

Application reference: 21/3024/VRC KEW WARD

Date application received	Date made valid	Target report date	8 Week date
25.08.2021	27.08.2021	22.10.2021	22.10.2021

Site:

173 Mortlake Road, Kew, ,

Proposal:

Variation of condition U0107536 Approved Drawings, of planning permission 21/1608/FUL to add a fixed glazed panel to the rear facade.

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

APPLICANT NAME

Dr Sarah Bower
173B Mortlake Road
Kew
TW9 4AW

AGENT NAME

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

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

Consultations:

Internal/External:

Consultee

Expiry Date

Neighbours:

9 High Park Road, Kew, Richmond, TW9 4BL, - 27.08.2021
 11 High Park Road, Kew, Richmond, TW9 4BL, - 27.08.2021
 173A Mortlake Road, Kew, Richmond, TW9 4AW, - 27.08.2021
 179 Mortlake Road, Kew, Richmond, TW9 4AW, - 27.08.2021
 171 Mortlake Road, Kew, Richmond, TW9 4AW, - 27.08.2021
 175 Mortlake Road, Kew, Richmond, TW9 4AW, - 27.08.2021
 12 Brick Farm Close, Kew, Richmond, TW9 4EF, - 27.08.2021
 9 Brick Farm Close, Kew, Richmond, TW9 4EF, - 27.08.2021
 7 Brick Farm Close, Kew, Richmond, TW9 4EF, - 27.08.2021
 5 Brick Farm Close, Kew, Richmond, TW9 4EF, - 27.08.2021
 2 Brick Farm Close, Kew, Richmond, TW9 4EF, - 27.08.2021
 25 Brick Farm Close, Kew, Richmond, TW9 4EF, - 27.08.2021
 23 Brick Farm Close, Kew, Richmond, TW9 4EF, - 27.08.2021
 21 Brick Farm Close, Kew, Richmond, TW9 4EF, - 27.08.2021
 18 Brick Farm Close, Kew, Richmond, TW9 4EF, - 27.08.2021
 16 Brick Farm Close, Kew, Richmond, TW9 4EF, - 27.08.2021
 14 Brick Farm Close, Kew, Richmond, TW9 4EF, - 27.08.2021
 West Farm, West Hall Road, Kew, Richmond, TW9 4EE, - 27.08.2021
 24 Brick Farm Close, Kew, Richmond, TW9 4EF, - 27.08.2021
 22 Brick Farm Close, Kew, Richmond, TW9 4EF, - 27.08.2021
 20 Brick Farm Close, Kew, Richmond, TW9 4EF, - 27.08.2021
 19 Brick Farm Close, Kew, Richmond, TW9 4EF, - 27.08.2021
 17 Brick Farm Close, Kew, Richmond, TW9 4EF, - 27.08.2021
 15 Brick Farm Close, Kew, Richmond, TW9 4EF, - 27.08.2021
 13 Brick Farm Close, Kew, Richmond, TW9 4EF, - 27.08.2021
 11 Brick Farm Close, Kew, Richmond, TW9 4EF, - 27.08.2021

10 Brick Farm Close,Kew,Richmond,TW9 4EF, - 27.08.2021
 8 Brick Farm Close,Kew,Richmond,TW9 4EF, - 27.08.2021
 6 Brick Farm Close,Kew,Richmond,TW9 4EF, - 27.08.2021
 4 Brick Farm Close,Kew,Richmond,TW9 4EF, - 27.08.2021
 3 Brick Farm Close,Kew,Richmond,TW9 4EF, - 27.08.2021
 1 Brick Farm Close,Kew,Richmond,TW9 4EF, - 27.08.2021

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

Development Management

Status: GTD Application:01/1605
 Date:26/07/2001 Erection Of Conservatory At Rear.

Development Management

Status: WNA Application:96/1901/FUL
 Date:21/08/1996 Erection Of Two Storey Side Extension

Development Management

Status: GTD Application:98/1180
 Date:21/07/1998 Two Storey Side Extension.

Development Management

Status: REF Application:10/1085/FUL
 Date:14/07/2010 Conversion of existing property into two residential units and the construction of a conservatory and an extension accommodating a new stairwell on the South-West elevation; creation of second car parking space.

Development Management

Status: REF Application:10/3141/FUL
 Date:21/12/2010 Erection of a two storey side extension to the south-west elevation and conversion of the existing property into two residential units. Demolition of existing and erection of new front boundary wall and gate, and refuse storage area; provision of second car parking space.

Development Management

Status: GTD Application:11/2921/FUL
 Date:16/01/2012 Conversion of existing house into two 2 bedroom houses; creation of second car parking space and erection of new front boundary wall.

