

Application reference: 24/1616/FUL KEW WARD

Date received	application	Date made valid	Target report date	8 Week date
25.06.2024		08.07.2024	02.09.2024	02.09.2024

Site:

37 Mortlake Road, Kew, Richmond, TW9 3JQ

Proposal:

Block off existing side door to facilitate the reversion of 2 flats into single dwelling.

APPLICANT NAME

Ms Kaye Coleman
37 Mortlake Road
Kew
Richmond
London
TW9 3JQ

AGENT NAME

Mr Jake Challinor-Smith
York House
York Street
Manchester M2 3BB
M2 3BB
United Kingdom

DC Site Notice: printed on 08.07.2024 and posted on 19.07.2024 and due to expire on 09.08.2024

Consultations:

Internal/External:

Consultee

14D POL
14D Urban D

Expiry Date

22.07.2024
22.07.2024

Neighbours:

50 Gloucester Road, Kew, Richmond, TW9 3BX, - 08.07.2024
 48 Gloucester Road, Kew, Richmond, TW9 3BX, - 08.07.2024
 46 Gloucester Road, Kew, Richmond, TW9 3BX, - 08.07.2024
 44 Gloucester Road, Kew, Richmond, TW9 3BX, - 08.07.2024
 32G Cumberland Road, Kew, Richmond, TW9 3HQ, - 08.07.2024
 32F Cumberland Road, Kew, Richmond, TW9 3HQ, - 08.07.2024
 32D Cumberland Road, Kew, Richmond, TW9 3HQ, - 08.07.2024
 32C Cumberland Road, Kew, Richmond, TW9 3HQ, - 08.07.2024
 32B Cumberland Road, Kew, Richmond, TW9 3HQ, - 08.07.2024
 32A Cumberland Road, Kew, Richmond, TW9 3HQ, - 08.07.2024
 32E Cumberland Road, Kew, Richmond, TW9 3HQ, - 08.07.2024
 66 Gloucester Road, Kew, Richmond, TW9 3BX, - 08.07.2024
 68 Gloucester Road, Kew, Richmond, TW9 3BX, - 08.07.2024
 64 Gloucester Road, Kew, Richmond, TW9 3BX, - 08.07.2024
 62 Gloucester Road, Kew, Richmond, TW9 3BX, - 08.07.2024
 37A Mortlake Road, Kew, Richmond, TW9 3JQ, - 08.07.2024
 Flat 5, 35 Mortlake Road, Kew, Richmond, TW9 3JQ, - 08.07.2024
 Flat 2, 35 Mortlake Road, Kew, Richmond, TW9 3JQ, - 08.07.2024
 Flat 1, 35 Mortlake Road, Kew, Richmond, TW9 3JQ, - 08.07.2024
 Flat 4, 35 Mortlake Road, Kew, Richmond, TW9 3JQ, - 08.07.2024
 Flat 3, 35 Mortlake Road, Kew, Richmond, TW9 3JQ, - 08.07.2024
 39 Mortlake Road, Kew, Richmond, TW9 3JQ, - 08.07.2024
 1 Forest Road, Kew, Richmond, TW9 3BY, - 08.07.2024
 37A Mortlake Road, Kew, Richmond, TW9 3JQ, - 08.07.2024
 Flat 5, 35 Mortlake Road, Kew, Richmond, TW9 3JQ, - 08.07.2024
 Flat 2, 35 Mortlake Road, Kew, Richmond, TW9 3JQ, - 08.07.2024
 Flat 1, 35 Mortlake Road, Kew, Richmond, TW9 3JQ, - 08.07.2024
 Flat 4, 35 Mortlake Road, Kew, Richmond, TW9 3JQ, - 08.07.2024
 Flat 3, 35 Mortlake Road, Kew, Richmond, TW9 3JQ, - 08.07.2024

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

Development Management

Status: GTD Application:01/T0519
Date:08/05/2001 Leylandi - Reduce By 50

Development Management

Status: GTD Application:01/T0520
Date:08/05/2001 Leylandi - Reduce By 50

Development Management

Status: GTD Application:01/T0521
Date:08/05/2001 Leylandi - Reduce By 50

Development Management

Status: GTD Application:01/T0522
Date:08/05/2001 Leylandi - Reduce By 50

Development Management

Status: GTD Application:01/T0523
Date:08/05/2001 Leylandi - Reduce By 50

Development Management

Status: GTD Application:01/T0524
Date:08/05/2001 Leylandi - Reduce By 50

Development Management

Status: GTD Application:01/T0525
Date:08/05/2001 Leylandi - Reduce By 50

Development Management

Status: REF Application:65/0429
Date:21/07/1965 Conversion into and use as one flat and six bed-sitting rooms.

