VRC

Variation of conditions U73866 - Decision drawings pursuant to planning permission 13/2484/FUL to allow for: Raising the front, side and rear parapet height at roof and garage level and amending the mansard roof profile. 1.1m rear ground floor living space of house A. 4m and 2.2m rear ground floor living space of house B. Reconfiguring the internal layouts of each house. Amendments to the openings, doors and fenestration, to all facades of house A and B as described in the proposed drawings. Creating additional windows to the side elevations of house B. Amending the approved stairs to the front entrance of house A and B and creating covered porches.

Development Management

Status: PCO

Date:

Application:21/T0619/TPO

Horse Chestnut: Reduce regrowth to adequate pruning points to reduce by up to 5m leaving remaining tree at approximately 13m to reduce wind loading on defective historical growth points and reduce risk of subsidence to adjacent structures. Reasons: Please see report attached

Appeal

Validation Date: 14.09.2011

Demolition of the Bungalow and the Annexe and erection of one pair of semi detached five bed houses on 3 and a half floors with integral garages, access, forecourt, bin stores, landscaping and ancillary works.

Reference: 11/0167/AP/REF

Appeal

Validation Date: 29.05.2012

Demolition of the Bungalow and the Annexe and erection of one pair of semi detached five bed houses on 3 and a half floors with integral garages, access, forecourt, bin stores, landscaping and ancillary works.

Reference: 12/0104/AP/REF

Building Control

Deposit Date: 11.09.2015

Demolition of existing 2 bungalows, construction of 2 x 5 bedroomed semi detached dwellings. To include all associated structural work and internal partition amendments

Reference: 15/2181/IN

| | |
|----------------------------------|---|
| Application Number | 21/1777/NRC |
| Address | The Bungalow, Willoughby Road, Twickenham, TW1 2QH |
| Proposal | Variation of conditions U73966 – Decision drawings and removal of condition GD06A – no windows pursuant to planning permission 13/2484/FUL to allow for: <ul style="list-style-type: none"> - Raising the front, side and rear parapet height at roof and garage level and amending the mansard roof profile - 1.1m rear ground floor extension of the living space of House A - 4m and 2.2m rear ground floor extension of living space of House B - Reconfiguring internal layouts of each house - Amendments to the openings, doors and fenestration, to all facades of House A and B as described in the proposed drawings - Creating additional windows to the side elevations of House B (hence a variation of condition GD06A – now windows) - Amending the approved stairs to the front entrance of both house A and B creating covered porches |
| Contact Officer | Sarah Griffiee |
| Target Determination Date | 19.07.2021 EOT: 24.08.2021 |

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 is located to the south of the River Thames and the North of Willoughby Road.

The application site is situated within East Twickenham Village and is designated as:

- Archaeological priority
- Richmond Riverside Conservation Area
- Metropolitan Open Land
- Main Centre Buffer zone
- Flood Zone 3a – area benefitting from defences
- Thames Policy Area
- Tree Protection order (TPO)

3. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

Variation of conditions U73966 - Decision drawings and removal of condition GD06A - no windows pursuant to planning permission 13/2484/FUL to allow for:

" Proposal: Variation of conditions U73966 - Decision drawings and removal of condition GD06A - no windows pursuant to planning permission 13/2484/FUL to allow for:

- 1) Raising the front, side and rear parapet height at roof and garage level and amending the mansard roof profile.
- 2) 1.1m rear ground floor extension of the living space of house A
- 3) 4m and 2.2m rear ground floor extension of the living space of house B
- 4) Reconfiguring the internal layouts of each house
- 5) Amendments to the openings, doors and fenestration, to all facades of House A and B as described in the proposed drawings
- 6) Creating additional windows to the side elevations of house B (hence a variation of condition GD06A (no windows));
- 7) Amending the approved stairs to the front entrance of both house A and B and creating covered porches.

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

21/0151/VRC – Variation of condition U0009653 - Decision Drawings, of planning application 16/2357/VRC to allow for the following alterations:

Plot 1 - addition of front porch and steps, enlargement of garage and rear extension, raising height of parapet wall and alterations to roof, alterations to fenestration design

Plot 2 - addition of front porch and steps, enlargement of rear extension, new/re-sited windows on side elevation, raising height of parapet wall and alterations to roof, alterations to fenestration design.