Development Management

Status: GTD Application:11/2921/DD01
 Date:31/05/2012 Details pursuant to condition U47194 (Details of refuse storage), U47196 (Cycle parking), U47206 (Hard and soft landscaping) and U47197 (Details of boundary treatment) of planning permission 11/2921/FUL.

Development Management

Status: GTD Application:15/1568/HOT
 Date:13/08/2015 Side conservatory extension.

Development Management

Status: GTD Application:15/3747/HOT
 Date:21/10/2015 To erect a single storey extension to the side/front of the property.

Development Management

Status: GTD Application:21/1608/FUL
 Date:18/08/2021 Replacement outbuilding for use as ancillary residential accommodation to existing dwelling.

Development Management

Status: PDE Application:21/3024/VRC
 Date: Variation of condition U0107536 Approved Drawings, of planning permission 21/1608/FUL to add a fixed glazed panel to the rear facade.

Development Management

Status: REF Application:21/0145/FUL
 Date:24/03/2021 Replacement outbuilding for use as ancillary residential accommodation to existing dwelling.

Development Management

Status: GTD Application:21/1608/FUL
 Date:18/08/2021 Replacement outbuilding for use as ancillary residential accommodation to existing dwelling.

Development Management

Status: PDE Application:21/3024/VRC
 Date: Variation of condition U0107536 Approved Drawings, of planning permission 21/1608/FUL to add a fixed glazed panel to the rear facade.

Appeal

Validation Date: 25.08.2021 Replacement outbuilding for use as ancillary residential accommodation to existing dwelling.

Reference: 21/0106/AP/REF **Appeal In Progress**

Building Control

Deposit Date: 31.03.1999 Two storey side extension

Reference: 99/0541/FP

Building Control

Deposit Date: 14.03.2012 Conversion of property into a pair of two bedroom semi detached houses (now known as 173A and 173B Mortlake Road, Richmond TW9 4AW)

Reference: 12/0492/FP

Building Control

Deposit Date: 15.03.2012 8 Windows

Reference: 12/FEN00960/FENSA

Building Control

Deposit Date: 27.08.2015 Orangery extension to existing dwelling

Reference: 15/2039/IN

Building Control

Deposit Date: 26.03.2016 Install one or more new circuits Install a replacement consumer unit

Reference: 17/ELE00221/ELECSA

Enforcement

Opened Date: 13.09.1999 Enforcement Enquiry

Reference: 99/00338/EN

Application Number	21/3024/VRC
Address	173 Mortlake Road, Kew
Proposal	Variation of condition U0107536 Approved Drawings, of planning permission 21/1608/FUL to add a fixed glazed panel to the rear facade.
Contact Officer	Kerry McLaughlin

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 visited the application site and 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, observations during the site visit, any comments received in connection with the application and any other case specific considerations which are material to the decision.

2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

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

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

The application site is subject to the following planning constraints:

Area Benefiting Flood Defence - Environment Agency	Areas Benefiting from Defences
Article 4 Direction Basements	Article 4 Direction - Basements / Ref: ART4/BASEMENTS / Effective from: 18/04/2018
Building of Townscape Merit	Site: 173 Mortlake Road Kew Surrey TW9 4AW
Floodzone 2	Tidal Models
Floodzone 3	Tidal Models
SFRA Zone 3a High Probability	Flood Zone 3
Strategic Flood Risk Assessment Zone 2 Medium Probability	
Surface Water Flooding (Area Less Susceptible to) - Environment Agency	
Take Away Management Zone	Take Away Management Zone
Village	Kew Village
Village Character Area	Brick Farm Close - Area 12 Kew Village Planning Guidance Page 41 CHARAREA02/12/02

Ward	Kew Ward
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3. DESCRIPTION OF THE PROPOSAL AND ANY 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
21/1608/FUL	Replacement outbuilding for use as ancillary residential accommodation to existing dwelling.	Granted Permission

4. CONSULTATIONS CARRIED OUT

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

No letters of representation were received.

5. MAIN POLICIES RELEVANT TO THE DECISION

NPPF (2021)

The key chapters applying to the site are:

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

These policies can be found at:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf

London Plan (2021)

The main policies applying to the site are:

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

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

Richmond Local Plan (2018)

The main planning considerations applying to the site and the associated Local Plan policies are:

Issue	Local Plan Policy	Compliance	
Local Character and Design Quality	LP1	Yes	No
Non-Designated Heritage Assets	LP4	Yes	No
Amenity and Living Conditions	LP8	Yes	No
Flood Risk and Sustainable Drainage	LP21	Yes	No
Infill, Back-Land and Back Garden Development	LP39	Yes	No
Sustainable Travel Choices	LP44	Yes	No
Parking Standards and Servicing	LP45	Yes	No

