

Application reference: 21/4430/FUL SOUTH RICHMOND WARD

Date application received	Date made valid	Target report date	8 Week date
24.12.2021	24.12.2021	18.02.2022	18.02.2022

Site:

84A Kings Road, Richmond, TW10 6EE,

Proposal:

Garden room

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

APPLICANT NAME

C Friel
84A, Kings Road
Richmond
TW10 6EE

AGENT NAME

Mr Mark Chisholm
Brancaster Lane
Purley
CR8 1HL
United Kingdom

DC Site Notice: printed on 14.01.2022 and posted on 21.01.2022 and due to expire on 11.02.2022

Consultations:

Internal/External:

Consultee

LBRuT Trees Preservation Officer (South)

Expiry Date

28.01.2022

Neighbours:

81 Peldon Court, Sheen Road, Richmond, TW9 1YU, - 14.01.2022
 78 Peldon Court, Sheen Road, Richmond, TW9 1YU, - 14.01.2022
 76 Peldon Court, Sheen Road, Richmond, TW9 1YU, - 14.01.2022
 74 Peldon Court, Sheen Road, Richmond, TW9 1YU, - 14.01.2022
 72 Peldon Court, Sheen Road, Richmond, TW9 1YU, - 14.01.2022
 70 Peldon Court, Sheen Road, Richmond, TW9 1YU, - 14.01.2022
 67 Peldon Court, Sheen Road, Richmond, TW9 1YU, - 14.01.2022
 65 Peldon Court, Sheen Road, Richmond, TW9 1YU, - 14.01.2022
 82 Peldon Court, Sheen Road, Richmond, TW9 1YU, - 14.01.2022
 80 Peldon Court, Sheen Road, Richmond, TW9 1YU, - 14.01.2022
 79 Peldon Court, Sheen Road, Richmond, TW9 1YU, - 14.01.2022
 77 Peldon Court, Sheen Road, Richmond, TW9 1YU, - 14.01.2022
 75 Peldon Court, Sheen Road, Richmond, TW9 1YU, - 14.01.2022
 73 Peldon Court, Sheen Road, Richmond, TW9 1YU, - 14.01.2022
 71 Peldon Court, Sheen Road, Richmond, TW9 1YU, - 14.01.2022
 69 Peldon Court, Sheen Road, Richmond, TW9 1YU, - 14.01.2022
 68 Peldon Court, Sheen Road, Richmond, TW9 1YU, - 14.01.2022
 66 Peldon Court, Sheen Road, Richmond, TW9 1YU, - 14.01.2022
 Flat 1D, 82 Kings Road, Richmond, TW10 6EE, - 14.01.2022
 Flat 1C, 82 Kings Road, Richmond, TW10 6EE, - 14.01.2022
 Flat 1B, 82 Kings Road, Richmond, TW10 6EE, - 14.01.2022
 Flat 1A, 82 Kings Road, Richmond, TW10 6EE, - 14.01.2022
 Second Floor Flat, 86 Kings Road, Richmond, TW10 6EE, - 14.01.2022
 First Floor Flat, 86 Kings Road, Richmond, TW10 6EE, - 14.01.2022
 84D Kings Road, Richmond, TW10 6EE, - 14.01.2022
 86A Kings Road, Richmond, TW10 6EE, - 14.01.2022
 Flat 5, 82 Kings Road, Richmond, TW10 6EE, - 14.01.2022

Flat 3,82 Kings Road,Richmond,TW10 6EE, - 14.01.2022
84B Kings Road,Richmond,TW10 6EE, - 14.01.2022
84C Kings Road,Richmond,TW10 6EE, - 14.01.2022
86 Kings Road,Richmond,TW10 6EE, - 14.01.2022
Flat 6,82 Kings Road,Richmond,TW10 6EE, - 14.01.2022
Flat 4,82 Kings Road,Richmond,TW10 6EE, - 14.01.2022
Flat 2,82 Kings Road,Richmond,TW10 6EE, - 14.01.2022

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

Development Management

Status: GTD Application:20/3590/FUL
Date:03/02/2021 Replacement of existing windows of the property with new timber-framed double-glazed windows to match the appearance of existing to the front and in keeping with the style of existing to the rear of the property.

Development Management

Status: REF Application:21/2706/FUL
Date:11/10/2021 Garden room

Development Management

Status: PDE Application:21/4430/FUL
Date: Garden room

Building Control

Deposit Date: 07.01.2021 Internal layout and structural alterations to 2 bedroom ground floor flat including new windows, new kitchen, underfloor heating, new electrics/plumbing. 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: 21/0021/IN

Application Number	21/4430/FUL
Address	84A Kings Road, Richmond, TW10 6EE
Proposal	Garden room
Contact Officer	Holly Eley
Target Determination Date	18/02/2021

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 application site consists of a first floor flat within a three storey, a detached dwelling located on Kings Road. The property is identified as a Building of Townscape Merit (BTM) and the site falls within the St Matthias Conservation Area.

