

Application reference: 21/2396/HOT SOUTH RICHMOND WARD

Date application received	Date made valid	Target report date	8 Week date
02.07.2021	05.07.2021	30.08.2021	30.08.2021 EOT 03.09.2021

Site:

29 Princes Road, Richmond, TW10 6DQ,

Proposal:

Retrospective application for the erection of an awning in the rear garden.

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

APPLICANT NAME

Mr Oliver Agha
29, Princes Road
Richmond
TW10 6DQ

AGENT NAME

Mr Geoff Megarity
The Print Rooms
Union Street
London
SE1 0LH
United Kingdom

DC Site Notice: printed on and posted on 16.07.2021 and due to expire on 06.08.2021

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

19 Princes Road, Richmond, TW10 6DQ -
20 Beatrice Road, Richmond, TW10 6DT, - 06.07.2021
27 Princes Road, Richmond, TW10 6DQ, -
31 Princes Road, Richmond, TW10 6DQ, -
19 Princes Road, Kew, Richmond, TW9 3HP, - 06.07.2021
23 Princes Road, Richmond, TW10 6DQ, - 06.07.2021
16 Princes Road, Richmond, TW10 6DH -
16 Denbigh Gardens, Richmond, TW10 6EN -
25 Princes Road, Richmond, TW10 6DQ -
41 Princes Road, Richmond, TW10 6DQ -

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

Status: GTD Application:00/T0351
Date:13/03/2000 Magnolia Grandiflora - Remove Branches Overhanging 27 Princes Road.

Development Management

Status: GTD Application:99/2513
Date:10/12/1999 Alterations And Rear Two Storey Extension.

Development Management

Status: GTD Application:78/1547
Date:08/02/1979 Formation of an oriel window in the front elevation.

Development Management

Status: PDE Application:21/2376/PS192

Date: replacement white aluminum framed windows on first floor rear elevation

Development Management

Status: PDE Application:21/2396/HOT

Date: Retrospective application for the erection of an awning in the rear garden.

Building Control

Deposit Date: 20.01.2000 Two storey rear extension & internal alterations

Reference: 99/2138/1/FP

Building Control

Deposit Date: 07.12.1999 Two storey rear extension & internal alterations

Reference: 99/2138/FP

Building Control

Deposit Date: 09.10.2010 Installed a Gas Boiler

Reference: 11/FEN00263/GASAFE

Building Control

Deposit Date: 22.12.2020 Install a gas fire

Reference: 21/FEN00110/GASAFE

Building Control

Deposit Date: 20.03.2021 Install replacement windows in a dwelling Install replacement door in a dwelling

Reference: 21/FEN00422/FENSA

Enforcement

Opened Date: 28.03.2021 Enforcement Enquiry

Reference: 21/0131/EN/UBW

Application Number	21/2396/HOT
Address	29 Princes Road, Richmond, TW10 6DQ
Proposal	Retrospective application for the erection of an awning in the rear garden.
Contact Officer	Sarah Griffiee
Target Determination Date	30.08.2021 EOT: 03.09.2021

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.

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 western side of Prince Road and is offset, but backs onto Beatrice Road which is to the west of the application site. The property forms a central part of a terrace row and is two storeys in height with a ground floor bay window and two sash windows to the upper floors.

The application site is situated within Richmond Village and is designated as:

- Article 4 direction restricting basement development
- Building of Townscape Merit
- St Matthias Conservation Area
- Main Centre Buffer Zone
- Throughflow Catchment Area

3. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

This application seeks to gain retrospective permission for the erection of an awning within the rear garden.

The comprehensive list of planning history can be found above there is no relevant planning history associated with the site.

