

Application reference: 22/0934/FUL HAM, PETERSHAM, RICHMOND RIVERSIDE WARD

Date application received	Date made valid	Target report date	8 Week date
21.03.2022	31.03.2022	26.05.2022	26.05.2022

Site:

25 Ham Farm Road, Ham, Richmond, TW10 5NA

Proposal:

Demolition of existing dwelling house and construction of replacement single storey dwellinghouse and associated hard and soft landscaping

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

APPLICANT NAME

. Bartosz and Claire Tkacz
25 Ham Farm Road
Richmond Upon Thames
Ham
TW10 5NA
United Kingdom

AGENT NAME

Miss Brie Foster
8 Baltic Street
Clerkenwell
London
EC1Y 0UP
United Kingdom

DC Site Notice: printed on 01.04.2022 and posted on 08.04.2022 and due to expire on 29.04.2022

Consultations:

Internal/External:

Consultee

14D Urban D

14D POL

LBRuT Trees Preservation Officer (South)

LBRuT Ecology

LBRUT Transport

Expiry Date

15.04.2022

15.04.2022

15.04.2022

15.04.2022

15.04.2022

Neighbours:

19 BEEHIVE GREEN,WELWYN GARDEN CITY,AL7 4BE -
53 Artesian Road,London,W2 5DB -
12 Pope Court,Parkleys,Ham,Richmond,TW10 5LS -
5 SHEARERS HOUSE,EAST STREET MILLS,EAST STREET,LEEDS,LS9 8EB -
21 Cambrian Road,Richmond,TW10 6JQ -
12 Lauderdale Drive,Petersham,Richmond,TW10 7BT -
FLAT 1,1 PARK HILL ROAD,SHORTLANDS,BROMLEY,BR2 0JX -
1 CORNER GREEN,BLACKHEATH,SE3 9JJ -
8 SPENCER MEWS,LONDON,W6 8PB -
57 BARNFIELD AVENUE,KINGSTON UPON THAMES,KT2 5RD -
78 Meadlands Drive,Petersham,Richmond,TW10 7EE -
7 BURLEY COURT,HEATON NORRIS,STOCKPORT,SK4 2HZ -
59 TUDOR DRIVE,KINGSTON UPON THAMES,KT2 5NW -
135 RAVENSCROFT ROAD,BECKENHAM,BR3 4TN -
37 Cromwell Road,Teddington,TW11 9EL -
16 FITZROY GARDENS,UPPER NORWOOD,LONDON,SE19 2NP -
74 HARTHAM ROAD,ISLEWORTH,TW7 5ET -
1 Byron Court,Parkleys,Ham,Richmond,TW10 5LW -
14 MORDEN ROAD MEWS,BLACKHEATH,SE3 0AE -

45 RUFFS FURZE, OAKLEY, MK43 7RS -
10 KIMBERLEY ROAD, BRIGHTON, BN2 4EP -
6 CORNER GREEN, BLACKHEATH, SE3 9JJ -
10 Milton Court, Parkleys, Ham, Richmond, TW10 5LY -
41 BARNFIELD AVENUE, KINGSTON UPON THAMES, KT2 5RD -
BASEMENT FLAT, 75 LADBROKE GROVE, LONDON, W11 2PD -
85 SOUTHWARK STREET, LONDON, SE1 0HX -
Hallstack, Hallstack Cottage, Wigglesworth, BD23 4BW -
13 Langham House Close, Ham, Richmond, TW10 7JE -
Flat 1, Langham House, 11 Ham Common, Ham, Richmond, TW10 7JB -
140 Sheen Rd, Richmond upon Thames, TW9 1UU -
13 NORTH AVENUE, SHENLEY, WD7 9DF -
Unit 37D, Platts Eyot, Lower Sunbury Road, Hampton, TW12 2HF -
30 BARNFIELD AVENUE, KINGSTON UPON THAMES, KT2 5RE -
106 MOLESEY AVENUE, WEST MOLESEY, KT8 2ET -
19 Buckingham Road, Petersham, Richmond, TW10 7EH -
73 Lillian Road, Barnes, London, SW13 9JF -
59 JENNER ROAD, HACKNEY, LONDON, N16 7RB -
26 THE KEEP, KINGSTON UPON THAMES, KT2 5UA -
28 BIRCHFIELD ROAD, NORTHAMPTON, NN1 4RE -
33 Queens Court, Queens Road, Richmond, TW10 6LA -
26, THE HALL, FOXES DALE, BLACKHEATH, SE3 9BE -
12 Marble Hill Gardens, Twickenham, TW1 3AX -
FLAT B, 36 DARTMOUTH PARK HILL, ISLINGTON, LONDON, NW5 1HN -
14G, 21 West 86 Street, New York, NYC, 10024 -
11A, CLIFTON ROAD, WALLINGTON, SM6 8AL -
92 WHITESTILE ROAD, BRENTFORD, TW8 9NL -
7 Dryden Court, Parkleys, Ham, Richmond, TW10 5LJ -
12 CANBERRA CRESCENT, WEST BRIDGFORD, NG2 7FL -
17, GERNIGAN HOUSE, FITZHUGH GROVE, LONDON, SW18 3SG -
77 Tyneham Road, Battersea, London, SW1V 3DR -
125 BLACKHEATH PARK, BLACKHEATH, SE3 0HA -
8 Glendale House, 3 Cardigan Road, Richmond, TW10 6BW -
FLAT 2, 108 GROSVENOR TERRACE, LONDON, SE5 0NL -
40 HERBERT ROAD, TOTTENHAM, LONDON, N15 4PE -
Hinderton Hey, Hinderton Rd, Neston, CH64 9PF -
1, BEREK COURT 39A, MARGRAVINE ROAD, LONDON, W6 8LL -
21, HIGHSETT, HILLS ROAD, CAMBRIDGE, CB2 1NX -
1 COUTHURST ROAD, BLACKHEATH, SE3 8TN -
28 CHAPEL LANE, SALTERHEBBLE, HALIFAX, HX3 0QN -
2 BUCKINGHAM AVENUE, WEST MOLESEY, KT8 1TG -
18 KINGSWOOD CLOSE, SURBITON, KT6 6DZ -
7 Ham Farm Road, Ham, Richmond, TW10 5ND -
10A, THE GLEBE, LONDON, SE3 9TG -
2, RUTLAND HOUSE 4, ADELAIDE LANE, SHEFFIELD, S3 8BJ -
55 BARNFIELD AVENUE, KINGSTON UPON THAMES, KT2 5RD -
5, STAMFORD HOUSE 23, WEST SIDE COMMON, WIMBLEDON, LONDON, SW19 4UF -
11 GRANTLEY CLOSE, SHALFORD, GU4 8DL -
106 Atbara Road, Teddington, TW11 9PD -
11 Ham Farm Road, Ham, Richmond, TW10 5ND -
20, PARKDALE, BOUNDS GREEN ROAD, WOOD GREEN, LONDON, N11 2HB -
11 THAMES MEADOW, WEST MOLESEY, KT8 1TQ -
35 Mount Ararat Road, Richmond, TW10 6PQ -
St Andrews Church Hall, Church Road, Ham, TW10 5HG, - 01.04.2022
23 Ham Farm Road, Ham, Richmond, TW10 5NA, - 01.04.2022
27 Ham Farm Road, Ham, Richmond, TW10 5NA, - 01.04.2022
9 Brooke Court, Parkleys, Ham, Richmond, TW10 5LX, - 01.04.2022
16 Brooke Court, Parkleys, Ham, Richmond, TW10 5LX, - 01.04.2022
15 Brooke Court, Parkleys, Ham, Richmond, TW10 5LX, - 01.04.2022
14 Brooke Court, Parkleys, Ham, Richmond, TW10 5LX, - 01.04.2022
13 Brooke Court, Parkleys, Ham, Richmond, TW10 5LX, - 01.04.2022
12 Brooke Court, Parkleys, Ham, Richmond, TW10 5LX, - 01.04.2022
11 Brooke Court, Parkleys, Ham, Richmond, TW10 5LX, - 01.04.2022
10 Brooke Court, Parkleys, Ham, Richmond, TW10 5LX, - 01.04.2022
The Vicarage, Church Road, Ham, Richmond, TW10 5HG, - 01.04.2022
Ham Glebe, Church Road, Ham, Richmond, TW10 5HG, - 01.04.2022

