

Application reference: 24/0845/FUL TWICKENHAM RIVERSIDE WARD

Date application received	Date made valid	Target report date	8 Week date
02.04.2024	02.04.2024	28.05.2024	28.05.2024

Site:

398 Richmond Road, Twickenham, TW1 2DY,

Proposal:

Reduction in depth of existing rear extension and rebuilding rear wall. Insertion of new windows, door and rooflights and removal of existing extension into internal lightwell.

Amended as follows on 03.06.2024:

The proposal description has been amended and should now read as above.

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

APPLICANT NAME

J Raynor
7-9 The Avenue
Eastbourne
BN21 3YA

AGENT NAME

Ms Karen Clark
Hampton House, 14 Orchard Lea
Drift Road
Winkfield
Windsor
SL4 4RP
United Kingdom

DC Site Notice: printed on 15.04.2024 and posted on 26.04.2024 and due to expire on 17.05.2024

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

14D Urban D

Expiry Date

29.04.2024

Neighbours:

Flat 3,2 Cresswell Road,Twickenham,TW1 2DZ, - 03.06.2024
Flat 1,2 Cresswell Road,Twickenham,TW1 2DZ, - 03.06.2024
Flat 4,2 Cresswell Road,Twickenham,TW1 2DZ, - 03.06.2024
Flat 2,2 Cresswell Road,Twickenham,TW1 2DZ, - 03.06.2024
398A Richmond Road,Twickenham,TW1 2DY, - 03.06.2024
400B Richmond Road,Twickenham,TW1 2DY, - 03.06.2024
396B Richmond Road,Twickenham,TW1 2DY, - 03.06.2024
400 Richmond Road,Twickenham,TW1 2DY, - 03.06.2024
396 Richmond Road,Twickenham,TW1 2DY, - 03.06.2024
398B Richmond Road,Twickenham,TW1 2DY, - 03.06.2024
400A Richmond Road,Twickenham,TW1 2DY, - 03.06.2024
396A Richmond Road,Twickenham,TW1 2DY, - 03.06.2024
402B Richmond Road,Twickenham,TW1 2EB -
402A Richmond Road,Twickenham,TW1 2EB -

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

Status: GTD

Application:83/0232

Date:18/03/1983

Provision of new entrance in shopfront.

Development Management

Status: GTD

Date:04/11/1983

Application:83/1040

Use of existing shop as a dry cleaners (Drawing revised 19.10.83).

Development Management

Status: GTD

Date:28/09/1960

Application:60/0823

Erection of a garage.

Development Management

Status: PCO

Date:

Application:24/0845/FUL

Reduction in depth of existing rear extension and rebuilding rear wall.
Insertion of new windows, door and rooflights and removal of existing extension into internal lightwell.

Building Control

Deposit Date: 23.12.1993

Reference: 93/1455/FP

Roofing over existing enclosed yard

Application Number	24/0845/FUL
Address	398 Richmond Road, Twickenham, TW1 2DY
Proposal	Reduction in depth of existing rear extension and rebuilding rear wall. Insertion of new windows, door and rooflights and removal of existing extension into internal lightwell.
Contact Officer	Grace Edwards
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 application site comprises the ground floor of a three storey mid terrace building. The ground floor was most recently occupied as a dry cleaners, and the upper floors comprise residential units and benefit from a separate entrance on the front elevation and stairs at the rear. The site is subject to the following constraints:

- Area of Mixed Use
- Area susceptible to groundwater flooding
- Richmond Road Conservation Area
- Floodzone 2
- Floodzone 3
- Increased Potential for Elevated Groundwater
- Main Centre Buffer Zone
- Area susceptible to surface water flooding
- Secondary Shop Frontage
- Flood Zone 3a

3. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

Permission is sought for a reduction in depth of the existing rear extension and rebuilding rear wall. Insertion of new windows, door and rooflights and removal of existing extension into internal lightwell.

