

Application reference: 21/0366/FUL KEW WARD

Date application received	Date made valid	Target report date	8 Week date
04.02.2021	24.05.2021	19.07.2021	19.07.2021

Site:

Flat 1, 12 Kew Gardens Road, Kew, Richmond

Proposal:

Replacement window in below ground area

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

APPLICANT NAME

Mr John Dunne
Flat 1
12 Kew Gardens Road
KEW
TW9 3HG

AGENT NAME

DC Site Notice: printed on 24.05.2021 and posted on 04.06.2021 and due to expire on 25.06.2021

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

13B Kew Gardens Road, Kew, Richmond, TW9 3HG, - 24.05.2021
13C Kew Gardens Road, Kew, Richmond, TW9 3HG, - 24.05.2021
13A Kew Gardens Road, Kew, Richmond, TW9 3HG, - 24.05.2021
Flat 14, 12 Kew Gardens Road, Kew, Richmond, TW9 3HG, - 24.05.2021
2 Cumberland Road, Kew, Richmond, TW9 3HQ, - 24.05.2021
Flat 12, 12 Kew Gardens Road, Kew, Richmond, TW9 3HG, - 24.05.2021
Flat 11, 12 Kew Gardens Road, Kew, Richmond, TW9 3HG, - 24.05.2021
Flat 10, 12 Kew Gardens Road, Kew, Richmond, TW9 3HG, - 24.05.2021
Flat 9, 12 Kew Gardens Road, Kew, Richmond, TW9 3HG, - 24.05.2021
Flat 8, 12 Kew Gardens Road, Kew, Richmond, TW9 3HG, - 24.05.2021
Flat 7, 12 Kew Gardens Road, Kew, Richmond, TW9 3HG, - 24.05.2021
Flat 6, 12 Kew Gardens Road, Kew, Richmond, TW9 3HG, - 24.05.2021
Flat 5, 12 Kew Gardens Road, Kew, Richmond, TW9 3HG, - 24.05.2021
Flat 4, 12 Kew Gardens Road, Kew, Richmond, TW9 3HG, - 24.05.2021
Flat 3, 12 Kew Gardens Road, Kew, Richmond, TW9 3HG, - 24.05.2021
Flat 2, 12 Kew Gardens Road, Kew, Richmond, TW9 3HG, - 24.05.2021

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

Status: GTD

Date: 30/04/2013

Application: 12/2637/FUL

Installation of uPVC double glazed windows to three side windows at lower ground/ground floor level.

Development Management

Status: GTD

Application: 16/2503/FUL

Date:21/06/2018	Installation of uPVC double glazing to 3 no. side windows.
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<u>Development Management</u>	
Status: RNO	Application:20/T0432/TCA
Date:20/07/2020	Laurel - to remove this from the roots if possible. We hope to plant some smaller trees along the fence bordering garden area.
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<u>Development Management</u>	
Status: PDE	Application:21/0366/FUL
Date:	Replacement window in below ground area
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<u>Building Control</u>	
Deposit Date: 02.10.2012	Installed a Gas Boiler
Reference: 12/FEN02553/GASAFE	
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<u>Building Control</u>	
Deposit Date: 02.08.2013	Re-site staircase from basement area into lounge and form new bathroom and additional bedroom.
Reference: 13/1566/BN	
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<u>Building Control</u>	
Deposit Date: 03.01.2020	Circuit alteration or addition in a special location Install one or more new circuits
Reference: 20/ELE00014/ELECSA	
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<u>Building Control</u>	
Deposit Date: 03.07.2020	Connect electric power to the shed which is in our garden area at rear of the building
Reference: 20/0811/BN	
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Application Number	21/0366/FUL
Address	Flat 1, 12 Kew Gardens Road, Kew Richmond TW9 3HG
Proposal	Replacement window in below ground area.
Contact Officer	Alice Murphy
Target Determination Date	19/07/2021 Extension of time 10/12/2021

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 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, 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 subject site provides for a semi-detached building on the east side of Kew Gardens Road. The site is divided into flats and this application relates to Flat 1.

The application site is situated within Character Area 4 of the Kew Village Planning Guidance and is designated as:

- Article 4 Direction – restricting basement development
- Conservation Area – CA15 Kew Gardens Kew
- Area Poorly Provided With Public Open Space
- Area Benefiting Flood Defence - Environment Agency
- Building of Townscape Merit
- Floodzone 2/3/3a – Environment Agency.

3. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

The proposal will involve replacing a single white painted metal window at lower ground level on a like for like basis. White painted metal frame is proposed to replace the existing.

The comprehensive list of planning history can be found above.

4. CONSULTATIONS CARRIED OUT

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

No representations have been received by third parties.