4. CONSULTATIONS CARRIED OUT

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

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

- Design and use of materials are unsympathetic to the Alberts Conservation Area
- Structure is out of proportion to garden space as covers entire garden area
- Not in keeping with Alberts Conservation Area
- Detrimentally to visual amenity of neighbouring properties due to size and relationship with neighbouring properties
- Loss of light
- Light pollution and glare due to associated use of heaters/lighting
- Lack of escape route
- Physically intrusive and dominating adjacent properties and gardens
- Has commercial pub style rather than domestic scale and so is out of character
- Much taller in height than neighbouring boundary fences
- While information says it will be rarely used, no way to control this in practise
- No drainage for the awning has been provided which results in run off onto and potential damage to boundary walls

- Noise associated with water falling onto the awning creates noise disturbance to neighbouring occupiers

The Alberts Community Association have submitted a representation in objection and their comments can be summarised as follows:

- The planning controls regarding width and length of extensions should also apply to this proposal
- Support other comments raised in objection

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

Amendments

A response to representations letter was provided by the agent and accepted by the Council. No re-consultation was undertaken following this as the letter did not affect the proposed works.

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
- 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

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	No
Impact on Designated Heritage Assets	LP3	No
Impact on Non-Designated Heritage Assets	LP4	No
Impact on Amenity and Living Conditions	LP8	No
Flood Risk	LP21	Yes

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
- Richmond and Richmond Hill 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:

St Matthias 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 Design and impact on heritage assets
- ii Impact on Neighbour Amenity
- iii Fire Safety
- iv Flood Risk

Issue i - Design and impact on heritage assets

The application site is not statutorily listed but is a designated Building of Townscape Merit as are the surrounding properties within the same terrace row, the other side of Prince Road and to either side of Beatrice Road to the west of the application site. The application site and surrounding BTMs also form part of the St Matthias Conservation Area Statement. As such, great weight shall be given to the preservation of heritage assets and their settings.

The St Matthias Conservation Area Statement sets out that the area was first developed following railway advances into the area. The area is largely residential and while there is a cohesive form this is in a variety of architectural styles. The application site forms part of the terraces cottages which maintain a consistently high-quality townscape. Problems of the area include the loss of traditional architectural features and materials due to unsympathetic alterations and opportunities for improvement include the preservation, enhancement and reinstatement of architectural quality and unity.

In regard to the application site itself, it is considered to hold both historic merit in its own right and by having group value with the visually similar surrounding properties. The unifying characteristics include, but are not limited to, the two storey height, the simple fenestration, the pitched roof and limited extent of rear projections to retain the characteristic smaller garden areas.

The scheme comprises a retractable awning of approximately 2.8m in height, 4m in depth and 4m in width. The frame is formed of aluminium.

While single storey in height, the scheme is not considered to be subservient to or integrate with the application site. This is because its depth and width mean that it covers the majority of the rear external garden space and the height exceeds that of all three boundary treatments. While the framing is more lightweight when considered in isolation, its combined height, width and depth mean it is still a clearly visible feature of the garden space from both public and private viewpoints. When the awning is in use, this creates a solid covering, which increases the features visibility. This, in combination with the boundary treatments which enclose the rear garden and sides of the awning, do give the appearance of a more solid structure such as a rear extension, rather than a subservient garden feature. As such, its combined height, width and depth contribute to an excessive size and scale in the context of the existing garden space and create a feature which dominates the rear garden space and rear elevation, detracting prominence from the host

dwelling.

In regard to materials, aluminium is a modern material which is not respectful of the heritage sensitivities of the site as a BTM in a Conservation Area.

As such, the proposal fails to comply with design guidance such as Policy LP1 in that it does not demonstrate a thorough understanding of the site and its context and fails to be compatible with the local character in regard to its proportions and space between buildings. The proposal also conflicts with SPD Guidance on House Extensions and External alterations which sets out that development should reflect the existing character and details and ensure the continuity of the whole.

In regard to the impacts on heritage assets, Paragraph 203 of the NPPF states 'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset'. In this instance, the additional bulk and massing created by the proposed awning is considered harmful to the host BTM and the setting of neighbouring BTMs, and is considered to harm the experience of the character and appearance of the conservation area.

Paragraph 199 of the NPPF states 'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 202 of the NPPF states 'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal'. While this proposal, by reason of its combined depth, height, width and siting would lead to less than substantial harm, due to the proposal impacting on a limited section of the wider conservation area, there is no public benefit arising from the proposal. As such, it is contrary to the NPPF.