Withdrawn: 09.04.2021 for the following reason:

- The submitted information does not contain sufficient information to demonstrate that the existing trees on site would not be detrimentally impacted by the proposed development in accordance with Policy LP16. In particular, the tree survey fails to include the trees protected by TOT1080 of 2020 which are present along the boundary with Madingley Court and so there is no assessment of how the proposed development would impact on these trees.

20/2712/VRC - Variation of Condition GD06A (no windows) to allow the installation of new side windows. Variation of condition U73969 (Decision Drawings) of planning approval 13/2484/FUL to allow for raising the front, side and rear parapet height at roof level and amending the mansard roof profile, 3.5m rear ground floor extension of the garage to create a utility room for House A and 1.1m rear ground floor extension of living space of House A. 4m and 2.2m rear ground floor extension of the living space of house B. Reconfiguring the internal layouts of each house. Amendments to the openings, doors and fenestration to all facades of House A and B as described in the proposed drawings. Creating additional windows and doors to the side elevations of house A and B. Amending the approved stairs to the front entrance of both house A and B creating covered porches. Refused: 14.12.2020 for the following reasons:

- **Neighbour Amenity** - *The proposed development, by reason of its combined height, depth and siting in close proximity to neighbouring residential units would open new lines of sight towards neighbouring properties creating detrimental loss of privacy to neighbouring occupiers, in particular the closest flats within Madingley Court. Therefore, the development is contrary to the Richmond Local Plan (2018) in particular Policy LP8 and the aims and objections of the NPPF.*
- **Protected Trees** - *The proposed development, by reason of its increased footprint and lack of sufficient information, fails to demonstrate that the surrounding trees which are subject to TPO and Conservation Area Protection would not be harmed, in particular due to the encroachment into the RPA. Therefore, the proposal is in conflict with the Local Plan, in particular Policy LP16.*

4. CONSULTATIONS CARRIED OUT

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

4 letters of objection have been received and the comments can be summarised as follows:

- Request revised versions of the original landscape plans
- Ground level has already been raised via adding hardcore and soil and request that this is removed for drainage purposes
- Proposed hornbeam in troughs to border with Madingley Court should be shown on plans
- Rear door to garage and staircase windows should be solid or using opaque glass

- Environmental benefits of horse chestnut tree with 10+ years lifespan outweigh economic reasons for its removal
- Lack of space at front of properties for 2 cars, and associated cycles which will result in overflow onto Willoughby Road and the slipway impeding access to surrounding properties
- Concern that raising rear garden results in overlooking and loss of privacy for neighbours as lines of sight over the boundary would be possible
- Screening vegetation would not be sufficient
- Raised height makes the development visually intrusive
- Lack of landscaping plans prevents assessment of impact on protected trees
- Lack of information such as on ground levels to assess impact on neighbouring privacy
- No information regarding impact on flood risk

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

Amendments:

The application was amended by way of change of description.

Following this, re-consultation occurred and the following comments were received:

3 letters of objection have been received and the comments contained within can be summarised as follows:

- Stairwell window need to be obscure glazed to ensure privacy and prevent lines of sight into habitable rooms
- No hard and soft landscaping proposal
- Stating that landscaping will be as previously proposed is not sufficient as the garden areas of the properties are reduced due to the proposed extensions
- Drawings show a reduction in planting at boundaries without further detail
- no assessment of impact on protected trees and neighbouring shrubs
- unsure if decking is proposed to be raised or laid on existing hardcore and soil which has raised ground level already
- full details of the proposed ground level of the site should be provided
- Application site is located within Flood Zone 3a but there is no assessment of water displaced to neighbouring properties as a result of proposed extensions and changes to ground level

Revised plans were also received which were not reconsulted on as these made only minor amendments to ensure floorplans and elevations were consistent.

