

## Application reference: 22/0012/FUL MORTLAKE, BARNES COMMON WARD

Date application received	Date made valid	Target report date	8 Week date
05.01.2022	06.01.2022	03.03.2022	03.03.2022

**Site:**

Flat 1, Brooklyn Lodge, Mill Hill, Barnes

**Proposal:**

Demolition of external concrete steps and their reformation in a slightly different location. Formation of new window opening and the removal of an existing pair of timber patio doors and timber side windows with the formation of an enclosed patio space.

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

**APPLICANT NAME**

Mr Matthew Whitaker  
Brooklyn Lodge, Flat 1, Mill Hill  
Barnes  
London  
SW13 0HS

**AGENT NAME**

Dennis Strojwas  
13 Midhope House  
Midhope Street  
London  
WC1H 8HJ  
United Kingdom

**DC Site Notice:** printed on and posted on 14.01.2022 and due to expire on 04.02.2022

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

LBRUT Transport  
LBRuT Trees Preservation Officer (South)

**Expiry Date**

21.01.2022  
21.01.2022

**Neighbours:**

Falkner House, Mill Hill Road, Barnes, London, SW13 0HR, - 07.01.2022  
Flat 1, Brooklyn Lodge, Mill Hill, Barnes, London, SW13 0HS, - 07.01.2022  
Flat 4, Brooklyn Lodge, Mill Hill, Barnes, London, SW13 0HS, - 07.01.2022  
Flat 3, Brooklyn Lodge, Mill Hill, Barnes, London, SW13 0HS, - 07.01.2022  
Flat 2, Brooklyn Lodge, Mill Hill, Barnes, London, SW13 0HS, - 07.01.2022  
Bracken View, Mill Hill, Barnes, London, SW13 0HS, - 07.01.2022

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

Status: PCO

Date:

Application: 22/0012/FUL

Demolition of external concrete steps and their reformation in a slightly different location. Formation of new window opening and the removal of an existing pair of timber patio doors and timber side windows with the formation of an enclosed patio space.

Building Control

Deposit Date: 25.09.2002

Relocation of bathrooms. Structural work. New basement wall & dormer

construction

Reference: 02/1844/BN

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Building Control

Deposit Date: 19.02.2015      Install a gas-fired boiler

Reference: 15/FEN00908/GASAFE

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Building Control

Deposit Date: 26.05.2021      Re-roofing

Reference: 21/0925/RG

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<b>Application Number</b>	<b>22/0012/FUL</b>
<b>Address</b>	<b>22 Pensford Avenue Richmond TW9 4HP</b>
<b>Proposal</b>	<b>Flat 1, Brooklyn Lodge, Mill Hill, Barnes SW13 0HS</b>
<b>Contact Officer</b>	<b>Jack Davies</b>
<b>Target Determination Date</b>	<b>03/03/22</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

The application property is a detached property which comprises separate flats. The property is located on the corner of Mill Hill and Mill Hill Road. The property is locally listed as a Building of Townscape Merit (BTM) and is located within the Mill Hill Conservation Area.

This application relates to the lower ground floor flat.

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

The proposal is for Demolition of external concrete steps and their reformation in a slightly different location. Formation of new window opening and the removal of an existing pair of timber patio doors and timber side windows with the formation of an enclosed patio space.

Planning history as follows:

**20/2837/FUL** - Replacement of a timber fence upon retained boundary dwarf wall. Replacement of bin enclosure with new timber fence. **Granted**

**20/1855/FUL** - Replacement of bottom flight of external fires escape stair. **Granted**

**14/5220/FUL** - Alterations to an approved scheme (08/2349/FUL) for the demolition of the existing garage and erection of a two storey house with basement, including alterations to the fenestration, internal layout, basement light wells and amendments to the ground floor accommodation area. **Refused.**

**03/0267/FUL** - Proposed Two Storey Detached House And Sunken Patio. Repair Work To Boundary Wall Fronting Mill Hill Road And Infilling Of Existing Vehicular Opening. **Granted.**

**02/1508** - Proposed New Detached House With Integral Garage And Relocation Of Vehicular Access. **Withdrawn.**

**02/1507** - Alterations To Single Storey Rear Extension To Form Flat Roof Terrace With Timber Balustrading. Changes To Fenestration. Rebuilding Of Side Dormer In South Elevation. **Granted.**

**01/0211** - Proposed Removal Of Internal Partitions And Fittings. **Refused.**

**00/2077** - Conversion Of House From Four Flats Back To Single Family Dwelling. **Refused.**

## 4. CONSULTATIONS CARRIED OUT

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

1 x objection was received raising concerns regarding:

- Drawings unclear
- Loss of open space
- Lack of detail regarding material
- Drainage issues
- Lack of detail evidencing environmental benefit
- Privacy impact
- Visual impact

These concerns are addressed in the assessment below.