The submitted information argues that the occasional use of the awning mitigates for the above identified detrimental impacts in regard to design and heritage assets. While the form of the framing in isolation is smaller than that of the awning in use, the framing is still considered to detract from the host BTM. It would not be possible to condition for limited use as this would not pass the tests for such a condition. In any case, even when only used occasionally, the proposal would still result in harm to the design and heritage assets for which there is no material consideration such as public benefits to outweigh this harm.

Therefore, the proposed awning, by reason of its combined siting, height, depth and width would result in an excessive and dominant form of development which erodes the open garden space to the rear which is characteristic of both the host dwelling and the wider visually similar group of BTMs. The proposal therefore fails to preserve the character of the host BTM, the setting of neighbouring BTMs and the character and appearance of the wider St Matthias Conservation Area. There are no public benefits of the proposal to outweigh this identified harm. The proposal is thereby contrary to the Richmond Local Plan (2018), in particular policies LP1, LP3 and LP4, the SPD on House Extensions and External Alterations and the NPPF.

Issue ii- Impact on Neighbour Amenity

Policy LP8 sets out that all development will be required to protect the amenity and living conditions for neighbouring occupiers with particular regard to daylight and sunlight provision, overlooking, noise or disturbance, sense of enclosure, visual intrusion and overbearing impacts.

The closets neighbouring properties with the most potential to be impacted are No.27 Princes Road to the North and No.31 Princes Road to the south.

No.20 Beatrice Road is not considered to be detrimentally impacted as the proposed awning largely abuts its side elevation which does not benefit from any openings.

The awning does not result in any additional overlooking or subsequent loss of privacy as it does not open any new lines of sight.

The awning is not considered to result in noise disturbance as a result of its use, as the application site and external space would continue to be in residential use within a predominantly residential area.

The scheme is not considered to result in loss of light as while the height of the awning and associated structure is, at a minimum, roughly 0.9m above the neighbouring boundary treatment, the structure itself is contained within the application site's garden.

However, the awning is considered to be visually intrusive and create an overbearing development and increase the sense of enclosure to neighbouring occupiers. This is because the awning is, at a minimum, roughly 0.9m above the shared boundaries with neighbouring occupiers. This increases as the awning rises in height to reach the rear of the host building and as the topography of the land decreases when moving northwards from the application site. The framing of the structure itself is clearly visible from neighbouring properties which will be increased in its impact once the awning is open. This is due to its combined height and depth to be almost the full length of the shared boundaries and due to the dark and solid nature of the awning material. The open nature of the sides is not considered to mitigate for this as the awning match the width of the garden, whereby the boundary treatments enclose the sides of the awning. It is noted the SPD states that the height of extensions should be limited to 2.2m where more than 3m in depth. The awning is over 4m in depth and is roughly 2.7m high. The overall impact is of an overbearing and visually intrusive structure which worsens the sense of enclosure to neighbouring external amenity areas.

The submitted information argues that the occasional use of the awning mitigates for the above identified detrimental neighbouring impacts. It is appreciated that in its retracted form, the associated framing is less impactful due to its limited size, but it would not be possible to condition for limited use as this would not pass the tests for such as condition. Further to this, even when in occasional use, the scheme will still result in harm to neighbouring amenity for which there is no material consideration to justify such harm.

Therefore, the awning by reason of its height, depth, width and siting is considered to result in a visually intrusive and overbearing development which creates a sense of enclosure to neighbouring external amenity spaces to the detriment of neighbouring occupiers amenity and living conditions. The proposal is thereby contrary to the Richmond Local Plan (2018) in particular policy LP8 and the SPD on House Extensions and External Alterations.

Issue iii – Fire Safety

The London Plan 2021 has now been adopted and so forms a part of the development plan against which all proposals will be assessed unless material considerations indicate otherwise.

The London Plan contains Policy D12 which requires all applications include a Fire Safety Statement to fulfil the criteria of Part A of the policy.