Other site designations:

- Article 4 Direction- restricting basement development
- Throughflow Catchment Area

3. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

The proposal involves the construction of a garden room in the rear garden.

The comprehensive list of planning history can be found above. Relevant history as follows:

21/2706/FUL Garden Room. Refused 11/10/21.

4. CONSULTATIONS CARRIED OUT

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

No representations received.

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
- 15. Conserving and enhancing the natural environment
- 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 HC1 – Heritage Conservation and Growth
 Policy G7 – Trees and Woodlands

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 Trees, Woodland and Landscape	LP16	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
 Richmond and Richmond Hill Village Guidance and Plan

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:
 St Matthias Conservation Area Statement
 St Matthias 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.

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
 - iv Fire Safety

Issue i- 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'.

Paragraph 203 of the NPPF states 'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset'.

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.

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

The St Matthias Conservation Area Statement identifies that development may harm the balance of the river and landscape dominated setting, and the obstruction or spoiling of views.

The previous application 21/2706/FUL was refused by reason of insufficient information to ascertain the likely impact on the existing trees. The design of the outbuilding was considered acceptable under the previous application and the design has remained identical. As such, the assessment remains extant, which is as follows:

The proposals are for the construction of an outbuilding in the rear of the garden amenity area for use of an office and store. The design involves a flat roof and would be formed in black timber cladding.

One set of doors and two windows are proposed on the front (garden) elevation. The fenestration design is considered acceptable. The materials are considered to integrate satisfactorily in the surrounding area. Given the size of the proposed outbuilding and the remaining garden, a sufficient amount of rear amenity space would be retained as a result of this proposal. The outbuilding would not cover over 50% of the garden area. Given the above, the outbuilding would not be considered as overdevelopment and would appear subordinate to the main dwelling. Furthermore, the building will not detract or undermine the value and visual importance of the dwelling itself.

When considering the surrounding environment, it is noted that various properties within the locality benefit from outbuildings/garden structures. Given the presence of such development in the locality, the proposal would not be out of character within the surrounding context of the Conservation Area.

In view of the above, the proposal is considered to be consistent with LP1, LP3 and the relevant SPDs with regard to design.

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 previous application 21/2706/FUL was refused by reason of insufficient information to ascertain the likely impact on the existing trees. The design of the outbuilding was considered acceptable in terms of neighbour amenity under the previous application and the design has remained identical. As such, the assessment remains extant, which is as follows:

Nos. 84B, C and D occupy the upper floors of the building. The property neighbours to Nos.82 and 86 to the south and north respectively. to the west and neighbours No.14 to the north-east. Peldon Court is located directly to the rear of the site, however, given distance the residents are not considered to be harmed.

The outbuilding would be sited in close proximity to the common boundary with No.86. However, given the modest height of the outbuilding and having regard to its siting within the rear garden, it is not considered to result in harm levels of visual obtrusion and sense of enclosure.

Officer notes from the submitted photographs that the rear garden appears to be divided. In the absence of sufficient information to determine whether part of the garden area falls under different ownership, despite the site boundary shown on the submitted location plan, Officer is unable to ascertain whether residents from the upper floor flats utilise the garden area. Notwithstanding the above, the outbuilding is not considered to result in detriment to the residents enjoyment of the garden area.

With regard to the garden facing fenestration, the outbuilding is considered to be of sufficient distance and in oblique view from the neighbouring habitable windows, as such there are no concerns regarding overlooking.

Issue iii – Trees

Policy LP15 seeks to protect biodiversity in the borough.

Policy LP 16 of the Local Plan states '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.

The location of this proposal is sited within the "CA30 St Matthias Richmond" Conservation Area, which affords trees both within and adjacent to the site of the proposal, statutory protection. However, there are currently no recorded Tree Preservation Orders (TPO) within or adjacent to the site of the proposal.

The LPA notes the submission of the "BS 5837 Arboricultural Report Ref: 10994". Unless otherwise specified, all tree numbers and species identification will refer to those used in the tree survey schedule in this document. A BS5837:2012 survey is included within this report. This notwithstanding, the recommendations and working methodologies of the aforementioned Tree Report are consistent with good Arboricultural practice for construction activities around trees and are in line with the British Standard BS5837 (2012) in the execution of this proposal.

The loss of 5x small shrubs in the rear garden to facilitate the construction of the garden room is regrettable. However, the Tree Officer outlines no objection to their removal given their condition and classification on the BS5837 survey.

As such, the scheme complies with LP3, LP15 and LP16 and overcomes the previous reason for refusal.

Issue iv – Fire Safety

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

A Fire Safety Strategy has been submitted to the Council- received 24/12/21.

A condition has been included to ensure this is adhered to on an ongoing basis. 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.

Approve

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 YES NO

Case Officer (Initials):HEL..... Dated:09/02/2022.....

I agree the recommendation:

Principal Planner

Dated:WWC.....10/2/22.....

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:

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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

U0058498	Composite Informative
U0058500	NPPF APPROVAL - Para. 38-42