5. MAIN POLICIES RELEVANT TO THE DECISION

NPPF (2021)

The key chapters applying to the site are:

- 4. Decision-making
- 14. Meeting the challenge of climate change, flooding and coastal change
- 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

London Plan (2021)

The main policies applying to the site are:

- Policy D4 – Delivery good design
- Policy D12 – Fire Safety
- Policy HC1 – Heritage Conservation and Growth
- Policy SI 12 – Flood Risk Management
- Policy SI 13 – Sustainable Drainage

These policies can be found at: https://www.london.gov.uk/sites/default/files/the_london_plan_2021.pdf

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
Impact on Designated Heritage Assets	LP3	Yes	No
Impact on Non-Designated Heritage Assets	LP4	Yes	No
Impact on Amenity and Living Conditions	LP8	Yes	No
Impact on Flood Risk and Sustainable Drainage	LP21	Yes	No

These policies can be found at https://www.richmond.gov.uk/media/15935/adopted_local_plan_interim.pdf

Supplementary Planning Documents

- House Extension and External Alterations
- Kew Village Guidance and Plan
- Conservation Areas SPD
- Buildings of Townscape Merit

These policies can be found at: 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:
- Article 4 Direction – restricting basement development
- Kew Gardens Kew (CA15) Conservation Area Statement and 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 Flood Risk
- iv Fire Safety

Issue 1- Design and impact on heritage assets

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, whilst the proposal would lead to less than substantial harm to the setting, character and appearance of the building the conservation area, there is no public benefit arising from the proposal as such it is contrary to the NPPF.

Policy LP1 of the Local Plan requires all development to be of high architectural and urban design quality and compatible with local character in terms of development patterns, scale, height and design.

Policy LP3 specifies that proposals shall see to conserve and take opportunity to make positive contribution to the historic environment such as retaining and preserving the original structure, layout, architectural features and materials or reinstatement of heritage assets. Appropriate materials and techniques should be used. There is a requirement to seek to avoid harm or justify for loss and demolition will be resisted. The significance of the asset is taken into consideration when assessing works proposed to a designated heritage asset. In addition to this, Policy LP 4 states that development shall preserve the significance, character and setting of non-designated heritage assets.

Policy LP 4 states that development shall preserve the significance, character and setting of non-designated heritage assets.

SPD states that windows are important features to properties and an inappropriate choice can easily spoil the design of the property and the conservation area. When an original window or door requires attention the best course of action is repair, however, the alternative is to replace with a window of the same shape, size and design. Windows should overall maintain consistent detail with that existing, retain character and maintain consistent style. Mixing styles should be avoided. With regards to historical replacement, selected windows should have an authentic resemblance. Double glazing should be sensitive to the character of the original property. Timber is always preference replacement windows because upvc is unable to replicate the original appearance and is unsustainable.

The proposal site is situated in Kew Gardens Conservation Area (CA15). The area is characterised by predominantly terraced and semi-detached dwellings and the area has a strong character and has many individual buildings of architectural merit.

It is proposed to replace the single lower ground floor window on a like for like basis. The window is located under the main entrance stairs and is visible from the street.

The existing window is a white painted metal framed window. The application form notes that either upvc or timber can be provided at Council's discretion, however following correspondence with the applicant details of a metal framed window was provided. The applicant has been advised that Council will be unable to approve upvc windows on the front elevation of a Building of Townscape Merit. A condition has been included to ensure the replacement will be white painted metal framed.

It is noted that the facing semi-detached pair has also replaced this window, however no permission for this can be found on Council's planning history.

The replacement is a like for like and maintains the street character and appearance of the BTM property itself.

In view of the above, the proposal complies with the aims and objections of policies LP1, LP3 and LP4 of the Local Plan.

Issue ii- Impact on Neighbour Amenity

Policy LP8 requires all development to protect the amenity and living conditions for occupants of new, existing, adjoining and neighbouring properties. This includes ensuring adequate light is achieved, preserving privacy and ensuring proposals are not visually intrusive.

The replacement windows would occupy the same openings as existing. As such, having regard to the nature and scale of the proposal, it is not considered that it would have a significant impact on the amenities of neighbouring properties. The scheme is considered to comply with LP8.

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.

The application seeks replacement windows on a like for like basis. No increase in flood risk is anticipated.

Issue iv - Fire Safety

London Plan policy D12 requires the submission of a Fire Safety Statement on all planning applications.

A condition has been included to ensure a future window provider/installer is FENSA certified. 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):AM..... Dated:06/12/2021.....

I agree the recommendation:

Principal Planner

Dated:WWC.....6/12/21.....

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

U0052918	NPPF APPROVAL - Para. 38-42
U0052919	Composite Informative