

Application reference: 24/1215/FUL SOUTH RICHMOND WARD

Date application received	Date made valid	Target report date	8 Week date
13.05.2024	21.05.2024	16.07.2024	16.07.2024

Site:

8 Selwyn Court, Church Road, Richmond, TW10 6LR

Proposal:

Enclose existing balcony at the rear of the flat with a fully double-glazed window in the same style as the other windows in the block, to extend the kitchen into this enclosed balcony section.

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

APPLICANT NAME

Mr Miguel Fullana
8 Selwyn Court
Church Road
Richmond
Surrey
TW10 6LR
United Kingdom

AGENT NAME

DC Site Notice: printed on 22.05.2024 and posted on 31.05.2024 and due to expire on 21.06.2024

Consultations:

Internal/External:

Consultee

14D Urban D

Expiry Date

05.06.2024

Neighbours:

11 Selwyn Court,Church Road,Richmond,TW10 6LR, - 22.05.2024
15 Selwyn Court,Church Road,Richmond,TW10 6LR, - 22.05.2024
17 Selwyn Court,Church Road,Richmond,TW10 6LR, - 22.05.2024
12A Selwyn Court,Church Road,Richmond,TW10 6LR, - 22.05.2024
1 Selwyn Court,Church Road,Richmond,TW10 6LR, - 22.05.2024
2 Selwyn Court,Church Road,Richmond,TW10 6LR, - 22.05.2024
4 Selwyn Court,Church Road,Richmond,TW10 6LR, - 22.05.2024
The Lodge,Selwyn Court,Church Road,Richmond,TW10 6LR, - 22.05.2024
Ground Floor Flat,3 Kings Road,Richmond,TW10 6NN, - 22.05.2024
3A Kings Road,Richmond,TW10 6NN, - 22.05.2024
Maisonette,3 Kings Road,Richmond,TW10 6NN, - 22.05.2024
1E Kings Road,Richmond,TW10 6NN, - 22.05.2024
Flat 9,117 Church Road,Richmond,TW10 6LS, - 22.05.2024
The Coach House,Selwyn Court,Church Road,Richmond,TW10 6LR, - 22.05.2024
Flat 5,112 Church Road,Richmond,TW10 6LW, - 22.05.2024
Flat 8,117 Church Road,Richmond,TW10 6LS, - 22.05.2024
22 Matthias Court,119 Church Road,Richmond,TW10 6LL, - 22.05.2024
20 Matthias Court,119 Church Road,Richmond,TW10 6LL, - 22.05.2024
18 Matthias Court,119 Church Road,Richmond,TW10 6LL, - 22.05.2024
16 Matthias Court,119 Church Road,Richmond,TW10 6LL, - 22.05.2024
13 Matthias Court,119 Church Road,Richmond,TW10 6LL, - 22.05.2024
Flat 4,112 Church Road,Richmond,TW10 6LW, - 22.05.2024
Flat 1,112 Church Road,Richmond,TW10 6LW, - 22.05.2024
21 Matthias Court,119 Church Road,Richmond,TW10 6LL, - 22.05.2024

19 Matthias Court,119 Church Road,Richmond,TW10 6LL, - 22.05.2024
17 Matthias Court,119 Church Road,Richmond,TW10 6LL, - 22.05.2024
15 Matthias Court,119 Church Road,Richmond,TW10 6LL, - 22.05.2024
14 Matthias Court,119 Church Road,Richmond,TW10 6LL, - 22.05.2024
12 Matthias Court,119 Church Road,Richmond,TW10 6LL, - 22.05.2024
Flat 7,117 Church Road,Richmond,TW10 6LS, - 22.05.2024
Flat 6,117 Church Road,Richmond,TW10 6LS, - 22.05.2024
Flat 5,117 Church Road,Richmond,TW10 6LS, - 22.05.2024
Flat 4,117 Church Road,Richmond,TW10 6LS, - 22.05.2024
Flat 3,117 Church Road,Richmond,TW10 6LS, - 22.05.2024
Flat 2,117 Church Road,Richmond,TW10 6LS, - 22.05.2024
Flat 1,117 Church Road,Richmond,TW10 6LS, - 22.05.2024
Flat 3,112 Church Road,Richmond,TW10 6LW, - 22.05.2024
Flat 2,112 Church Road,Richmond,TW10 6LW, - 22.05.2024
28 Selwyn Court,Church Road,Richmond,TW10 6LR, - 22.05.2024
27 Selwyn Court,Church Road,Richmond,TW10 6LR, - 22.05.2024
26 Selwyn Court,Church Road,Richmond,TW10 6LR, - 22.05.2024
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9 Selwyn Court,Church Road,Richmond,TW10 6LR, - 22.05.2024
7 Selwyn Court,Church Road,Richmond,TW10 6LR, - 22.05.2024
6 Selwyn Court,Church Road,Richmond,TW10 6LR, - 22.05.2024
5 Selwyn Court,Church Road,Richmond,TW10 6LR, - 22.05.2024
3 Selwyn Court,Church Road,Richmond,TW10 6LR, - 22.05.2024
5 Kings Road,Richmond,TW10 6NN, - 22.05.2024
1C Kings Road,Richmond,TW10 6NN, - 22.05.2024
1D Kings Road,Richmond,TW10 6NN, - 22.05.2024
1B Kings Road,Richmond,TW10 6NN, - 22.05.2024
1A Kings Road,Richmond,TW10 6NN, - 22.05.2024