Development Management

Status: GTD Application:06/T0427/TCA
Date:01/09/2006 T1 - Horse Chestnut (Aesculus hippocastanum) - Reduce by 50%

Development Management

Status: GTD Application:10/T0775/TCA
Date:04/01/2011 T1 - Chestnut - 80% crown reduction and clean up main trunk

Development Management

Status: RNO Application:12/T0298/TCA
Date:10/07/2012 T1-14- Leylandii- Remove- Trees have become too large, unmanageable and dominant- Replace with various shrubs

Development Management

Status: RNO Application:12/T0347/TCA
Date:24/07/2012 T1- Bay- Remove T2- Elm- Remove T3- Hawthorn- Remove T4- Horse Chestnut- Remove Reason: Owner plans to re-landscape garden

Development Management

Status: GTD Application:12/1940/FUL
Date:03/09/2012 Construction of a vehicle crossover.

Development Management

Status: VOID Application:12/1941/VOID
Date:10/07/2012 Construction of a vehicle crossover

Development Management

Status: GTD Application:12/2396/FUL
Date:18/09/2012 Demolition of existing single storey rear addition and construction of new single storey extension to the rear and sides in connection with the use as two self-contained residential units.

Development Management

Status: RNO Application:14/T0258/TCA
Date:11/04/2014 T1-Eucalyptus with top broken off in winds. Reduce back remaining lateral limbs back by 2-3M to reshape tree.

Development Management

Status: INV Application:22/2410/FUL
Date: Block off existing side door to facilitate the reversion of 2 flats into single dwelling

Development Management

Status: RNO Application:24/T0336/TCA

Date:12/06/2024

Front Garden (Right Boundary) T1: Eucalyptus tree - Fell to ground level, eco plug stump Measurements: Current height 7m and spread 4m. Reduce height to 0m and spread to 0m. (Left Boundary) T2: Cherry tree - Fell to ground level Measurements: Current height 4m and spread 3m. Reduce height to 0m and spread to 0m. Reason for work: T1 and T2 blocking street sine limb snapped of in winds onto road Suppressing growth of shrubs Overhanging footpath Landscaping garden Back Garden (Right Boundary) T3a: Silver birch tree - Thin canopy by 10%, tidy up previous pruning points from neighbour's side, remove major deadwood Measurements: Current height 4m and spread 2m. Reduce height to 4m and spread to 2m. T3b: Silver birch tree -Thin canopy by 10%, tidy up previous pruning points from neighbour's side, remove major deadwood Measurements: Current height 4m and spread 2m. Reduce height to 4m and spread to 2m. T3c: Silver birch tree - Thin canopy by 10%, tidy up previous pruning points from neighbour's side, remove major deadwood Measurements: Current height 4m and spread 2m. Reduce height to 4m and spread to 2m. . T3d: Silver birch tree - Thin canopy by 10%, tidy up previous pruning points from neighbour's side, remove major deadwood Measurements: Current height 4m and spread 2m. Reduce height to 4m and spread to 2m. T3e: Silver birch tree - Thin canopy by 10%, tidy up previous pruning points from neighbour's side, prune in extended leaders from x1 birch tree close to house to balance with remaining canopy, remove major deadwood Measurements: Current height 4m and spread 3m. Reduce height to 4m and spread to 2m. Reason for work: General tree maintenance More light Clearance from building Maintaining this tree in its current setting Reduce shading to house Suppressing growth of shrubs

Development Management

Status: PCO

Application:24/1616/FUL

Date:

Block off existing side door to facilitate the reversion of 2 flats into single dwelling.

