

Application reference: 21/2967/HOT FULWELL, HAMPTON HILL WARD

Date application received	Date made valid	Target report date	8 Week date
20.08.2021	20.08.2021	15.10.2021	15.10.2021

Site:

31 Bushy Park Gardens, Teddington, TW11 0LQ,

Proposal:

Removal of an existing conservatory and the construction of new extension, garden rooms and dormer to the rear of the property.

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

APPLICANT NAME

Max McNamara
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United Kingdom

AGENT NAME

Mr Max Crichton
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DC Site Notice: printed on and posted on 03.09.2021 and due to expire on 24.09.2021

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

LBRuT Trees Preservation Officer (North)
LBRuT Trees Preservation Officer (North)
14D Urban D

Expiry Date

09.12.2021
06.09.2021
06.09.2021

Neighbours:

8 Laurel Road, Hampton Hill, TW12 1JH, - 25.11.2021
12 Laurel Road, Hampton Hill, TW12 1JH, - 25.11.2021
73 Hampton Road, Teddington, TW11 0LA, - 25.11.2021
77 Hampton Road, Teddington, TW11 0LA, - 25.11.2021
79 Hampton Road, Teddington, TW11 0LA, - 25.11.2021
75 Hampton Road, Teddington, TW11 0LA, - 25.11.2021
65 Hampton Road, Teddington, TW11 0LA, - 25.11.2021
67 Hampton Road, Teddington, TW11 0LA, - 25.11.2021
69 Hampton Road, Teddington, TW11 0LA, - 25.11.2021
71 Hampton Road, Teddington, TW11 0LA, -
30 Bushy Park Gardens, Teddington, TW11 0LQ, - 25.11.2021
10 Laurel Road, Hampton Hill, TW12 1JH, - 25.11.2021
6 Laurel Road, Hampton Hill, TW12 1JH, - 25.11.2021
73A Hampton Road, Teddington, TW11 0LA, - 25.11.2021

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

Status: GTD Application: 85/0267
Date: 07/05/1985 Erection of a first floor extension.

Development Management

Status: WDN Application:15/4303/PS192
Date:25/11/2015 Single storey extension to rear of existing garage

Development Management

Status: GTD Application:15/4959/HOT
Date:15/01/2016 Single storey side extension.

Development Management

Status: PDE Application:21/2967/HOT
Date: Removal of an existing conservatory and the construction of new extension,
garden rooms and dormer to the rear of the property.

Building Control

Deposit Date: 14.06.2002 Conservatory extension
Reference: 02/1100/BN

Building Control

Deposit Date: 03.01.2017 Install a gas-fired boiler
Reference: 17/FEN00148/GASAFE

Building Control

Deposit Date: 06.05.2018 Installed Dean: Dartmoor 5 with competency Install a biomass dry fuel room
heater stove or cooker
Reference: 18/HET00086/HETAS

Building Control

Deposit Date: 25.10.2021 Formation of single storey rear extension with associated internal alterations,
construction of dormer to rear of property and two detached garden rooms at
existing dwelling. The work excludes any gas work subject to the Gas Safety
(Installation and Use) Regulations 1998 and electrical work notifiable under
the Building Regulation 12(6A)

Reference: 21/1785/IN

Enforcement

Opened Date: 21.10.2016 Enforcement Enquiry
Reference: 16/0705/EN/NAP

Recommendation:

The determination of this application falls within the scope of Officer delegated powers - YES

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): JSI

Dated: 07/01/2022

I agree the recommendation: CTA

Team Leader/Head of Development Management/Principal Planner

Dated:07/01/2022.....

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

AT01	Development begun within 3 years
U0117108	Approved Drawings
U0117109	Materials to match exg/approved plans
U0117114	Green roof details
U0117111	Tree planting
U0117112	PV Panels - details
U0117113	Tree report compliance
U0117110	Fire Safety Strategy compliance

INFORMATIVES

U0056819	NPPF Approval Paras 38-42
U0056821	Fire safety - building regs
U0056820	Composite informative

Application reference: 21/2967/HOT
Site address: 31 Bushy Park Gardens, Teddington, TW11 0LQ

Proposal:

This application seeks planning permission for: *'Removal of an existing conservatory and the construction of new extension, garden rooms and dormer to the rear of the property.'*

The scheme has been subject to written pre-application advice under application ref. 21/P0141/PREAPP (issued 07/06/2021). Officers were broadly supportive of the proposal at pre-application stage, subject to the submission of detailed design and materials and further information regarding tree protection measures.