At the end of August, one further representation in objection was received raising the following concerns:

- Works have begun on site in relation to this application
- Concern regarding potential adverse impact on TPO
- No site plan showing garden levels or hard and soft landscaping plans

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
- 15. Conserving and enhancing the natural environment
- 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 G3 Metropolitan Open Land
 Policy G7 Trees and Woodlands
 Policy SI 12 Flood Risk Management
 Policy T6 Car Parking
 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 | Yes | |
| Impact on Designated Heritage Assets | LP3 | Yes | |
| Impact on Non-Designated Heritage Assets | LP4 | Yes | |
| Impact on Archaeology | LP7 | Yes | |
| Impact on Amenity and Living Conditions | LP8 | Yes | |
| Impact on Metropolitan Open Land | LP13 | Yes | |
| Impact on Trees, Woodland and Landscape | LP16 | Yes | |
| Impact on River Corridors | LP18 | Yes | |
| Impact on Flood Risk and Sustainable Drainage | LP21 | Yes | |
| Parking Standards and Servicing | LP45 | Yes | |

These policies can be found at
https://www.richmond.gov.uk/media/15935/adopted_local_plan_interim.pdf

Supplementary Planning Documents

East Twickenham Village Planning Guidance

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:
 Richmond Riverside Conservation Area Statement
 Article 4 Direction restricting basement development

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 Metropolitan Open Land
- ii Design
- iii Impact on heritage assets
- iv Impact on Neighbour Amenity
- v Trees and Landscaping
- vi Sustainability
- vii Affordable Housing
- viii Transport

An application for the demolition of the previously existing bungalow and the erection of a pair of semi-detached five bedrooms houses over 3 floors with integrated garages was approved under 13/2484/FUL. As set out above in the planning history section, this permission was implemented and so remains extant. This means the works approved under 13/2484/FUL remain a valid fall-back position to which weight can be afforded in the assessment of this application. As such, the following report will focus on the assessment of the amendments proposed to the originally approved application.

Issue i –Metropolitan Open Land

The rear of the site is located within designated Metropolitan Open Land (MOL), where policies related to Green Belt applies. The fundamental aim of these policies is to permanently protect the openness of designated land. National planning policies on Green Belt land set out within the NPPF apply to MOL, as set out in London Plan Policy G3. In line with policy LP13 of the Local Plan (2018), the Borough's MOL will be safeguarded, retained in predominately open use and there is a strong presumption against inappropriate development in designated MOL.

In this instance, the Council's mapping software shows that only the rear part of the application site is designated at MOL. The boundary of MOL follows the rear elevation of the footprint of the previously existing bungalow.

The proposed ground floor plan submitted as part of this application is shown in Figure 1 below and it shows the footprint of the previously existing bungalow marked in red outline. This demonstrates that the footprint of the proposed building, including the rear extensions proposed within this application, do not exceed the rearward extent of the previously existing bungalow and so do not fall within MOL.

