

Application reference: 24/1551/HOT
KEW WARD

Date application received	Date made valid	Target report date	8 Week date
19.06.2024	21.06.2024	16.08.2024	16.08.2024

Site:

3 Gloucester Road, Kew, Richmond, TW9 3BS

Proposal:

Rear in-fill extension and enlarged rear outrigger window.

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

APPLICANT NAME

Mr Denis O Connor
3 Gloucester Road
Kew
Richmond
TW9 3BS

AGENT NAME

Ed Shinton
1 Gloucester Road
London
TW9 3BS

DC Site Notice: printed on 24.06.2024 and posted on 05.07.2024 and due to expire on 26.07.2024

Consultations:

Internal/External:

Consultee

14D Urban D

Expiry Date

08.07.2024

Neighbours:

- 20 Gloucester Road, Kew, Richmond, TW9 3BU, - 24.06.2024
- Managers Flat, The Coach And Horses, 8 Kew Green, Kew, Richmond, TW9 3BH, - 24.06.2024
- The Coach And Horses, 8 Kew Green, Kew, Richmond, TW9 3BH, - 24.06.2024
- Annexe At, 20 Kew Green, Kew, Richmond, TW9 3BH, - 24.06.2024
- 20 Kew Green, Kew, Richmond, TW9 3BH, - 24.06.2024
- 1 Gloucester Road, Kew, Richmond, TW9 3BS, - 24.06.2024
- 5 Gloucester Road, Kew, Richmond, TW9 3BS, - 24.06.2024

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

<u>Development Management</u>	
Status: GTD Date: 12/05/2003	Application: 03/0794 Erection Of Single Storey Rear Extension
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<u>Development Management</u>	
Status: REF Date: 23/02/2021	Application: 21/0178/HOT Erection of a rear dormer roof extension and installation of conservation rooflights within the rear and rear-side roof slopes.
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<u>Development Management</u>	
Status: GTD Date: 10/01/2022	Application: 21/4009/HOT Erection of a dormer within the rear roof slope and installation of conservation rooflights within the rear and rear-side roofslopes.
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<u>Development Management</u>	
Status: PDE Date:	Application: 24/1551/HOT Rear in-fill extension and enlarged rear outrigger window.

Appeal

Validation Date: 25.08.2021 Erection of a rear dormer roof extension and installation of conservation rooflights within the rear and rear-side roof slopes.

Reference: 21/0108/AP/REF

Building Control

Deposit Date: 14.02.1992 Single storey rear extension

Reference: 92/0193/BN

Building Control

Deposit Date: 22.05.2013 Installed a Gas Boiler

Reference: 13/FEN08476/GASAFE

Building Control

Deposit Date: 30.06.2020 Install a gas-fired boiler

Reference: 20/FEN02180/GASAFE

Building Control

Deposit Date: 21.01.2022 Loft conversion with rear dormer to create habitable living space, internal associated alterations to existing dwelling. The work excludes any gas work subject to the Gas Safety (Installation and Use) Regulations 1998 and electrical work notifiable under the Building Regulation 12(6A)

Reference: 22/0128/IN

Building Control

Deposit Date: 26.09.2022 Install a replacement consumer unit

Reference: 22/NIC02454/NICEIC

Building Control

Deposit Date: 27.09.2022 Partial rewire

Reference: 24/NIC02937/NICEIC

Enforcement

Opened Date: 09.03.2021 Enforcement Enquiry

Reference: 21/0069/EN/UBW

Application Number	24/1551/HOT
Address	3 Gloucester Road, Kew, Richmond, TW9 3BS
Proposal	Rear in-fill extension and enlarged rear outrigger window.
Contact Officer	Kerry McLaughlin

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 proposal property is a two-storey, terraced dwelling, located on the north-eastern side of Gloucester Road.