Cedar Lodge,Church Road,Ham,Richmond,TW10 5HG, - 01.04.2022
 6 Ham Farm Road,Ham,Richmond,TW10 5LZ -
 21 DELANEY CLOSE,TILEHURST,READING,RG30 4UY -
 26 RAVENSMEDE WAY,CHISWICK,LONDON,W4 1TD -
 28 BARNFIELD AVENUE,KINGSTON UPON THAMES,KT2 5RE -
 14B,ST STEPHEN`S TERRACE,LONDON,SW8 1DH -
 28 CRANBROOK DRIVE,ESHER,KT10 8DW -
 THE STABLES,WESTVILLE ROAD,THORNTON LE FEN,LN4 4YJ -
 15 WHITE LODGE,UPPER NORWOOD,LONDON,SE19 3HR -
 6 Broom Park,Teddington,TW11 9RN -
 40 Lammas Road,Ham,Richmond,TW10 7YB -
 10 Cave Road,Ham,Richmond,TW10 7TZ -
 28 CRESCENT,SALFORD,M5 4PF -
 11 Herrick Court,Parkleys,Ham,Richmond,TW10 5LL -
 14 WESTMORELAND PLACE,EALING,W5 1QE -
 10 DENEWOOD ROAD,HORNSEY,LONDON,N6 4AJ -
 302,METRO CENTRAL HEIGHTS 119,NEWINGTON CAUSEWAY,LONDON,SE1 6DB -
 32 BARNFIELD AVENUE,KINGSTON UPON THAMES,KT2 5RE -
 65,BARRINGTON COURT,COLNEY HATCH LANE,HORNSEY,LONDON,N10 1QH -
 12 LANSDOWN,STROUD,GL5 1BB -
 24 YNYS WEN,LLANELLI,SA14 8BG -
 APARTMENT 703,8 WALWORTH ROAD,LONDON,SE1 6EE -
 222 WHEATLANDS,HOUNSLOW,TW5 0SQ -
 27 FOXES DALE,BLACKHEATH,SE3 9BD -
 325,WILLOUGHBY HOUSE,WILLOUGHBY HIGHWALK,BARBICAN,LONDON,EC2Y 8BL -
 11 Broomfield Road,Kew,Richmond,TW9 3HR -
 12 BARTHOLOMEW VILLAS,LONDON,NW5 2LL -
 12 Dryden Court,Parkleys,Ham,Richmond,TW10 5LJ -
 24 BARNFIELD AVENUE,KINGSTON UPON THAMES,KT2 5RE -
 ,,TW10 5NA -
 23 Morley Road,Twickenham,TW1 2HG -
 31 Lammas Road,Ham,Richmond,TW10 7YD -
 Flat 3,15 Chesterton Road,Cambridge,CB4 3AL -
 43,CULLUM WELCH HOUSE,GOLDEN LANE ESTATE,LONDON,EC1Y 0SH -
 3646 S Depew St Unit 12,Lakewood,80235 -
 16 Arlington Road,Petersham,Richmond,TW10 7BY -
 ORCHARD BARN,ST JOHNS LANE,BEWDLEY,DY12 2QY -
 19 BARCLAY ROAD,LEYTONSTONE,E11 3DQ -
 25 BARNFIELD AVENUE,KINGSTON UPON THAMES,KT2 5RD -
 HOLLINS,TYDEHAMS,NEWBURY,RG14 6JT -
 113 MANYGATE LANE,SHEPPERTON,TW17 9EP -
 64 THE LANE,BLACKHEATH,SE3 9SL -
 13 GREAT JAMES STREET,LONDON,WC1N 3DN -
 39 ASHBURY ROAD,LONDON,SW11 5UN -

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

<u>Development Management</u>	
Status: REF	Application:82/1168
Date:26/04/1983	Alterations to and extension of the ground floor and provision of an additional storey to the existing bungalow. (Revised plans received 8th December, 1982).
<u>Development Management</u>	
Status: REF	Application:84/0097
Date:09/03/1984	Alterations and extensions to existing house.
<u>Development Management</u>	
Status: PCO	Application:22/0934/FUL
Date:	Demolition of existing dwelling house and construction of replacement single storey dwellinghouse and associated hard and soft landscaping
<u>Development Management</u>	
Status: VOID	Application:22/0937/VOID
Date:31/03/2022	Demolition of dwelling house and construction of replacement dwelling in a conservation area

Appeal

Validation Date: Alterations to and extension of the ground floor and provision of an additional storey to the existing bungalow. (Revised plans received 8th December, 1982).

Reference: 82/1168

Building Control

Deposit Date: 23.04.2012 Installed a Gas Boiler

Reference: 12/FEN01141/GASAFE

Building Control

Deposit Date: 23.04.2012 Circuit alteration or addition in a kitchen/special location

Reference: 12/ELE00273/ELECSA

Application Number	22/0934/FUL
Address	25 Ham Farm Road, Ham, Richmond, TW10 5NA
Proposal	Demolition of existing dwelling house and construction of replacement single storey dwellinghouse and associated hard and soft landscaping
Contact Officer	Holly Eley
Target Determination	26/05/22
Legal Agreement	NO

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 site is currently occupied by a detached bungalow. The site is located within the Parkleys Estate Conservation Area.

Other site designations:

- Article 4 Direction restricting basement development
- Ham and Petersham Neighbourhood Plan Area

The dwelling itself has not yet been formally designated as a Building of Townscape Merit, however, it is considered to be a non-designated heritage asset for the purposes of decision making. This is in accordance with the NPPG and BTM's SPD which notes that local planning authorities may identify non-designated heritage assets as having a degree of significance meriting consideration in planning decisions but which are not formally designated heritage assets. The existing dwelling's value and recognition as a non-designated heritage asset is acknowledged in the applicant's submission. A number of buildings along Ham Farm Road are designated as locally listed buildings- no's 21, 33 and 35 are those in closest proximity. Parkleys Estate to the south is Grade II Listed.

To the north-east Ham Common is designated MOL and an Other Site of Nature Importance. The boundary of MOL and OSNI borders the north-eastern boundary of Ham Farm Road.

3. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

This application proposes the demolition of existing dwelling house and construction of replacement single storey dwellinghouse and associated hard and soft landscaping.

Amendments:

A new set of plans were submitted to include the scale bar. This was prior to neighbour consultation.

Additional information was sent across on 19/05/22, including:

- Rebuttal letter
- Response to neighbour objections
- Revised Construction Management Statement

Planning History:

84/0097 Alterations and extensions to existing house. Refused 09/03/1984.

82/1168 Alterations to and extension of the ground floor and provision of an additional storey to the existing bungalow. Refused and dismissed at appeal 09/12/1983.