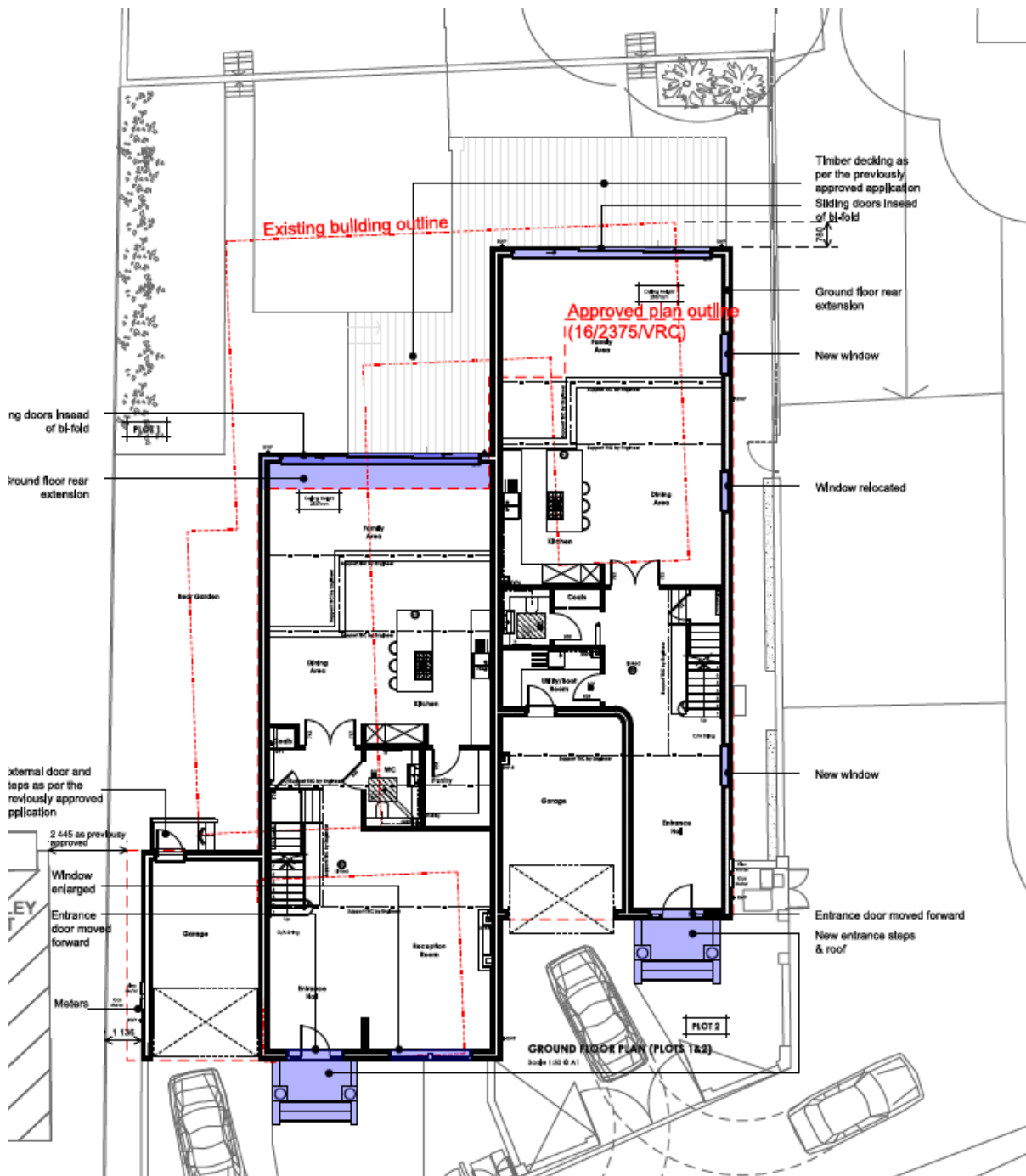


Figure 1 - The red line indicates the footprint of the previously existing bungalow and demonstrates that the footprint of the proposed building does not exceed the rearward extent of the previously existing bungalow. As such, the proposed building, including the rear extensions proposed within this application, do not all within WOL

However, the decking proposed beyond the rear elevation will be located within MOL.

Paragraph 145 of the NPPF sets out that a local planning authority should regard the construction of new buildings as inappropriate development but sets out the following exceptions which are relevant to this proposal – *‘the extension or alteration of a building provided that it does not result in disproportion additions over and above the size of the original building’*. The proposed extension itself is located outside of MOL and the proposed decking is an alteration to a previously approved scheme which is not disproportionate to the size of the original building.

Further to this, Policy LP13 sets out that appropriate uses within MOL includes private open spaces. The decking will form part of a private open space and given the nature of its form, it will preserve the

openness of this part of MOL. The proposed decking also does not conflict with the five purposes of MOL set out in paragraph 134 of the NPPF.

Overall, the scheme is considered to be appropriate within MOL as the decking is not a disproportionate addition in comparison to the previously existing bungalow or the previously approved development and the decking forms part of a private open space which preserves the openness of this part of MOL.

Therefore, no objection is raised to the proposal in regard to its impact on Metropolitan Open Land.

Issue ii - Design

Policy LP1 sets out that the Council will require all development to be of high architectural and urban design quality which demonstrates a thorough understanding of the site and its context to maintain the high-quality character of the borough.