Building Control

Deposit Date: 14.11.2012

Single storey side and rear extensions and conversion of ground and first floor bedsits into a self contained maisonette unit.

Reference: 12/2120/BN

Building Control

Deposit Date: 20.12.2013

Rewire of all circuits

Reference: 13/ELE01909/ELECSA

Building Control

Deposit Date: 26.02.2014

Installed a Gas Boiler

Reference: 14/FEN00732/GASAFE

Building Control

Deposit Date: 16.11.2012

Rewire of all circuits

Reference: 14/ELE00092/ELECSA

Building Control

Deposit Date: 29.04.2014

Installed an Unvented Hot Water Storage Vessel

Reference: 14/FEN01501/GASAFE

[Application Number	24/1616/FUL
Address	37 Mortlake Road, Kew, Richmond, TW9 3JQ
Proposal	Block off existing side door to facilitate the reversion of 2 flats into single dwelling.
Contact Officer	Izabela Moorhouse
Target Determination Date	02/09/2024
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 a two and a half storey detached dwelling located on the south-eastern end of Mortlake Road. The building currently comprises two self-contained flats. The site is not listed and has not been identified as a Building of Townscape Merit (BTM) but is located within the Kew Green Conservation Area (CA2). The site is also subject to the following designations:

- Area benefiting from flood defences
- Area susceptible to groundwater flooding $\geq 50\%$
- Floodzones 2 and 3 (Tidal models)
- Kew Village
- Kew Residential Roads Village Character Area

3. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

Permission is sought for the blocking off of the existing side door in order to facilitate the reversion of 2 flats into single dwelling.

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

12/2396/FUL – Demolition of existing single storey rear addition and construction of new single storey extension to the rear and sides in connection with the use as two self-contained residential units – **Granted**.

4. CONSULTATIONS CARRIED OUT

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

No letters of representation were received.

5. MAIN POLICIES RELEVANT TO THE DECISION

NPPF (2024)

The key chapters applying to the site are:

- 4. Decision-making
- 5. Delivering a sufficient supply of homes
- 11. Making effective use of land
- 12. Achieving well-designed places
- 14. Meeting the challenge of climate change, flooding and coastal change

These policies can be found at:

London Plan (2021)

The main policies applying to the site are:

- GG2 Making the best use of land
- GG4 Delivering the homes Londoners need
- D4 Delivering good design
- D5 Inclusive Design
- D6 Housing quality and standards
- D12 Fire Safety
- H8 Loss of existing housing and estate redevelopment

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 Amenity and Living Conditions	LP8	Yes	No
Impact on Trees	LP16	Yes	No
Impact on Flood Risk and Sustainable Drainage	LP21	Yes	No
Sustainable Design and Construction	LP20, LP22, LP23	Yes	No
Flood Risk and Sustainable Drainage	LP21	Yes	No
Waste Management	LP24	Yes	No
New Housing, Mix, Standards and Affordable Housing	LP34, LP35, LP36	Yes	No
Loss of Housing	LP28	Yes	No
Sustainable Travel Choices	LP44	Yes	No
Parking Standards and Servicing	LP45	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
Minimising Greenhouse gas emissions and promoting	4		Yes No

energy efficiency			
Sustainable construction standards	6	Yes	No
Waste and the circular economy	7	Yes	No
Flood risk and sustainable drainage	8	Yes	No
New Housing, Affordable Housing, Housing Mix and Standards	10, 11, 13	Yes	No
Loss of Housing	14	Yes	No
Local character and design quality	28	Yes	No
Trees, Woodland and Landscape	42	Yes	No
Amenity and living conditions	46	Yes	No
Sustainable travel choices, Vehicular Parking, Cycle Parking, Servicing and Construction Logistics Management	47, 48	Yes	No

Supplementary Planning Documents

Affordable Housing
 Design Quality
 House Extension and External Alterations
 Transport
 Refuse and Recycling Storage Requirements
 Residential Development Standards
 Small and Medium Housing Sites
 Sustainable Construction Checklist

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
 Kew Green 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.