4. CONSULTATIONS CARRIED OUT

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

106 letters of objection were received which can be summarised as follows:

- Architectural importance of existing dwelling
- Last few remaining private properties designed by Eric Lyons
- Should be restored over demolition
- Examples of sympathetic restoration along Ham Farm Road
- Disagree with 'low level harm' from its demolition
- No significant structural or safety issues with the building and no valid reason to demolish
- Elements of house that represent the work of Eric Lyons e.g. treatment of the rear part with the terrace and pergola/canopy
- Building has been unaltered, which is a reason for its preservation
- Landscaping intact and should be preserved
- Existing building was uniquely designed for the original residents
- Existing building designed with accessibility at its heart and shows how accessibility can work with great design
- Existing building forms part of the local heritage of the area
- Positive contribution to the character and appearance of the CA
- Is being considered for local listing
- Should be listed
- A loss to British architecture
- Internationally significant
- Attracts visitors to the area
- Represents high point of British modernism after WWII
- Demolition sets a precedent
- Environmental impacts from demolition
- Previous planning applications refused

22 letters of support were received, which can be summarised as follows:

- Significant consideration has been given to design a sustainable and accessible home
- Would bring a 'derelict' house back into use
- Existing building an 'eyesore'
- Respectful of site location and surroundings
- Benefits to area and local community
- Modernist design which integrates with nearby properties
- Front elevation improved
- Parking updated
- Materials sustainable and in keeping
- Renewable energy sources positive in terms of environment
- Sustainable garden and complimentary landscaping
- Retention of significant trees and proposing environmental enhancements
- Modest and less dominant than the existing buildings on the streetscene
- Accessible home to serve residents

5. MAIN POLICIES RELEVANT TO THE DECISION

NPPF (2021)

The key chapters applying to the site are:

4. Decision-making
6. Building a strong, competitive economy
7. Ensuring the vitality of town centres
9. Promoting sustainable transport
11. Making effective use of land
12. Achieving well-designed places
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

London Plan (2021)

- Policy D4 Delivering good design
- Policy D5 Inclusive Design
- Policy D6 Housing Quality and Standards
- Policy D7 Accessible Housing
- Policy D12 Fire Safety
- Policy H2 Small Sites
- Policy H8 Loss of Existing Housing and Estate Redevelopment
- Policy H10 Housing Size Mix
- Policy HC1 Heritage Conservation and Growth
- Policy G6 Biodiversity and access to nature
- Policy G7 Trees
- Policy S1 12 Flood Risk Management
- Policy SI 13 Sustainable Drainage
- Policy T5 Cycling
- Policy T6 Car Parking (T6.1 Residential Parking)

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		No
Impact on Designated Heritage Assets	LP3		No
Impact on Non-Designated Heritage Assets	LP4		No
Impact on Amenity and Living Conditions	LP8		No
Impact on Biodiversity	LP15		No
Impact on Trees, Woodland and Landscape	LP16		No
Impact on Flood Risk and Sustainable Drainage	LP21	Yes	
Sustainable Design and Construction	LP20, LP22, LP23	Yes	
Waste Management	LP24	Yes	
New Housing, Loss of Housing, Mix, Standards and Affordable Housing	LP34, LP35, LP36, LP38		No
Parking Standards and Servicing	LP45	Yes	

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

Ham and Petersham Neighbourhood Plan

- The main policies are:
- C1 Protecting Green character
 - C2 Character and Context appraisals
 - C3 Protecting the character of built areas
 - H2 Design principles for housing development
 - E1 sustainable development
 - E3 Water efficiency
 - E4 Sustainable drainage
 - E5 Permeable forecourts

These policies can be found at https://www.richmond.gov.uk/media/16749/hpn_plan_2018_to_2033_january_2019.pdf

Supplementary Planning Documents

- Affordable Housing
- Design Quality
- House Extension and External Alterations
- Transport
- Refuse and Recycling Storage Requirements
- Residential Development Standards
- Small and Medium Housing Sites
- Sustainable Construction Checklist

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:

- Parkleys Estate 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.

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

The key issues for consideration are:

- i Principle of Use/Redevelopment
- ii Design and impact on designated and non-designated heritage assets
- iii Impact on neighbour amenity
- iv Residential standards
- v Affordable housing
- vi Sustainability
- vii Transport
- viii Trees/Biodiversity
- ix Flood Risk
- x Fire Safety

Issue i –Principle of Use/Redevelopment

In Accordance with the London Plan 2021, Richmond’s 10 year Housing targets for (2019/20 -2028/29) is 4,110. Local Plan Policy LP35A states that Development should generally provide family sized

accommodation, except within the five main centres and Areas of Mixed Use where a higher proportion of small units would be appropriate. The housing mix should be appropriate to the site-specifics of the location.

The proposed dwelling would be policy compliant given one family sized dwelling is created, which is appropriate for this area.

Policy LP38 states that existing housing should be retained. Redevelopment of existing housing should normally only take place where;

- a. first been demonstrated that the existing housing is incapable of improvement or conversion to a satisfactory standard to provide an equivalent scheme; and, if this is the case*
- b. the proposal does not have an adverse impact on local character; and*
- c. the proposal provides a reasonable standard of accommodation, including accessible design, as set out in LP 35 Housing Mix and Standards*

Policy LP4 states that there will be a presumption against the demolition of Buildings of Townscape Merit. Para 4.4.2 in the supporting text to the policy states that, "The policy sets out a presumption against the demolition of BTMs unless structural evidence has been submitted by the applicant, and independently verified at the cost of the applicant."

The BTM's SPD states that there will always be a presumption against the demolition of Buildings of Townscape Merit. Consent for demolition will only be granted when the Council is assured that retention and adaptation is not possible and where the proposed replacement is consistent with other policies and exhibits a high standard of design that would complement the surrounding area. Indeed the Council will endeavour to protect the character and setting of all Buildings of Townscape Merit through negotiation of a sympathetic scheme, as far as possible treating proposals for works to or close to them as if they were listed buildings.

As the scheme proposes the demolition of the existing dwellinghouse and the construction of a new dwelling house, the requirements of Local Plan policy LP38.C and LP4 are to be satisfied, in order to demonstrate that the existing housing is incapable of improvement or conversion to a satisfactory standard to provide an equivalent scheme. Structural evidence is required to support the assessment, to be independently verified at cost to the applicant. Only if redevelopment can be justified, then demolition and replacement may be considered acceptable in principle subject to meeting LP38C criteria (b) and (c).

The Planning Statement addresses the principle of demolition. A Building Survey has been submitted and prepared by Simon Levy Associates. The survey outlines that there are *numerous significant constriction defects that will be costly and disruptive to remedy*. The report states that the roof, fenestration, and garage ceiling would require replacement and the property would benefit from damp proofing. These issues generally are not untypical in a dwelling of this age and should be expected as part of the regular and necessary upkeep of a property. The report also outlines potential concerns regarding the supporting timbers. Whilst this survey demonstrates issues with the existing building, it does not state that it is incapable of improvement and whilst cost is noted, no satisfactory evidenced case has been put forward to demonstrate that the refurbishment would cost the figure stated or result in extraordinary costs. As the report fails to demonstrate that the building is incapable of improvement or conversion to a satisfactory standard, the LPA have not sought to have this independently reviewed at this stage.

An Access Audit Report was submitted which demonstrates that the existing building does not meet the M4(3) category. This is not surprising given the age of the property. Dwellings that do meet this standard tend to be new build properties designed from the outset and subsequently constructed to deliver to this standard. Whilst Officers note the contents of the report, no case has been put forward to demonstrate that the external landscaping and interior are incapable of improvement or conversion to a satisfactory standard.