The application proposes the replacement of the existing conservatory and erection of a new single-storey rear extension and single-storey outbuilding in the rear garden. The proposed works comprise of the following:

- Removal of the existing large conservatory to the rear of the property and the reinstatement of the existing bay window.
- Erection of new single-storey rear extension with photovoltaic (pv) panels, to extend from the kitchen and provide a link to an enlarged patio to the south.
- Lowering of the existing roof of the kitchen at the rear and unifying the cladding with the proposed new extension.
- Replacement of existing rooflight with a modest dormer window to the rear elevation.
- Erection of two new lightweight timber pavilions set within 'garden wall' at the end of the rear garden.
- Border planting to provide screening.

Site Description/Key Designations:

The proposal site comprises a large detached two-storey (plus accommodation in roof) dwelling located on the north western side of Bushy Park Gardens, Fulwell and Hampton Hill ward. The site sits in the CA77 Bushy Park Gardens Conservation Area though there are no statutorily or locally listed buildings to consider. The site is located in Area 16 (Hampton Road) of the Hampton Wick and Teddington Village Planning Guidance.

Bushy Park Gardens is a quiet circular cul-de-sac accessed from Hampton Road to the north, comprising of 18 large detached dwellings that were built in the Arts and Crafts style around a shared central green at the turn of the 19th century. The group of dwellings has a homogenous style, with similar proportions and massing, though each property has unique architectural details.

All of the properties benefit from sizable rear gardens. The rear garden of No. 31 is significantly deep and contains a number of trees around the edges, though none are protected by Tree Protection Order (TPO). The conservation area appraisal identifies the visual gaps between the properties that allow views into the rear gardens and beyond as one of the key contextual features of the area.

The site borders the rear gardens of two-storey semi-detached dwellings fronting Hampton Road to the north. Laurel Road bounds the site to the west, which also provides alternative access to the rear garden. To the south of the site is No. 30 Bushy Park Gardens and to the east at the front of the site lies the communal green.

The site is in Flood Zone 1 and has no surface water susceptibility designations, though it is identified as being susceptible to ground water flooding. There is an Article 4 Direction in place restricting basement development.

Amendments:

- Tree Protection Plan - Received 15/10/2021
- Proposed roof dormer reduced in size – Revised drawings received 03/11/2021
- Proposed outbuildings reduced in height and relocated – Revised drawings received 09/11/2021

The relocation of the two proposed outbuildings was considered to materially change the scheme and neighbours were reconsulted on this revision.

- Fire Safety Strategy and accompanying drawing submitted as standalone documents – Received 09/12/2021

The above was not considered to materially change the scheme and so neighbours were not reconsulted.

Other matters:

None.

Relevant/Recent Planning History:

Development Control

- 85/0267 – Erection of a first floor extension. – Approved 07/05/1985.
- 15/4303/PS192 – Single storey extension to rear of existing garage. – Withdrawn 25/11/2015

Reason(s) for withdrawal:

‘Depth was not acceptable under the general permitted development order.’

- 15/4959/HOT – Single storey side extension. – Approved 15/01/2016

Enforcement

- 16/0705/EN/NAP – Non-compliance with approved plans. – Case closed 26/10/2016 (Works found to be in accordance with approved plans).

Pre-Application

- 12/P0141/PREAPP – Existing conservatory to be replaced with new extension and new garden rooms, at 31 Bushy Park Gardens – Written advice issued 07/06/2021

Public and other representations:

Neighbour consultation

Letters of notification were sent to 15 neighbouring properties, an advertisement was placed in the local newspaper and a site notice erected. The Council has received 7 letters of objection from a total of 6 neighbours. Below is a summary of concerns raised followed by a brief officer response.

Neighbour comment	Officer response
<i>Design, character and appearance</i>	
Visual amenities / out of character with area	These matters are considered in the ‘Character, Design and Appearance’

Impact on character of house	section of the report. Subject to conditions, the application is considered to be of an acceptable design and siting so as to protect the character of the main dwelling and the visual amenities of the local area.
Modern design and materials / erodes character of area	
Excessive depth of extension / flat roof	
Height of new extension/boundary wall would be clearly visible and oppressive	
<i>Neighbour amenities</i>	
Overshadowing and loss of light to garden of Nos. 71, 75 & 77 Hampton Road	These matters are considered in the 'Neighbouring Amenities' section of the report. Subject to conditions, the application is considered to adequately protect neighbouring amenities.
Proximity, size and scale of garden buildings to gardens of Hampton Road	
Solar glare from pv panels	
Noise and disturbance	
<i>Other matters</i>	
Party wall matters / access during construction / maintenance	Party wall, maintenance and construction matters are not a material planning consideration in the assessment of the application.
Attempt to overcome rules regarding boundary fence heights	This is not a material planning consideration. An application for full planning permission has been submitted and officers have assessed this accordingly.
Existing extension wall higher than permitted. New extension should not match this height.	This relates to a historical enforcement investigation (application ref. 16/0705/EN/NAP – Non-compliance with approved plans.) The works were found to be in accordance with approved plans and the case was closed 26/10/2016. The new extension has been assessed on its own individual merits and has been found to be acceptable.