The application site is subject to the following planning constraints:

Archaeological Priority	Site: Richmond APA 2.4: Kew Green - Archaeological Priority Area - Tier II
Area Benefiting Flood Defence - Environment Agency.	Areas Benefiting from Defences
Area Susceptible to Groundwater Flood - Environment Agency	Superficial Deposits Flooding - >= 50% <75% - SSA Pool ID: 1493
Article 4 Direction Basements	Article 4 Direction - Basements / Ref: ART4/BASEMENTS / Effective from: 18/04/2018
Article 4 Direction Conservation	ART4/CA2.3 - Kew Green 4(2) GDO 05/12/1988 / Ref: ART4/02/3 / Effective from: 17/02/1995
Building of Townscape Merit	Site: 3 Gloucester Road Kew Surrey TW9 3BS
Conservation Area	CA2 Kew Green
Floodzone 2	Tidal Models
Floodzone 3	Tidal Models
SFRA Zone 3a High Probability	Flood Zone 3
Village	Kew Village
Village Character Area	Kew Residential Roads - Area 2 & Conservation Area 2 Kew Village Planning Guidance Page 19 CHARAREA02/02/03
Ward	Kew Ward
World Heritage Site and buffer zone	Royal Botanic Gardens, Kew Buffer Zone (c) Historic England 2015. Contains OS data. (c) Crown copyright and database 2015. The most publicly available up to date HE data can be obtained from HistoricEngland.org.uk
World Heritage Site and its buffer zone by Historic England.	Royal Botanic Gardens, Kew - World Heritage Site - Buffer Zone

3. RELEVANT PLANNING HISTORY

The comprehensive list of planning history can be found above however the most relevant planning history is as follows:

There is no relevant planning history associated with the site.

4. CONSULTATIONS CARRIED OUT

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

No letters of representation have been received.

5. AMENDMENTS

Infill extension reduced in height. Revised drawings were received on 18/07/2024. Neighbours were not re-consulted given no material amendment to the original scheme.

6. 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://assets.publishing.service.gov.uk/media/65819679fc07f3000d8d4495/NPPF_December_2023.pdf

London Plan (2021)

The main policies applying to the site are:

- D4 - Delivering good design
- D12 - Fire Safety
- HC1 - Heritage conservation and growth
- G7 - Trees and woodlands
- SI12 - Flood risk management

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
Non-Designated Heritage Assets	LP4	Yes	No
Royal Botanic Gardens, Kew World Heritage Site	LP6	Yes	No
Archaeology	LP7	Yes	No
Amenity and Living Conditions	LP8	Yes	No
Trees, Woodland and Landscape	LP16	Yes	No
Flood Risk and Sustainable Drainage	LP21	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-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	Local Plan Policy	Compliance	
Local Character and Design Quality	LP28	Yes	No
Designated Heritage Assets	LP29	Yes	No
Non-Designated Heritage Assets	LP30	Yes	No
Royal Botanic Gardens, Kew World Heritage Site	LP32	Yes	No
Archaeology	LP33	Yes	No
Amenity and Living Conditions	LP46	Yes	No
Trees, Woodland and Landscape	LP42	Yes	No
Flood Risk and Sustainable Drainage	LP8	Yes	No

These policies can be found at https://www.richmond.gov.uk/draft_local_plan_publication_version

Supplementary Planning Documents

Buildings of Townscape Merit
House Extension and External Alterations
Kew Village Plan

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:
CA2 Kew Green Conservation Area Statement
CA2 Kew Green Conservation Area Study
CA2.3 - Kew Green Article 4 Direction

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/Visual Amenity
- ii Neighbour Amenity
- iii Archaeology
- iv Trees

- v Flood Risk
- vi Biodiversity

Issue i - Design/Visual Amenity

Policy LP1 of the Local Plan 2018 seeks to maintain and, where possible, enhance the high architectural and urban design quality which contributes to the character and heritage of the area. Proposals should demonstrate an understanding of the site and its context when considering the design including layout, siting and access and the compatibility of the works to the neighbouring uses.

Policy LP3 of the Local Plan 2018 covers Designated Heritage Asset and states that proposals should conserve and take opportunity to make positive contribution to the historic environment such as retaining and preserving the original structure, layout, architectural features and materials or reinstatement of heritage assets. Appropriate materials and techniques should be used. There is a requirement to seek to avoid harm or justify for loss and demolition will be resisted. The significance of the asset is taken into consideration when assessing works proposed to a designated heritage asset.