## 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
- 15. 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)

- Policy D1 – London’s form, character and capacity for growth
- Policy D3 – Optimising site capacity through design led approach
- Policy D4 – Delivering good design
- Policy D12 – Fire Safety
- Policy T7 – Deliveries, servicing and construction

These policies can be found at: <https://www.london.gov.uk/what-we-do/planning/london-plan/new-london-plan/london-plan-2021>

### 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 Heritage Assets	LP3, LP4	Yes	
Impact on Amenity	LP8	Yes	
Impact on Flooding	LP21	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

- House Extension and External Alterations
- Village Plan – Barnes Village Planning Guidance
- Conservation areas
- 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](https://www.richmond.gov.uk/services/planning/planning_policy/local_plan/supplementary_planning_documents_and_guidance)

### 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 local character and heritage assets
- ii Impact on Neighbour Amenity
- iii Impact on Flooding
- iv Fire Safety

### **Issue i - Design and impact on local character**

Local Plan Policy LP1 states that *The Council will require all development to be of high architectural and urban design quality. The high quality character and heritage of the borough and its villages will need to be maintained and enhanced where opportunities arise. Development proposals will have to demonstrate a thorough understanding of the site and how it relates to its existing context, including character and appearance, and take opportunities to improve the quality and character of buildings, spaces and the local area*

*Local Plan Policy LP3 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. Development proposals likely to adversely affect the significance of heritage assets will be assessed against the requirement to seek to avoid harm and the justification for the proposal.*

*The Councils' adopted Supplementary Planning Document (SPD) 'House Extensions and External Alterations' encourages the overall shape, size and position of side and rear extensions should not dominate the existing house or its neighbours. They should harmonise with the original appearance.*

The proposal seeks permission to create a glass extension to the rear of the lower ground floor flat in the location of the existing outdoor patio.

The proposed extension is subservient to the host BTM and appears as an obvious addition. The extension would be lightweight in appearance being constructed in opaque glass and would not detract from the significance of the host BTM.

The proposed relocation of the concrete stairs will appear similar to the existing arrangement and will have no impact on the host BTM nor the surrounding conservation area.

The new windows are located on the lower ground floor side elevation and will be of similar design and style to that existing on this elevation.

The scheme is considered to satisfy Local Plan Policy LP1, LP3 and LP4.

### **Issue ii- Impact on Neighbour Amenity**

Local Plan Policy LP 8 states *All development will be required to protect the amenity and living conditions for occupants of new, existing, adjoining and neighbouring properties.*

The proposed glass rear extension will extend modestly into the rear patio space. It is not considered that this extension would impact upon neighbours sunlight access nor would it appear overbearing, particularly given its small scale and the separation distance from neighbouring properties. It is noted the property to the south of the site currently benefits from a large rear extension which project well past the rear of Brooklyn

Lodge.

It is noted that the flat above benefits from a patio area which is located on the level above the existing patio of the lower ground floor. The existing lower ground floor patio affords views of the upper ground amenity area. The proposed opaque glass would extinguish views and would afford a greater degree of privacy for the upper floor flat. Nonetheless, as a clear glazed extension would afford no additional overlooking compared with the existing windows and use of the patio, no material harm is considered to arise.

The proposed side facing windows benefit the existing reception room. This room already affords views through the existing 2 x windows and it is not considered the addition of a third would unreasonably impact upon privacy. Notwithstanding such there is an existing boundary wall which screens views into the neighbouring property.

An objection was received regarding reduction in outdoor space. It is noted that the lower ground floor benefits from a side garden as well as the rear patio and therefore ample space is provided for private outdoor amenity.

Given the above, it is considered that the amenity of neighbours will not be adversely impacted, satisfying Local Plan Policy LP 8.

### **Issue iii- Flooding**

An objection was received in regards to surface water flooding. The proposed glass extension modestly extends over an existing paved area. It is not considered that the proposal would result in surface water flooding which would warrant a reason for refusal.

The scheme is considered to satisfy the requirements of Local Plan Policy LP21.

### **Issue iv- Fire Safety**

*Policy D12 – Fire Safety states:*

*In the interests of fire safety and to ensure the safety of all building users, all development proposals must achieve the highest standards of fire safety and ensure that they:*

- 1) identify suitably positioned unobstructed outside space: a) for fire appliances to be positioned on b) appropriate for use as an evacuation assembly point*
- 2) are designed to incorporate appropriate features which reduce the risk to life and the risk of serious injury in the event of a fire; including appropriate fire alarm systems and passive and active fire safety measures*
- 3) are constructed in an appropriate way to minimise the risk of fire spread*
- 4) provide suitable and convenient means of escape, and associated evacuation strategy for all building users*
- 5) develop a robust strategy for evacuation which can be periodically updated and published, and which all building users can have confidence in*
- 6) provide suitable access and equipment for firefighting which is appropriate for the size and use of the development.*

*The supporting text explicitly asks applicants to :*

- a. demonstrate on a site plan that space has been identified for the appropriate positioning of fire appliances. These spaces should be kept clear of obstructions and conflicting uses which could result in the space not being available for its intended use in the future.*
- b. show on a site plan appropriate evacuation assembly points. These spaces should be positioned to ensure the safety of people using them in an evacuation situation.*

The applicant has submitted a fire strategy. The document outlines an evacuation strategy and provisions for fire equipment and are considered to satisfy London Plan Policy D12.

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.

### **Other**

It is noted that an objection was received in regards to the lack of evidence produced detailing environmental benefit. It is not a policy requirement for householder applications to achieve 35% CO2 reduction or urban greening.

**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.

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

**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): ...DAV..... Dated: .....15/02/22.....

**I agree the recommendation:**

This application has been subject to representations that are contrary to the officer recommendation. The Head of Development Management / South Area Team Manager has considered those representations and concluded that the application can be determined without reference to the Planning Committee in conjunction with existing delegated authority.

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

Dated: .....18.02.2022.....