Neighbours were then consulted a second time following receipt of revised drawings showing re-location of the proposed outbuildings. One further letter of objection was received from a previous objector. This stated that the objector was pleased to see revised plans for the garden building, but re-iterated their objection to the height of the boundary/rear extension wall and concerns about safety, noise and odours from the use of the area as an outdoor kitchen.

Internal consultation

Trees

- Initial comments received 07/09/2021
 - Further information required to assess amenity value of rear garden trees and impact of proposal on highways trees
- Further comments received 03/11/2021
 - No objection subject to re-location of outbuildings to provide better separation between buildings and trees
- Final comments received 08/12/2021

- No objection to application due to relocation of outbuildings and subject to suitable additional tree planting – *[Officer note: This is to be secured via a suitably worded pre-commencement condition.]*

Urban Design

- Comments received 13/09/2021
 - No objection subject to reduction in size of rear dormer

Internal colleagues' comments are incorporated into the main body of the assessment.

Policies:

The proposal has been assessed having regard to the National Planning Policy Framework (NPPF) (2019) and the Local Development Plan, in particular, the following policies and supplementary planning guidance:

London Plan (2021)

- London Plan Policy D12

Local Plan (2018):

- Policy LP1 Local Character and Design Quality
- Policy LP3 Designated Heritage Assets
- Policy LP8 Amenity and Living Conditions
- Policy LP15 Biodiversity
- Policy LP16 Trees, Woodlands and Landscaping

Supplementary Planning Documents (SPDs) / Guidance (SPGs):

- Design Quality SPD (February 2006)
- House Extensions and External Alterations SPD (June 2015)
- Hampton Wick Hill Village Planning Guidance SPD (February 2018)

Other Guidance

- CA77 Bushy Park Gardens Conservation Area Statement

Professional comments:

The application site has been assessed in relation to the following issues:

- Character, design and layout;
- Heritage impact;
- Neighbouring Amenities;
- Biodiversity and Trees;
- Fire safety.

Character, design and appearance

The statutory duty in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention is paid to the desirability of preserving or enhancing the character or appearance of a conservation area.

According to the NPPF paras 194 - 208, great weight should be given to the conservation of designated assets when considering the impact of a proposed development on the significance of a designated heritage asset (and the more important the asset, the greater the weight should be).

Policy LP1 of the Local Plan relates to local character and design quality. This states that new development must be of a high architectural and urban design quality based on sustainable design principles.

Local Plan Policy LP3 relates to designated heritage assets. This states that the Council will require development to conserve and, where possible, take opportunities to make a positive contribution to, the historic environment of the borough. The significance, including the settings, of the borough's designated heritage assets, will be conserved and enhanced.

Further guidance is provided in the Council's SPDs on Design Quality, House Extensions and External Alterations and the Village Planning Guidance for the area. The Bushy Park Gardens Conservation Area Statement is also relevant to the assessment.

The House Extensions and External Alterations SPD states that the external appearance of any extension must be carefully designed in order to avoid the visual confusion that can result when the style and materials of the original house are ignored. The overall shape, size and position of side and rear extensions should not dominate the existing house or its neighbours. Extensions should harmonise with the original appearance, which should be taken as the starting point for any future changes.

No. 31 Bushy Park Gardens dates from the early 20th century forming part of the Bushy Park Gardens Conservation Area which encompasses an enclave of houses of a similar Arts and Crafts design set around a communal central garden. Individual houses are also set in generous grounds both front and back and there is a strong spacious suburban character to the area owing to plots sizes and mature trees. The set-back nature of the buildings also assists in this spacious experience and contributes to the character and appearance of the area.

The property currently has a modern conservatory extension and a smaller side extension. The application proposes to replace these later additions with a re-instated bay window on the original rear façade and a new single-storey rear extension across the section of the rear façade where there are currently modern French doors. A rear roof dormer and two separate garden rooms away from the main house in the rear garden are also proposed.