Policy LP4 states that development shall preserve the significance, character and setting of non-designated heritage assets.

Policy LP6 states The Council will protect, conserve, promote and where appropriate enhance the Royal Botanic Gardens, Kew World Heritage Site, its buffer zone and its wider setting. In doing this, the Council will take into consideration that:

- *The World Heritage Site inscription denotes the highest significance to the site as an internationally important heritage asset.*
- *The appreciation of the Outstanding Universal Value of the site, its integrity, authenticity and significance, including its setting (and the setting of individual heritage assets within it) should be protected from any harm.*
- *Appropriate weight should be given to the Royal Botanic Gardens, Kew World Heritage Site Management Plan and the Royal Botanic Gardens, Kew Landscape Master Plan.*

The Councils SPD relating to House Extensions and External Alterations states that the overall shape, size and position of side and rear extensions should not dominate the existing house or its neighbours. It should harmonise with the original appearance, either by integrating with the house or being made to appear as an obvious addition.

3 Gloucester Road is a late 19th terraced house within the Kew Green Conservation Area and is designated as a Building of Townscape Merit (BTM). It is two storeys in stock brick under a slate roof with a front-facing gable end. To the front is a box bay window and an entrance door under a slate-clad porch shared with no.1. Architectural detailing includes the decorative bargeboard to the gable and decorative roof ridge tiles. To the rear is a two-storey outrigger and dormer to the rear roof slope.

No.3 forms part of a wider terrace at the western end of Gloucester Road. It is of a highly cohesive design with the gable ends providing a regular rhythm to the roofscape. The street is described in the Conservation Area Appraisal as one "where there are stretches of short terraces which creates a rather continuous frontage, with a more enclosed character than the other streets in the character area. However, there are various elements that add variety and depth to elevations, which avoids the impression of monotony, such as projecting gables and bay windows."

The significance of no.3 as a BTM is defined by its architectural style and surviving original features, symmetry and close visual relationship with no.1, group value with the wider terrace, and contribution to the character and streetscape of Gloucester Road.

More widely, the significance of the Kew Green Conservation Area is centred on the Green and the combination of historic open spaces with high quality buildings dating from the 18th and 19th centuries. The area presents a rich variety of building ages and architectural treatment which illustrate the layers of history to the area and its gradual development from a royal rural settlement to a bustling residential area. This adds greatly to its historic significance and brings visual interest and variety to the streetscape.

This application is for a single storey infill extension and new window to the outrigger at ground floor level.

The single storey infill extension comprises a sloped roof, the height of the extension will be sited comfortably below the cill of the first-floor level fenestration, as required under SPD. Whilst the maximum height of the extension will measure ~3.2m, the height is similar to various other approvals along the street, including the neighbouring property at No.5, in terms of where the top of the sloped glass roof meets the existing building. It is also noted, No.1 Gloucester Road comprises a solid brick infill extension measuring 3.3m high, permitted

in 2017.

Given the proposed dimensions in comparison to the existing built form, the rear extension will not appear overly dominant and will appear subordinate to the original building.

The extension will be mainly minimally-framed glass with aluminium frames, with lead-coloured GRP roof with integrated box gutter, the neighbouring face will be in London Stock brickwork above the existing garden wall, with lead or aluminium clad wall to lower part of extension, with matching downpipe to the rear. The glazing will allow for the existing rear and outrigger brickwork to show through, so the original BTM can still be appreciated. The contemporary materials assist in reducing the visual bulk and contribute to helping the extension appear an obvious addition to the main dwellinghouse. No objections are raised with regard to materials.

The amenity space in the rear garden would be reduced as a result of the proposal. However, the reduction will not be significant, when compared to the rear garden area and does not harm local character.

When viewed in the context of the neighbouring additions, it is considered that the proposed development would not harm the character and appearance of the surrounding conservation area. Due to the siting, the works will not form views from the front of the dwelling/street scene, having a neutral impact on the public realm.

