

Application reference: 21/2697/PS192 ST MARGARETS, NORTH TWICKENHAM WARD

Date application received	Date made valid	Target report date	8 Week date
29.07.2021	20.09.2021	15.11.2021	15.11.2021

Site:

22 Orchard Road, Twickenham, TW1 1LY,

Proposal:

Proposal to repair the existing cellar, keeping its floor area and volume as existing. Installation of a flight of steps (in line with building regs), down from the kitchen to the cellar.

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

APPLICANT NAME

John Fletcher
22, Orchard Road
Twickenham
TW1 1LY

AGENT NAME

Dean Griffiths
Treehugger Studio
c/o 65 Crane Avenue
London
TW7 7JR
United Kingdom

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

Consultations:

Internal/External:

Consultee

Expiry Date

Neighbours:

24 Orchard Road, Twickenham, TW1 1LY -

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

Status: GTD Application:02/3104
Date:19/11/2002 Rear Dormer Roof Extension And Three Velux Windows To Front.

Development Management

Status: REF Application:02/3759
Date:31/01/2003 Loft Conversion With Rear Dormer And 3 No. Velux Windows To Front.

Development Management

Status: REF Application:04/0602/HOT
Date:27/04/2004 Loft Extension With Rear Dormer.

Development Management

Status: WDN Application:20/2614/HOT
Date:22/06/2021 Extension of an existing basement to form a larger basement within the footprint of the existing house, including improved internal staircase access. The purpose of the basement is for utility and storage space and ancillary space to complement the main ground floor functions.

Development Management

Status: REGPD Application:20/2860/PDE
Date:09/11/2020 Single storey rear extension 6m in depth, 3.45m in height and 3m in height to eaves.

Development Management

Status: CEGPD
Date: 07/05/2021

Application: 21/1166/PDE
Single storey rear extension 4.2metres on side adjacent neighbour at No.20, and depth of 4.98m depth on side adjacent neighbour at No.24. Height of 3.4metres and height to rear eaves of 3m

Development Management

Status: PDE
Date:

Application: 21/2697/PS192
Proposal to repair the existing cellar, keeping its floor area and volume as existing. Installation of a flight of steps (in line with building regs), down from the kitchen to the cellar.

Development Management

Status: GTD
Date: 02/11/2021

Application: 21/3437/PS192
To increase the width of an existing rear dormer loft conversion to form full width rear dormer. New rooflights to front elevation

Building Control

Deposit Date: 16.12.2002 Loft conversion
Reference: 02/2372/FP

Building Control

Deposit Date: 28.01.2003 Loft conversion
Reference: 02/2372/1/FP

Building Control

Deposit Date: 28.09.1992 Single storey rear extension
Reference: 92/1149/BN

Building Control

Deposit Date: 04.06.2004 Loft conversion
Reference: 04/1130/BN

Building Control

Deposit Date: 29.03.2010 Installed a Gas Fire
Reference: 10/FEN01114/GASAFE

Building Control

Deposit Date: 26.06.2010 1 Window 3 Doors
Reference: 10/FEN01143/FENSA

Building Control

Deposit Date: 25.10.2012 Installed a Gas Boiler
Reference: 12/FEN02910/GASAFE

Building Control

Deposit Date: 04.04.2014 Special installation (electric floor/ ceiling heating garden lighting/ power ELV lighting generator) - Dwelling
Reference: 14/BSI00002/BSI

Application Number	21/2697/PS192
Address	22 Orchard Road, Twickenham, TW1 1LY
Proposal	Proposal to repair the existing cellar, keeping its floor area and volume as existing. Installation of a flight of steps (in line with building regs), down from the kitchen to the cellar.
Contact Officer	Alice Murphy

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 site provides for a two-storey, mid terraced dwellinghouse situated on the north side of Orchard Road.

The application site is situated within St Margarets Village and is designated as:

- Article 4 Direction – restricting permitted development rights for basement development
- Protected View – View 5 (view to Marble Hill House)
- Throughflow Catchment Area – Throughflow and Groundwater Policy Zone.

3. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

The application involves repair work to the existing cellar and the construction of a flight of steps from the kitchen above.

The application seeks confirmation that the proposed works are not considered to constitute 'development' and would therefore not require further planning permission. It is noted that London Borough of Richmond have a borough-wide Article 4 restricting basement developments as permitted development.

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

- **02/3104** - Rear Dormer Roof Extension And Three Velux Windows To Front. **Granted.**
- **21/1166/PDE** – Single storey rear extension 4.2metres on side adjacent neighbour at No.20, and depth of 4.98m depth on side adjacent neighbour at No.24. Height of 3.4metres and height to rear eaves of 3m. **Granted.**
- **20/2614/HOT** - Extension of an existing basement to form a larger basement within the footprint of the existing house, including improved internal staircase access. The purpose of the basement is for utility and storage space and ancillary space to complement the main ground floor functions. **Withdrawn.**
- **21/3437/PS192** - To increase the width of an existing rear dormer loft conversion to form full width rear dormer. New rooflights to front elevation. **Granted.**

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.

Notwithstanding this, one objection was received and outlined the following:

- Additional volume to add stairs is a basement extension
- Structural concern for party wall
- Impact on neighbouring properties and the natural environment
- Additional information should be submitted including basement screening assessment, information in regards to subterranean characteristics, land stability.
- Floor risk and drainage impacts.

5. AMENDMENTS

None.

6. EXPLANATION OF RECOMMENDATION

London Borough of Richmond have a borough-wide Article 4 restricting basement developments as permitted development. The Article 4 states the following:

“Development entailing the extension of private dwelling-houses otherwise permitted by Class A of the Second Schedule to the GPDO 2015 consisting of the formation of basements light-wells room cellars or any other type of usable space or space complementing other useable space beneath a private dwelling-house or below ordinately ground level in proximity to a private dwelling-house.”

Firstly, Part III of the Act covers regulations in relation to control over development, with Section 55 outlining the definition of development for the purpose of the Act. “Development,” means the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land.

For the purposes of Section 55 of the Town and Country Planning Act “ building operations ” includes—

- (a)demolition of buildings;
- (b)rebuilding;
- (c)structural alterations of or additions to buildings; and
- (d)other operations normally undertaken by a person carrying on business as a builder.

The proposed works involve the enlargement of the lower ground cellar space. Although the cellar space itself is not increase in space, the creation of the access stairs involves excavation and enlargement as illustrated on the sectional drawings provided. The works are therefore considered to be development.

As the works proposed have been deemed development, a new stairwell to the cellar is being provided involving excavation it will amount to a building operation and create ‘useable space complementing the existing basement. As such, any Permitted Development rights have been curtailed by the Article 4 Direction.

7. RECOMMENDATION

Refuse 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):AMU...

Dated:15/11/2021.....

I agree the recommendation: WT

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

Dated:15/11/2021.....

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:

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

U0056123	Decision Drawings
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