

## Application reference: 20/0354/DD05 SOUTH RICHMOND WARD

Date application received	Date made valid	Target report date	8 Week date
17.12.2021	17.12.2021	11.02.2022	11.02.2022

**Site:**

11 Old Palace Lane, Richmond, TW9 1PG,

**Proposal:**

Details pursuant to condition U0078764 - Construction Method, of listed building consent 20/0354/LBC.

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

**APPLICANT NAME**

Ms P McHugh  
11, Old Palace Lane  
Richmond  
TW9 1PG

**AGENT NAME**

Mrs Fiona Jones  
3 Elizabeth Gardens  
Ascot  
SL5 9BJ

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

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

**Consultee**  
21D Urban D

**Expiry Date**  
10.01.2022

**Neighbours:**

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

Status: GTD Application:93/1376/LBC  
Date:30/11/1993 Provision Of Bedroom And Bathroom In Roof Space.

Development Management

Status: GTD Application:93/1376/DD01  
Date:23/02/1994 Details Pursuant To Condition Ns01 (detailed Drawings Of Staircase And Roof Lights) Of Listed Building Consent 93/1376/lbc Dated 25/11/93

Development Management

Status: GTD Application:77/0360  
Date:09/08/1977 Fill in under existing first floor bathroom at rear to form conservatory room on ground floor and enlarge lobby in basement, form shower room in basement from cupboard.

Development Management

Status: GTD Application:11/1323/LBC  
Date:15/06/2011 Repair and reinstatement of existing paths and replacement of concrete with granite sets in existing driveway at front of property

Development Management

Status: GTD Application:18/3870/HOT  
Date:05/07/2019 Construction of lower ground-floor terrace to rear of basement and single-storey rear infill extension at lower-ground floor level, alterations to front lightwell. Two-storey rear extension at basement and ground-floor level. Replacement roof to existing second-floor rear extension and installation of

new door to lower ground-floor rear elevation. Installation of conservation style rooflights to front and rear roofslopes.

<u>Development Management</u> Status: GTD Date:05/07/2019	Application:18/3871/LBC Construction of lower ground-floor terrace to rear of basement and single-storey rear infill extension at lower-ground floor level. Two-storey rear extension at basement and ground-floor level. Replacement roof to existing second-floor rear extension and installation of new door to lower ground-floor rear elevation. Installation of conservation style rooflights to front and rear roofslopes. Revised internal layout at lower-ground-floor level and ground-floor level; replacement staircase at first-floor level and installation of ensuite bathrooms at second-floor level.
<u>Development Management</u> Status: RNO Date:02/12/2019	Application:19/T0937/TCA T1 - Wisteria - Fell T3 - Magnolia - Fell
<u>Development Management</u> Status: WDN Date:03/02/2020	Application:19/3690/HOT Replacement of front entrance steps finishes. Repair & refurbishment of front entrance steps handrail.
<u>Development Management</u> Status: WDN Date:03/02/2020	Application:19/3691/LBC Replacement of front entrance steps finishes. Repair & refurbishment of front entrance steps handrail.
<u>Development Management</u> Status: GTD Date:04/03/2020	Application:18/3870/DD01 Details pursuant to condition U0065107 (Archaeology) (Part A only) of planning permission 18/3870/HOT.
<u>Development Management</u> Status: WDN Date:10/02/2020	Application:20/0254/HOT Relocation of existing WC/Shower Room in the basement
<u>Development Management</u> Status: WDN Date:10/02/2020	Application:20/0255/LBC Relocation of existing WC/Shower Room in the basement
<u>Development Management</u> Status: GTD Date:16/03/2020	Application:20/0354/LBC Construction of lower ground-floor terrace to rear of basement and single-storey rear infill extension at lower-ground floor level. Two-storey rear extension at basement and ground-floor level. Replacement roof to existing second-floor rear extension and installation of new door to lower ground-floor rear elevation. Installation of conservation style rooflights to front and rear roofslopes. Revised internal layout at ground floor level and lower-ground-floor level including relocation of existing WC/Shower Room at lower ground floor level; replacement staircase at first-floor level and installation of ensuite bathrooms at second-floor level.
<u>Development Management</u> Status: GTD Date:16/03/2020	Application:18/3870/NMA Non material amendment to planning approval 18/3870/HOT to allow for relocation of existing WC/Shower Room at lower ground floor level
<u>Development Management</u> Status: WDN Date:29/01/2021	Application:20/0354/DD01 Details pursuant to condition U0078764 Construction Method
<u>Development Management</u> Status: REF Date:12/02/2021	Application:20/0354/DD02 Details pursuant to condition U0078766 - Method Statements
<u>Development Management</u> Status: GTD Date:30/06/2021	Application:18/3871/DD01 Details pursuant to condition U0065111 - Construction Method, of listed building consent 18/3871/LBC.
<u>Development Management</u> Status: GTD Date:20/10/2021	Application:20/0354/DD04 Details pursuant to condition U0078766 - Method Statements, of listed building consent 20/0354/LBC.
<u>Development Management</u> Status: INV	Application:20/0354/NMA

Date: 1. Increase of the depth of xxx surroundings (render) 2. To merge the door and window above both to open as one door, retaining the central spandrel panel

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Development Management  
 Status: PCO Application:21/4115/VRC  
 Date: Variation of condition U0078761 (Approved Drawings) of Listed Building Consent 20/0354/LBC to allow increase portal reveal depth to merge door/window into one single door

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Development Management  
 Status: PDE Application:20/0354/DD05  
 Date: Details pursuant to condition U0078764 - Construction Method, of listed building consent 20/0354/LBC.

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Building Control  
 Deposit Date: 15.02.1994 Internal alterations at 2nd floor level  
 Reference: 94/0234/BN

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Building Control  
 Deposit Date: 01.04.2009 Installed a Gas Boiler  
 Reference: 09/FEN00125/GASAFE

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Building Control  
 Deposit Date: 07.05.2009 Dwelling house Extension to circuit (in kitchen special location/ installation)  
 Reference: 09/NIC01987/NICEIC

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Building Control  
 Deposit Date: 08.11.2019 Part 1, part 2 storey rear extensions to existing basement and ground floors, replacement roof to existing second-floor rear extension, reconfiguration of basement layout and associated internal alterations  
 Reference: 19/1791/IN

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Enforcement  
 Opened Date: 14.03.2011 Enforcement Enquiry  
 Reference: 11/0123/EN/UBW

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Enforcement  
 Opened Date: 17.10.2016 Enforcement Enquiry  
 Reference: 16/0688/EN/LBUW

<b>Application Number</b>	<b>20/0354/DD05</b>
<b>Address</b>	<b>11 Old Palace Lane, Richmond, TW9 1PG</b>
<b>Proposal</b>	<b>Details pursuant to condition U0078764 - Construction Method, of listed building consent 20/0354/LBC</b>
<b>Contact Officer</b>	<b>Sarah Griffee</b>
<b>Target Determination Date</b>	<b>11.02.2022</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 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

11 Old Palace Lane is located centrally within a terrace row to the north side of the street. The property is formed of white render with casement sash style windows and the front curtilage area is utilised for on plot parking.

The property is Grade II Listed (8-13 Old Palace Lane) within the Historic England listing description as follows:

*Circa 1825. Terrace of 2-storey cottages each 2 windows wide. Stuccoed front with first floor cill band and main cornice and blocking course. Round arched doorways. Bracketed cornices to ground floor windows.*

The application site is subject to the following constraints:

- Archaeological Priority Area
- Flood zone 2 and 3 but area benefitting from flood defence
- Article 4 direction restricting basement development
- Community Infrastructure Levy band – higher
- Richmond Riverside Conservation Area
- Grade II listed Building
- Richmond and Richmond Hill Village Planning Guidance: Character Area 13

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

Details pursuant to condition U0078764 - Construction Method, of listed building consent 20/0354/LBC.

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

20/0354/LBC - Construction of lower ground-floor terrace to rear of basement and single-storey rear infill extension at lower-ground floor level. Two-storey rear extension at basement and ground-floor level. Replacement roof to existing second-floor rear extension and installation of new door to lower ground-floor rear elevation. Installation of conservation style rooflights to front and rear roofslopes. Revised internal layout at ground floor level and lower-ground-floor level including relocation of existing WC/Shower Room at lower ground floor level; replacement staircase at first-floor level and installation of ensuite bathrooms at second-floor level. Granted: 16.03.2020

18/3871/DD01 - Details pursuant to condition U0065111 - Construction Method, of listed building consent 18/3871/LBC. Granted: 30.06.2021

### **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/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:

Policy 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

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

Listed Buildings

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:  
Richmond Riverside Conservation Area Statement

### 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

### Construction Method

*Prior to the commencement of development, a scheme must be submitted to and approved in*

*writing by the local planning authority detailing the method by which the building will be propped up and supported whilst localised demolition works, the insertion of steel beams, and re-building works are in progress.*

*REASON: To maintain the structural stability and special historic and architectural interest of Grade II listed building.*

In effort to discharge this condition, site photos, mortar analysis and a structural report have been submitted.

The site photos demonstrate that the existing ceiling is non-original plaster work and not lath and plaster.

While it is proposed that where possible reclaimed materials will be used to repair damage from propping, the mortar analysis has been undertaken such that where this is not possible, any new repairs work can be undertaken to match the existing.

The proposed method of propping and support is to be sneedle beams which is considered appropriate to limit the harm to the listed building. Such a method supports the existing wall above a new opening with holes only required through existing walls which can be repaired. This method does not require holes through the floor and does not need support on both sides of the wall. As such, this limits the historic fabric lost to propping.

Further to this, it is noted that the holes which are required are smaller than other options, with only 1-4 facing bricks being required to be removed as a smaller support arm can be used than other options.

Therefore, the information provided is considered to satisfactorily demonstrate a method of propping which minimises harm to the historic fabric of the listed building. As such, the condition is recommended for discharge.

## **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 application in isolation 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 discharge of condition**

**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): .....SGR..... Dated: ...24/01/2022.....

**I agree the recommendation:**

South Area Team Manager: .....  .....

Dated: .....24.01.2022.....