

## Application reference: 21/2949/HOT TWICKENHAM RIVERSIDE WARD

Date application received	Date made valid	Target report date	8 Week date
19.08.2021	23.08.2021	18.10.2021	18.10.2021

**Site:**

165 Richmond Road, Twickenham, TW1 3AT,

**Proposal:**

Proposed single-storey garden room

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

**APPLICANT NAME**

Hennessey  
165, Richmond Road  
Twickenham  
TW1 3AT

**AGENT NAME**

**DC Site Notice:** printed on and posted on 03.09.2021 and due to expire on 24.09.2021

**Consultations:****Internal/External:****Consultee**

21D Urban D  
LBRuT Trees Preservation Officer (North)

**Expiry Date**

13.09.2021  
17.09.2021

**Neighbours:**

51 Marble Hill Close, Twickenham, TW1 3AY, - 23.08.2021  
55 Marble Hill Close, Twickenham, TW1 3AY, - 23.08.2021  
53 Marble Hill Close, Twickenham, TW1 3AY, - 23.08.2021  
49 Marble Hill Close, Twickenham, TW1 3AY, - 23.08.2021  
171 Richmond Road, Twickenham, TW1 3AT, - 23.08.2021  
20 Marble Hill Close, Twickenham, TW1 3AY, - 23.08.2021  
14 Marble Hill Close, Twickenham, TW1 3AY, - 23.08.2021  
18 Marble Hill Close, Twickenham, TW1 3AY, - 23.08.2021  
16 Marble Hill Close, Twickenham, TW1 3AY, - 23.08.2021  
161 Richmond Road, Twickenham, TW1 3AT, - 23.08.2021  
163 Richmond Road, Twickenham, TW1 3AT, - 23.08.2021  
167 Richmond Road, Twickenham, TW1 3AT, - 23.08.2021

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

Status: GTD Application: 98/T1181  
Date: 22/09/1998 Magnolia - Reduce By Approx 3/4 Feet

Development Management

Status: GTD Application: 99/T0893  
Date: 27/08/1999 Kanzah Cherry - Light Prune

Development Management

Status: REF Application: 08/2200/LBC  
Date: 21/08/2008 Demolition of existing single storey rear extension house and replacement with new conservatory. Internal and external alterations.

<u>Development Management</u> Status: REF Date:16/09/2008	Application:08/2465/LBC Erection of first floor rear extension
<u>Development Management</u> Status: PDE Date:	Application:08/T0453/TCA T1; Magnolia - Reduce by 20% T2; Cherry - Reduce by 20% T3; Corkscrew Willow - Reduce by 30%
<u>Development Management</u> Status: GTD Date:29/04/2009	Application:09/0504/LBC Alterations including demolition of rear conservatory and construction of replacement single storey rear addition.
<u>Development Management</u> Status: GTD Date:19/05/2009	Application:09/0635/HOT Demolition of existing timber conservatory and erection of a new timber conservatory with a glazed roof lantern over the kitchen. Conservatory to be located on the same footprint as the original.
<u>Development Management</u> Status: GTD Date:04/10/2010	Application:10/2409/LBC Underpinning of existing house including remedial repairs to outer brickwork skin.
<u>Development Management</u> Status: GTD Date:21/06/2011	Application:09/0635/DD01 Details pursuant to condition U26294 (details doors/windows) and U26295 (external paint colour) of planning permission 09/0635/HOT.
<u>Development Management</u> Status: GTD Date:21/06/2011	Application:09/0504/DD01 Details pursuant to condition (U25974 - Detailed drawings) and U25977 (Paint) of listed building consent 09/0504/LBC.
<u>Development Management</u> Status: RNO Date:09/12/2013	Application:13/T0793/TCA T1- Cherry tree reduce by 25% T2- Magnolia tree reduced by 25%
<u>Development Management</u> Status: RNO Date:03/08/2020	Application:20/T0626/TCA T1 - Magnolia - To remove overhang
<u>Development Management</u> Status: RNO Date:16/09/2020	Application:20/T0656/TCA T1 - Cherry - Reduce crown back to old points by 1m all around leaving spread of 4.5m x 4.5m T2 - Magnolia - Lift lower canopy to approx 4.5m, reduce side laterals by upto 2m - Thin by 15% and remove all dead wood - leaving spread of 6m x 5m (approx)
<u>Development Management</u> Status: PDE Date:	Application:21/2949/HOT Proposed single-storey garden room
<u>Development Management</u> Status: PCO Date:	Application:21/2950/LBC Garden room to parcel of land not originally demised to this property.
<u>Building Control</u> Deposit Date: 06.11.2009 Reference: 09/1885/FP	Single storey rear extension and internal alterations
<u>Building Control</u> Deposit Date: 08.03.2011 Reference: 09/1885/FP/1	Single storey rear extension and internal alterations