Proposed Roof Alterations

In regard to the proposed roof alterations, it is proposed to raise the eaves height by roughly 1m such that the second floor windows are retained within the front and rear elevation rather than breaking the eaves line into the roofscape. While this alteration will change the approved form of the building, the additional massing will be largely contained within approved building envelope in that the overall ridge height is retained as previously approved and no additional stories are formed.

Extensions to Front and Rear Elevations

The proposed rear extensions are also considered acceptable as while the overall height slightly overlaps the lower cill of the French doors to the first floor above, the single storey height is retained and the depth is not considered to be excessive in design terms as it does not significantly disrupt the established building line in the area. As such, the extensions remain subservient to the host dwelling.

It is also proposed to form infill extensions to the front elevation. The extensions do not exceed the built footprint towards Willoughby Road and the staggered appearance of the two blocks is retained. As such, this minor increase in massing is not considered to be detrimental to the overall design of the property.

Proposed Porches

The proposed porches are much grander than those previously approved but retain the siting of the openings. The surrounding properties to this side of the river generally benefit from recessed front doors rather than a porch which protrudes forward of the front elevation. The White Cross has been cited as an example which does benefit from a similar style porch opening. While this is opposite the application site, it is the other side of the river and the property is much more prominent in the townscape than the application site. It appears that Russell Villas approximately 65m to the west of the application site does also benefit from a similar style porch as that proposed. While the porches do not match the entrance style of those in the immediate locality, there is no demonstrable harm arising from these.

Proposed Fenestration Alterations

In regard to other fenestration changes, the proposal largely seeks to increase the size or alter the style of the approved windows to the front and rear elevations, rather than to create additional openings. This does increase the amount of glazing to the front and rear elevations, but a good window hierarchy with windows decreasing in size to the upper floors is retained. The proposed opening style of sash windows and French doors is considered to be respectful of the conservation area as these are a more traditional style than the previously approved sliding doors. The proposed larger bi-fold doors to the ground floor rear extensions fails to reflect the vertical emphasis of the other openings which could be achieved by reducing the width of the glazing panels. However, this is not considered to be a reason for refusal in its own right, as the rear elevation will be less visible and given that modern extensions to properties are not an uncommon form of householder extension. The plans clarify that the balustrading to the rear first floor balconies will remain as previously approved.

Three new windows are proposed to the ground floor of the south east elevation and these are considered acceptable as they reflect the style of openings to the other elevations while remaining proportion in size and horizontally aligned.

Issue ii- Impact on Heritage Assets

The application site is not statutorily listed and is not a designed Building of Townscape Merit (BTM) and neither are the immediately surroundings properties. The closest BTM is No.23 Beresford Avenue which is located roughly 30m south of the site. The application site and surroundings also form part of Richmond Riverside Conservation Area. As such, great weight shall be given to the conservation of heritage assets and their settings in accordance with Policies LP3 and LP4.

The Richmond Riverside Conservation Area Statement sets out that there are many trees in the open river corridor and that the riverside encompassing the application site is rural in character. The statement notes that while residential streets to the south west of the application site retain a 19th century grid layout, this stops at Willoughby Road. Problems in the area are identified as development pressures harming the balance of river and landscape dominated setting and the loss of traditional architectural features and materials. Enhancements are identified as protecting the river and landscaping setting and the preservation, enhancement and reinstatement of architectural quality.

The proposed variations to the approved plans do not result in the loss of traditional architectural features and materials as the demolition of the previously existing built form has already been granted.

The proposed variations are not considered to harm the balance of the river and landscape dominated setting. This is because the proposed roof alterations retain the overall height and are sited within the existing building envelope, the proposed front elevations do not break forward of the previously approved front building line and the rear extensions respect the established rear building line and do not encroach into MOL.

The proposal is considered to preserve the architectural quality by the proposed fenestration alterations. The proposed opening style of sash windows and French doors is considered to be respectful of the conservation area as these are a more traditional style than the previously approved sliding doors. The proposed porch style also seeks to draw from existing properties within the same Conservation Area.

As such, the proposal is considered to preserve the character and appearance of the Conservation Area.