6. EXPLANATION OF OFFICER RECOMMENDATION

The key issues for consideration are:

- i Principle of Development
- ii Design
- iii Impact on neighbour amenity
- iv Housing Mix and Residential Standards
- v Affordable housing
- vi Sustainability

vii	Transport and Servicing
viii	Trees
ix	Flood Risk
x	Fire Safety
xi	Biodiversity

Issue i – Principle of Development

Policy LP38 covers Loss of Housing and sets out a presumption in favour of retaining existing housing, this is also reflected in emerging policy 14 and London Plan Policy H8. The proposal is not in accordance with this as it would result in a loss of 2 smaller units in favour of a larger single family dwellinghouse. The limited land supply and high land values in the borough mean that existing housing is valued and the loss of such units could challenge the Council in achieving its housing targets. While the loss of one unit may not have a significant effect, there could be a cumulative impact. As such, justification for the loss of residential units is required.

The supporting text of Policy LP38 at para 9.5.6 sets out that reversions of houses converted into flats back into a single family dwellinghouse may be considered acceptable if the property was originally a single family dwellinghouse and it can be demonstrated that the loss of units will be outweighed by environmental, streetscene, transport or parking benefits which could not be easily achieved without the reversion. Evidence of tangible benefits is required from an applicant to justify an exception on this basis.

Policy 14 of the Publication Local Plan strengthens the policy, stating; “B. Proposals for reversions and conversions should assess the suitability of the property, environmental and design considerations. Proposals should avoid a detrimental impact on existing housing supply.”

The existing building is a 3-storey detached house, which currently comprises of two flats, a 3-bedroom maisonette and a 2-bedroom flat. The proposal seeks to amalgamate the flats into a single-family dwelling. This results in a net loss of one dwelling, which is resisted under adopted policy LP38 and through emerging policy 14. Richmond has a very high need for housing, whilst also having a variety of constraints to development including the River Thames (the borough is the only one in London to be both North and South of the river), large swathes of protected parks as well as a high quantum of open space designations and conservation areas, meaning there is a high need for housing, but limited opportunities to deliver housing.

The recently updated National Planning Policy Framework (NPPF) 2023, Chapter 5 continues to encourage local planning authorities to; ‘support the Government’s objective of significantly boosting the supply of homes’. Encouragement for the delivery of new housing is also expressed within the London Plan 2021, Policy LP 34 of the Richmond Local Plan (2018) and the emerging Local Plan Policy 10. The borough has a 10-year target set in the London Plan of creating 4,110 homes, which is reflected in the emerging Richmond Local Plan policy 10.

The significant need for housing within Richmond is clear within the recent Local Housing Needs Assessment (LNHA) which forms part of the evidence base for the emerging Local Plan. The stage 2 LNHA was carried out and was published in March 2023. In relation to the overall need for affordable housing, the stage 2 assessment determined an overall need equating to 1,407 dwellings per annum. This highlights the high level of housing need within the borough. In addition, the Councils Housing Delivery Test score was recently published, which states only 91% of the overall housing target has been met over the past 3 years, meaning, Richmond are required to produce a Housing Delivery Test Action Plan. It is therefore highly important for the Council to focus on additional housing delivery and prevent the loss of existing housing which would negatively impact on the Councils overall level of delivery.

Loss of Housing

As previously mentioned, the proposal includes the conversion of 2 flats into one house, resulting in the net loss of one dwelling. Within adopted policy LP38 the loss of existing housing will be resisted unless it can be shown it meets the following criteria:

- The accommodation is no longer needed, or
- The existing accommodation will be adequately re-provided to an equivalent or greater standard in a different way or elsewhere, or
- The new accommodation will meet another identified priority local need.

This is also reflected in emerging policy 14 where the loss of housing and the re-modelling of existing housing is resisted and limited to specific circumstances including:

1. It has first been demonstrated that the existing housing is incapable of improvement or conversion to a satisfactory standard to provide an equivalent scheme (considering embodied carbon and the

- circular economy); and, if this is the case
2. In accordance with London Plan Policy H8, existing housing should be replaced by new housing at existing or higher densities with at least the equivalent level of overall floorspace;
 3. The proposal will result in demonstrable environmental, transport or parking benefits;
 4. The proposal does not have an adverse impact on local character and streetscene, according with Policy 28 'Local Character and Design Quality (Strategic Policy)'; and
 5. The proposal provides a satisfactory standard of accommodation, including accessible design, as set out in Policy 13 'Housing Mix and Standards '.

