

## Application reference: 21/3090/PS192 NORTH RICHMOND WARD

Date application received	Date made valid	Target report date	8 Week date
02.09.2021	02.09.2021	28.10.2021	28.10.2021

**Site:**

133 Kingsway, Mortlake, London, SW14 7HN

**Proposal:**

Rear dormer roof extension, 3x rooflights and outbuilding in the rear garden (to be used as a gym, office, store).

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

**APPLICANT NAME**

Mrs P Sidhu  
133 Kingsway  
Mortlake  
London  
SW14 7HN

**AGENT NAME**

Mr J Singh  
15 North Parade  
North Road  
Southall  
UB1 2LF

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

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

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

Status: WDN Application:13/0572/HOT  
Date:15/04/2013 Proposed Single Storey Rear Extension

Development Management

Status: GTD Application:13/1591/HOT  
Date:02/07/2013 Proposed Single Storey Rear Extension

Development Management

Status: GTD Application:13/4029/VRC  
Date:13/12/2013 Variation to conditions of 13/1591/HOT for single storey rear extension to reflect the new raised eaves height from 2.59m to 3.01m.

Development Management

Status: PDE Application:21/3090/PS192  
Date: Rear dormer roof extension, 3x rooflights and outbuilding in the rear garden (to be used as a gym, office, store).

Building Control

Deposit Date: 22.07.2013 Single storey rear extension.  
Reference: 13/1483/BN

Enforcement

Opened Date: 19.09.2013      Enforcement Enquiry

Reference: 13/0492/EN/UBW

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<b>Application Number</b>	<b>21/3090/PS192</b>
<b>Address</b>	<b>133 Kingsway, Mortlake, London, SW14 7HN</b>
<b>Proposal</b>	<b>Rear dormer roof extension, 3x rooflights and outbuilding in the rear garden (to be used as a gym, office, store).</b>
<b>Contact Officer</b>	<b>Kerry McLaughlin</b>

## 1. Introduction

The Town and Country Planning (General Permitted Development) Order 2015 (as amended) applies to all land in England and Wales, other than land which is the subject of a special development order, and specifies various classes of development which may be undertaken without the permission of the local planning authority. Such development, referred to as "permitted development", is deemed to have planning permission by the Order, and does not require an application for planning permission to be submitted to the Council.

The applicant has submitted an application for a Certificate of Lawful Development (Proposed). In assessing this application, the Council is making a determination of law as to whether or not the proposed development complies with the Town and Country Planning (General Permitted Development) Order 2015 (as amended). Issues such as the policies contained in the Council's adopted Richmond Local Plan (2018) are not to be taken into consideration as the decision is based on fact and not on policy grounds.

## 2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

The application property is a two-storey, terraced dwelling, located on the southern side of Kingsway.

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
Critical Drainage Area - Environment Agency	Richmond Town Centre and Mortlake [Richmond] / Ref: Group8_004 /
Floodzone 2	Tidal Models
Strategic Flood Risk Assessment Zone 2 Medium Probability	
Surface Water Flooding (Area Less Susceptible to) - Environment Agency	
Village	Mortlake Village
Village Character Area	Kingsway and surrounds - Character Area 5 Mortlake Village Planning Guidance Page 25 CHARAREA03/05/01
Ward	North Richmond Ward

### 3. PROPOSAL AND ANY RELEVANT PLANNING HISTORY

#### Volume Calculation:

Rear dormer roof extension

$$2.66 \text{ (h)} \times 5.4 \text{ (w)} \times 3.76 \text{ (d)} / 2 = 27.0\text{m}^3$$

The scheme seeks confirmation in the form of a lawful development certificate that the construction of the development described above would constitute permitted development.

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

Ref	Proposal	Decision
13/1591/HOT	Proposed Single Storey Rear Extension	Granted Permission

### 4. CONSULTATIONS CARRIED OUT

This is an application for a Certificate of Lawful Development (Proposed), which is a request to the Council to confirm that the development as specified does not require an application for planning permission to be submitted to the Council. In assessing this application, the Council is making a determination of law, and as such it is not considered to be necessary to undertake a public consultation.

### 5. AMENDMENTS

None.

### 6. EXPLANATION OF RECOMMENDATION

The application site is a dwellinghouse, and the application will be assessed against Schedule 2, Part 1 of the Town and Country (General Permitted Development) Order 2015 (as amended), which relates to "Development within the curtilage of a dwellinghouse".

#### Class B

The scheme *is* considered to be permitted development under Class B 'The enlargement of a dwelling house consisting of an addition or alteration to its roof' for the following reasons:

B.1 Development is not permitted by Class B if—

B.1 Development is not permitted by Class A if—	Officer's Comment:
(a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P, PA or Q of Part 3 of this Schedule (changes of use);	Complies
(b) any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof;	Complies
(c) any part of the dwellinghouse would, as a result of the works, extend beyond the plane of any existing roof slope which forms the principal elevation of the dwellinghouse and fronts a highway;	Complies
(d) the cubic content of the resulting roof space would exceed the cubic content of the original roof space by more than— (i) 40 cubic metres in the case of a terrace house, or (ii) 50 cubic metres in any other case;	Complies See calculations set out under 'Proposals' above.
(e) it would consist of or include— (i) the construction or provision of a verandah, balcony or raised platform, or (ii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe;	Complies

<b>(f)</b> the dwellinghouse is on article 2(3) land;	Complies
<b>(g)</b> the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses); or	Complies
<b>(h)</b> the existing dwellinghouse has been enlarged in reliance on the permission granted by Class AA (enlargement of a dwellinghouse by construction of additional storeys)	Complies