The proposals have been subject to pre-application advice and no objections were raised by Urban Design colleagues to the principle of the works, subject to review of more detail regarding design.

Urban Design colleagues have been consulted on the current application and have commented that the proposals are well considered, modest in size and form and will be confined to the rear of the property. The removal of the conservatory is considered to be a benefit as this is a later addition and is of no architectural or historic merit. The proposal will reinstate the space to the side of the property and the re-instatement of the original bay is welcome. The new extension is considered to be of a good quality design that will appear subordinate and be in keeping with the host building. Whilst of a contemporary design, the proposed changes and additions are considered to be sympathetic to the proportions and materials of the original building. The proposed pv panels would be on a flat roof and so their visibility is limited. A condition requiring final details of their design is recommended. With regards to the outbuildings, these would be of a subordinate and proportionate scale to the main building and a sizable majority of the rear garden space would be retained.

In response to initial concerns raised regarding the size and boxy appearance of the proposed dormer, the applicant submitted revised drawings to reduce the scale. Given its location on the rear roof slope, it is considered to have a minimal impact on the character and appearance of the conservation area.

Subject to suitably worded conditions regarding use of materials, details of the proposed pv panels and green roofs and a tree planting scheme, overall, it is considered that proposals accord with the statutory duty of the 1990 Act, paras 199 and 200 of the NPPF, causing no harm to the significance of the CA, and LP1 and LP3 of the Local Plan.

Residential amenity

Policy LP8 of the Local Plan states that all development will be required to protect the amenity and living conditions for occupants of new, existing, adjoining and neighbouring properties.

The House Extensions and External Alterations SPD states that extensions that create an unacceptable sense of enclosure or appear overbearing when seen from neighbouring gardens or rooms will not be permitted. This could be due to the height, footprint or proximity of the proposals to the surrounding area. New extensions should not result in any substantial loss of privacy to adjoining dwellings and gardens to prevent overlooking.

The application site dwelling comprises a significantly sized rear garden which is largely screened by border tree planting. The pertinent dwellings to consider are No. 30 Bushy Park Gardens to the south and the rear gardens of Nos. 71 to 79 [odds] Hampton Road whose rear gardens abut the site to the north.

It is not considered that the proposed rear extension, which would be single-storey with flat roof, would unduly impact neighbours. It is sited away from the boundary with No. 30 Bushy Park Gardens and at the boundary with No. 71 Hampton Road's rear garden it would be no greater in height than the existing arrangement, therefore the impact is not considered to be unacceptable.

With regards to the rear roof dormer, collective overlooking of rear gardens occurs already by virtue of the existing of upper-floor windows of properties in the area, and thus there is not considered to be an impact which would be above or over what already occurs.

The scheme as originally submitted proposed both outbuildings to be located along the north eastern boundary of the application site rear garden which is shared with the rear ends of the back gardens to properties fronting Hampton Road. Some of these neighbours have raised concerns about the impact of the proposed outbuildings, in terms of overshadowing, proximity and noise and disturbance.

In response to concerns the proposed building have been reduced in height from 3m to 2.8m. One of the outbuildings has been repositioned to the southern boundary of the site and the remaining outbuilding at the north has been pulled 1m in from the shared boundary with Hampton Road residents. It is overall considered that the outbuilding would be of an acceptable scale and siting so as not to appear unduly overbearing to these neighbours, or to the neighbour at No. 30 Bushy Park Gardens, which is noted to have a generously sized garden.

Regarding noise and disturbance, both outbuildings would be ancillary to the main dwelling house and so their proposed use is considered to be acceptable in this residential setting. . Subject to a condition restricting use of the roofs, the impact of the proposed outbuildings on neighbouring amenities is considered to be acceptable. With regards to concerns about the 'outdoor kitchen', this is not a structure and the use would remain residential, therefore not in requirement of planning permission. Any unacceptable noise or disturbance as a result of the outbuildings, or otherwise, would be an Environmental Health matter and is not a material planning consideration in this case

Concerns are raised by neighbours regarding solar glare from the proposed pv panels.

These would be sited on the roof of the proposed ground-floor rear extension and would not be located in close proximity to neighbouring dwellings. Their siting is considered to prevent their being any resulting undue solar glare which would unacceptably impact on neighbouring amenities. A condition is recommended securing final details of their design.

Biodiversity, trees and landscaping

Policy LP15 of the Local Plan states that all new development will be expected to preserve and where possible enhance existing habitats including river corridors and biodiversity features, including trees.

