

## Application reference: 21/3300/HOT NORTH RICHMOND WARD

| Date application received | Date made valid | Target report date | 8 Week date |
|---------------------------|-----------------|--------------------|-------------|
| 21.09.2021                | 21.09.2021      | 16.11.2021         | 16.11.2021  |

**Site:**

65 The Avenue, Kew, Richmond, TW9 2AH

**Proposal:**

Single storey rear extension. Proposed garden shed to rear.

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

**APPLICANT NAME**

Mrs Mukta Shastri  
65 The Avenue  
London  
TW9 2AH

**AGENT NAME**

Mrs Maria Kmiecicka  
42 Cannock Court  
? Hawker Place  
London  
E17 4GD

**DC Site Notice:** printed on 22.09.2021 and posted on 01.10.2021 and due to expire on 22.10.2021

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

Flat 5,63 The Avenue,Kew,Richmond,TW9 2AH, - 22.09.2021  
Flat 3,63 The Avenue,Kew,Richmond,TW9 2AH, - 22.09.2021  
Flat 6,63 The Avenue,Kew,Richmond,TW9 2AH, - 22.09.2021  
Flat 4,63 The Avenue,Kew,Richmond,TW9 2AH, - 22.09.2021  
Flat 2,63 The Avenue,Kew,Richmond,TW9 2AH, - 22.09.2021  
Flat 1,63 The Avenue,Kew,Richmond,TW9 2AH, - 22.09.2021  
65A The Avenue,Kew,Richmond,TW9 2AH, - 22.09.2021  
60 Ennerdale Road,Richmond,TW9 2DL, - 22.09.2021  
58 Ennerdale Road,Richmond,TW9 2DL, - 22.09.2021

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

Status: GTD

Date:29/11/2005

Application:05/3203/PS192

Convert existing garage to habitable room. Remove garage door and replace with a window and a white rendered wall.

Development Management

Status: GTD

Date:24/06/2021

Application:21/1407/HOT

Single storey rear extension. Proposed garden shed to rear.

Development Management

Status: PDE

Date:

Application:21/3300/HOT

Single storey rear extension. Proposed garden shed to rear.

Building Control

Deposit Date: 09.03.2007      Installed a Gas Boiler  
Reference: 07/97723/CORGI

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Building Control

Deposit Date: 12.06.2006      New installation rewire or partial rewire New consumer unit One or more new  
circuits Main/ supplementary equipotential bonding Ring/ radial power circuit  
Lighting circuit Air conditioning/ ventilation system/ extractor fan Cooker  
Dwelling house Kitchen

Reference: 07/NIC01722/NICEIC

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Building Control

Deposit Date: 25.01.2016      Install replacement door in a dwelling  
Reference: 16/FEN00327/FENSA

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|                                  |  |
|----------------------------------|--|
| <b>Application Number</b>        | <b>21/3300/HOT</b>   |
| <b>Address</b>                   | <b>65 The Avenue<br/>Kew<br/>Richmond<br/>TW9 2AH</b>        |
| <b>Proposal</b>                  | <b>Single storey rear extension and proposed garden shed</b> |
| <b>Contact Officer</b>           | <b>Sukhdeep Jhooti</b>                                       |
| <b>Target Determination Date</b> | <b>16.11.2021</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 three-storeys and forms part of a terrace.

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

- Conservation Area (CA15 Kew Gardens Kew)
- Village (Kew Village)
- Village Character Area (Ennerdale Road and surrounds – Area 4 & Conservation Area 15 Kew Village Planning Guidance Page 25 CHARAREA02/04/01)

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

The proposal seeks to planning permission for a single storey rear extension and a proposed garden shed

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

- **21/1407/HOT** – Single storey rear extension. Proposed garden shed to rear. **Granted Permission.**
- **05/3203/PS192** – Convert existing garage to habitable room. Remove garage door and replace with a window and a white rendered wall. **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
- 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/](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  
Village Plan - Kew

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:  
Kew Gardens Conservation Area Statement  
Kew Gardens 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.