An Energy Statement has also been submitted. Whilst it does address the potential re-use of the building, it focusses largely on the sustainability policy requirement for the new unit proposed. It states that by making recommended changes, the carbon footprint could be reduced from 12 tonnes a year to 6.9 tonnes (42%). It states that the final performance would be mediocre, yet it does not suggest that the existing build is incapable of providing satisfactory living for residents.

The energy efficiency standard proposed for the new build is noted to significantly exceed current policy requirements. Whilst this is certainly welcomed and recognised as a benefit of the scheme, this does not itself contribute to evidence in support of the assessment against policy LP38(a) and LP4. In particular Policy LP4 sets a clear 'presumption against demolition' with no qualifying criteria for justifying a departure to the policy although the accompanying text would support an interpretation that in the case of a non-designated heritage asset, demolition would need to be justified on structural grounds, given their significance to the history and character of the environment. This is a stricter test than that in LP38 which is termed in different language. The Building Survey submitted fails to justify a departure from the Development Plan.

Furthermore, LP38 states that the proposal should not have an adverse impact on local character. There is an objection to the harmful impacts to the significance of the CA as a result of the loss of a building of considerable merit. This is discussed in further detail in the following section.

Given lack of justification and impact to local character through demolition, the scheme is contrary to policy LP38 and LP4.

Issue ii- Design and Impact on Designated and Non-Designated Heritage Assets

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 LP2 requires new buildings to respect and strengthen the borough’s valued and varied townscapes and landscapes through appropriate building heights.

Policy LP 3 ‘Designated Heritage Assets’ states 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 the heritage assets will be assessed against the requirement to seek to avoid harm and the justification for the proposal. Great weight will be given to the conservation of the heritage asset when considering the impact of a proposed development on the significance of the asset.

Policy LP 4 ‘Non Designated Heritage Assets’ states the Council will seek to preserve the significance, character and setting of non-designated heritage assets.

Policy C1 of the Neighbourhood Plan states, ‘in as much as any works require planning consent, the materials and the design of structures in and adjacent to green spaces, including signs, fencing and lighting, must be appropriate to the open ‘semi- rural’ character’.

Policy C2 of the Neighbourhood Plan states, ‘all applications for new buildings must demonstrate how the proposal addresses the key elements of the character of the designated Conservation Area or neighbourhood character area in which the site is located. B. All new development will be assessed against guidance in the relevant character and context area study (Appendix 4) or the relevant Conservation Area Appraisal for the purposes of policy LP 3 in the Richmond Local Plan.’

Policy H2 of the Neighbourhood Plan states, The design of all new housing development in the neighbourhood area will be guided by policy C2 Character and Context Appraisals.

As above, the application proposes to demolish the existing bungalow and replace with a single-storey detached dwellinghouse.

It is important to note that the building is considered to be a non-designated heritage asset although formal designation on the local list as a Building of Townscape Merit by the Council has yet to occur. This is a valid planning consideration when assessing the acceptability of a scheme.

This house is within the Parkleys Estate Conservation Area. Ham Farm Road was included as an extension of the estate, having been developed by the same architect Eric Lyons who also developed the Parkleys Span estate. The Conservation Area was therefore certainly designated to recognise the important role which Eric Lyons played in the layout and designs of the houses and surrounding landscape.

Ham Farm Road is a distinctive and significant part of the Conservation Area. The CA Character Appraisal describes the wider area as follows:

... Ham and Petersham enjoy a variety in the style and age of its buildings, including examples from the Medieval, Restoration, Georgian, Victorian and Edwardian periods and also some excellent examples of Modernist development. Both settlements retain an overall cohesive village character. There is a high quality of architecture within this area, including a large number of listed buildings and BTMs. Remarkably a great number of buildings within these villages retain the use of original or traditional materials and details, unspoilt by insensitive alterations. This provides a distinctive and immensely rewarding experience for both resident and visitor...

... Large areas of open green landscape frame the settlements of Ham and Petersham. These spaces include the former parkland and gardens of Ham House and the Ham House Avenues, Orleans Gardens and Marble Hill Park on the opposing Twickenham riverside, Petersham Meadows and the Thames itself all to the north, Petersham Park within Richmond Park, Sudbrook Park and Ham Common to the east, and Ham Riverside Lands to the west. This landscape, both surrounding and within these settlements, and the river,

provide a major area of Metropolitan Open Land and Public Open Space within the Borough. The built edges of Petersham village and the larger settlement of Ham (much of this outside the conservation area) are clearly defined by the surrounding open space. However, modern Ham now adjoins suburban Kingston to the south. This exceptional and picturesque landscape and riverside setting contributes greatly to the distinctive semi-rural character of Ham and Petersham. From within the conservation areas the surrounding verdant treed backdrop of surrounding riverside land, parkland and common land, in particular the higher ground of Richmond Park to the east, can be appreciated...

In respect of the Parkleys Estate Conservation Area, it describes Parkleys as follows:

The pioneering Span estate of Parkleys is listed grade II, in recognition of its excellent design and planning. It is a distinctive and cohesive residential development, which continues to influence architects and developers in this country.

Specifically with regard to Ham Farm Road, the appraisal states the following:

Ham Farm Road has a less dense character than Parkleys with a number of substantial detached houses running mostly along the south side of this road. This is a diverse collection including some original houses from the 1950s. No.5 is a more traditional house, which may retain at its core the remains of the old Ham farmhouse. These houses are individually designed in a predominantly Modernist style and form part of the wider Parkleys development. Several distinguished architects, such as Leslie Gooday, Bernard Kreeger and Eric Lyons himself, were commissioned to design the original houses.

Span maintained control over the general layout and approved the final designs of these houses. This strict control has created a sense of consistency to the character of this road, but without undermining the individuality of each house. The form, detailing and use of materials of the houses are varied, however, all occupy generous garden plots including mature trees with low front boundaries to the street.

Well-planted private gardens, together with the woodland setting of Ham Common to the north reinforce the distinctive semi-rural character of this area. Ham Common touches Ham Farm Road and there is a useful footpath through woodland connecting to Church Road. Ham Farm Road offers an important transition between the higher density estate to the south and naturalistic landscape of the common to the north. On leaving Ham Farm Road westwards there is a wide view across both the tame and wilder parts of Ham Common.

It states that the key strengths of Parkleys Estate CA are:

- Pioneering example of a Modernist residential estate
- Unity of architectural design and original materials and detailing
- Set-piece landscape and trees, as an integral part of the estate
- Semi-rural landscape setting of the estate

As indicated in the appraisal above, the diverse collection of houses, which were individually designed, are key characteristics which positively contribute to the significance of the Conservation Area. In particular the sense of consistency to the character of the road, but also how this has not undermined the individuality of each of these houses.

As many of the houses in this road were designed and landscaped under the direction of Eric Lyons, it is important to retain their individual character and landscape setting. Gardens are directly fronting the road which add to the greening and softening of the road edge. There is also a semi-rural character, owing to the green space on the opposite side of the road, and the trees behind providing a green backdrop to the houses.

The Historic England consultation report produced on 15th September 2021 provides a detailed description of the existing property, of which extracts are copied below.

EXTERIOR: to the front, the house appears as a low yellow brick bungalow with a shallow-pitched roof, implying a deep rectangular footprint...