These policies can be found at

https://www.richmond.gov.uk/media/15935/adopted_local_plan_interim.pdf

Supplementary Planning Documents

- Buildings of Townscape Merit
- House Extension and External Alterations

Transport
Kew Village Plan

These policies can be found at:

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

6. EXPLANATION OF OFFICER RECOMMENDATION

The current proposal seeks planning permission for a revised scheme involving minor material amendments to the approved development, granted under planning permission 21/1608/FUL granted on 18.08.2021. The application is being considered in accordance with the legislative procedures for dealing with amendments to approved development proposals, which were introduced by the Government in October 2009. The procedures require the submission of a formal application for either a "non-material amendment" (under 96A of the Town and Country Planning Act 1990) or a "minor material amendment" (under s.73 of the Town and Country Planning Act 1990), where an amendment to an approved scheme is proposed.

National Planning Policy Guidance, 'Flexible Options for Planning Permissions' (Published 6 March 2014 by the Ministry of Housing, Communities & Local Government), confirms that a Section 73 application can be made under section 73 of the Act to vary or remove conditions associated with a planning permission. One of the uses of a section 73 is to seek a minor material amendment, where there is a relevant condition that can be varied.

The guidance states that there is no statutory definition of a 'minor material amendment' but that it is likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved. Where proposed changes are not considered to be 'minor', a new full planning application would need to be made.

Permission granted under section 73 takes effect as a new, independent permission to carry out the same development as previously permitted subject to new or amended conditions. The new permission sits alongside the original permission, which remains intact and unamended. It is open to the applicant to decide whether to implement the new permission or the one originally granted.

If the original permission was subject to a planning obligation, then this may need to be the subject of a deed of variation. This is not applicable in this instance given the nature of the amendment proposed.

The key issues for consideration are:

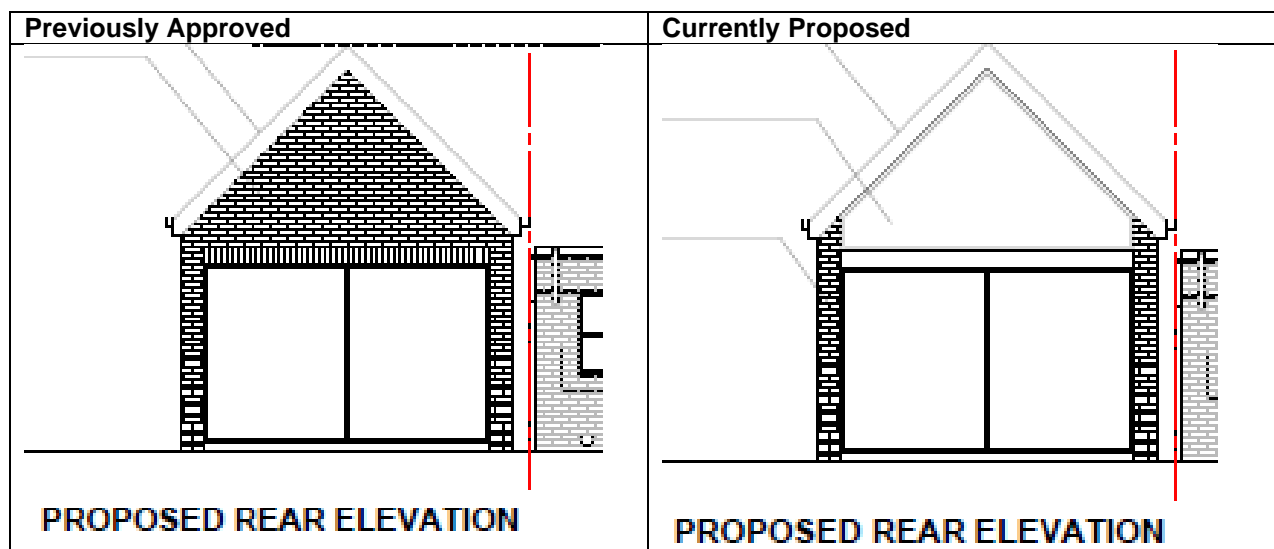
- i Design/Visual Amenity
- ii Neighbour Amenity
- iii Flood Risk
- iv Transport

Professional Comments

The principle of the proposed works has already been considered acceptable under the original permission 21/1608/FUL. Given there has been no material change in the relevant planning policies since the determination of the original permission and this application would primarily affect the design and neighbouring amenity only as such the key issues for consideration under this application are:

- Design/Visual Amenity
- Neighbour Amenity

This application seeks to amend the rear elevation of the previously approved outbuilding to allow for a large fully glazed, fixed panel covering the first-floor rear elevation. All other elements of the development remain as per 21/1608/FUL.