Given the offset relationship between the application site and the closest neighbouring BTM to the south, the proposal is also considered to preserve the setting of this neighbouring undesignated heritage asset.

Therefore, the proposal is considered to preserve the character and appearance of the wider Conservation Area and preserve the setting of the closest neighbouring BTM in accordance with policies LP3, LP4 and the NPPF.

Issue iii – Impact on Neighbour Amenity

Policy LP8 sets out that all development is required to protect the amenity and living conditions of neighbouring occupiers with particular regard to daylight and sunlight provision, overlooking, sense of enclosure, visual intrusion and overbearing impacts. The closest properties with the most potential to be impacted are Madingley Court to the west, Mandalay to the South East and Salix House to the South West.

Some representations received have raised concern in regard to impact on neighbour amenity.

Madingley Court

In regard to daylight and sunlight, the proposal does not result in a detrimental loss of light to the neighbouring flats of Madingley Court.

Madingley Court has balconies and a ground floor opening on the recessed side wing closest to the proposed application side which are orientated to face rearwards. The submitted first floor plan shows a 45-degree BRE test on floorplan of which, the line only intercepts the screening of the proposed rear elevation balcony. Given the 45 -degree line shown is from the edge of balcony area, it shows a 'worst-case scenario'. The BRE test should be taken from the centre of the area whereby the 45-degree line would not intercept the proposed balustrade. This demonstrates there will not be a detrimental loss of light to the ground floor opening facing rearwards and the balconies to upper floors flats of this neighbouring property.

Madingley Court also benefits from windows to the main flank wall. No information or 25-degree BRE test

has been put forward to demonstrate that the proposal would not have a detrimental impact on light afforded to these windows. However, the previously proposed extension to the rear of the garage closest to Madingley Court has now been omitted from the proposal. As such, the proposal alterations would not create a worse impact on light afforded to these neighbouring properties in comparison with the previously approved form.

In terms of overlooking and loss of privacy, the previously refused application proposed 3 new openings to the side elevation facing Madingley Court and a patio/terrace area to the rear of the garage extension. These have now been omitted from the proposed scheme and so no additional lines of sight will be opened. The proposed external decking is also sited away from the boundary and further to the rear of the site, ensuring that it does not result in overlooking into neighbouring flats. As such, these amendments are considered to have overcome the previous reason for refusal regarding actual and perceived overlooking.

While ground floor extensions are proposed, the first-floor balconies above these are not proposed to be increased in depth and as such, the privacy screen will continue to block lines of sight from this area.

As the garage closest to this shared boundary is no longer proposed to be extended to the rear and given the proposal alterations do not have a detrimental impact on light afforded to these neighbouring properties, this is not considered to form an overbearing or visually intrusive development, nor create a detrimental sense of enclosure to such a degree that refusal could be substantiated on these grounds.

Mandalay

The proposal is not considered to result in a loss of daylight or sunlight to the flats associated with Mandalay as the proposed extensions retain the separation distance previously approved.

The proposed alterations also include the formation of 3 ground floor windows in addition to the previously approved first and second floor staircase windows which are subject to a condition to be obscure glazed and non-opening. It is noted that since the time of the original decision, Mandalay has installed additional side facing fenestration although there is no planning history associated with this alteration. While vegetation is present at the boundary of Mandalay, it is appreciated that this may die back or die off and so while it will provide some screening in the short term, it may not be a long term solution. The side elevation windows of Mandalay closest to Willoughby Road will not be subject to any additional overlooking via the proposed ground floor windows due to the lines of sight already experienced from the public realm. The rear most windows on the side elevation of Mandalay are not considered to be subject to any increased overlooking as lines of sight possible from the proposed ground floor window will be similar to those from the previously approved raised decking. It is also noted that the original bungalow on the application site benefitted from habitable room windows towards the rear and had a front door located on the side elevation facing this neighbouring property. As such, there was a pre-existing degree of overlooking both from the habitable use of the bungalow and from entering and exiting the site. It is noted that the previous front door entrance level was similar to that of the approved ground floor finished floor level. As such, while the proposed ground floor windows will afford views towards Mandalay, these will not be materially different from those lines of sight possible from the pre-existing bungalow entrance and paved amenity space. As such, the proposal to introduce additional side elevation windows at ground floor level is not considered to warrant refusal of the application.