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

Development Management

Status: PCO

Application:24/1215/FUL

Date:

Enclose existing balcony at the rear of the flat with a fully double-glazed window in the same style as the other windows in the block, to extend the kitchen into this enclosed balcony section.

Building Control

Deposit Date: 21.02.2022 Install a replacement consumer unit

Reference: 22/NIC00527/NICEIC

Building Control

Deposit Date: 12.05.2024 Install a gas-fired boiler

Reference: 24/FEN01864/GASAFE

Application Number	24/1215/FUL
Address	8 Selwyn Court, Church Road, Richmond, TW10 6LR
Proposal	Enclose existing balcony at the rear of the flat with a fully double-glazed window in the same style as the other windows in the block, to extend the kitchen into this enclosed balcony section.
Contact Officer	Izabela Moorhouse
Determination Date	16/07/2024

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 five-storey block of flats, with a u-shaped plan, located towards the southern side of Church Road. The site has not been identified as a Building of Townscape Merit (BTM), however it does fall within the St Matthias Conservation Area (CA30). The site is also subject to the following planning constraints:

- Area Poorly Provided with Public Open Space
- Article 4 Direction – restricting basements
- Critical Drainage Area
- Throughflow Catchment Area
- Richmond and Richmond Hill Village
- St Matthias Village Character Area

3. PROPOSALS AND RELEVANT PLANNING HISTORY

The application seeks permission to “Enclose existing balcony at the rear of the flat with a fully double-glazed window in the same style as the other windows in the block, to extend the kitchen into this enclosed balcony section”.

The comprehensive list of planning history can be found above. No relevant history associated with the site, however the following planning history in the locality is relevant:

14 Selwyn Court:

22/2449/FUL - Enclose an existing balcony at the rear of the flat with a fully double-glazed window . Extending kitchen into this enclosed balcony section. **(Granted)**

3 Selwyn Court:

19/2497/FUL - Small kitchen balcony to be infilled with glazing to match others in the block. Lowering of the existing window sill height to allow the insertion of a door onto the existing balcony. **(Granted)**

9 Selwyn Court:

15/2622/FUL - Extension to the roof terrace and new safety handrail to the existing parapet wall. Enclosure of an existing balcony and replacement of the existing windows. **(Granted)**

23 Selwyn Court:

12/2929/FUL - Replacement of glazing (external) throughout the property. Additionally, the small kitchen balcony is to be glazed in, in a similar fashion to the majority of other dwellings in the block. **(Granted)**

25 Selwyn Court:

10/0891/FUL - Balcony Infil Extension **(Granted)**

27 Selwyn Court:

98/2577 - Enclosure Of Balcony At 3rd Floor Level. **(Granted)**

19 Selwyn Court:

97/1954 - To Enclose A Balcony At Rear (4th Floor Level) Of Property With Glass Conservatory **(Granted)**

28 Selwyn Court:

96/3827 - Enclosure Of Two Balconies And Widening Of External Door To Roof Terrace **(Granted)**

4. CONSULTATIONS CARRIED OUT

The list of neighbours notified of this application are listed above. No letters of representation were received.

5. AMENDMENTS

None.

6. MAIN POLICIES RELEVANT TO THE DECISION

NPPF (2021)

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://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 D12 - Fire Safety
- Policy HC1 – Heritage conservation and growth

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	Compliance	
Local Character and Design Quality	LP1	Yes	No
Designated Heritage Assets	LP3	Yes	No
Impact on Amenity and Living Conditions	LP8	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) and its supporting documents, including all the Regulation 18 representations received, was considered at Full Council on 27 April. Approval was given to consult on the Regulation 19 Plan and, further, to submit the Local Plan to the Secretary of State for Examination in due course.