A fire safety statement has been submitted which sets out that the proposal does not impact on fire appliance access, assembly point, access and equipment for firefighting. The means of escape will also remain as existing via the front and rear doors. The awning materials are stated to meet the required fire safety standards.

The statement and the information contained within are considered to satisfy the intent of Policy D12 and so no objection is raised to the proposal in this regard.

Issue iv – Flood Risk

Policy LP21 sets out that all development shall avoid contributing to all sources of flooding.

In this instance, the application site is not within Flood Zone 2 or 3 and is not within an area subject to any other flood risk.

Given this, and that the applicant has stated the full awning will only be in occasional use, the proposal is not considered to significantly increase the risk of flooding to this or neighbouring site.

Therefore, 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.

This is to notify you that had this development received planning consent it is not considered liable for a chargeable amount under the Community Infrastructure Levy Regulations 2010 (as amended by the Community Infrastructure Levy Regulations 2012), 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 Officer Planning Report – Application 21/2396/HOT Page 7 of 10

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.

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

Design and Heritage Assets

The awning, by reason of its combined siting, height, depth and width results in an excessive and dominant form of development which erodes the characteristic open garden space to the rear of both the host dwelling and the wider visually similar group of Buildings of Townscape Merit (BTMs). The scheme therefore fails to preserve the character and appearance of the host BTM, the setting of neighbouring BTMs and the character and appearance of the wider St Matthias Conservation Area. There are no public benefits of the proposal to outweigh this identified harm. The proposal is thereby contrary to the Richmond Local Plan (2018), in particular policies LP1, LP3 and LP4, the SPD on House Extensions and External Alterations and the NPPF.

Neighbour Amenity

The awning by reason of its height, depth, width and siting is considered to result in a visually intrusive and overbearing development which, when opened, creates a sense of enclosure to neighbouring external amenity spaces to the detriment of neighbouring occupiers amenity and living conditions. The scheme is thereby contrary to the Richmond Local Plan (2018) in particular policy LP8 and the SPD on House Extensions and External Alterations.

9. ENFORCEMENT ACTION

For the reasons set out in this report and owing to the fact that the unauthorised erection of the awning in the rear garden has already occurred without permission, it is considered expedient to take enforcement action. The Head of Legal Services is to be instructed to issue an Enforcement Notice under section 172 of the Town and Country Planning Act 1990 as amended, and to authorise in the event of non-compliance, to prosecute under Section 179 or other appropriate power and/or take direct action under section 178 in order to secure the cessation of the breach of planning control.

THE BREACH OF PLANNING CONTROL ALLEGED

Without planning permission within the last four years, the unauthorised erection and use of an awning in the rear garden of 29 Princes Road, Richmond, TW10 6DQ.

REASONS FOR ISSUING THIS NOTICE

- A) The unauthorised works to form an awning within the rear garden result in an adverse impact on the host BTM, the setting of neighbouring BTMs and the character and appearance of the wider visually similar group of BTMs by way of its combined siting, height, depth and width. There are no public benefits of the proposal to outweigh this identified harm. The proposal is thereby contrary to the Richmond Local Plan (2018), in particular policies LP1, LP3 and LP4, the SPD on House Extensions and External Alterations and the NPPF.
- B) The unauthorised works to form an awning within the rear garden result in an adverse impact on the amenity and living conditions of neighbouring occupiers, in particular No.31 and No.27 Princes Road, in terms of visual intrusion, overbearing impacts and the exaggeration of a sense of enclosure from the use of the awning. The proposal is thereby contrary to the Richmond Local Plan (2018) in particular policy LP8 and the SPD on House Extensions and External Alterations.

WHAT YOU ARE REQUIRED TO DO

1. Remove the awning and all associated fixtures from the rear garden, and restore the property back to its previous condition.

Compliance due date: within 3 months of this notice taking effect.

Recommendation:

The determination of this application falls within the scope of Officer delegated powers - YES

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): ...SGR.....

Dated:03.09.2021.....

I agree the recommendation:

Principal Planner

Dated:WWC.....3/9/21.....

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

U0053909	Decision Documents
U0053910	NPPF Refusal