A full planning history can be found above however the most relevant planning history is as follows:

83/1040 - Use of existing shop as a dry cleaners (Drawing revised 19.10.83) **(Granted)**

92/1908/FUL - Retention Of Existing Rear Yard Enclosed In Blockwork. Construction Of New Roof Over Existing Rear Yard And Clad Wall In Yellow Stock Brickwork. Reroofing And Cladding Of Existing Single Storey Store To Form Bin Enclosure. **(Granted)**

4. CONSULTATIONS CARRIED OUT

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

No letters of representation were received.

Four letters of objection have been received, including multiple from the same address, and the comments can be summarised as follows:

- Loss of privacy through overlooking
- Increased noise from use of the back garden
- Access from the rear will cause a nuisance
- A dry cleaner would not need access to an outdoor area and would allow toxic fumes to impact neighbouring properties
- There might be a change of use
- The changes will not benefit the area
- Disruption from construction

Neighbour amenity considerations are assessed under Section 6 (impact on neighbour amenity) in the report below.

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
- 14. Meeting the challenge of climate change, flooding and coastal change
- 16. Conserving and enhancing the historic environment

These policies can be found at:

<https://www.gov.uk/guidance/national-planning-policy-framework>

London Plan (2021)

The main policies applying to the site are:

- D4 Delivering good design
- D12 Fire Safety
- D14 Noise
- E2 Providing suitable business space
- 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:

Issue	Local Plan Policy	Compliance	
Local Character and Design Quality	LP1	Yes	No
Impact on Designated Heritage Assets	LP3	Yes	No
Impact on Amenity and Living Conditions	LP8	Yes	No
Impact on Flood Risk and Sustainable Drainage	LP21	Yes	No
Retail Frontages	LP25, LP26	Yes	No

These policies can be found at

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

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-Officer Planning Report – Application 24/0845/FUL Page 4 Of 9

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.

Issue	Publication Local Plan Policy	Compliance	
		Yes	No
Flood risk and sustainable drainage	8	Yes	No
Development in centres	18	Yes	No
Shops and Services serving essential needs	20	Yes	No
Local character and design quality	28	Yes	No
Designated heritage assets	29	Yes	No
Amenity and living conditions	46	Yes	No

Supplementary Planning Documents

Design Quality

Development Control for Noise Generating and Noise Sensitive Development

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:

Community Infrastructure Levy

Richmond Road Conservation Area Statement

Richmond Road Conservation Area Study

Strategic Flood Risk Assessment 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

The key issues for consideration are:

i Principle of Development

- ii Design and impact on heritage assets
- iii Impact on neighbour amenity
- iv Flood Risk
- x Fire Safety

Issue i – Principle of Development

Policy LP25 states that development in the boroughs centres, as defined in the centre hierarchy, will be acceptable if it does not adversely impact on the vitality and viability of the centre in which the development is proposed, or another centre.

Policy LP26 requires proposals in Secondary Shop Frontages to retain a shop like appearance, and not to have a detrimental visual impact on the shopfront.

The application site is located within an Area of Mixed Use and is sited within a Secondary Shopping Frontage.

The application site was most recently occupied by a dry cleaners, falling within Use Class E, although the submitted Planning Statement notes that the unit has been vacant for a number of months.

The existing unit benefits from an existing single storey rear extension which extends the full depth of the plot, with an existing door within the eastern side elevation. The existing extension is said to limit both light and access into the premises from the rear, given it does not benefit from any windows and the access door requires crossing third party land. The proposals therefore seek to reduce the depth of the existing ground floor extension to improve the standard of commercial floorspace within the ground floor unit.

The proposals also seek to undertake works to an internal lightwell, returning it to its original form, matching that at the adjacent property. No works are proposed to the front of the unit and it will therefore maintain its shop like frontage in accordance with LP26.

The existing extension would be reduced by a depth of ~2m and, in combination with the works to the lightwell, would result in a loss of commercial floorspace of approximately 16sqm. Despite the net loss of floorspace, in this case it does represent a small proportion of the overall internal floorspace, and the retained unit would still have a floorspace in excess of 100sqm which is considered sufficient to remain viable. The proposal promises more natural light and ventilation for the unit which, in turn, the applicant considers will enhance the functionality and viability of the premises and has discussed the proposed works with local commercial agents to ensure such in order to bring the unit back in to use.

Considering the above, despite the modest loss of commercial floorspace, the land will remain in Class E use, and the unit will remain of a sufficient size to remain viable. The shop like appearance of the unit will be retained. The proposal is therefore, on balance, considered to comply with the aims and objectives of policies LP 25 and 26 of the local plan, and policies 18 and 20 of the emerging local plan.

Issue ii- Design and impact on heritage assets

Policy LP1 of the Local Plan requires 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.

Policy LP3 requires development to conserve and, where possible, take opportunities to make a positive contribution to, the historic environment of the borough. Development proposals likely to adversely affect the significance of heritage assets will be assessed against the requirement to seek to avoid harm and the justification for the proposal.

The application site is located within the Richmond Road Conservation Area, however is not a listed building nor a Building of Townscape Merit.

The application site is an early 20th century shop within a three storey building, fronted in red brick with stock brick to the rear, with a slate mansard roof and large, gabled dormer. To the front is a modern aluminium-framed shopfront with a large fascia. No original features other than the pilasters and corbels remain. The windows above have been replaced with unsympathetic top-opening casement units.

To the rear is a single-storey flat-roofed extension which appears to date from the 1990s and has been constructed in concrete blockwork and poorly finished. This is clearly visible in views of the rear from Creswell Road and forms a detracting feature of both the building and the wider area.

No.398 forms part of a wider parade of shops along the southern side of Richmond Road, all built to the same design. The comparatively plain stock brick elevations are visible from the residential roads to the south of Richmond Road, with the gaps between the shopping parades and the houses providing a visual break between the two typologies.

More widely, the significance of the Conservation Area is defined as being an area of good, cohesive Edwardian commercial development which has a distinct visual and physical identity from the surrounding development of East Twickenham. It forms an important approach towards Richmond Bridge from Twickenham.

This application is for the reduction in depth of the rear extension, formation of new window openings to the rear and new roof windows to the flat roof. Works to re-instate the original lightwell at ground floor are also proposed.

No objections are raised regarding the proposed works in design terms. As noted above, the extension is clearly visible from Creswell Road and forms a detracting feature. Works to improve its appearance are welcome. The reduction in depth would reduce the prominence and visual impact of the extension. The reinstatement of the lightwell to match the adjacent property is welcomed.

It is noted that the rear elevation would be finished in brickwork to match the existing. The addition of new windows, doors, and roof windows would be modest alterations which would have minimal impact on the overall appearance of the extension.

Paragraph 205 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 207 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 proposed works would reduce the visual prominence of the extension and improve its appearance. No harm would be caused to the character and appearance of the Richmond Road East Twickenham Conservation Area.

In view of the above, the proposal is considered to comply with the aims and objectives of policies LP1 and LP3 of the Local Plan and policies 28 and 29 of the Publication Local Plan as supported by the Richmond Road Conservation Area Statement/Study.

Issue iii- Impact on Neighbour Amenity

Policy LP8 states that development must protect the amenity and living conditions of existing, adjoining and neighbouring occupants. Design must allow for good daylight standards, avoid overlooking or noise disturbance, avoid visual intrusion, overbearing impacts or harm to the reasonable enjoyment of the uses of buildings and gardens. Harm may arise from various impacts such as noise, air pollution, odours or vibration.

The application site is adjoined by Nos. 400 and 396 Richmond Road to the east and west respectively. The upper floors of the application site and these adjacent properties are in residential use. To the rear, the site is separated from No. 2 Creswell Road by a gated alleyway.

Given the proposal would result in a reduction of built form on site, it is not considered that the proposed works would appear overbearing or obtrusive to neighbouring properties, nor would it result in any loss of light.

Concerns have been raised in regard to loss of privacy through overlooking through the proposed fenestration within the rear elevation of the proposed building. Whilst the proposal would introduce additional glazing within the rear elevation, this would be at ground floor level only, and there are no side facing windows within the side elevation of No. 2 Creswell Road which is directly opposite the rear of the site. As such, it is not considered that the proposal would offer any opportunities for harmful overlooking towards this property.

The proposed rooflights within the existing extension would offer views skywards, and as such it is not considered they would offer opportunities for harmful overlooking.

There are no windows within the existing lightwell serving the adjacent unit and as such, no direct overlooking would occur as a result of the proposed works to reinstate the lightwell.

Concerns have been raised by local residents that the reduction in the existing extension would allow a small external area to be used by the occupants of the unit, which would result in additional noise disturbance. The applicant has advised that the reduction in the extension is proposed, in part, to improve access and servicing to the unit, given the current arrangement requires crossing third party land. Given there is already an access point to the rear, in close proximity to neighbouring properties it is not considered that the proposal would increase disturbance in this regard.

However, it is noted that the resultant outdoor space would be large enough to be usable by the occupants of the unit.

It is noted that the original consent included the following conditions in relation to neighbour amenity:

a) *The premises shall not be open for business on any Sunday nor before 06.00am nor after 6.00pm Monday to Saturday.*

REASON: To ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their properties.

b) *Noise from operations conducted on the premises and the rear yard shall not cause any rise in the daytime ambient noise level (60-65DBA) as measured at a point 1m from the boundary of the site.*

REASON: To ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their properties.

It is therefore considered reasonable and necessary to impose similar restrictions on the outside space in this instance. Additionally, it is considered reasonable and necessary to include a condition requiring the submission of a Noise Management Plan to demonstrate how noise from the use of the rear yard area would be managed. Subject to the inclusion of these conditions, the Councils Environmental Health Officer raises no objections.

Issue ix - 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
- X 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

Issue x - Flood Risk

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.

The application site is located within flood zones 2, 3 and 3a, as well as in an area susceptible to both groundwater and surface water flooding.

The submitted Planning Statement includes a section on flood risk which considers that the area benefits from flood defence measures and, furthermore, the proposal involves a reduction in footprint and as such, no additional risk to flooding would arise.

The proposal is therefore considered to comply with the aims and objectives of policy LP 21 of the Local Plan and policy 8 of the emerging local plan.

Issue xi – Fire Safety

Policy D12 relates to fire safety. The policy requires all development to submit a fire safety statement to demonstrate compliance with Part A of Policy D12.

A fire safety strategy has been submitted as part of the application which includes information on space provisions for fire appliances and assembly points, information on passive and active safety measures, information and data on construction products and materials, information on means of escape and evacuation strategy and information on access and equipment for firefighting.

The submission of this document is considered sufficient to demonstrate compliance with policy D12. A

condition will be attached requiring the development to adhere to this statement on an ongoing basis.

This does not override the need to obtain building regulations approval, with specific regard to the fire safety aspects of the building regulations requirements. In view of the above, the proposal complies with policy D12 of the London Plan.

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.

Paragraph 11 of the Framework explains how the presumption in favour of sustainable development applies. For the reasons set out above, this application falls to be determined in accordance with the test under section 38(6) of the 2004 Act, the proposal is in general conformity with the Development Plan overall and there are no material considerations of sufficient weight to justify refusal.

Grant planning permission with conditions

Recommendation:

The determination of this application falls within the scope of Officer delegated powers - YES ~~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):GE..... Dated:17/06/2024.....

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:ND.....

Dated:19.06.2024.....