

Application reference: 23/0505/HOT HAMPTON WICK AND SOUTH TEDDINGTON WARD

Date application received	Date made valid	Target report date	8 Week date
27.02.2023	13.03.2023	08.05.2023	08.05.2023

Site:

145 Fairfax Road, Teddington, TW11 9BU,

Proposal:

Retrospective application for carport

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

APPLICANT NAME

Mr C Goodwill
145 Fairfax Road
Teddington
Richmond Upon Thames
TW11 9BU

AGENT NAME

Mr Robert Cole
9 queensway
sunbury-on-thames
TW16 6HA
United Kingdom

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

Consultations:

Internal/External:

Consultee

Network Rail
14D Urban D
LBRuT Trees Preservation Officer (North)

Expiry Date

20.04.2023
28.03.2023
28.03.2023

Neighbours:

147 Fairfax Road, Teddington, TW11 9BU, - 14.03.2023
143 Fairfax Road, Teddington, TW11 9BU, - 14.03.2023
120 Fairfax Road, Teddington, TW11 9BS, -
118 Fairfax Road, Teddington, TW11 9BS, - 14.03.2023

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

Development Management

Status: REF Application:03/T0114
Date:04/02/2003 Cedar Of Lebanon - Fell To Ground Level And Grind Out Stump. Due To Crown Die Back And Limb Shedding.

Development Management

Status: GTD Application:94/1086/FUL
Date:20/05/1994 Erection Of Single Storey Rear Extension

Development Management

Status: GTD Application:94/2232/FUL
Date:07/10/1994 Erection Of Single Storey Rear Extension

Development Management

Status: GTD Application:94/2781/FUL
Date:13/12/1994 Erection Of Front Boundary Wall To A Height Of 5 Ft 10 With Brick Piers At 6ft 10

Development Management

Status: GTD Application:94/T1920/PO

Date:18/08/1994	Fell Sorbus Tree
<u>Development Management</u>	
Status: GTD	Application:94/T1921/PO
Date:18/08/1994	Surgery To Cedar Tree
<u>Development Management</u>	
Status: REF	Application:07/T0672/TPO
Date:15/11/2007	T1; Cedar - Crown Thin By 20%
<u>Development Management</u>	
Status: VOID	Application:08/1558/VOID
Date:13/08/2008	Internal alterations, extensions to rear and new conservatory.
<u>Development Management</u>	
Status: VOID	Application:08/1586/VOID
Date:13/08/2008	Internal alterations, extensions to rear and new conservatory.
<u>Development Management</u>	
Status: WDN	Application:08/1655/HOT
Date:25/07/2008	Internal alterations, extensions to rear and new conservatory.
<u>Development Management</u>	
Status: REF	Application:08/3008/HOT
Date:03/11/2008	Rear conservatory with first floor extensions to existing ground floor flank extensions
<u>Development Management</u>	
Status: GTD	Application:10/0749/HOT
Date:11/05/2010	First floor flank extensions over existing ground floor extensions with full width conservatory to rear elevation.
<u>Development Management</u>	
Status: REF	Application:19/T0708/TPO
Date:11/02/2020	T1 - Cedar - Reduce and shape by 25%, crown thin removing dead and dangerous branches, reduce tree by 4m leaving height between 16-18m and width 12m
<u>Development Management</u>	
Status: PDE	Application:23/0505/HOT
Date:	Retrospective application for carport
<u>Appeal</u>	
Validation Date: 20.01.2009	Rear conservatory with first floor extensions to existing ground floor flank extensions
Reference: 09/0007/AP/REF	
<u>Building Control</u>	
Deposit Date: 20.12.2000	Enlarge opening & insertion of R S J over opening between ground floor front & rear rooms
Reference: 00/2302/BN	
<u>Building Control</u>	
Deposit Date: 03.11.1994	Single storey extension
Reference: 94/1576/BN	
<u>Building Control</u>	
Deposit Date: 25.04.1994	Single storey rear extension
Reference: 94/0548/FP	
<u>Building Control</u>	
Deposit Date: 04.11.1994	Single storey rear extension
Reference: 94/1272/1/FP	
<u>Building Control</u>	
Deposit Date: 17.02.2011	Single storey substantially glazed extension, remodelling of existing single storey extensions, first floor side extensions, internal alterations between garage and family room and replacement staircase
Reference: 11/0289/BN	
<u>Building Control</u>	
Deposit Date: 12.08.2020	Circuit alteration or addition in a special location Install one or more new circuits
Reference: 20/NIC01376/NICEIC	

Enforcement

Opened Date: 24.10.1994 Enforcement Enquiry
Reference: 94/00094/EN

Enforcement

Opened Date: 23.12.2022 Enforcement Enquiry
Reference: 22/0598/EN/UBW

Application Number	23/0505/HOT
Address	145 Fairfax Road, Teddington, TW11 9BU
Proposal	Retrospective application for carport
Contact Officer	Alice Murphy
Determination Date	08/05/2023
Legal Agreement	N/A

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, considered any relevant previous planning applications in relation to the development and considered any comments made by those interested in the application such as consultees with specialist knowledge and nearby residents.

