

Application reference: 20/1488/NMA
SOUTH RICHMOND WARD

Date application received	Date made valid	Target report date	8 Week date
02.09.2021	02.09.2021	30.09.2021	30.09.2021

Site:

30 The Vineyard, Richmond, TW10 6AZ,

Proposal:

Enlargement of existing basement. [Non-Material Amendment to planning permission 20/1488/HOT - Condition Number: V0085379 Highways Agreement to amend the wording of the condition from "within 6 months of the date of this decision notice" to "prior to any basement excavation works starting".]

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

APPLICANT NAME

Mr Hugo Tugman
30 The Vineyard
Richmond
TW10 6AZ

AGENT NAME

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

Consultations:

Internal/External:

Consultee

Expiry Date

Neighbours:

-

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

Development Management

Status: GTD

Date:24/10/2002

Application:02/2668

Replacement Of Existing Glass Block Pavement Lights With New Mesh Grill (flush With Pavement) To Provide Ventilation To Basement Floor Accommodation.

Development Management

Status: RSS

Date:04/08/1995

Application:95/0936/FUL

Change Of Use Of Shop And Basement To Form One 2 Bedroom Maisonette

Development Management

Status: REF

Date:07/11/1997

Application:97/1527

Retention Of Dormer Window To Rear Elevation

Development Management

Status: WDN

Date:17/03/1998

Application:98/0081

Alterations To Front Elevation Including Insertion Of Two Windows At Low Level Below Existing Shop Windows.

Development Management

Status: REF

Date:07/09/1998

Application:98/0516

Install Dormer Window.

Development Management

Status: REF

Application:99/0520

Date:02/06/1999 Amendment To Existing Dormer To Rear Of Property And Reinstate Chimney.

Development Management

Status: REF Application:82/0207/ADV
Date:08/04/1982 For Advertisements.

Development Management

Status: GTD Application:14/3350/FUL
Date:10/10/2014 Temporary change of use from C3 (dwellinghouses) to A2 (Financial and professional services) for a maximum period of 5 years

Development Management

Status: VOID Application:16/2241/VOID
Date:09/06/2016 Our clients, the owners of all four apartments in the building wish to convert the building into one family house, plus a small additional apartment at basement level to the front. As part of the remodeling and reorganization, an extension to the rear at basement level is proposed over which the garden, which is mostly laid out as lawn, will be reinstated at the same level as is existing. A modest basement level courtyard will ensure that the basement rooms at the rear will have good daylight and ventilation. Also, a small basement extension to the front, beneath the existing parking space that serves the house is proposed, although in this case, no external evidence of the extension will be apparent. In refurbishing the property, our clients are keen to bring the fenestration of the house up to a matching standard of detailing to that of it's terraced neighbours. It is proposed that the two existing, non-matching dormers be replaced with new dormers to match exactly those of the rest of the terrace. All external doors and windows on the front elevation are proposed to be replaced and the detailing and alignment of these is intended to match exactly that of the rest of the terrace, including setting the front doors back to the same alignment as the others. At the rear, the mis-matched collection of window styles and openings are proposed to be rationalized, reworked and replaced with a set of new timber-framed, mostly box-sash windows to match the relative consistency of the rear elevations of the other houses. At the front, at ground level, the house is currently served with one dedicated parking space. However, immediately next to this there is a small patch of land (also in our client's ownership) which we propose is to be re-configured to provide an additional parking space for a small electric car, with a charging station. To the road-side of this it is proposed that new soft-landscaping be planted to soften and enhance the appearance of this end of t...

Development Management

Status: GTD Application:20/1488/HOT
Date:28/07/2020 Enlargement of existing basement.

Development Management

Status: WDN Application:21/2513/VRC
Date:02/09/2021 Application Reference Number: 20/1488/HOT - Condition Number(s): V0085379 Highways Agreement - Conditions(s) Removal: Due to Covid conditions, work could not commence resulting in missing the 6 month deadline. Extension of the time limit of the condition.

Development Management

Status: PDE Application:20/1488/NMA
Date: Enlargement of existing basement. [Non-Material Amendment to planning permission 20/1488/HOT - Condition Number: V0085379 Highways Agreement to amend the wording of the condition from "within 6 months of the date of this decision notice" to "prior to any basement excavation works starting".]

Appeal

Validation Date: 14.11.1995 Change Of Use Of Shop And Basement To Form One 2 Bedroom Maisonette

Reference: 95/0936/FUL **Appeal Allowed**

Appeal

Validation Date: 29.09.1998 Development Appeal
Reference: 98/0516

Building Control

Deposit Date: 02.11.1994 Refurbishment of shop and cellar including structural alterations.
Reference: 94/1451/FP

Building Control

Deposit Date: 10.04.1997 Loft conversion & conversion to two flats.
Reference: 97/0505/BN

Building Control

Deposit Date: 18.09.2007 Internal alterations to enlarge kitchen area
Reference: 07/2025/BN

Building Control

Deposit Date: 16.10.2009 Installed a Gas Boiler
Reference: 10/FEN01936/GASAFE

Enforcement

Opened Date: 29.04.1997 Enforcement Enquiry
Reference: 97/00140/EN

Enforcement

Opened Date: 01.07.2018 Enforcement Enquiry
Reference: 97/00039/EN2

Application Number	20/1488/NMA
Address	30 The Vineyard, Richmond, TW10 6AZ
Proposal	Enlargement of existing basement. [Non-Material Amendment to planning permission 20/1488/HOT - Condition Number: V0085379 Highways Agreement to amend the wording of the condition from "within 6 months of the date of this decision notice" to "prior to any basement excavation works starting"]. Due to Covid restrictions, work could not commence.]
Contact Officer	Kerry McLaughlin
Target Determination Date	30.09.2021

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.