<b>Application Number</b>	<b>21/2949/HOT and 21/2950/LBC</b>
<b>Address</b>	<b>165 Richmond Road Twickenham TW1 3AT</b>
<b>Proposal</b>	<b>Proposed single-storey garden room</b>
<b>Contact Officer</b>	<b>Sukhdeep Jhooti</b>
<b>Target Determination Date</b>	<b>18.10.2021</b>

## 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 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 has considered 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 property is a two-storey, semi-detached dwellinghouse within the Twickenham Riverside Ward. It is designated as follows:

- Article 4 Direction Conservation (ART/CA8.2 -Twickenham Riverside 4(20 GDO 03/06/1995/Ref: ART4/08/2/Effective from: 23/05/1997)
- Conservation Area (CA8 Twickenham Riverside)
- Listed Building (Grade II Site: 163 to 165 Richmond Road Twickenham Middlesex)
- Listed Building (163 and 165, Richmond Road -Grade II- Location of listed building or structure is identified here by Historic England)
- Village (St Margarets and East Twickenham Village)

## 3. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

The proposal seeks planning permission and listed building consent for single-storey garden room.

The relevant planning history for this site is set out below:

- **10/2409/LBC** – Underpinning of existing house including remedial repairs to outer brickwork skin. **Granted Permission.**
- **09/0635/HOT** – Demolition of existing timber conservatory and erection of a new timber conservatory with a glazed roof lantern over the kitchen. Conservatory to be located on the same footprint as the original. **Granted Permission.**
- **09/0504/LBC** – Alterations including demolition rear conservatory and construction of replacement single storey rear addition. **Granted Permission.**
- **08/2465/LBC** – Erection of first floor rear extension. **Refused**
- **08/2200/LBC** – Demolition of existing single storey rear extensions to house and replacement with new conservatory. Internal and external alterations. **Refused.**

## 4. CONSULTATIONS CARRIED OUT

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

One objection has been received which is outlined below:

- Noise and disturbance from use. The proposal is attractive and specious in design but is within 5m of rearmost kitchen window at No. 167 and within 6-7m of the property's seven other ground and first floor rear windows and doors. The proposed design and west-facing orientation of the garden room means that sound and light will travel directly from its double doors and front and side windows to.

167's north facing rear windows doors. It would also contravene the right of occupants at No. 167 to quiet enjoyment of their relatively small rear garden

- Smells. Proposal would be as a hub for entertaining which could include barbeques and people smoking. The smells could reach the garden area and windows and doors of No. 167 given that they are 5-7m away.
- Loss of trees. Construction of the garden room will require the removal of the 4m tall, 4m wide pyracantha at the eastern end of the shared boundary between nos. 165 and 167. There is also a 6m tall, 5m wide holm oak at the junction of the boundaries of nos. 165, 167 and 171 which contrary to what is stated on the application, is within falling distance of the proposed garden room and will also need some pruning to allow construction.
- Effect on listed building and conservation area. The side garden of no. 165 has been part of the property since at least 1959 which is prior to Conservation Area designation in 1969 and the Grade II listed of no's 163 and 165 in 1999. The side garden was formerly part of the nursery and market garden created at the same time as no. 165 was built (1840), operating from what is now no. 171. As such, building a garden room in the side garden no. 165 rather than the originally demised garden does not mitigate its heritage impact, contrary to what is stated on page 8 of the supporting statements.
- Layout and density of the building. The side garden of No. 165 is 5m wide, 13m long green open space between the south side of an L-shaped block of seven garages. The proposed 4m by 4m garden room will be less than 0.5m from the garage wall on one side and less than 0.5m from the boundary with no. 167 on the other side, creating a high density building to the rear of no. 167. This will be particularly evident from the upper windows of no. 167, with a further 16m<sup>2</sup> of flat roof in view in addition to that of the garages.
- Nature conservation. Proposed garden room would block the role of the side garden as a natural, unpaved link for wildlife between the rear gardens of this part of Richmond Road.
- The occupants of No. 167 would not object to proposed garden room being situated at the northern end of the main garden of no. 165, next to the similar garden room of no. 163 built in 2006.

## 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/1005759/NPPF\\_July\\_2021.pdf](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:

- D4 Delivering good design
- D12 Fire Safety
- 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	Yes	
Impact on Designated Heritage Assets	LP3	Yes	
Impact on Amenity and Living Conditions	LP8	Yes	
Impact on Biodiversity	LP15	Yes	
Impact on Trees, Woodland and Landscape	LP16	Yes	

These policies can be found at

[https://www.richmond.gov.uk/media/15935/adopted\\_local\\_plan\\_interim.pdf](https://www.richmond.gov.uk/media/15935/adopted_local_plan_interim.pdf)

## **Supplementary Planning Documents**

House Extension and External Alterations

These policies can be found at:

[https://www.richmond.gov.uk/services/planning/planning\\_policy/local\\_plan/supplementary\\_planning\\_documents\\_and\\_guidance](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:

Twickenham Riverside Conservation Area Statement

Twickenham Riverside Conservation Area Study

## **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.

## **Determining applications affecting a Listed Building**

Sections 16(1) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 require that, when considering whether to grant listed building consent for any works, or whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting, or any features of special architectural or historic interest which it possesses. In this context, "preserving", means doing no harm.