...To the rear, the character of the house is quite different, its unexpectedly complex footprint creating multiple elevations. The rear of the main range is brick, with tile-hanging to either side of a run of clerestory windows beneath the apex of the mono-pitch roof. The flat-roofed, brick-built bedroom/bathroom range has timber windows, one with adjacent garden door and set within a timber weather-boarded screen.

The walls of the steel-framed wing are a mixture of vertical timber boarding and floor-to ceiling glazing held predominantly in timber frames, steel to the conservatory. The covered linear terrace to the north has a flat roof, becoming a pergola at the far end, supported on slender cylindrical steel columns. The terrace is paved in a crazy paving of broken marble...

...INTERIOR: other than redecoration, the interior appears little altered.

The same report discusses the role that Eric Lyons has played in the Parkleys Estate and Ham Farm Road:

25 Ham Farm Road has some clear claims to architectural and historic interest. It was designed by noted post-war architect, Eric Lyons, a figure respected as a designer and for his contributions to the profession, including serving as president of the Royal Institute of British Architects (RIBA), 1975-1977. Lyons designed comparatively few private houses and this aspect of his oeuvre has been little studied, eclipsed by the success of his extensive body of work for Span Developments which established his reputation and has continued to sustain it since. The small group of private houses he did design has suffered through demolition or alteration, leaving 25 Ham Farm Road as a rare example that survives well. Furthermore, it's level of preservation is rare for any private house of this date. The house stands on the edge of Span's Grade II-listed Parkleys estate, designed by Lyons and the first scheme to bring the development company to wider acclaim. Although there is not a direct visual relationship between the house and the estate, there is a historic interest in their shared context and authorship

The above extracts highlights the unique character of the property. It also draws attention to the little alteration undergone to the property, leaving No.25 as a rare example of a surviving property of this type.

The submission has been accompanied by a Heritage Statement prepared by HCUK, which provides a thorough heritage analysis of the existing building. It claims that the heritage significance of No.25 is low due to its limited architectural interest and poor quality frontage to the public highway. It states that the building is of 'moderate' local interest but which is insufficient to weight heavily in favour of its retention. It goes on to say that based on demolition alone, the proposals would cause harm, however, the application should be considered in quality and suitability of the replacement building.

However, in view of its contribution to the overall significance, setting, character and appearance of the Conservation Area, the demolition of the existing building is objected to. It is considered that its demolition would conflict with the reasons for the designation of the Conservation Area as a whole. Indeed, as discussed above, the CA appraisal identifies the unity of architectural design and original materials and detailing as a key strength of the CA. The Historic England report highlights No.25 as a rare example of a surviving property of this type, which unifies the architectural design displayed along Ham Farm Road and in the wider character of the CA. Demolition of the building would contravene with the reasons for the designation of the CA and result in the loss of the historic association and thus its loss would be of detriment to the CA and the cohesive group of buildings along Ham Farm Road.

Para 207 of the NPPF recognises that not all elements of a CA will necessarily contribute to its significance. Loss of a building which makes a positive contribution to the significance of the Conservation Area should be treated either as substantial harm under para 201 or less than substantial harm under para 202 as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area. The demolition of the dwelling is considered to result in less than substantial harm to the Conservation Area, and this harm is given great weight in the assessment.

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'. The demolition of the existing dwelling results in the total loss of significance of the non-designated heritage asset. This harm must also be given weight in the assessment in accordance with the NPPF test.

Notwithstanding the above, the overall siting, footprint, scale and form of the replacement dwelling is considered to reflect the general pattern of development in the locality. The dwelling would be formed in vertical timber cladding with dark stain finish, dark concrete feature panels and extensively glazed. A sedum roof is also proposed.

With regards to scale, the building would remain as a similar footprint as existing. The building would be brought towards the common boundaries with Nos.23 and 27, yet by a marginal amount and retaining separation with No.27 to the south-west. Whilst bringing the building line forward, the replacement dwelling would retain an appropriate front building line maintaining the opportunity for front garden landscaping. The existing frontage comprised of a simple design with a shallow pitch away from the frontage and landscaping. The proposed design would increase the scale of the frontage from the street given the pitch would now face towards the frontage with a clerestory window feature. However, the sense of spaciousness, which was identified as positively contributes to the setting of the conservation area within the appraisal, is retained and having regard to the neighbouring two storey element, the building is not read as an overly assertive addition.

The proposed use of charred timber cladding and dark framed windows with concrete feature panels is noted. The Council's Conservation Officer notes that the contemporary design, in particular the materials, would jar with the overall aesthetic of the road. The submitted Heritage Statement states that the proposed materiality is commensurate with the character and appearance of the CA and sympathises with the design of the existing house. Indeed, such materials are evident of dwellings within the CA e.g. Nos. 7 and 21 Ham Farm Road. As such, whilst it is acknowledged the design may visually compete with its immediate neighbours, having regard to the variations within the wider area and indeed noting that should the case for demolition be successfully established, the replacement building would be of high quality and the variation it would bring can itself contribute to the character of the area as identified in the CA appraisal. As such, refusal on the basis of the materiality and architectural style is not warranted.

Solar panels are proposed behind the pitched element of the clerestory glazing. Whilst they would not be flush, they would modestly protrude, and no objections are raised in this regard.

The plans indicate that the existing garden room would be upgraded. The existing brick walls would be retained, and the structure reclad in timber cladding to match the main dwelling. The fenestration would be altered to form to sets of doors. Whilst this element is not expressly in the description of development, it is considered acceptable in terms of design and a revised description of development would be sought in the event of an approval.

Bin storage is located within the replacement dwelling and accessed from the side passage. No objections.

An air source heat pump is also located within the dwelling within a storage cupboard accessed from the side passage. It would be discreetly located and not visible from the streetscene. Whilst this element is not expressly in the description of development, no objections in terms of design.

As the scale, siting and height of the replacement dwelling are broadly similar to the existing with the verdant quality of the rear garden retained, it is not considered that the scheme will cause harm to the Grade II listed Parkleys Estate buildings to the rear by virtue of development within their setting.

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, the proposal would lead to less than substantial harm to the significance, character and appearance of the conservation area. The public benefits are considered in the planning balance in the concluding section of this report.

Given the above the proposed scheme is considered to be contrary to Local Plan Policy LP1, LP3 and LP4, as well as the Parkleys Estate Conservation Area Statement, Policy HC1 of the London Plan, and policies C2 and H2 of the Ham and Petersham Neighbourhood Local Plan.

Issue iii- Impact on Neighbour Amenity

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

Nos.23 and 27 neighbour the subject site to the north-west and south-east respectively.

The replacement dwelling would not protrude further than the existing rear building line.

The new dwelling would abut the common boundary with No.23, sited 0.55m closer to the boundary than existing. No.23 benefits from a two storey element in close proximity to the boundary. There are three windows and two doors on the ground floor flank elevation and one window on the first floor flank elevation. All windows serve non-habitable rooms. As such, whilst it is noted that the height would be increased in part as a result of the replacement dwelling, given the uses of the neighbouring windows, there would be no material harm to these residents by virtue of visual intrusion or loss of light.

Having regard to the south-eastern boundary, the building would be brought closer to No.27 but would retain a 1.5m gap. No.23 benefits from a single storey element and courtyard area abutting the boundary with side facing windows onto the application site and rear (courtyard facing) windows. Officers have not been supplied with any information which states the uses of these neighbouring rooms, however given siting it is

likely that these rooms benefit from a secondary source of light and considering the span of the windows together with the single storey nature of the scheme, sufficient outlook and light is afforded. The letter of support from no. 25 is noted. Whilst there would be a slight increase in bulk, the siting and separation distance is such that the scheme is not considered visually intrusive, overbearing or to result in loss of light to these neighbours.