As above, while ground floor extensions are proposed, the balconies above are not proposed to be increased in depth and the associated privacy screening is retained. As such, the proposal will not result in loss of privacy to these neighbouring occupiers.

Given that the proposal retains a roughly 13m separation distance and that the rear extension of Plot 2 only extends by a minor amount beyond the rear extent of Mandalay, the proposal is not considered to result in a sense of enclosure, visual intrusion or overbearing this neighbouring property.

The decking will extend further to the rear level with the ground floor ffl, as previously approved. No material harm is considered to arise from the additional projection having regard to the approved position.

Salix House

The proposed alterations to the previously approved plans are not considered to result in a loss of daylight and sunlight to Salix House as the only projection forward of the previously approved building

line are the proposed porches which are a minor addition that will not significantly impact on light afforded to this neighbouring property.

The proposal will not result in detrimental overlooking as amendments to the front elevation relate to existing openings rather than the formation of new windows and given that the front elevation of Salix House is already visible from Willoughby Road.

As above, the proposal does not significantly exceed the previously approved building line and does not seek to widen the front elevation. Therefore, the proposal does not create a further sense of enclosure, visual intrusion or overbearing in comparison with the previously approved scheme.

Overall, the proposal is not considered to harm the reasonable enjoyment of neighbouring properties or their associated gardens and so the proposal is considered in accordance with policy LP8 and no objection is raised in this regard.

Issue iv – Trees and Landscaping

Policy LP16 sets out that the council will resist the loss of trees, require protection for retained trees and will support the provision of new trees.

In this instance, all trees within and adjacent to the application site are subject to a level of protection due to the Conservation Area status of the application site and its surroundings. The Richmond Riverside Conservation Area Statement recognised trees as an important feature of the locality contributing to the open corridor of the river. A large horse chestnut tree located to the slipway side of the application site is also subject to a Tree Preservation Order. Since the submission of this application, a provisional TPO has also been served on the 4 trees close to the shared boundary between this application site and Madingley Court under 20/T0856/TCA. This was considered necessary as the trees are an important and prominent landscape feature providing collective merit via the green softening and amenity value.

Previous applications were unsuccessful because there was a lack of sufficient information to demonstrate that existing trees in close proximity to the proposed development would not be detrimentally impacted, in particular the trees at the boundary with Madingley Court. As such, this application is seeking to overcome these concerns.

Within the application submission is an Arboricultural Survey which states that a survey was undertaken on site in April 2021. Of the 5 trees in close proximity to the proposed works, 4 are category B and 1 is category C.

When assessing the impact on the TPO horse chestnut tree (T1) to the rear of the site, account has been given to the presence of the river, slipway, footprint of the former bungalow and the flood barrier wall when calculating the root protection area (RPA) which overcomes a previous concern. The report concludes no detrimental impact on this tree as a result of the proposed extension. Tree protection fencing is proposed to avoid any accidental harm during the construction process.

In regard to the trees at the boundary with Madingley Court, these have now been accounted for within the survey provided. It is also noted that the previously proposed extension to the rear of the garage for plot A has been omitted from this scheme. As such, there is no increase in footprint above that previously approved in this location, although a minor extension to the rear of the main building (1.1m in depth) is still proposed. Given this extension is within the footprint of the former bungalow, this is not considered to have major roots present and so the proposed extension would not have a detrimental impact on these trees. While no machinery can access the rear of the site via access near this boundary, ground protection is proposed as pedestrian may still use this route.

In regard to decking, this is proposed to be raised and formed of permeable surface such that roots beneath can still receive rainwater and undergone important gaseous exchange. As such, the decking will not have detrimental impacts on the retained trees.

Therefore, subject to condition, the submitted information is now considered satisfactory to demonstrate a lack of harm to the retained trees on site and so the submitted information overcomes the previous reason for refusal.