Relevant Local Plan policy and emerging Local Plan policy is prescriptive regarding the circumstances where it can be considered acceptable for the net loss of existing dwellings, however, the current proposal does not appear to provide clear justification to the reasons for seeking to amalgamate the two existing flats into one dwelling. Specifically related to this proposal, the adopted Local Plan does include the following point in relation to returning previously separated flats into the original single family dwelling:

“9.5.6 Reversions of houses converted into flats back into a single family dwelling house may be considered acceptable if the property was originally a single family dwelling house and it can be demonstrated the loss of units will be outweighed by environmental, street scene, transport or parking benefits which could not be easily achieved without the reversion. Evidence of tangible benefits is required from an applicant to justify an exception on this basis. This can include assessments of sustainability or the poor standards of existing units. A stronger justification for an exception needs to be made where there is a greater loss of existing units.”

However, within the emerging Local Plan paragraph 17.68, provides far greater protection where the amalgamation of dwellings is proposed:

*“Reversions of houses converted into flats back into a single-family dwelling house will only be considered acceptable if the property was originally built as a single-family dwelling house, and it can be demonstrated the loss of a unit will be outweighed by environmental, streetscene, transport or parking benefits which could not be easily achieved without the reversion. **Evidence of tangible benefits is required from an applicant to justify an exception on this basis.** This can include assessments of sustainability or the poor standards of existing units. Reversions should not involve the combining of more than two units due to the borough’s housing needs. A stronger justification for an exception needs to be made if there is a greater loss of existing units, given reversions will be generally resisted due to the loss of existing stock”.*

In this case the proposal does seek to reinstate the building back into the original family dwelling which can be considered in the specific circumstances set out within paragraph 9.5.6 in the adopted Local Plan and paragraph 17.68 in the emerging Local Plan.

Within emerging policy 14, the loss of dwellings is restricted to certain circumstances, including the existing accommodation being incapable of improvement, however, within the application there is limited information on the quality of the existing accommodation to justify the loss of dwelling. Overall, the proposal doesn't appear to be justified against the parameters set out in Local Plan policy LP38 and Publication Local Plan policy 14 where the loss of dwellings can be considered.

Housing Mix

Policy LP35 (A) (Reg 19 Local Plan Policy 13) states that development in this location should generally provide family sized accommodation. The proposal includes the amalgamation of two family sized flats into one large family dwelling. Resulting in the loss of one family sized dwelling, in a location where family sized dwellings are supported within policy.

Although the proposal to provide 1 large family dwelling would align with LP35(A), the loss of a family sized dwelling in this location would be a concern.

Conclusion

The proposal results in the net loss of 1 family sized dwelling which is strictly opposed within adopted policy LP 38 and emerging policy 14. Given the Councils recently published Housing Delivery Test result of 91%, meaning the Council needs to focus on the delivery of housing and lessen the losses of existing dwellings where possible, which will be a consideration within the planning balance.

The principal concern is that the proposal does not meet the requirements of emerging policy 14 and adopted policy LP38, as clear evidence is required to justify the exceptional circumstances to mitigate the loss of an existing dwelling and there does not appear to be clear evidence to quantify the improvements to the standard of accommodation, i.e improved EPC rating, fire safety or other quantifiable improvement.

In relation to affordable housing, under LP36 all gross dwellings on sites below 10 dwellings are required to provide an affordable housing contribution. Based on the current proposal the site would be required to provide 5% affordable housing, and the contribution based on the site type and proposal would be £60,495.

Issue ii- Design

Policy LP1 of the Local Plan requires all development to be of high architectural and urban design quality and compatible with local character in terms of development patterns, scale, height and design.