By indicating that the development proposal complies with relevant Local Plan Policies, the planning officer is taking into account the information submitted with the application, any previous relevant applications, any comments received in connection with the application and any other case specific considerations which are material to the decision.

2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

The application site relates to a three-storey detached dwellinghouse located on the south west side of Fairfax Road, Teddington. The site adjoins the south western rail network to the rear.

The application site is situated within Character Area 13 of the Hampton Wick and Teddington Village Planning Guidance and is designated as:

- Article 4 Direction – restricting basement development
- Area Susceptible To Groundwater Flood - Environment Agency
- Building of Townscape Merit
- Increased Potential Elevated Groundwater
- Network Rail Safeguarding Zone
- Tree Protection Order (TPO) - T0015 - T39 Cyprus Cedar - *Cedrus brevifolia*
- Tree Protection Order (TPO) - T0015 - T40 Mountain Ash - *Sorbus aucuparia*

3. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

This application seeks retrospective approval for the installation of a car port structure in the front garden of the site. It is noted that driveway hardstanding and landscaping remains unchanged.

A comprehensive list of planning history for the site is included above. There is no relevant planning history related to the works proposed.

4. AMENDMENTS

None.

5. CONSULTATIONS CARRIED OUT

Public consultation

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

One letter of representation (observation) was received from a neighbouring property. This outlined the following:

- Height and profile of car port obscures front of BTM
- Significant impact on the visual appearance of the house and streetscape.
- Visible above front boundary wall.

Design and heritage are discussed further within section 6 of this report.

Internal consultation

LBRUT Conservation Officer – objection to the carport as this is viewed as causing harm to the setting of

the BTM, being an uncommon and unsuitable form of development, materials, scale, and in an inappropriate location. The carport projects above the boundary wall and impedes views from the public realm toward the housing, covering historic features and altering the perception of the building, as well as its relationship to the front garden. No development within the front garden would be acceptable as having a reasonable impact on the setting and significance of the BTM.

LBRUT Arboricultural Officer – Insufficient arboricultural information submitted with the application, the scheme would have been objected to due to the likelihood of root damage, sitting in it further from the tree would have addressed this issue. It is clear that there will also be conflict between the port and the main trunk of the tree in the long term from secondary thickening of the tree tissues.

Network Rail – no objection.

6. MAIN POLICIES RELEVANT TO THE DECISION

NPPF (2021)

The key chapters applying to the site are:

- 12. Achieving well-designed places

These policies can be found at:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf

London Plan (2021)

The main policies applying to the site are:

- D3 Optimising site capacity through design-led approach
- D4 Delivering good design
- D12 Fire Safety
- HC1 Heritage Conservation
- G7 Trees and Woodlands

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

Richmond Local Plan (2018)

The main planning considerations applying to the site and the associated Local Plan policies are:

Issue	Local Plan Policy	Compliance	
Local Character and Design Quality	LP1	Yes	No
Impact on Non-Designated Heritage Assets	LP4	Yes	No
Impact on Amenity and Living Conditions	LP8	Yes	No
Impact on Trees	LP16	Yes	No
Transport	LP45	Yes	No

These policies can be found at

https://www.richmond.gov.uk/media/15935/adopted_local_plan_interim.pdf

Supplementary Planning Documents

- Hampton Wick and Teddington Village Planning Guidance
- Buildings of Townscape Merit
- Transport SPD.

These policies can be found at:

https://www.richmond.gov.uk/services/planning/planning_policy/local_plan/supplementary_planning_documents_and_guidance

7. EXPLANATION OF OFFICER RECOMMENDATION

The key issues for consideration are:

- i. Design and impact on heritage assets
- ii. Impact on Neighbour Amenity

- iii. Trees
- iv. Parking and Transport
- v. Fire Safety

Issue i – Design and heritage assets

Paragraph 199 of the NPPF states ‘When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 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’

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. With regards to shopfronts, it states that these should relate to one another in such a way as to maintain or complement the proportions of the surroundings.

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

The property is designated as a Building of Townscape Merit (BTM) dating from the mid-late 19th century. The detached double-fronted house is 3 storeys in yellow brick with a slate roof with decorative ridge tiles. The original house form is T-shaped with intersecting gables and there are two flanking extensions to either side, one of which houses a garage.

The application is retrospective and seeks the retention of a carport within the front garden.

The Council’s Conservation Officer has reviewed the application and concludes that the carport is objected to and will cause harm to the setting of the Building of Townscape.

The application site has a large front garden which has primarily been covered in permeable hard landscaping, with planting restricted to boundaries, including some taller planting to the front boundary. The garden is enclosed by a brick wall with piers, between which are iron rails. This setting is consistent with the general streetscape and townscape character, and with buildings of this age and typology. The BTM can be appreciated from the streetscape despite the taller planting. The carport projects above the boundary wall and impedes views from the public realm toward the housing, covering historic features and altering the perception of the building, as well as its relationship to the front garden. Its volume also means the structure extends a significant portion of the front elevation and is visible in longer and angular views from along Fairfax Road.

Overall, the proposed will appear as an uncommon and unsuitable form of development, materials, scale, and in an inappropriate location. It is considered that no development within the front garden would be acceptable as having a reasonable impact on the setting and significance of the BTM.

The proposal does not meet the policy requirements of LP1 and LP4 of the Local Plan and the relevant tests of the NPPF (specifically paragraphs 199 and 203).

Issue ii – Impact on Neighbour Amenity

Policy LP8 requires all development to protect the amenity and living conditions for occupants of new, existing, adjoining and neighbouring properties. This includes ensuring adequate light is achieved, preserving privacy and ensuring proposals are not visually intrusive.

By the applications siting it is not considered that the car port will result in overlooking or loss of privacy or neighbouring occupiers.

The scheme is considered consistent with LP8.

Issue iii – Trees

Policy LP 16 of the Local Plan states 'The Council will require the protection of existing trees and the provision of new trees, shrubs and other vegetation of landscape significance that complement existing, or create new, high quality green areas, which deliver amenity and biodiversity benefits.

The site is subject to two Tree Protection Orders in the front of the property. The front garden of the property benefits from a number of other large mature trees.

TPO T0015 protects the large Cedar and a Sorbus at the site. The Cedar is a prominent specimen and significant feature of the area.

No arboricultural information was submitted with the application. It is noted that there has been no change in the hardstanding. The new structure, however has been constructed in close proximity to the trunk of the protected tree and within the protected roof area.

Drawing FR/145/02 shows the carport sited less than 600mm from the trunk of the protected Cedar and nearest posts sited less than 700mm from the stem. No details of the foundation for the posts or base have been provided by the applicant. The Council's Arboricultural Officer has undertaken a site visit to determine the methods of construction. It is concluded that damage to the tree and roots have likely occurred by development within the immediate tree protection area and this would have been strongly objected to should the application not be of a retrospective nature.

Further to the above, it is anticipated that there will be future conflict between the structure and the tree through secondary thickening of woody structure. There is concern this will lead to future pressure to prune or remove the tree, contrary to LP16 section 2.

The proposal presents an unacceptable risk of damage to trees of townscape and amenity value, contrary to LP16 section 1.

Issue iv – Parking and Transport

'Policy LP 45 of the Local Plan states 'The Council will require new development to make provision for the accommodation of vehicles in order to provide for the needs of the development while minimising the impact of car based travel including on the operation of the road network and the local environment, and ensuring making the best use of the land.'

No change to the existing car parking spaces or vehicle and pedestrian access is proposed by the application. The scheme is consistent with LP45.

Issue v – 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).

A Reasonable Exception Statement was prepared by AJT Design Ltd and submitted to the Council on 14th March 2023.

The applicant is advised that alterations to existing buildings should comply with the Building Regulations. This permission is not a consent under the Building Regulations for which a separate application should be made. A condition will be included to ensure this is adhered to on an ongoing basis. Overall, the scheme can therefore be considered consistent with this Policy D12 of the London Plan.

8. 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.

9. RECOMMENDATION

This recommendation is made following careful consideration of all the issues raised through the application process. In making this recommendation consideration has been had to the statutory duties and the requirements set out in Chapter 16 of the NPPF.

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 (2019) and Development Plan, when taken as a whole.

Refuse planning permission for the following reasons

Recommendation:

The determination of this application falls within the scope of Officer delegated powers - YES / ~~NO~~

I therefore recommend the following:

- 1. REFUSAL
- 2. PERMISSION
- 3. FORWARD TO COMMITTEE

This application is CIL liable YES* NO
(*If yes, complete CIL tab in Uniform)

This application requires a Legal Agreement YES* NO
(*If yes, complete Development Condition Monitoring in Uniform)

This application has representations online (which are not on the file) YES NO

This application has representations on file YES NO

Case Officer (Initials): ...AMU.....

Dated:05/05/2023.....

I agree the recommendation:

~~Team Leader/Head of Development Management/Principal Planner - EL~~

Dated: 05/05/2023.....

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

Head of Development Management:

Dated:

REASONS:
CONDITIONS:
INFORMATIVES:
UDP POLICIES:

OTHER POLICIES:

The following table will populate as a quick check by running the template once items have been entered into Uniform

SUMMARY OF CONDITIONS AND INFORMATIVES

CONDITIONS

AT01	Development begun within 3 years
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INFORMATIVES

U0077772	Decision Drawings
U0077771	NPPF REFUSAL - Para. 38-42