The scheme also proposes an air source heat pump, located within storage within the main dwelling. In the absence of an acoustic assessment in line with guidance as set out in the SPD 'Development Control for Noise Generating and Noise Sensitive Development', particularly Section 6.1, the Council is unable to accurately assess whether the proposed unit would adversely impact on the residential amenities of nearby occupiers in terms of noise and disturbance. The development is therefore contrary to policy LP 8 of the Local Plan (2018); and SPD 'Development Control for Noise Generating and Noise Sensitive Development'. If necessary however, the impact could be mitigated by condition had the application been otherwise acceptable.

Issue iv – Residential Standards

Policy D7 of the London Plan 2021 aims to provide suitable housing and genuine choice for London’s diverse population, including disabled people, older people and families with young children. Residential development must ensure that:

- 1) at least 10 per cent of dwellings (which are created via works to which Part M volume 1 of the Building Regulations applies) meet Building Regulation requirement M4(3) ‘wheelchair user dwellings’
- 2) all other dwellings (which are created via works to which Part M volume 1 of the Building Regulations applies) meet Building Regulation requirement M4(2) ‘accessible and adaptable dwellings’

The scheme has been designed to be compliant with policy D7.

Policy LP 35 (B) requires new housing to comply with the nationally described space standard (NDSS).

The floorspace for the proposed dwellings exceeds the minimum floor area for 4B7P one storey unit.

The unit appears to have adequate access to sunlight and there is adequate circulation. The dwelling has adequate access to outdoor amenity space.

The London Plan Policy D6 sets out that the minimum floor to ceiling height must be 2.5m for at least 75 per cent of the Gross Internal Area of each dwelling. This has been achieved.

Issue v – Affordable Housing

The Council’s Local Plan recognises the acute need for affordable housing, that affordable housing is a priority in the borough and is key to delivering the Spatial Strategy and the relevant strategic objectives (paragraph 3.1.29).

Policy LP 36 of the Local Plan (2018) expects a contribution towards affordable housing on all housing sites. On sites below the threshold of ‘capable of ten or more units gross’, a financial contribution to the Affordable Housing Fund will be sought, in line with the sliding scales set out and further explained in the Affordable Housing SPD - *“The affordable housing provision (on-site or off-site) or any financial contribution should be calculated in relation to gross rather than net development i.e. it should be based on the total number of units proposed in the final development.”*

The NPPF (2021) continues the Government’s policy that provision of affordable housing should not be sought from small sites, however, also acknowledges the Framework is not criteria against which every decision should be judged and local circumstances should be taken into account (paragraph 9).

Paragraph 38 of the Inspector’s Report on the Local Plan (April 2018) found: *“I am mindful of the government’s Written Ministerial Statement (WMS) which seeks to tackle the potentially disproportionate burden of developer contributions on small scale developers. As iterated in the Draft Housing Background Paper on Policy Thresholds (LBR-LP-005) plus the SHMA and its associated research, there is a persuasive basis for requiring affordable housing (either through provision on site or via a financial contribution to the established Affordable Housing Fund) on all sites, including those below a capacity of ten or more units. The Council’s viability evidence illustrates the relatively high land value within the Borough.”*

The Draft Housing Background Paper on Policy to the Council’s response to Inspector’s Procedural Letter ID-3 (27 July 2017) (LBR-LP-005) sets out the position on the substantial affordable housing needs in the borough

and the significant reliance on small site contributions to meet the substantial requirement for affordable housing. In addition, evidence on the housing need is set out in the Council's Housing and Homelessness Strategy 2018-23. A new Housing Allocations Scheme became effective in April 2018, and as set out in the draft Richmond Housing and Homelessness Strategy 2021-2026 (published for consultation November 2020) (Appendix E) as at 1st April 2020 there were 4,100 households on the housing register.

The Council works closely together, with registered providers and the Greater London Authority (GLA) to maximise affordable housing and there is a commitment to maximise resources for schemes that are of a high quality of design and meet the needs of the most vulnerable. Although new affordable housing delivery will never solve these issues in this Borough given the lack of availability of land and low numbers of units, it is a vital part of addressing future needs that a large proportion of new affordable homes in Richmond is provided by securing affordable housing on private sector led sites through the planning process.

Other measures are also undertaken such as Registered Providers providing new housing through use of their own assets or non-new build affordable homes provided in the borough through a Purchase & Repair scheme, disposal of Council owned assets for affordable housing provision, and an extensions programme to tackle overcrowding, which assists with improving the stock of affordable housing.

The Council funds a Housing Capital Programme to support the development of affordable housing to meet the needs of Borough residents. Capital resources for this programme come from a variety of sources including Council funding and section 106 contributions to the Affordable Housing Fund.

However it is clear that these resources cannot make a significant impact on the scale of the need, particularly if land acquisition costs are included. Even with the resources identified, affordable housing delivery averages fewer than 77 per annum (in the 15 years 2005/06-2019/20, as reported in the Local Plan Authority Monitoring Report Housing 2019/20, significantly less than is required to meet demand.

As set out in the Council's evidence to the Examination in Public on the Local Plan, local circumstances can justify lower thresholds as an exception to national policy. The Inspector was mindful of the weight to be afforded to national policy, however, agreed that the evidenced local circumstances of the Borough exceptionally warrants the policy and subsequently the policy was found sound.

Paragraph 39 of the Inspector's Report on the Local Plan (April 2018) sets out, "*The Council has sought contributions towards affordable housing on small sites for some years and the cumulative nature of its evidence supports adequately the inclusion of this approach within the Plan. In so doing, the policy makes clear that the number of units should be considered as 'gross' rather than 'net' but in the context of the need this is justified. The policy allows for the consideration of development viability such that I am satisfied it is sufficiently flexible to be effective in implementation. Whilst I am mindful of the weight to be afforded to national policy, the evidenced local circumstances of the Borough exceptionally warrant the content of LP 36 in this regard.*"

Therefore, the exceptional local need and evidence base support the continued implementation of the Council's policy, which requires contributions to affordable housing provision as part of adopted Local Plan policy LP 36 Affordable Housing.

The Local Plan Authority Monitoring Report – Housing 2019/20 continues to demonstrate sufficient five-year housing land, above the remaining target in the London Plan, and therefore the Council's approach towards requiring affordable housing from all sites (implemented since 2012) has not hindered housing delivery.

The council would like to take this opportunity to refer the applicant to the following appeal decisions relating to applications within the Borough, to some of the cases in which the respective Inspectors have supported the Council's position on this issue.

- APP/L5810/W/16/3151789 – 27 Grove Terrace (paragraphs 12-17) (18 November 2016))
- APP/L5810/W/16/3155064 – 24 The Causeway (18 November 2016)
- APP/L5810/W/17/3166791 – Albion House, Colne Road (17 May 2017)
- APP/L5810/W/17/3168508 – 2 - 4 Heath Road (29 Jun 2017)
- APP/L5810/W/17/3166557 – 4 Sixth Cross Road (20 Apr 2017)
- APP/ L5810/W/16/3163450 – St Michaels Church Hall
- APP/ L5810/W/17/3170497 – 54 White Hart Lane
- APP/L5810/W/17/3172428 – Land to the rear of 15 - 17 Connaught Road (21 Jul 2017)
- APP/L5810/W/17/3175004 – 301A Richmond Road (31 Aug 2017)
- APP/L5810/W/17/3190408 – Ajanta, 13 Walpole Gardens (29 Oct 2018)
- APP/L5810/W/18/3217317 – Garden Court, Kew Road, Kew, TW9 3JT (25 Mar 2019)
- APP/L5810/W/18/3196591 - Rear of 2 Fielding Avenue, Twickenham TW2 5LY (01 Nov 2018)
- APP/L5810/W/17/3191790 - Thames Eyot, Cross Deep, Twickenham, TW1 4QL (16 Oct 2018)

- APP/L5810/W/18/3196170 - 48-50 Ashley Road, Hampton TW12 2JA (3 Oct 2018)
- APP/L5810/W/18/3197341 – 223A Hospital Bridge Road, Twickenham TW2 7AA (4 Oct 2018)
- APP/L5810/W/18/3209216 - 55-57 High Street, Hampton Wick KT1 4DG (1 March 2019)
- APP/L5810/W//18/3215734 – 383 St Margarets Road, Twickenham, TW1 1PP (4 Mar 2019)
- APP/L5810/W/18/3210665 - 62 Derby Road, SW14 7DP (8 May 2019)
- APP/L5810/W/18/3204846 - St Michael's Convent, 56 Ham Common, Ham, Richmond TW10 7JH (28 June 2019)
- APP/L5810/W/18/3215027 – 14 Norman Avenue, Twickenham (11 March 2019)
- APP/L5810/W/18/3217893 - Tabard House, 22 Upper Teddington Road, Hampton Wick (28 May 2019)
- APP/L5810/W/19/3226377 – 3 Bridle Lane, St Margaret's Twickenham, TW1 3EG (17 July 2019)
- APP/L5810/W/18/3213904 - Land rear of 127 - 147 Kingsway, Mortlake, London (11 November 2019)
- APP/L5810/W/19/3237929 - 136A Buckingham Road, Hampton (15 January 2020)
- APP/L5810/W/19/3238842 - 19 The Green, Richmond (30 April 2020)
- APP/L5810/W/20/3246676 – 56 Heathside, Whitton, TW4 5NN (2 November 2020)

In accordance with the affordable housing policy, the Council will continue to consider reducing planning obligations if fully justified through financial viability evidence, so that the impact of the policy does not restrict future housing delivery on small sites.

The NPPF and the CIL Regulations sets out the tests under which planning obligations should be sought, as previously set out in the Government Circular 2005/05: necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. The Council considers that the acute need for affordable housing in the borough has been established, as described above and set out in the Council's strategic housing objectives and is so significant that all sites need to contribute. The mechanism for assessing the contributions from individual sites is set out in the Affordable Housing SPD, for each proposal to make an adequate contribution towards affordable housing which is directly, fairly and reasonably related in scale and kind to the development proposed. It is considered necessary to make it acceptable in planning terms, and the absence of an obligation may be considered to undermine the Council's housing strategy and harm the provision of affordable housing in the area. Therefore the Council considers this approach meets the tests set out in the NPPF, given regard can be had to financial viability.

A Viability Statement was submitted with the application which suggests that the scheme is not profitable. In this instance, the scheme was found unacceptable and therefore the application has not been progressed to the stage of charging the applicant for a Council commissioned independent review by the Council's Planning Viability Advisor (noting that it is a requirement in Policy LP36 for the applicant to meet the Council's costs in this regard). In any case the viability statement submitted is insufficient in detail to undertake an assessment of. In the absence of the above, the lack of affordable housing contribution forms a reason for refusal as the proposal fails to address the recognised housing need. The applicant is advised to contact the Council to progress this review in the event of any appeal.

Issue vi – Sustainability

Policy LP20 on Climate Change Adaptation states that new development should minimise energy consumption and minimise the impact of overheating.

Policy LP22 covering Sustainable Design and Construction states that where more than 1 new residential unit is proposed a Sustainable Design and Construction Checklist should be submitted. This should set out that the proposal is compliant with restricting water consumption to a maximum of 110L per person per day and should show a reduction of 35% carbon dioxide emissions.

The application has been submitted with an Energy Statement, which demonstrates that the scheme can achieve >35% Carbon Dioxide reduction of >91%.

Officer acknowledges that the sustainable construction checklist notes that the proposal will restrict water consumption in line with Policy LP22. This would have been conditioned.

As such, the scheme adequately demonstrates that it meets the requirements of LP22.

Issue vii – Transport

Policy LP45 sets out that the Council will require provision for the accommodation of vehicles in order to provide for the needs of the proposed development.

The application site is located within an area rated PTAL 1b and not within a Controlled Parking Zone (CPZ).

The plans show provision of 1 car parking space. The London Plan, in outer London areas of PTAL rating 0-1 states that a maximum of 1.5 spaces per dwelling is required. As such, one space is sufficient.

The plans show the provision of bin and bicycle storage within the main dwelling and the garden room respectively. 2x bicycle spaces are shown, which is in line with the London Plan 2021.

Policy E5 of the Neighbourhood Plan states, *There is a general presumption against the provision of front garden car parking except in the circumstances set out in LP 45 in the Richmond Local Plan. Any new hard-standings and forecourt parking areas must be permeable or constructed so that the surface drains to a permeable lawn or border.* The proposed 'Permeapave permeable granite sett paving' could be secured by condition to be compliant with policy E5.

A Construction Management Statement was submitted as part of the original submission. The LPA's transport Officer reviewed the report and required further information. Following this, the applicant submitted a revised CMS, however, sufficient time was not allowed for review by the transport Officer. Had the scheme been considered otherwise acceptable, a pre-commencement condition requiring a detailed Construction Management Statement to be submitted to and reviewed by the LPA would be included.

Issue viii – Trees/Biodiversity

Policies LP15 and LP16 seek to protect biodiversity and health and longevity of trees, woodland and landscape in the borough. Local Plan policy LP16, subsection 5 requires;

"That trees are adequately protected throughout the course of development, in accordance with British Standard 5837 - Trees in relation to design, demolition and construction, Recommendations (2012)."

The location of this proposal is sited within the "-CA67 Parkleys Estate Ham" 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 submission of the "Tree Survey, Arboricultural Impact Assessment, Preliminary Arboricultural Method Statement & Tree Protection Plan Project No. 8860" is noted. Unless otherwise specified, all tree numbers and species identification will refer to those used in the tree survey schedule in this document.

While this documentation is welcome, in the absence of a Tree Constraints Plan (TCP) and a Tree Protection Plan (TPP), it is insufficient for the purposes of assessing the impact of the development, including hard surfacing areas, and construction activities on nearby trees.

Furthermore, whilst the loss of 5x trees (T002: Cypress, T003: Bay Laurel, T004: Bay Laurel, T007: Cypress, T010: Apple) and 1x hedge (H001: Cypress) in the garden to facilitate the construction of the new dwelling is regrettable, there are no objections to their removal given their condition and classification on the BS5837 survey. The applicant proposes to plant 9no. trees to compensate for this loss, however, further detail is required by way of a Tree Planting Scheme. This could have been conditioned in the event of approval.

As submitted, the proposal in its current form does not adequately satisfy the LPA that it could be putting nearby trees, at risk of damage, leading to tree loss in a conservation area, in contravention of Local Plan Policy LP16 Trees, Woodlands and Landscape.

As such, in the absence of a Tree Constraints Plan (TCP) , the Officers cannot assess the likely impact to the trees within the site the applicant has failed to demonstrate that existing trees will be adequately safeguarded. The scheme is therefore contrary to policies LP15 and LP16 in particular.

Local Plan Policy LP15 states: The Council will protect and enhance the borough's biodiversity, in particular, but not exclusively, the sites designated for their biodiversity and nature conservation value, including the connectivity between habitats. Weighted priority in terms of their importance will be afforded to protected species and priority species and habitats including National Nature Reserves, Sites of Special Scientific Interest (SSSI) and Other Sites of Nature Importance as set out in the Biodiversity Strategy for England, and the London and Richmond upon Thames Biodiversity Action Plans.

London Plan policy G6 states that development proposals should manage impacts on biodiversity and aim to secure net biodiversity gain. This should be informed by the best available ecological information and addressed from the start of the development process

The Council's Ecologist has reviewed the submitted information and notes that the applicant would be required to provide the results of a bat emergent survey prior to the commencement of works. Section 3.5.3 of the submitted PEA acknowledges that "Without further assessment, the development has potential to

cause the injury or death of bats and damage or destroy a bat roost. Further assessment is required to ascertain whether the building is used by bats for roosting.” It specifically recommends, prior to determination of the application that a dusk emergence survey should be undertaken.

In determining a planning application, the Local Planning Authority has a responsibility to ensure that protected species issues are fully considered and that ecological surveys have been carried out where appropriate. Natural England has issued Standing Advice to assist Local Planning Authorities and developers in deciding whether there is a reasonable likelihood of protected species being present on a proposed development site.

Natural England’s general advice is that all of the necessary species surveys should be carried out prior to a planning decision being made. Natural England’s standing advice (‘When applicants need a species survey’) confirms that conditioning surveys is suitable for certain types of development e.g. outline or multi-phased developments. However, this is only recommended to ensure that the mitigation is still appropriate (as time may have lapsed since the outline or multi-phased planning permission has been granted). It is not recommended to condition surveys where insufficient information is provided at the planning stage. The standing advice explains when and how to carry out a survey for a particular species. ‘You can refuse planning permission, or ask for a survey to be redone, if...you don’t have enough information to assess the effect on a protected species’. If surveys are not carried out before that time, there is a risk that not all material considerations will have been addressed.

As such, in the absence of a bat emergent survey, prior to determination of the scheme, it is considered to be contrary to Local Plan Policy LP16 and London Plan Policy G6.

Issue ix - Flood Risk

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. Development will be guided to areas of lower risk by applying the 'Sequential Test' as set out in national policy guidance, and where necessary, the 'Exception Test' will be applied. Unacceptable developments and land uses will be refused in line with national policy and guidance.

The site is located within floodzone 1 and in an area between 25% and 49.9% susceptible to groundwater flooding with potential for groundwater flooding of property situated below ground level. Policy LP21 states that a Flood Risk Assessment is required within Flood Zone 1 where there is evidence of a risk from other sources of flooding, including ground water flooding. As the risk of flooding is to property below ground level and the scheme does not include a basement, a Site Specific Flood Risk Assessment is not considered to be required in this instance.

London Plan S113 requires development proposals to aim to achieve greenfield run-off rates and follow the drainage hierarchy. Policy LP21 of the Local Plan states that the Council will require the use of Sustainable Drainage Systems (SUDS) in all development proposals. Applicants have to demonstrate that their proposals complies with the following:

1. A reduction in surface water discharge to greenfield run-off rates wherever feasible.
2. Where greenfield run-off rates are not feasible, this will need to be demonstrated by the applicant, and in such instances, the minimum requirement is to achieve at least a 50% attenuation of the site’s surface water runoff at peak times based on the levels existing prior to the development.

It is noted that the development would require a SUDS statement to be submitted by the NPPF, development plan and SFRA. The SFRA qualifies that a statement on SUDS is required for minor developments that have a bearing on a sites existing drainage regime.

The SFRA requirements in table 6-2: “The Statement on SuDS requires information on the proposed SuDS and surface water runoff discharge destination in line with Policy LP 21 of the Richmond upon Thames Local Plan and Policy S113 ‘Sustainable drainage’ of the current London Plan. Each stage of the drainage hierarchy should be appropriately assessed with supporting information to demonstrate if measures could be implemented as high up the hierarchy as possible. The Statement on SuDS also requires supporting calculations on the greenfield and proposed development's peak discharge rates, and water storage volumes for different rainfall events with climate change allowances. These calculations need to ensure that proposed developments are designed to the Non-Statutory Technical Standards for Sustainable Drainage Systems. Maintenance and operation requirements must be designed into the proposals to ensure lifetime management of the SuDS features, in accordance with Written Ministerial Statement HCWS16.

Whilst the proposals for impermeable surfaces, soft landscaping and green features through green roofs are

noted, no substantive evidence or supporting calculations have been submitted to show how the scheme addresses the drainage hierarchy. As above, in the absence of a SUDs statement, the scheme is thereby contrary to Local Plan Policy LP21, the SFRA (2021) and the London Plan Policy SI13.

Issue x- Fire Safety

London Plan policy D12 requires the submission of a Fire Safety Statement on all planning applications. The Fire Safety Statement should be presented as a standalone document with a clear structure that addresses the criteria set out in London Plan Policy D12 part A. The submitted drawings should address the requirements set out at paragraphs 3.12.3 and 3.12.4 of the London Plan. Where the applicant considers parts of or the whole policy do not apply, this should be justified in a Reasonable Exception Statement (RES).

The Planning Statement outlines that a Fire Safety Strategy has been included within the Design and Access Statement. However, this has not been located.

In the absence of a fire safety statement to demonstrate that the scheme is consistent with Policy D12, this forms a reason for refusal.

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, had the scheme been considered acceptable, this development is considered liable for the Mayoral and Richmond CIL however this is subject to confirmation by the CIL Administration Team

8. RECOMMENDATION AND PLANNING BALANCE

This application falls to be determined in accordance with the test under section 38(6) of the 2004 Act.

The proposed demolition of the existing dwelling is considered to result in less than substantial harm to the Conservation Area and this harm is given great weight in this assessment.

There is harm identified from the loss of a non-designated heritage asset of which there is a presumption against, meriting significant weight.

Other harm identified includes an absence of sufficient information to demonstrate that there would not be a detrimental impact to trees and protected species, which impact on the character of the area, to the landscape and biodiversity of the Conservation Area meriting significant weight.

Concerns regarding fire safety and flood risk management are afforded moderate weight noting that conditions may assist in ameliorating the degree of harm notwithstanding the Council's position that these each form substantive reasons for refusal prior to grant of planning permission. No affordable housing contribution has been secured and so no weight is afforded to this as a public benefit.

It is recognised that the proposed building is a highly sustainable new dwelling which exceeds the policy requirements of LP22. The dwelling has been designed to meet the standards of M4(3), which makes a contribution to the housing stock as outlined in London Plan Policy D7. These are both afford some limited weight in terms of public benefit.

Limited weight is also to be afforded to personal circumstances. Whilst personal circumstances are rarely a material planning consideration, it is noted that the need to provide an accessible home will in turn contribute to the housing stock. However, this is afforded limited weight in the assessment of public benefit.

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'. When assessed against the policies in the NPPF, London Plan, and the Local Plan as a whole, the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits of the proposed development.

This recommendation is made following careful consideration of all the issues raised through the application process.

For the reasons set out above, it is considered that the adverse impacts of allowing this planning

application would significantly outweigh the benefits, when assessed against the policies in NPPF (2021) and Development Plan, when taken as a whole.

Refuse planning permission

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:24.05.2022.....

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:26.05.2022.....