Policy LP3 states that the council will require 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 significance of the borough's designated heritage assets should be conserved and enhanced. All proposals in Conservation Areas are required to preserve and, where possible, enhance the character or appearance of the Conservation Area.

The application site comprises a two and a half storey Victorian dwelling, built in stock brick. It presents an asymmetric frontage to the street, with a two storey canted bay window to the right of the inset entrance. It forms a group with nos. 33 and 35 Mortlake Road, which share the same stripped Gothic appearance.

The site is an unlisted building located within the Kew Green Conservation Area (CA2). The area was designated due to its character as a historic open space, the associated high quality of mostly eighteenth century development and its riverside environment. There was a further addition of an area of substantial terraced and semi-detached two storey Edwardian and Victorian properties which are largely unaltered (which includes the site). The area is made attractive by its abundance of mature street trees, and it forms a visually cohesive area with an easily identifiable sense of place and village character. The application site positively contributes to the streetscape of Mortlake Road, through its traditional form and palette of materials, as part of a small group of properties sharing the same original design.

The supporting text for Policy LP 38 (Loss of Housing) of the adopted Local Plan states that reversions of houses converted into flats back into a single-family dwelling house may be considered acceptable if the property was originally a single family dwelling house and it can be demonstrated the loss of units will be outweighed by certain benefits which could not be easily achieved without the reversion, including street scene benefits.

No. 37 was historically a single dwelling, and from a purely heritage perspective there would be no objection to reinstatement of the house. The proposals would, however, have a largely neutral impact on the street scene in the absence of any associated external works and the area's character and appearance would remain preserved, including the positive contribution that the application site currently makes to its significance.

It is considered that the principle of the works would be in accordance with the Statutory Duties of the 1990 Act as the proposals will preserve the character and appearance of the conservation area. It is also in accordance with para 205 of the NPPF. The proposals will not cause harm to the heritage assets and thus the policy tests of the NPPF do not apply. Proposals are also in accordance with local policies LP1 and LP3 and policies 28 and 29 of the Publication Local Plan, although it is noted that the loss of housing is generally resisted under LP38.

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 neighboured by Nos. 35 and 39 Beaumont Avenue to the west and east respectively. Nos. 62 and 64 Gloucester Road are sited to the rear.

Given the nature of the proposals are limited to internal changes other than the filling in of one door to the ground floor side elevation, no concerns are raised regarding impact to neighbour amenity.

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 policy 46 of the Publication Local Plan and relevant Supplementary Planning Documents/Guidance.

Issue iv – Housing Mix and Standards

Policy LP35 states that development should generally provide family sized accommodation, except within main centres and Areas of Mixed Use where a higher proportion of small units would be appropriate. It also requires that all new housing developments are required to comply with the Nationally Described Space Standard.

Policy LP 35 (B) requires new housing to comply with the nationally described space standard - which sets a minimum gross internal floor area of 138sqm for a 6 bed 12-person three storey dwelling. The proposed dwelling exceeds this standard.

The space standard also sets a minimum ceiling height of 2.3 meters for at least 75% of the gross internal area of the dwelling. As set out in paragraph 9.2.6 of the Local Plan, a minimum ceiling height of 2.5m for at least 75% of the gross internal area is strongly encouraged so that new housing is of adequate quality, especially in terms of light, ventilation and sense of space. No sections have been submitted as part of the application, however, as no structural changes are to be made to the building and the site is currently used as two flats, it is considered that the site complies.

The requirements of Policy LP35 (C and D) and the Residential Development Standards SPD apply to external amenity space. A minimum of 5 sqm of private outdoor space for 1-2 person dwellings plus an extra 1 sqm should be provided for each additional occupant. The proposed dwelling would benefit from a rear garden in compliance with this standard.

The proposed dwelling is considered that a good level of light and outlook would be provided to the unit.

90% of all new build housing is required to meet Building Regulation Requirement M4 (2) 'accessible and adaptable dwellings' and 10% of all new build housing is required to meet Building Regulation Requirement M4 (3) 'wheelchair user dwellings'. The submitted Design and Access statement does not address whether the proposals have considered making the dwelling inclusive and adaptable as possible, therefore not complying with Part M4 (2).