The Publication Version Local Plan, including its accompanying documents, have been published for consultation on 9 June 2023. Together with the evidence, the Plan is a material consideration for the purposes of decision-making on planning applications.

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 Local Plan to be sound and legally compliant, officers and Councillors should accord relevant policies and allocations weight in the determination of applications taking account of the extent to which there are unresolved objections to relevant policies. Note that it was agreed by Full Council 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.

Overall, the weight afforded to each policy at this stage will differ depending on the nature of representations received to that policy. Where relevant to the application under consideration, this is addressed in more detail in the assessment below.

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Issue	Publication Plan Policy	Local Compliance	
		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

House Extension and External Alterations
Richmond and Richmond Hill Village Planning Guidance
Conservation Areas

These policies can be found at:

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

Other

St Matthias 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.

7. EXPLANATION OF OFFICER RECOMMENDATION

The key issues for consideration are:

- i Design and Impact on Heritage Assets
- ii Impact on Neighbour Amenity
- iii Fire Safety
- iv Biodiversity

Issue i – Design and Visual Amenity

The NPPF (National Planning Policy Framework) advises good design is a key aspect of sustainable development and is indivisible from good planning and should contribute positively to making places better for people.

The NPPF states that there should be a presumption in favour of the conservation of designated heritage assets and the more significant the designated heritage asset the greater the presumption in favour of its conservation should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.

Policy LP1 of the Local Plan seeks to maintain and, where possible, enhance the high architectural and urban design quality which contributes to the character and heritage of the area.

Policy LP3 requires development to conserve the historic environment of the borough, and where possible make a positive contribution. 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.

Selwyn Court is a 1930s block of flats within the St Matthias Conservation Area. It is a substantial five-storey building in brown brick with a U-shaped plan. The primary elevation addresses Church Road with a recessed central garden and articulated entrance with a full-height bay flanked on both sides by balconies to either floor. The rear elevation is visible from Albany Passage. Designed in the Art-Deco style typical of 1930s blocks, it is relatively restrained, with curved balconies and Crittal windows the distinguishing features. Many windows have been replaced with uPVC units which although largely mirror the original glazing pattern, are still unsympathetic alterations. Other windows, particularly on the primary elevation, are more sympathetic replacements. A number of the original balconies have been infilled with glazing to match the main building.

This application relates to Flat 8 which is located on the north elevation on the third floor (fourth storey).

Selwyn Court is located at the southern end of Church Road and forms part of the setting of the Grade II listed St Matthias Church. It sits alongside the 1970s development of Matthias Court, both forming a break in the streetscape from the large 19th century villas which characterise the northern section of Church Road. More widely, the significance of the St Matthias Conservation Area is defined by the consistent high-quality townscape of the 19th century development it encompasses, with a mix of building style and forms from terraced cottages to large, detached villas.

This application seeks permission for the enclosure of the balcony with glazing, and extension of the kitchen into the balcony.

No objections are raised regarding the proposed works. As noted above, this arrangement has already been implemented on a number of flats across Selwyn Court, including recent approved application 22/2449/FUL for similar works at no.14. The proposed glazing would match similar enclosed balconies and would contribute to the emerging cohesive appearance of this feature. Similarly the proposed glazing pattern reflects others within the block. No harm would be caused to the character and appearance of the St Matthias Conservation Area.

This application is in accordance with Local Plan policies LP1 and LP3 and Publication Local Plan policies 28 and 29. It also conforms to paragraph 205 of the NPPF (2023).

Issue ii - 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 SPD seeks to protect adjoining properties from visual intrusion, loss of light and privacy.

Given the nature of the proposals, no impact to neighbour amenity is expected compared to that of the existing. Although there would be a change in glazing, the proposals would not afford new views compared to that of the existing.

The proposed scheme is considered acceptable in terms of neighbour amenity. The proposal is not considered to detrimentally impact the amenities of any neighbouring occupiers and therefore, is in line with policy LP8 of the Local Plan (2018) and relevant Supplementary Planning Documents/Guidance.

Issue iii - Fire Safety

London Plan policy D12 requires the submission of a Fire Safety Statement on all planning applications.

A Reasonable Exception Statement has been submitted to the Council - received 20/05/2024.

It is considered that the requirement of London Plan Policy D12 (a) to provide Fire Statement does not apply as the development is of a minor scale. As the proposal comprises for replacement external doors and no internal alterations to layout are proposed, the proposal is not considered to affect the existing fire safety arrangements.

Issue iv – 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

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 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, 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):IZM..... Dated:25/06/2024.....

I agree the recommendation:

~~Team Leader/Head of Development Management/Senior Planner~~

Dated:GE.....17/07/2024.....