## 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 and biodiversity
- 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 requires the Council to preserve the character, appearance and setting of designated heritage assets to include Conservation Areas.*

*Policy LP4 of the Local Plan 2018 requires the Council to preserve the character, appearance and setting of non-designated heritage assets which includes Buildings of Townscape Merit (BTM).*

The Kew Gardens (formerly Lichfield Road) Conservation Area 15 Character Statement describes the area as follows: "The area is generally characterised by residential streets of substantial two to two and a half storey detached, and semi-detached villas set in substantial garden plots with continuous front boundary walls or railings to the street. The mature planting of front gardens and street trees contribute to the pleasant leafy suburban character of this area. Houses are united by the predominant use of red or yellow stock brick and timber sliding sash windows, and a variety of exuberant detailing such as decorative bargeboards, terracotta panels, ironwork, bay windows and porches. There is a distinctive roofscape of prominent gables with finials and ridgetiles, turrets and brick chimneystacks"

Some of the problems and pressures outlined in the Council's Character Statement includes: loss of traditional architectural features and materials due to unsympathetic alterations and some of the opportunities for enhancement include preservation, enhancement and reinstatement of architectural quality and unity.

*The Councils SPD relating to House Extensions and External Alterations states that the overall shape, size and position of side and rear extensions should not dominate the existing house or its neighbours. It should harmonise with the original appearance, either by integrating with the house or being made to appear as an obvious addition.*

The proposed extension would be built with complementary materials. The proposed flat roof design would not appear excessive in height when viewed from the rear. The extension would have cotemporary glazing in the form of Bi-fold doors, but this assists in ensuring the proposal reads well as an obvious addition to the existing house. Moreover, aerial imagery of the immediate locality show a number of single storey rear extensions which vary in architectural design, style and overall appearance. The mixture of brick and aluminium creates visual interest when viewed from the rear. The proposed rooflight would not over-dominant the roof of the proposed single-storey rear extension in terms of profile, siting, size, scale and design. The proposed extension would be modest in footprint and overall size and scale. It would serve as a proportionate and subordinate addition to the existing house due to its size, scale and design.

The proposed garden shed would be modest in size and have a timber appearance which is supported. The overall siting, size, scale and design of the proposed garden shed helps ensure it remains as a subordinate addition within the application site and does not appear unduly prominent within the application site and would not cause harm to the setting of the host dwellinghouse at No. 65.

Despite the proposed re-landscaping works, the site would still retain a good level of planting and soft landscaping, thus retaining its character. The proposed patio area would be proportionate in footprint to the ratio of soft landscaping that is being retained on site. The landscape character/setting of the site and Conservation Area would be retained following the proposals.

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'. In this instance, the proposal would not lead to less than substantial harm to the setting,

character and appearance of the conservation area due to its size, scale and design.

The proposal would preserve the character, setting and appearance of the Conservation Area and the existing house due to its size, scale and design.

In view of the above, the proposal complies with the aims and objections of policies 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 SPD on House Extensions and External Alterations notes that generally an extension of 3m in depth for a terrace property will be acceptable. Where the proposed extension seeks a larger depth, the eaves should be reduced to 2.2m at the shared boundary to mitigate detrimental impact on neighbours such as sense of enclosure or overbearing. However, the final test of acceptability is dependent on the specific circumstances of the site which may justify greater rear projection.*

The proposed rear extension would be approx. 2.5m in depth. It would be less than the 3m stipulated under the Council's SPD and would have a neutral impact on the amenities enjoyed by the inhabitants of neighbouring properties. The proposed rooflight would not cause direct overlooking of neighbouring properties due to its profile and siting. The proposed rear glazing to the proposed extension would not cause significant increases in the levels of overlooking compared with the existing situation. The proposed patio area would not cause demonstrable harm to the outlook, light and privacy of neighbouring properties due to its height, width and projection. The proposed garden shed would be modest in its overall footprint and height. It would not cause demonstrable harm to the outlook, privacy and light afforded to the inhabitants of neighbouring properties as a result. A planning condition will be imposed to ensure the garden shed remains in ancillary use.

Overall, the proposal would safeguard neighbour amenity and would comply with policy LP8 of the Local Plan 2018.

## **iii Trees and biodiversity**

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)."

Some plants are being removed i.e. one pot plant to accommodate the shed and one Wisteria climber to facilitate the extension (this is not a tree). No mature trees on site which are being removed (trunk diameter of more than 75mm when measured at 1.5m from ground level). Sufficient levels of soft landscaping is being retained. The levels of hard and soft landscaping would be proportionate in ratio and overall the landscape character and setting of the site and Conservation Area will be preserved. The proposal would comply with Policy LP15 & 16 of the Local Plan 2018.

## **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 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: 27.10.2021

**I agree the recommendation:**



~~Team Leader/Head of Development Management/Principal Senior Planner~~

Dated: ...27/10/2021.....

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: .....