2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

The proposal site is a three-storey, terraced dwelling, located on the north-northern side of The Vineyard.

The application site is subject to the following planning constraints:

Archaeological Priority (English Heritage)	Site: Richmond - Early Medieavl settlment of the Manor of Sceanes (Shene). Renamed Richmond through the construction o
Article 4 Direction Basements	Article 4 Direction - Basements / Ref: ART4/BASEMENTS / Effective from: 18/04/2018
Building of Townscape Merit	Site: 30 The Vineyard Richmond Surrey TW10 6AN
Conservation Area	CA5 Richmond Hill
Critical Drainage Area - Environment Agency	Richmond Town Centre and Mortlake [Richmond] / Ref: Group8_004 /
Main Centre Buffer Zone	Richmond Town Centre Boundary Buffer Zone - A residential development or a mixed use scheme within this 400 metre buffer area identified within the Plan does not have to apply the Sequential Test (for Flood Risk) as set out in Local Plan policy LP21.
Surface Water Flooding (Area Less Susceptible to) - Environment Agency	
Take Away Management Zone	Take Away Management Zone
Village	Richmond and Richmond Hill Village
Village Character Area	Richmond Hill - Area 12 & Conservation Area 5 Richmond & Richmond Hill Village Planning Guidance Page 44 CHARAREA06/12/01

Ward	South Richmond Ward
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3. RELEVANT PLANNING HISTORY

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

Ref	Proposal	Decision
20/1488/HOT	Enlargement of existing basement.	Granted Permission

4. CONSULTATIONS CARRIED OUT

An application to make a non-material change under s.96A is not an application for planning permission, so the existing Town and Country Planning (Development Management Procedure) Order 2015 provisions relating to statutory consultation and publicity do not apply. Local planning authorities have discretion in determining whether and how they choose to inform other interested parties or seek their views.

5. TOWN AND COUNTRY PLANNING ACT 1990

The application seeks approval under s.96A(4) of the Act for non-material changes to planning permission. Section 96A(1) states: "A local planning authority may make a change to any planning permission relating to land in their area if they are satisfied that the change is not material."

Section 96A(2) states: "In deciding whether a change is material, a local planning authority must have regard to the effect of the change, together with any previous changes made under this section, on the planning permission as originally granted."

S96A was introduced by the Parliament to allow for a degree of flexibility to be introduced into the planning system. Whilst there is no statutory guidance as to what constitutes a non-material amendment, materiality is a matter of judgement and that materiality is to be judged by reference to the overall context including the nature and scale of the permission being altered. Judgement on 'materiality' in any particular case is one of fact and degree, along with taking into account the likely impact of the amendment on the local environment. Materiality is considered against the development as a whole, not just part of it. The basis for forming a judgement on materiality is always the original permission however the cumulative effects of any previous amendments would also need to be assessed.

Although what defines a non-material amendment is to the discretion of the local authority concerned and lacking in legal definition, the following key tests could be applied in assessing the acceptability of a change to an approved scheme under the non-material amendment procedure:

- Is the proposed change material/significant in terms of its scale (magnitude, degree etc) in relation to the original approval?
- Would the proposed change result in a development that will appear noticeably different to what interested parties may have envisaged or could result in an impact on the amenity of occupiers of adjoining properties?
- Would the interests of any third party or body who participated in or where informed of the original decision be disadvantaged in any way?
- Would the amendments be contrary to any planning policy of the Council?

If none of these tests are positive then it is considered that the change could be dealt with as a non-material amendment.

6. EXPLANATION OF OFFICER RECOMMENDATION

The proposal seeks extension of the time limit of condition V0085379 - Highways Agreement, due to covid restrictions.

1. Is the proposed change significant in terms of its scale, (magnitude, degree etc.) in relation to the original approval?

The alterations would not create a visual difference to the previously approved scheme.

2. Would the proposed change result in development that will appear noticeably different to what interested parties may have envisaged or could result in an impact on the amenity of occupiers of adjoining properties?

The proposed alterations would not cause any further impact on neighbouring amenity to the previously approved scheme and those properties surrounding the application site would not be unduly affected as a result of the proposed amendment.

3. Would the interests of any third party or body who participated in or were informed of the original decision be disadvantaged in any way?

No public representations were received on the original planning application.

The proposed changes would not have any detrimental impact on the amenity of occupiers and character and appearance of the area over the approved scheme, to the point where any third party on the original decision would be prejudiced or disadvantaged in any way.

4. Would the amendments be contrary to any planning policy of the LPA?

The amendments would result in a scheme which would continue to comply with the relevant policies.

It is therefore considered that the proposed alterations would constitute as a “non-material” change.

7. RECOMMENDATION

This recommendation is made following careful consideration of all the issues raised through the process and it is considered the current application satisfies Section 96A of the Town and Country Planning Act (1990) as amended.

Grant

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: 02.09.2021

I agree the recommendation:

Principal Planner

Dated:WWC.....2/9/21.....

This application has been subject to representations that are contrary to the officer recommendation. The Head of Development Management has considered those representations and concluded that the application can

be determined without reference to the Planning Committee in conjunction with existing delegated authority.

Head of Development Management:

Dated:

REASONS:
CONDITIONS:
INFORMATIVES:
UDP POLICIES:
OTHER POLICIES:

The following table will populate as a quick check by running the template once items have been entered into Uniform

SUMMARY OF CONDITIONS AND INFORMATIVES

CONDITIONS

INFORMATIVES

U0054112	NMA Informative
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