Policy LP16(A) of the Local Plan states that the Council will require the protection of existing trees and the provision of new trees, shrubs and other vegetation of landscape significance that complement existing, or create new, high-quality green areas, which deliver amenity and biodiversity benefits. Policy LP16(B) states that to ensure development protects, respects, contributes to and enhances trees and landscapes, the Council will when assessing development proposals:

1. resist the loss of trees, including aged or veteran trees, unless the tree is dead, dying or dangerous, or the tree is causing significant damage to adjacent structures, or the tree has little or no amenity value, or felling is for reasons of good arboricultural practice;
2. resist development which results in the damage or loss of trees that are considered to be of townscape or amenity value; the Council will require that site design or layout ensures a harmonious relationship between trees and their surroundings and will resist development which will be likely to result in pressure to significantly prune or remove trees;
3. require where practicable, an appropriate replacement for any tree that is felled; a financial contribution to the provision for an off-site tree in line with the monetary value of the existing tree to be felled in line with the Capital Asset Value for Amenity Trees' (CAVAT);
4. require new trees to be of a suitable species for the location in terms of height and root spread, taking account of space required for trees to mature; the use of native trees is encouraged where appropriate;
5. require that trees are adequately protected throughout the course of the development, in accordance with British Standard (BS) 5837 (Trees in relation to design, demolition and construction – Recommendations).

There are a number of trees in the site's rear garden and also in the gardens of neighbouring dwellings. Some of these trees are of a significant size and are likely to provide amenity value, and are therefore worthy of protection. Whilst no trees on site or nearby are protected by TPO, all trees in this area are protected by default of their siting in a conservation area.

The Council's Trees Officer has been consulted on the application and initially raised concerns about the proximity of the outbuildings to the trunks of trees T3 and T4, and the future pressure to remove these trees as a result of the limited separation distance. With regards to street trees, Laurel Road is noted to have some trees of significant amenity value. However, the tree to the rear of 31 Bushy Park Gardens (on Laurel Road) is confirmed by the Trees Officer to be fairly young. Given the existence of the rear wall at the application site, its roots are unlikely to extend into the garden and thus this tree is unlikely to be impacted by the development.

In response to the Trees Officer's concerns about the impact of the proposal on Trees T3 and T4, the applicant has relocated both outbuildings, with one of the outbuildings to be moved from the north eastern boundary to the southern boundary of the site. An updated accompanying arboricultural report and associated tree protection plan has also been submitted, and new planting also proposed.

The Council's Trees Officer has confirmed that the new positions of the outbuildings provide an acceptable juxtaposition relative to trees, and welcomes the addition of the new planting. No objection is raised to the amended proposal, subject to the scheme being implemented as per the submitted arboricultural report and associated tree protection plan, and further details of tree planting being secured by condition. Suitably worded conditions are recommended to secure the above.

Green roofs are proposed on the two outbuildings, which is welcome. A suitably worded condition is recommended securing final details and a maintenance plan.

Subject to the above, the proposal is considered to adequately protect trees on site, and would result in improved landscaping and ecological value.

Flood risk and sustainable drainage

Local Plan Policy LP21 states that 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 site is in Flood Zone 1, therefore at a low risk of flooding, and has not been identified as being at risk of surface water flooding, though the site is in an Area Susceptible to Groundwater Flooding. The application is accompanied by a Flood Risk and SuDS (Sustainable Drainage Systems) Assessment which confirms the existing and proposed drainage and run-off rates on site. These are considered to be acceptable for a development of this nature in this location.

Fire Safety

Policy D12 Fire Safety of the recently adopted London Plan requires all development to demonstrate the highest standards of fire safety. Part A relates to minor applications and further guidance is provided in the GLA's Draft Fire Safety SPG. The applicant has submitted a Fire Safety Strategy and accompanying drawing prepared by the architect. The contents are considered to be proportionate and acceptable for an application of this scale and nature and adequate for the purposes of meeting London Plan Policy D12. The applicant is advised that alterations to existing buildings should comply with the Building Regulations and that this permission is not a consent under the Building Regulations, for which a separate application should be made.

Conclusion:

The application is considered to be of an appropriate design and siting so as to protect the character of the main dwelling and the visual amenities of the area. The development is not considered to cause undue harm to neighbouring amenities. The proposal would adequately protect trees and results in an acceptable standard of landscaping and ecological value. The development is not considered to result in an undue risk of flooding and would be of an appropriate standard of fire safety. Subject to conditions, the application is considered to comply with relevant national, regional and local planning policies and guidance and its approval is recommended.

Recommendation: **APPROVE with conditions and informatives**