Issue v – Affordable Housing

Policy LP36 requires contributions to affordable housing from all small sites, further details are set out in the Affordable Housing SPD. The contribution that would be sought would be discounted to represent 4% affordable housing, given the proposal creates one unit.

At Part D, Policy LP36 sets out that where a reduction to affordable housing is sought, a development appraisal must be submitted which is required to be independently assessed at cost to the applicant.

Policy LP 36 (Reg 19 Local Plan Policy 11) requires contributions for affordable housing from all small sites on a gross basis, further details are set out in the Affordable Housing SPD. The contribution that would be sought, given the type of site and number of dwellings proposed would be 4% affordable housing. The applicant has not completed the commuted sum proforma spreadsheet as required by the validation checklist. Calculations have therefore been provided by the Councils Planning Viability Advisor.

The Council's Planning Viability Advisor has provided an assessment of recent sales close to the application site. There were 7 recently sold large houses within 0.25miles of the site. The comparables for large houses with a large GIA (as per the proposed dwelling) include an average price of £9,086/m². When the average price per m² is applied to the estimated size of the proposed dwelling it is equivalent to an OMV of £1,953,490 based on a GIA of 215sqm, which is based on the sizes of similar properties in close proximity to the proposal as the applicant has not provided information on the size of the proposed dwelling. On this basis, using the Council's Tenancy Strategy rent per week and the OMV as evidenced by the Council's Planning Viability Advisor, this results in an affordable housing contribution of £46,069. The amount (£46,069) should be secured via a legal agreement (note that monitoring and legal fees relevant to this application are likely to be added to this sum when the legal agreement is finalised). If there are issues of viability to raise, then financial appraisal information would need to be submitted and the Council would require this to be independently verified.

Given the other concerns with the application and the additional cost to the applicant of undertaking such a review, the affordable housing element of the application has not been progressed to this stage. A statement has not been received by the applicant confirming they are willing to enter into a legal agreement securing the contribution.

In the absence of an agreement to either fund independent review of viability evidence or sign a legal Officer Planning Report – Application 24/1616/FUL Page 10 of 13

agreement to secure an affordable housing contribution, the proposal is also recommended for refusal on the grounds of lack of affordable housing contribution.

Issue vi – Sustainability

Policy LP22 states that developments will be required to achieve the highest standards of sustainable design and construction to mitigate the likely effects of climate change. It requires that new dwellings comply with the Sustainable Construction Checklist and incorporate water conservation measures to achieve maximum water consumption of 110 litres per person per day.

Policy LP22 also requires that new dwellings created through conversions meet BREEAM Domestic Refurbishment 'Excellent' standard. If a scheme cannot be assessed under BREEAM, such as where the proposal only relates to minor internal re-modelling work, written confirmation by an accredited assessor will need to be provided.

The proposed scheme does not comply with the Sustainable Construction Checklist and no BREEAM Pre Assessment Report has been submitted. However, the applicant has submitted a letter from an accredited BREEAM Assessor who considers that BREEAM is not applicable as there is no change of use proposed. It further states that the scale and scope of the scheme poses significant constraints that prevent the attainment of the required credits for a BREEAM 'excellent' rating, for example due to the limited alterations to the existing building there is limited space internally to implement a number of the internal requirements. The letter however does not provide robust justification for non-compliance, and does not provide any reasons the installation of, for example, PV panels or other renewables are not feasible. Additionally, it states the absence of proposed changes to critical elements like the external fabric and heating system further diminishes the potential impact of the refurbishment on the building's overall sustainability performance. There is no reason provided for not installing a water butt in the rear garden; why NOx Emissions cannot be addressed via a new boiler. These measures could contribute to a positive BREEAM rating.

Notwithstanding this, no Energy Report has been submitted and the submitted Sustainable Construction Checklist has not been satisfactorily completed. Therefore, in the absence of the required information, the scheme does not demonstrate that it will achieve the highest standards of sustainable design and construction to mitigate the effects of climate change, or otherwise justify a lesser standard, and thereby does not comply with the aims and objectives of policies LP20 and LP22 of the Local Plan (2018), policies 3, 4 and 6 of the Publication Local Plan and Supplementary Planning Document 'Sustainable Construction Checklist' (2011), and (2023).