Issue I - Design/Visual Amenity

Policy LP1 of the Local Plan 2018 seeks to maintain and, where possible, enhance the high architectural and urban design quality which contributes to the character and heritage of the area. Proposals should demonstrate an understanding of the site and its context when considering the design including layout, siting and access and the compatibility of the works to the neighbouring uses.

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

Policy LP39 B states there is a presumption against loss of back gardens due to the need to maintain local character, amenity space and biodiversity. Back garden land which contributes either individually or as part of a larger swathe of green space to amenity of residents or provides wildlife habitats must be retained. In exceptional cases where it is considered that a limited scale of backgarden development may be acceptable it should not have a significantly adverse impact upon the factors set out above. Development on backgarden sites must be more intimate in scale and lower than frontage properties.

The House Extensions and External Alterations SPD states 'Extensions should not lead to a substantial reduction in existing garden area and properties with small gardens may need to restrict the size of their extension to ensure a useable open space is retained.'

No objections are raised to the glazed panel at first floor level to the rear of the outbuilding in terms of design. The alteration will not be visible from the public realm and will only be visible from the facing property of the application site.

The contemporary fenestration helps to reduce the visual bulk and contributes to helping the outbuilding appear subordinate to the main dwellinghouse and neighbouring dwellings.

The proposed alteration is considered to comply with the aims and objectives of LP1, LP4 & LP39 of the Local Plan (2018) and relevant Supplementary Planning Documents.

The council's comments on all other elements of the scheme in terms of design/visual amenity remain as per 21/1608/FUL.

Issue ii - Neighbour Amenity

Policy LP8 states that development must protect the amenity and living conditions of existing, adjoining and neighbouring occupants. Design must allow for good daylight standards, avoid overlooking or noise disturbance, avoid visual intrusion, overbearing impacts or harm to the reasonable enjoyment of the uses of buildings and gardens. Harm may arise from various impacts such as noise, air pollution, odours or vibration.

The main concern regarding the proposed upper floor fixed glazed panel is the potential actual and perceived overlooking and loss of privacy to the occupiers of 171 Mortlake Road. It is noted that any overlooking will be reduced as the mezzanine is set back. However, it is also considered appropriate to condition the panel to be obscure glazed given the large dimensions of the opening and siting along the shared boundary which could provide a clear view directly into the adjoining garden area at the neighbouring property.

The council's comments on all other elements of the scheme in terms of neighbouring amenity remain as per Officer Planning Report – Application 21/3024/VRC Page 7 of 10

21/1608/FUL.

Issue iii - Flood Risk

Policy LP 21 of the Local Plan states 'All developments should avoid or minimise, contributing to all sources of flooding, including fluvial, tidal, surface water, groundwater and flooding from sewers, taking account of climate change and without increasing flood risk elsewhere.'

This application seeks to insert 1x window at first-floor level of the rear elevation only, this will have no impact on Flood Risk considerations and therefore the council's comments remain as per 21/1608/FUL in this regard.

Issue iv - Transport

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

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

This application seeks to insert 1x window at first-floor level of the rear elevation only, this will have no impact on Transport considerations and therefore the council's comments remain as per 21/1608/FUL in this regard.

7. LOCAL FINANCE CONSIDERATIONS AND OTHER MATTERS

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. The weight to be attached to a local finance consideration remains a matter for the decision maker. The Mayor of London's CIL and Richmond CIL are therefore material considerations.

On initial assessment this development is not considered liable for the Mayoral or Richmond CIL however this is subject to confirmation by the CIL Administration Team.

8. RECOMMENDATION

This recommendation is made following careful consideration of all the issues raised through the application process. The amendments, by virtue of their scale and nature, would not result in a development that is substantially different from the development approved under planning permission 21/1608/FUL. The development remains as approved in all respects other than the minor but material changes outlined above, which can be secured by amending the drawing numbers secured by condition U0107536 (Approved Drawings) on the decision notice to relate to the revised drawings listed in this report. The remaining conditions remain relevant. As such it is considered that a new full planning application does not need to be made to secure these changes.

Grant planning permission with conditions

Recommendation:

The determination of this application falls within the scope of Officer delegated powers - YES/ NO

I therefore recommend the following:

- 1. REFUSAL
- 2. PERMISSION
- 3. FORWARD TO COMMITTEE

This application is CIL liable YES* NO
(*If yes, complete CIL tab in Uniform)

This application requires a Legal Agreement YES* NO
(*If yes, complete Development Condition Monitoring in Uniform)

This application has representations online (which are not on the file) YES NO
This application has representations on file YES NO

Case Officer (Initials): KM Dated: 12.10.2021

I agree the recommendation:

Principal Planner

Dated: ...WWC.....13/10/21.....

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

U0055240	Composite Informative
U0055241	NPPF APPROVAL - Para. 38-42
U0055242	Legal Agreement