Issue v – Sustainability

It is necessary to review this aspect of the application due to policy updates since the previously approved applications in 2013 and 2016, such as the Local Plan (2018) and the Sustainable Construction Checklist SPD (2020).

Policy LP22 sets out that all development will be required to achieve the highest standards of sustainable design and construction. The policy requires the submission of a completed Sustainable Construction Checklist, water conservation measures limiting water usage to a maximum of 110L per person per day and a 35% reduction in Carbon Dioxide Emissions.

An updated Sustainable Construction Checklist has been provided which confirms that water usage to 110L per person per day can be complied with and confirms a 35.11% CO2 reduction can be achieved. A Water Usage Statement has also been supplied to evidence that fixture and fittings will achieve a 104.9 litre per person per day usage. The overall score of the Sustainable Construction Checklist is rated to be 32 or C which demonstrates minimal effort to increase sustainability beyond general compliance.

An Energy Statement has also been provided which assess the proposal in accordance with the Be Lean, Be Clean, Be Green methodology. This noted that 'be lean' features such as windows and doors with high U values achieve over the requirements of Building Regulations Part L but that additional reduction will be required to be the 35%. In the 'Be Green' section, consideration is given to the use of renewable energy with justification being given for the methods such as window and ground source heat pumps which have been discounted. Solar PV panels of 3kWp are proposed on each dwelling to achieve the 35.11% CO2 emissions reduction in combination with the Be Lean features proposed. Had the application been found acceptable in all other regards, a condition would have been applied for details of the proposed PV panels to be submitted to and agreed in writing.

Therefore, no objection is raised to the proposal on sustainability grounds.

Issue vi – Affordable Housing

Policy LP36 sets out that an affordable housing contribution is required for all housing sites. For sites proposing less than 10 residential units, a financial contribution to the Affordable Housing Fund is acceptable instead of on-site provision. Under the original application decided in 2013, a legal agreement was signed to secure an affordable housing contribution, and this was reviewed during the 2016 VRC.

It is necessary to review the contribution agreed again at this stage as since the last review, the market may have changed in the previous years, the Council has adopted a new Tenancy Strategy (2019) and to reflect the proposed changes which include an increase in the size of the proposed residential units.

The Planning Viability Advisor has reviewed this VRC taking into account the proposed increase in floorspace, and that the original contribution secured in 2013 was index to RPI. On this basis, it is considered reasonable to continue to seek the same contribution as agreed under the original 2013 application.

The S106 for the parent application included a clause to note that the Deed shall continue to be valid and enforceable following an amendment or variation through the submission of a planning application pursuant to Section 73 of the 1990 Act and so would remain applicable in the event that the application had been approved.

Therefore, the proposal is not objected to on the grounds of affordable housing.

Issue vii – Transport

While some representations raised concern that the proposed porches would reduce space for parking within the front garden area, the proposed ground floor plan continues to show provision for one car parking space each. This is the same parking provision as previously approved under 13/2484/FUL.

Therefore, no objection is raised to this proposal on the grounds of transport or parking impacts.

Issue viii – Flood Risk

Policy LP21 sets out that all developments should avoid or minimise contributing to all sources of

flooding.

The application site is located within Flood Zone 3a which is a high risk flood area. Under the originally approved application (13/2484/FUL), it was noted that the replacement of two existing buildings with two dwellings was acceptable in principle from a flood risk perspective. A flood risk assessment was also submitted under that application and was reviewed by the Environment Agency who raised no objection.

While this application seeks to increase the footprint associated with the site, it is noted that the proposal will still result in 2 residential dwellings, which as set out above is acceptable in principle. The Environment Agency were also re-consulted on this application due to the nature of the alterations proposed and raised no objection to the revised scheme.

As such, no objection is raised to the proposal in regard to flood risk.

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 considered liable for the Mayoral and 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 the NPPF.

If approve:

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 - PREVIOUS LEGAL AGREEMENT REMAINS APPLICABLE
(*If yes, complete Development Condition Monitoring in Uniform)

This application has representations online YES NO

Case Officer (Initials):SGR.....

Dated:01.09.2021.....

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:01.09.2021.....