

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

Letter Printed 26 May 2022

**FOR DECISION DATED**  
26 May 2022

Dear Sir/Madam

**The Town and Country Planning Act 1990, (as amended)**  
**Decision Notice**

**Application:** 22/0934/FUL  
**Your ref:** Ham Farm Road - Demolition an...  
**Our ref:** DC/HEL/22/0934/FUL  
**Applicant:** . Bartosz and Claire Tkacz  
**Agent:** Miss Brie Foster

**WHEREAS** in accordance with the provisions of the Town and Country Planning Act 1990 and the orders made thereunder, you have made an application received on **21 March 2022** and illustrated by plans for the permission of the Local Planning Authority to develop land situated at:

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

for

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

NOW THEREFORE WE THE MAYOR AND BURGESSES OF THE LONDON BOROUGH OF RICHMOND UPON THAMES acting by the Council of the said Borough, the Local Planning Authority HEREBY GIVE YOU NOTICE pursuant to the said Act and the Orders made thereunder that permission to develop the said land in accordance with the said application is hereby **REFUSED** subject to the reasons and informatives summarised and listed on the attached schedule.

Yours faithfully

A handwritten signature in black ink, appearing to read 'R. Angus', with a long horizontal flourish extending to the right.

Robert Angus  
Head of Development Management

# SCHEDULE OF REASONS AND INFORMATIVES FOR APPLICATION 22/0934/FUL

## 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

## 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

## SUMMARY OF REASONS AND INFORMATIVES

---

### REASONS

U0128641	Reason for Refusal- Demolition
U0128642	Reason for Refusal- Design/Heritage
U0128643	Reason for Refusal- Affordable Housing
U0128644	Reason for Refusal- Trees
U0128645	Reason for Refusal- Biodiversity
U0128646	Reason for Refusal- Fire Safety
U0128647	Reason for Refusal- SUDS

---

### INFORMATIVES

U0063511	Decision Drawing Nos.
U0063510	NPPF REFUSAL- Para. 38-42

# DETAILED REASONS AND INFORMATIVES

---

## DETAILED REASONS

---

### **U0128641 Reason for Refusal- Demolition**

By reason of the demolition of the existing dwellinghouse, and in the absence of sufficient structural information to justify its demolition or other justification to demonstrate that the existing housing is incapable of improvement or conversion to a satisfactory standard to provide an equivalent scheme the proposal is contrary to, in particular, policy LP38 and LP4 of the Local Plan (2018).

### **U0128642 Reason for Refusal- Design/Heritage**

The proposed demolition of the existing dwelling, by reason of its contribution to the overall significance, character and appearance of the Conservation Area, would be detrimental to the setting of the cohesive group of buildings, the nearby non-designated heritage assets and the Conservation Area as a whole. As such the scheme fails to address the aims and objectives of the NPPF and, in particular, policy LP1, LP3 and LP4 of the Local Plan (2018), policies C2 and H2 of the Ham and Petersham Neighbourhood Plan, as supported by the Parkleys Estate Conservation Area Statement / Study.

### **U0128643 Reason for Refusal- Affordable Housing**

In the absence of a legal agreement to secure an appropriate contribution towards off-site affordable housing, the scheme fails to address the recognised housing need and will be contrary to, in particular, to Local Plan Policy LP36, Supplementary Planning Document on Affordable Housing (2014) and the National Planning Policy Framework.

### **U0128644 Reason for Refusal- Trees**

In the absence of a Tree Constraints Plan (TCP), the applicant has failed to demonstrate that the scheme will not be harmful to the health and longevity of existing trees. The scheme fails to comply with the aims and objectives of, in particular, policy LP16 of the Local Plan (2018) and G7 of the London Plan.

### **U0128645 Reason for Refusal- Biodiversity**

The development, by reason of insufficient evidence to demonstrate the impact of the scheme on protected species, is contrary to the NPPF and in particular, Policy LP15 of the Local Plan and G6 of the London Plan.

### **U0128646 Reason for Refusal- Fire Safety**

In the absence of a Fire Safety Statement, the scheme would be contrary to Policy D12 of the London Plan.

### **U0128647 Reason for Refusal- SUDS**

By reason of the absence of a satisfactory SUDS statement, the applicant has failed to adequately demonstrate that the development will not increase flood risk either on or off the site. The development is thereby contrary to the aims and objectives of the NPPF, London Plan policies SI13, and LP21 of the Local Plan (2018) and the Council's Strategic Flood Risk Assessment.

---

## DETAILED INFORMATIVES

---

**U0063511 Decision Drawing Nos.**

For the avoidance of doubt, the drawings to which this decision refers to are as follows:  
2103\_EX.01; 2103\_EX.02; 2103\_EX.03; 2103\_EX.04; 2103\_EX.05; 2103\_EX.06;  
2103\_EX.07; 2103\_P.01; 2103\_P.02; 2103\_P.03; 2103\_P.04; 2103\_P.05; 2103\_P.06;  
2103\_P.07; 2103\_P.08; 2103\_P.09; 2103\_P.10; 2103\_P.11; 2103\_P.12; 2103\_S.01  
received on 01/04/22

**U0063510 NPPF REFUSAL- Para. 38-42**

In accordance with paragraphs 38-42 of the National Planning Policy Framework, Richmond upon Thames Borough Council takes a positive and proactive approach to the delivery of sustainable development, by:

- o Providing a formal pre-application service
- o Providing written policies and guidance, all of which is available to view on the Council's website
- o Where appropriate, negotiating amendments to secure a positive decision
- o Determining applications in a timely manner.