To give effect to this duty decisions of the court have confirmed that a decision-maker should accord "considerable importance and weight" to the desirability of preserving the listed building or its setting when weighing this factor in the balance with other material considerations which have not been given this special statutory status. However, this does not mean that the weight that the decision-maker must give to the desirability of preserving the building or its setting is uniform. It will depend on, among other things, the extent of the assessed harm and the heritage value of the asset in question. This creates a strong presumption against granting planning permission where harm to a listed building or its setting is identified. The presumption can be rebutted by material considerations powerful enough to do so.

## **6. EXPLANATION OF OFFICER RECOMMENDATION**

The key issues for consideration are:

- i Design and impact on heritage assets
- ii Impact on neighbour amenity
- iii Trees
- iv Fire Safety

### **i Design and impact on heritage assets**

*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 LP3 of the Local Plan 2018 seeks to preserve and where possible, enhance the character, appearance and setting of designated heritage assets to include Conservation Areas and Listed Buildings.*

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’.

The Twickenham Riverside Conservation Area Statement states that : “The area was further extended to include part of an early isolated development along Richmond Road that shares many of the Georgian and Victorian/Edwardian design characteristics as the surrounding properties that are within the conservation area”.

Some of the problems and pressures include loss of traditional architectural features and materials due to unsympathetic alterations and extensions. Some of the opportunities for enhancement include preservation, enhancement of architectural quality and unity.

The application dwelling is one of a pair of yellow stock brick early 19th century villas situated within the Twickenham Riverside Conservation Area. The buildings form a strong symmetrical arrangement, particularly to their front elevations which forms part of their special interest. The original rear gardens remain and form part of the immediate setting of the listed pair. No. 165 however includes a strip of land to the east, behind no, 167 which was included in its boundary sometime between 1950 and 1960 according to historic aerial photographs. This part of the garden is visually rather separated and makes a lesser contribution to the special interest of the listed building as an element of its setting, due to its later inclusion in the boundary and visual separation.

Proposals seek to introduce a garden room at the end of this part of the garden. There are no objections to the proposals as the original garden area will remain unaltered. The location of the proposed garden room would therefore be acceptable.

Furthermore, the garden room is appropriate in terms of size and height as well as materiality, being timber clad with simple sliding doors to the main elevation. The structure would form a subservient and complimentary feature in the space, preserving the special interest of the listed building and any elements of its setting which contribute to this special interest. Given its positioning to the rear of no. 167 the proposed garden room will also not have any harmful impact on the character or appearance of the CA.

As such the proposals are in accordance with the statutory duties of the 1990 Act, paragraphs 199 and 200 of the NPPF, and LP1 and LP3 of the local plan.

## **ii Impact on 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 proposal would not cause material increases in the levels of overlooking compared with the existing situation. It would not result in demonstrable harm to the outlook and light afforded to the inhabitants of neighbouring properties due to its siting, height, width and depth.

The proposal would not result in significant increases in the levels of noise compared with the existing situation and a planning condition would be imposed to ensure the proposal remains in ancillary use.

The proposal safeguards neighbour living conditions for the above reasons and would comply with Policy LP8 of the Local Plan.

## **iii Trees**

Policies LP15 and LP16 seek to protect biodiversity and health and longevity of trees, woodland and landscape in the borough. Local Plan policy LP16, subsection 5 requires;

"That trees are adequately protected throughout the course of development, in accordance with British Standard 5837 - Trees in relation to design, demolition and construction, Recommendations (2012)."

The Council's Tree Officer has reviewed the proposals and been on site. They have no objections to the proposal as the vegetation is not significant enough to warrant concern. Tree protection conditions are therefore not required.

The proposal complies with Policy LP15 and LP16 of the Local Plan.

**iv Fire Safety**

London Plan policy D12 requires the submission of a Fire Safety Statement on all planning applications. A Fire Safety Strategy was received by the Council following the Officers request. A condition will be included to ensure this is adhered to on an ongoing basis. The materials proposed need to be Building Regulations compliant. The applicant is advised that alterations to existing buildings should comply with the Building Regulations. This permission is NOT a consent under the Building Regulations for which a separate application should be made. Overall, the scheme can therefore be considered consistent with this Policy D12 of the London Plan.

**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. 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.

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 and Listed building consent 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): SJH Dated: 04.10.2021

**I agree the recommendation:**

Principal Planner

Dated: .....WWC.....4/10/21.....

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: .....