No objections are raised regarding the new window to the outrigger which is considered a modest alteration. The window would have a similarly contemporary design aesthetic, clearly identifying it as a modern alteration.

The proposals will preserve the character of no.3 as a BTM. Both elements of the proposed works are confined to the rear of no.3 and would not be easily visible from public vantage points. Therefore, they would have no impact on the character and appearance of the Kew Green Conservation Area.

The application is in accordance with policies LP1, LP3, and LP4 of the Local Plan (2018) and conform to paragraphs 205 and 209 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 on House Extensions and External Alterations notes that generally an extension of 3m in depth for a terrace property will be acceptable. Where the proposed extension seeks a larger depth, the eaves should be reduced to 2.2m at the shared boundary to mitigate detrimental impact on neighbours such as sense of enclosure or overbearing. However, the final test of acceptability is dependent on the specific circumstances of the site which may justify greater rear projection.

Given siting, any potential neighbouring amenity impact, as a result of the infill extension, is limited to No. 5 Gloucester Road only. The extension will not protrude beyond the rear elevation of the outrigger which sits adjacent to the shared boundary line with No.1.

The depth of the proposed extension would exceed the guidelines set out in the 'House Extensions and External Alterations' SPD, however, the SPD also states 'Infill extensions are fairly typical around the borough. In such instances, where the depth exceeds that outlined above (3m), the eaves height should be limited to 2.2m to mitigate the sense of enclosure'. This scheme proposes an eaves height of 2.2m along the boundary adjoining No.5 and therefore complies with this criterion. As such, it is considered that the proposed extension will not result in any undue overbearing, visual intrusion or create a sense of enclosure to this property.

The scheme will sit adjacent to a solid shed within the rear garden of No.5, along the shared boundary. As such, the scheme will not lead to any demonstrable harm in terms of loss of light/overshadowing to this dwelling or garden area.

Whilst it is noted there is an increase in the overall size of the openings/glazed areas, the proposal will not result in any new onerous viewing angles above that which can already be achieved through the existing fenestration/garden area. Thus, the proposal will not result in an increase in overlooking or raise any issues with regard to privacy on any neighbouring properties.

The proposal would not cause an unreasonable loss of outdoor amenity space, as required under SPD.

The property would remain solely in residential use as a result of the proposal. An undue increase in noise or
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pollution would not occur as a result of the proposal.

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 - Archaeology

The site is located in an Archaeology Priority Area, Tier II (APA 2.4: Kew Green). Policy LP7 states that “the Council will seek to protect, enhance and promote its archaeological heritage (both above and below ground), and will encourage its interpretation and presentation to the public.” Given the limited scale of the development, an archaeological assessment is not a requirement. However, if the subject works do uncover archaeological findings, it will be necessary to take measures to safeguard the archaeological remains where these are found in line with LP7.

Issue iv - Trees

Policy LP16 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 location of this proposal is sited within the CA2 Kew Green, Conservation Area which affords trees both within and adjacent to the site of the proposal, statutory protection. However, there are no recorded Tree Preservation Orders (TPO) within or adjacent to the site of the proposal.

It is not anticipated that the incorporation of the proposed development and its construction would materially harm the health of any statutory protected trees.

The proposed development would accord with Policy LP 16 of the Local Plan.

Issue v - Flood Risk

Policy LP21 of the Local Plan states ‘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 situated within flood risk zones 2, 3 & 3a, as well as an area susceptible to surface water flooding.

A Flood Risk Assessment (FRA) has been provided as part of this application to comply with the requirements of LP21, which confirms the floor levels within the proposed development will be set no lower than existing levels and, flood proofing of the proposed development has been incorporated where appropriate.

Issue vi - 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 is a householder application.

Other Matters

Fire Safety

The applicant has submitted a ‘Fire Statement’ as required under policy D12 of the London Plan (2021).

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.

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 Officer Planning Report – Application 24/1551/HOT Page 8 of 9

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): KM

Dated: 29.07.2024

I agree the recommendation:

South Area Team Manager:ND.....

Dated:29.07.2024.....