In this instance:

- o The applicants did seek formal pre-application advice, however, the Council's recommendations for amendments were not followed, and the scheme was found to be contrary to policy and guidance, and therefore the application was subsequently refused. The Council is ready to enter into discussions, through the Council's formal pre-application service, to advise the applicants of relevant policy and guidance; and where possible assist in the preparation of a new planning permission. More information on the pre-application service and relevant fees can be found online at [www.richmond.gov.uk/pre-application\\_for\\_developers](http://www.richmond.gov.uk/pre-application_for_developers).

END OF SCHEDULE OF REASONS AND INFORMATIVES FOR APPLICATION  
22/0934/FUL

---

# **FUL Applications**

## **Making an Appeal – Summary Guidance**

### **Whether to appeal**

If the Local Planning Authority (LPA) turn down your application, you should look carefully at the reasons why they turned it down before you make an appeal. You should speak to the LPA to see if you can sort out the problem - perhaps by changing your proposal. An appeal should only ever be a last resort.

### **Type of appeal:**

Planning Application

### **Appeal time:**

Within six months of the date of the council's decision letter.

### **Who can appeal?**

The applicant or their agent may lodge an appeal.

### **The right of appeal:**

You can appeal against the council's decision:

- If you applied to the Local Planning Authority and they:
  - Refused permission;
  - Gave permission but with conditions you think are inappropriate;
  - Haven't approved the details of a scheme which they or the Secretary of State have already given outline planning permission for or;
  - Have approved the details of a scheme but with conditions you think are inappropriate or unreasonable.
  
- If the LPA rejected a proposal arising from a condition or limitation on a planning permission.
- If the LPA don't decide your application within the time allowed. Normally the time allowed is eight weeks from when they accept your application.
- If the LPA told you they needed more information before they could decide your outline planning application, but you do not want to supply this.

You will make your appeal to the Department for Communities and Local Government of which the Planning Inspectorate is a part. Most are decided by specialist officers in the Planning Inspectorate. Only the person or business applying for consent to display an advertisement may appeal. If the council issues a discontinuance notice, only those on whom the notice is served may appeal.

### **The appeal process:**

Appeals must be made

- Online at [www.planninginspectorate.gov.uk](http://www.planninginspectorate.gov.uk), or
- Initial Appeals, The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN.

It will be expected that all appeal documentation will be submitted electronically.

The process is fully documented on the website of the Planning Inspectorate [www.planninginspectorate.gov.uk](http://www.planninginspectorate.gov.uk), however in summary there are three main types of appeal:

#### **Written procedure:**

Written evidence is considered from the applicant/agent/business and the council. The council will send copies of any letters of objection or support they received when considering your application. Within six weeks of the Inspectorate receiving your appeal forms the council will send a copy of their statement to the Inspectorate. You must make any comment on these within three weeks.

#### **Hearing procedure:**

Hearings allow you and the council to exchange views and discuss your appeal. Before the hearing the council will send a copy of their statement to you and the Inspectorate. You can comment on their statement in writing otherwise the Inspectorate will treat the reasons given in your appeal form as the basis of your case for discussion.

Hearings are usually held in council offices. The Inspector leads the discussion and invites the people involved to put their points across. The Inspector will visit the site unaccompanied before the hearing and will make a further accompanied visit as part of the hearing.

**Inquiry procedure:**

Inquiries are normally for large-scale applications. A public inquiry is a formal procedure in which both parties have legal representation.

**Making your views known on someone else's appeal:**

The LPA will notify anyone who took part in the consultations when you first applied for permission that you are appealing. For appeals decided by hearing or inquiry the LPA will tell interested people when and where this will be and let them know that they can attend. The Inspectorate will also take account of the views of certain groups who have a right to comment, for example, owners of a site, local amenity groups and so on.

**Costs:**

Normally you and the council will pay for your own expenses in an appeal. You can only claim costs when you can show that the council have behaved in an unreasonable way causing unnecessary expense.

**Who to contact?**

The Planning Inspectorate

Website [www.planninginspectorate.gov.uk](http://www.planninginspectorate.gov.uk)

Email [enquiries@pins.gsi.gov.uk](mailto:enquiries@pins.gsi.gov.uk)

Telephone 0303 444 5000

Write to Initial Appeals, The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN

London Borough of Richmond upon Thames

Website [www.richmond.gov.uk/planning](http://www.richmond.gov.uk/planning)

Email [planningappeals@richmond.gov.uk](mailto:planningappeals@richmond.gov.uk)

Telephone 020 8891 1411 for advice

Write to The Appeals Officer, Development Control, Civic Centre, 44 York Street, Twickenham TW1 3BZ