B.2 Development is permitted by Class B subject to the following conditions—

<b>B.2 Development is permitted by Class B subject to the following conditions—</b>	<b>Officer's Comment:</b>
<b>(a)</b> the materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;	Complies As stated on drawing number 104.
<b>(b)</b> the enlargement must be constructed so that—  (i) other than in the case of a hip-to-gable enlargement or an enlargement which joins the original roof to the roof of a rear or side extension— (aa) the eaves of the original roof are maintained or reinstated; and (bb) the edge of the enlargement closest to the eaves of the original roof is, so far as practicable, not less than 0.2 metres from the eaves, measured along the roof slope from the outside edge of the eaves; and  (ii) other than in the case of an enlargement which joins the original roof to the roof of a rear or side extension, no part of the enlargement extends beyond the outside face of any external wall of the original dwellinghouse; and	Complies As shown on drawing numbers 103 & 104.
<b>(c)</b> any window inserted on a wall or roof slope forming a side elevation of the dwellinghouse must be— (i) obscure-glazed, and (ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.	Not Applicable There are no side facing windows proposed under this application.

### Class C

The development *is* considered to be permitted development under Class C 'Any other alteration to the roof of the dwelling house' for the following reasons:

C.1 Development is not permitted by Class C if—

<b>C.1 Development is not permitted by Class C if</b>	<b>Officer's Comment:</b>
<b>(a)</b> permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P, PA or Q of Part 3 of this Schedule (changes of use);	Complies
<b>(b)</b> the alteration would protrude more than 0.15 metres beyond the plane of the slope of the original roof when measured from the perpendicular with the external surface of the original roof;	Complies As stated on drawing number 104.
<b>(c)</b> it would result in the highest part of the alteration being higher than the highest part of the original roof;	Complies
<b>(d)</b> it would consist of or include - (i) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or (ii) the installation, alteration or replacement of solar photovoltaics or solar thermal equipment;	Complies
<b>(a)</b> the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses)	Complies

C.2 Development is permitted by Class C subject to the condition that any window located on a roof slope forming a side elevation of the dwellinghouse must be—

<b>C.2 Development is permitted by Class C subject to the condition that any window located on a roof slope forming a side elevation of the dwellinghouse must be</b>	<b>Officer's Comment:</b>
(a) obscure-glazed; and	Not Applicable There are no side facing windows proposed under this application.
(b) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.	Not Applicable There are no side facing windows proposed under this application.

### Class E

The development *is* considered to be permitted development under Class E:

- (a) any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure; or
- (b) a container used for domestic heating purposes for the storage of oil or liquid petroleum gas

for the following reasons:

E.1 Development is not permitted by Class E if—

<b>E.1 Development is not permitted by Class E if</b>	<b>Officer's Comment:</b>
(a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P, PA or Q of Part 3 of this Schedule (change of use)	Complies
(b) the total area of ground covered by buildings, enclosures and containers within the curtilage (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse)	Complies It is noted the proposal site also benefits from a rear extension, however the combined GFA covered will not exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse).
(c) any part of the building, enclosure, pool or container would be situated on land forward of a wall forming the principal elevation of the original dwellinghouse	Complies
(d) the building would have more than a single storey	Complies
(e) the height of the building, enclosure or container would exceed – (i) 4 metres in the case of a building with a dual-pitched roof, (ii) 2.5 metres in the case of a building, enclosure or container within 2 metres of the boundary of the curtilage of the dwellinghouse, or (iii) 3 metres in any other case	Complies The outbuilding comprises a flat roof measuring 2.45m.
(f) the height of the eaves of the building would exceed 2.5 metres	Complies
(g) the building, enclosure, pool or container would be situated within the curtilage of a listed building	Complies
(h) it would include the construction or provision of a verandah, balcony or raised platform	Complies
(i) it relates to a dwelling or a microwave antenna	Complies

(j) the capacity of the container would exceed 3,500 litres; or	Not Applicable
(k) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses)	Complies

E.2

E.2 In the case of any land within the curtilage of the dwellinghouse which is within -	Officer's Comment:
(a) a World Heritage Site,	Not applicable
(b) a National Park,	Not applicable
(c) an area of outstanding natural beauty or	Not applicable
(d) the Broads ,	Not applicable
development is not permitted by Class E if the total area of ground covered by buildings, enclosures, pools and containers situated more than 20 metres from any wall of the dwellinghouse would exceed 10 square metres	

E.3	Officer's Comment:
E.3 In the case of any land within the curtilage of the dwellinghouse which is article 2(3) land, development is not permitted by Class E if any part of the building, enclosure, pool or container would be situated on land between a wall forming a side elevation of the dwellinghouse and the boundary of the curtilage of the dwellinghouse	Complies

E.4	Officer's Comment:
E.4. For the purposes of Class E, "purpose incidental to the enjoyment of the dwellinghouse as such" includes the keeping of poultry, bees, pet animals, birds or other livestock for the domestic needs or personal enjoyment of the occupants of the dwellinghouse.	Complies The use of the proposed rooms within the outbuilding are considered ancillary use. The rooms comprise; a store, WC/WHB (not a fully equipped bathroom) and a gym/home office.

7. RECOMMENDATION

**Grant Certificate**

**Recommendation:**

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

**I therefore recommend the following:**

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

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

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

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

This application has representations on file  YES  NO

Case Officer (Initials): KM Dated: 13.10.2021

**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: .....

<b>REASONS:</b>
<b>CONDITIONS:</b>
<b>INFORMATIVES:</b>
<b>UDP POLICIES:</b>
<b>OTHER POLICIES:</b>



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**

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**CONDITIONS**

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**INFORMATIVES**

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U0055293	Composite Informative
U0055294	Decision Drawing Numbers