Issue vii - Transport

Policy LP45 sets out that the Council will require new development to make provision for the accommodation of vehicles in order to provide for the needs of the development while minimising the impact of car based travel.

The application site is located within an area rated PTAL 2 and is located in a controlled parking zone. The site is eligible for parking permits.

Having regard to Appendix 3 of the Local Plan and the London Plan which outlines the parking standards required for development, in areas with PTAL scores of 0-3 should aim for 2 parking spaces per unit.

It is noted that two on-site parking spaces are available. Given that the proposal does not result in an increase in car parking spaces required, the application is considered acceptable in this regard.

In regard to cycle parking, Appendix 3 sets out that this should be provided in accordance with the London Plan which seeks 2 spaces for a dwelling of the proposed size. No information on the location of cycle parking has been provided, but had the application been found acceptable in all other regards, details of cycle parking would have been secured via condition. As such, this does not form a reason for refusal of this application.

The same applies in regard to refuse and recycling storage as no such details of this have been provided within this application. Given that a condition for details of bin storage to ensure accordance with the SPD on Refuse and Recycling Storage could have been applied, this is not considered to form a reason for refusal of this application.

Therefore, no objection is raised to the proposal on transport grounds.

Issue viii - Trees

Policy LP 16 requires that trees are adequately protected throughout the course of development, in accordance with British Standard.

The application site is located within a Conservation Area, and there are no trees covered by TPOs on or adjacent to the site. As no external alterations are proposed other than the infilling of the side door, there are no concerns regarding impact to trees as a result of the development.

Issue ix - Flood Risk

The application site is located within flood zones 2 and 3 and is within an area susceptible to groundwater flooding. Having regard to the nature of the proposed development, it is not considered that it will exacerbate flood risk on site or within the surrounding area.

Issue x – Fire Safety

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

A Fire Safety Strategy has been submitted to the Council - received 25/06/2024.

A condition has been included to ensure this is adhered to on an ongoing basis. The applicant is advised that alterations to existing buildings should comply with the Building Regulations. Overall, the scheme can therefore be considered consistent with this Policy D12 of the London Plan.

Issue xi – 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.

This is to notify you that had this development received planning consent it would be liable for a chargeable amount under the Community Infrastructure Levy Regulations 2010 (as amended by the Community Infrastructure Levy Regulations 2012).

8. RECOMMENDATION

This recommendation is made following careful consideration of all the issues raised through the application process.

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.

Refuse planning permission for the following reasons

Loss of Housing

The application fails to acceptably demonstrate the loss of a residential unit will be outweighed by benefits which could not be easily achieved without the reversion and would therefore result in an unacceptable depletion of housing stock, contrary to the aims and objectives of the NPPF and Local Plan, in particular policy LP38 of the adopted Local Plan and policy 14 of the publication Local Plan.

Sustainability

In the absence of a satisfactory completed 'LBRUT Sustainable Construction Checklist' and Energy Report, the scheme fails to demonstrate that it will achieve the highest standards of sustainable design and construction to mitigate the effects of climate change, or otherwise justify a lesser standard, and thereby fails to comply with the aims and objectives of policies, in particular, policies LP20 and 22 of Local Plan (2018), policies 3, 4 and 6 of the Publication (Reg 19) Local Plan and Supplementary Planning Document 'Sustainable Construction Checklist' (2011), and (2023).

Affordable Housing

In the absence of a legal agreement to secure an appropriate contribution towards off-site affordable housing, the scheme fails to address the recognised housing need and will be contrary to, in particular, to adopted Local Plan Policy LP36, publication Local Plan policy 11, Supplementary Planning Document on Affordable Housing (2014) and the National Planning Policy Framework.

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)

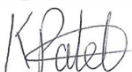
This application requires a Legal Agreement YES* NO
 (*If yes, complete Development Condition Monitoring in Uniform)

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:12/08/2024.....

I agree the recommendation:



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

Dated: ...15/08/2024.....

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

Head of Development Management:

Dated: