

Application reference: 24/0810/VRC
HAM, PETERSHAM, RICHMOND RIVERSIDE WARD

Date application received	Date made valid	Target report date	8 Week date
28.03.2024	28.03.2024	23.05.2024	23.05.2024

Site:

Royal Oak, Ham Street, Ham, Richmond

Proposal:

Variation of condition U0135833 Approved Drawings and Documents of planning approval 21/2441/FUL to allow to Amend Ground floor windows on Ham Street elevation to 3 sash windows; Amend door on Sandy Lane; Increase height of Parapet Wall and finished with Coping Stone on Sandy Lane Elevation.

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

APPLICANT NAME

Mr Tom Gordon
Royal Oak Ham Street
Ham
Richmond Upon Thames
TW10 7HN
United Kingdom

AGENT NAME

JSA Architects Ltd Frances Pullan
Middle Shop
Waltham Road
Maidenhead
SL6 3NH

DC Site Notice: printed on 05.04.2024 and posted on 12.04.2024 and due to expire on 03.05.2024

Consultations:**Internal/External:**

Consultee
14D Urban D

Expiry Date
19.04.2024

Neighbours:

20 Albany Court,187 Ashburnham Road,Ham,Richmond,TW10 7PW, - 05.04.2024
19 Riverside Drive,Ham,Richmond,TW10 7QA, - 05.04.2024
Beaufort Cottage,195 Ham Street,Ham,Richmond,TW10 7HL, - 05.04.2024
The Manor House,Ham Street,Ham,Richmond,TW10 7HA, - 05.04.2024
Grey Court School,Ham Street,Ham,Richmond,TW10 7HN, - 05.04.2024
83 Ham Street,Ham,Richmond,TW10 7HL, - 05.04.2024
Beaufort House,193 Ham Street,Ham,Richmond,TW10 7HL, - 05.04.2024
Royal Oak,Ham Street,Ham,Richmond,TW10 7HN, - 05.04.2024
Ham Village Centre,Ham Street,Ham,TW10 7HN, - 05.04.2024
Flat 2,Grey Court Stables,Sandy Lane,Petersham,Richmond,TW10 7HB, - 05.04.2024
Flat 1,Grey Court Stables,Sandy Lane,Petersham,Richmond,TW10 7HB, - 05.04.2024
Grove Cottage,52 Ham Street,Ham,Richmond,TW10 7HT, - 05.04.2024
John Vale,Oriel House,26 The Quadrant,Richmond,TW9 1DL, - 05.04.2024
68 LOWER DOWNS ROAD,RAYNES PARK,LONDON,SW20 8QQ - 05.04.2024

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

<u>Development Management</u> Status: GTD Date:24/02/1992	Application:91/2275/FUL Single Storey Rear Extension To Create Dining And Storage/delivery Area.
<u>Development Management</u> Status: GTD Date:13/03/1997	Application:96/2259/FUL Demolition Of Existing Kitchen, Toilet And Garage Structures. Provision Of New Ground Floor Extension With New Garaging, Kitchen, Toilets, Refuse Area, Snack Bar And Restaurant Area. Provision Of New Additional Entrance From Sandy Lane And
<u>Development Management</u> Status: GTD Date:13/03/1997	Application:96/2266/CAC Demolition Of Existing Kitchen, Toilet And Garage Structures
<u>Development Management</u> Status: GTD Date:16/02/1971	Application:70/2613 Erection of single storey extension to side to provide larger bar and internal toilets and formation of new access to Sandy Lane.
<u>Development Management</u> Status: GTD Date:21/08/2023	Application:21/2441/DD01 SPLIT DECISION APPROVE Details pursuant to conditions DV49A Construction Method Statement; NS02 Refuse arrangements; and NS03 Cycle parking of planning premission 21/2441/FUL. REFUSE Details pursuant to conditions BD12- Materials and NS01 Specified Details Required of planning premission 21/2441/FUL.
<u>Development Management</u> Status: WON Date:12/04/2024	Application:23/0638/FUL Reduction in height of 3 no.Existing Chimneys
<u>Development Management</u> Status: PDE Date:	Application:24/0810/VRC Variation of condition U0135833 Approved Drawings and Documents of planning approval 21/2441/FUL to allow to Amend Ground floor windows on Ham Street elevation to 3 sash windows; Amend door on Sandy Lane; Increase height of Parapet Wall and finished with Coping Stone on Sandy Lane Elevation.
<u>Building Control</u> Deposit Date: 27.08.1996 Reference: 96/1191/FP	Extension,internal alterations,& new entrance
<u>Building Control</u> Deposit Date: 23.02.2017 Reference: 17/FEN00625/GASAFE	Install a gas-fired boiler

Application Number	24/0810/VRC
Address	Royal Oak Ham Street Ham Richmond TW10 7HN
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Legal Agreement	YES

1. INTRODUCTION

This application is of a nature where the Council's Constitution delegates the authority to make the decision to Officers rather than it being determined by the Planning Committee.

Before preparing this summary report the planning officer has considered any relevant previous planning applications in relation to the development and considered any comments made by those interested in the application such as consultees with specialist knowledge and nearby residents.

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

2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

The application site is a former public house (The Royal Oak P.H.) that has previously been used as a community use/social club (D2) for residents of Ham who are members of Ham Institute. The site is located on a prominent corner location at the junction of Sandy Lane and Ham Street. The subject site is designated as a Building of Townscape Merit (BTM) and the existing building is approximately 233.7sqm over lower ground, ground, first and second floors and is located within the boundaries of the Ham House Conservation Area (CA25). The surrounding area is predominantly residential in character. The site is within the MOL boundary and has the following constraints:

- Building of Townscape Merit - The Royal Oak Ham Street Ham Richmond Surrey TW10 7HN
- -Conservation Area CA23 Ham House
- Metropolitan Open Land (The Manor House Ham - MOL - LP 13
- Article 4 direction – Restricting basement
- Neighbourhood Plan Area - Ham and Petersham Neighbourhood Area - Ham and Petersham Neighbourhood Plan - Adopted by Council on 22 January 2019
- Archaeological Priority Area

3. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

Variation of condition U0135833 Approved Drawings and Documents of planning approval 21/2441/FUL to allow to Amend Ground floor windows on Ham Street elevation to 3 sash windows; Amend door on Sandy Lane; Increase height of Parapet Wall and finished with Coping Stone on Sandy Lane Elevation.

The relevant history includes:

21/2441/FUL - Change of use (to C3) of former Royal Oak Public House. Alterations and extension to ground floor, and alterations to existing facades to create 1 x 3 bedroom dwellinghouse with 2 x off-street parking spaces and associated cycle parking. Granted 23.08.23

The previous most recent planning history includes:

16/4290/VRC Application for a Variation of Condition U91716 (Detailed drawings) of planning

permission 15/3155/FUL to allow construction of a wall with a window at ground floor level to form a smaller extension than previously approved to be used as a disabled WC.
 Granted permission 04/01/2017

15/3155/FUL amended Proposal: Change of use from A4 (drinking establishment) to use as a community use/social club (D2) for residents of Ham who are members of Ham Institute. Extension of WC's to provide accessible WC, new fire exit door to Sandy Lane elevations, infilling storage area by kitchen. Chimneys to be retained and new windows to be timber to match existing.
 Granted permission 04/11/2015

12/0524/FUL Alterations and change of use from Class A4 public house to Class C3 family dwelling.
 refused permission 26/10/2012 23/04/2013 Dismissed

4. CONSULTATIONS CARRIED OUT

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

No letters of representation have been received

5. MAIN POLICIES RELEVANT TO THE DECISION

NPPF (2023)

The key chapters applying to the site are:

- 4. Decision-making
- 12. Achieving well-designed places
- 16. Conserving and enhancing the historic environment

These policies can be found at:

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

London Plan (2021)

The main policies applying to the site are:

- Policy D4 Delivering Good Design
- Policy HC1 Heritage Conservation and Growth

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:

National Planning Policy Framework (2023)

London Plan (2021)

The main policies applying to the site are:

Issue	London Plan Policy
Building strong and inclusive communities	GG1
Inclusive design	D5
Fire Safety	D12
Social infrastructure and recreation facilities	S1, S5
Protecting public houses	HC7
Metropolitan Open Land	G3

Biodiversity	G6
Trees	G7
Flood risk and sustainable drainage	SI13, SI12
Transport	T4, T5, T6

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

Richmond Local Plan (2018)

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

Issue	Local Plan Policy
Local Character and Design Quality	LP1
Designated Heritage Assets	LP3
Non-Designated Heritage Assets	LP4
Views and Vistas	LP5
Impact on Amenity and Living Conditions	LP8
Local Environmental Impacts, Pollution and Land Contamination	LP10
Green Infrastructure, Green Belt, Metropolitan Open Land and Local green Space	LP13
Biodiversity	LP15
Trees, Woodland and Landscapes	LP16
Flood Risk and Sustainable Drainage	LP21
Sustainable Design and Construction	LP20, LP22
Flood Risk and Sustainable Drainage	LP21
Waste Management	LP24
Local shops and services	LP27
Social and Community Infrastructure	LP28
New Housing	LP34
Housing Mix & standards	LP35
Affordable Housing	LP36
Sustainable Travel Choices	LP44
Parking Standards and Servicing	LP45

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

Ham and Petersham Neighbourhood Plan (2019)

Issue	Plan Policy
Protecting Green Character	C1
Character and Context Appraisal	C2
Motor vehicle and cycle storage	T2
Community Facilities	CF1
Enhancing retail uses	R1
Previously developed brownfield land and other small sites	O7

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

Supplementary Planning Documents

- Residential Development Standards
- Small and Medium Housing Sites
- Affordable Housing
- Design Quality
- Refuse and Recycling Storage Requirements
- Residential Development Standards

- Sustainable Construction Checklist

Richmond Publication Local Plan (Regulation 19 version)

The Richmond Publication Version Local Plan (Regulation 19 version) was published on 9 June 2023 for public consultation which ended on 24 July 2023.

The Publication Version Local Plan, together with all the representations received during the representation period, the plan and its supporting documents were submitted to the Secretary of State for examination on 19 January 2024. The submission documents do not form part of the statutory development plan for the Borough, however, by publishing and submitting the Borough Local Plan for independent examination the Council has formally confirmed its intention to adopt the Publication Plan.

The Publication Version Local Plan, including its evidence base, are material considerations for decision-making. The weight to be given to each of the emerging policies and allocations will depend on an assessment against the criteria set out in paragraph 48 of the NPPF. As the Council considers the emerging Borough Local Plan to be sound and legally compliant, officers and Councillors should accord relevant policies and allocations significant weight in the determination of applications taking account of the extent to which there are unresolved objections to relevant policies. Therefore, the weight afforded to each policy at this stage will differ depending on the level and type of representation to that policy. This is addressed in more detail in the assessment below where it is relevant to the application.

Note that it was agreed by Full Council on 27 April, when the Publication Plan was approved, that no weight will be given to Policy 4 in relation to the increased carbon offset rate, and therefore the existing rate of £95 will continue to be used; in addition, no weight will be given to Policy 39 in relation to the 20% biodiversity net gain requirement; all other aspects and requirements of these policies will apply.

Where relevant to the application under consideration, this is addressed in more detail in the assessment below.

Issue	Publication Local Plan Policy
Flood risk and sustainable drainage	8
Local character and design quality	28
Designated heritage assets	29
Non-designated heritage assets	30
Archaeology	33
Green Belt, Metropolitan Open Land and Local Green Space	35
Amenity and living conditions	46

Supplementary Planning Documents

Buildings of Townscape Merit

These policies can be found at:

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

Other Local Strategies or Publications

Other strategies or publications material to the proposal are:

- [Ham House Conservation Area Statement \(CA23\)](#)
- [Ham House Conservation Area Study](#)
- Community Infrastructure Levy
- Strategic Flood Risk Assessment 2020 (updated 2021)

Determining applications in a Conservation Area

In considering whether to grant planning permission with respect to any buildings or other land in a conservation area, Section 72 of the Planning (Listed buildings and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area. In this context, "preserving", means doing no harm.

To give effect to that duty, decisions of the court have confirmed that for development proposed to be carried out in a conservation area, a decision-maker should accord "considerable importance and weight" to the desirability of preserving or enhancing the character or appearance of the conservation area, when weighing this factor in the balance with other material considerations which have not been given this special statutory status. This creates a strong presumption against granting planning permission where harm to the character or appearance of a conservation area is identified. The presumption can be rebutted by material considerations powerful enough to do so.

In applications where the decision-maker is satisfied that there will be no harm to the character or appearance of a conservation area, the statutory presumption against granting planning permission described above falls away. In such cases the development should be permitted or refused in accordance with the policies of the development plan and other material considerations.

6. EXPLANATION OF OFFICER RECOMMENDATION

It is recognised that a Variation of Condition (VRC) application re-issues a previous planning permission and so it can be necessary to assess the works as if it were a new application. Given the nature of the proposed amendments and the lack of impactful policy updates since the previous approval which remains a valid fallback position, it is only considered necessary to re-assess the following issues based on the revised plans. All other matters considered under the original permission remain as previously assessed:

- Metropolitan Open Land
- Impact of design on heritage assets
- Neighbouring Amenity
- Biodiversity

Metropolitan Open Land

The site lies within the designated Metropolitan Open Land, where policies related to Green Belt applies. The fundamental aim of these policies is to permanently protect the openness of designated land. National planning policies on Green Belt land set out within the NPPF apply to MOL, as set out in London Plan policy G3. In line with policy LP13 of Local Plan (2018), the Borough's Metropolitan Open Land (MOL) will be safeguarded, retained in predominately open use and there is a strong presumption against inappropriate development in designated MOL.

Paragraph 153 of the NPPF states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt.

Paragraph 154 of the NPPF notes certain forms of development are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. One of the forms of development considered not inappropriate is c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.

The proposals would meet this exception and not be regarded as inappropriate. This is because the alterations to windows and doors do not affect openness as they do not increase the height or footprint of the associated dwelling.

While the proposed works to the parapet wall would result in an increase in height, this would be de minimis and would not exceed the maximum height of the existing parapet. As such, this is not considered a disproportionate addition over and above the size of the existing building.

Overall, the scheme would meet the exception criteria outlined within the NPPF and so no objection is raised to the proposal in this regard.

Impact of Design on Heritage Assets

The Royal Oak is a former public house with 18th century fabric and 19th century origins as a pub, now converted into residential use. It is within the Ham House Conservation Area and is designated as a Building of Townscape Merit (BTM). The site has 18th century origins as a former abattoir to Ham Manor Farm before becoming an inn in the 1820s. It sits in a prominent position on the corner of Ham Street and Sandy Lane with the primary façade facing Ham Street. This broadly retains its original form with features including the original entrance door of the pub with pediment above, green glazed tiles, and black-painted pilasters. Externally the building still retains some of its 18th century character, particularly the roofline and overall form. Despite conversion to residential it retains its character and legibility as a former public house.

The significance of the Royal Oak as a BTM is defined from its historic interest as a former public house and previously having formed part of the rural economy of Ham, architectural interest, including several phases of development, and surviving original features, communal interest as a former public house, and contribution to the character and streetscape of both Ham Street and Sandy Lane.

The Ham House Conservation Area is centred on the landmark Grade I listed country house of Ham House which lies at the centre of a formal landscape of gardens, parkland and avenues. This landscape is integral to the historic and aesthetic interest of the house. It is considered to be the most complete Carolean landscape in England and is included in the Register of Historic Parks and Gardens at Grade II*. It also incorporates parts of Ham Street and Sandy Lane, the former containing a number of important 18th and 19th century houses alongside individually more cohesive groups of houses and cottages. The wide road of Sandy Lane also provides an important and historic route, linking Ham Street and Petersham Road, connecting Ham and Petersham.

This variation of conditions application seeks to make amendments to the approved scheme under 21/2441/FUL including:

- o Removal of double doors to Ham Street elevation and formation of a window
- o Removal of existing windows to Ham Street elevation and replacement with six-over-two sash windows
- o Amendment to design of door on Sandy Lane elevation
- o Increase in height of parapet wall to Sandy Lane elevation

This application follows on from refused non-material amendment application 21/2441/NMA and pre-application enquiries 23/P0271/PREAPP and 24/P0072/PREAPP.

Ham Street Elevation Fenestration

The below proposed elevation is from 12/0524/FUL and is an amended elevation where changes such as the retention of the door occurred. While this application was refused and dismissed at appeal, the proposal was considered acceptable in design terms.



Figure 1 - Proposed Elevation from 12/0524/FUL

The current proposal seeks a similar arrangement of ground floor windows, with the central door retained, albeit with wider sash window:



Figure 2 - proposed Ham Street Elevation within this pre-application

The current proposal retains the pub entrance as per previous guidance, and proposes sash windows which are acceptable for the building type and period. The window design reflects that existing at first floor with more glazing divisions to the upper half and fewer to the floor half. This amendment brings further symmetry to the front elevation by omitting the second set of doors.

Given the planning history of the site, and the relatively minor changes from the previously accepted alterations, there is no objection raised to the proposed changes to the Ham Street elevation subject to appropriate quality detailing of the replacement fenestration, which can be secured by condition through an associated amendment to NS01.

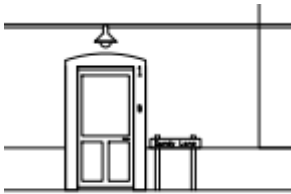
Sandy Lane Elevation Door

It is noted that a side elevation fire exit door has been present in applications 12/0524/FUL where no design concerns were raised and application 15/3155/FUL which was granted. The door was installed between July 2016 and July 2017.



Figure 3 - fire exit door on Sandy Lane (N) elevation

Application 21/2441/FUL was approved including a change to the design of this side elevation door:



Under 21/2441/NMA, a further design change to the door was proposed but refused for not being non-material:

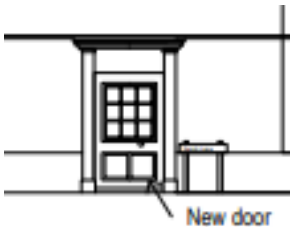
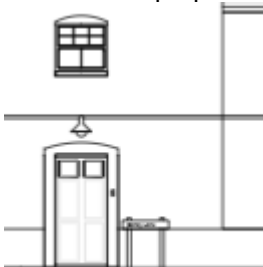


Figure 4 - proposed door on Sandy Lane (N) Elevation from 21/2441/NMA

The current proposal seeks permission for a door in similar design to the approved:



No objections are raised regarding this element of the proposed amendments. The replacement door would feature a simple six-panel design and would remain as a subservient feature, reflecting its status as a secondary entrance. The character and significance of the Royal Oak would be preserved, as would the character and appearance of the Conservation Area.

Parapet Wall

No objections are raised regarding this element of the proposed works. The increase in height would be to a limited extent, to match the existing higher section of parapet wall. The wall is already tall, and no historic material would be lost. The character and significance of the Royal Oak would be preserved, as would the character and appearance of the Conservation Area.

In summary, the proposed amendments to the Ham Street elevation windows are supported, and there would be no objections to the removal of the double doors and replacement of the right-hand side window. No objections are raised regarding the amendments to the door on the Sandy Lane elevation, or the parapet wall. All these alterations would preserve the character and appearance of the conservation area, and would have a neutral impact on the host BTM.

This application is therefore accordance with policies LP1, LP3 and LP4, paragraphs 205 and 209 of the NPPF (2023) and policies 28, 29 and 30 of the Publication Local Plan.

Neighbour Amenity

Policy LP8 sets out that all development is required to protect the amenity and living conditions of neighbouring occupiers.

The amendments to windows and doors will not result in harmful overlooking or loss of privacy given the existing lines of sight present from existing openings, their orientation towards highways which are already publicly visible and the separation distances with neighbouring properties.

The minor increase of the parapet wall does not result in harm to neighbour amenity in regard to loss of light, sense of enclosure, visual intrusion or overbearing given the separation distances to neighbouring dwellings.

Therefore, the proposed amendments comply with policy LP8 of the Local Plan.

Biodiversity

Biodiversity net gain became mandatory for minor developments on applications made from 2nd April 2024. This application is exempt from mandatory biodiversity net gain on the grounds that:

- The application was made before 2nd April 2024
- The development impacts habitat of an area below a 'de minimis' threshold of 25m² or 5m of linear habitat such as hedgerows, and does not impact an onsite priority habitat
- The development is for a small scale self-build or custom house building

7. LOCAL FINANCE CONSIDERATIONS AND OTHER MATTERS

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. The weight to be attached to a local finance consideration remains a matter for the decision maker. The Mayor of London's CIL and Richmond CIL are therefore material considerations.

On initial assessment this development is not considered liable for the Mayoral or Richmond CIL however this is subject to confirmation by the CIL Administration Team.

8. RECOMMENDATION

This recommendation is made following careful consideration of all the issues raised through the application process. In making this recommendation consideration has been had to the statutory duties imposed by the Planning (Listed Buildings and Conservation Areas) Act 1990 and the requirements set out in Chapter 16 of the NPPF.

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.

Approve 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 representation YES NO

Case Officer (Initials): ...KNP Dated: ...29/05/2024.....

I agree the recommendation:

South Area Team Manager:ND.....

Dated:29.05.2024.....