

**Application reference: 24/1258/FUL**  
**WEST TWICKENHAM WARD**

Date application received	Date made valid	Target report date	8 Week date
16.05.2024	04.07.2024	29.08.2024	29.08.2024

**Site:**

28 Staines Road, Twickenham, TW2 5AH,

**Proposal:**

Retrospective application for installation of metal extractor fan to the rear of the property

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

**APPLICANT NAME**

MRS Sakine Arslan Genc  
28 Staines Road  
Twickenham  
Richmond Upon Thames  
TW2 5AH

**AGENT NAME**

Mrs EMINE FEZAL YURDAKUL  
105 SUMATRA ROAD  
PERA SOLUTIONS LTD  
LONDON  
NW6 1PL

**DC Site Notice:** printed on and posted on and due to expire on

**Consultations:**

**Internal/External:**

**Consultee**

LBRuT Non-Commercial Environmental Health Noise Issues

**Expiry Date**

26.07.2024

**Neighbours:**

1 Camac Road, Twickenham, TW2 6NX, - 12.07.2024  
8A Camac Road, Twickenham, TW2 6NX, - 12.07.2024  
8 Camac Road, Twickenham, TW2 6NX, - 12.07.2024  
Maisonette, 26 Staines Road, Twickenham, TW2 5AH, - 12.07.2024  
26 Staines Road, Twickenham, TW2 5AH, - 12.07.2024  
28A Staines Road, Twickenham, TW2 5AH, - 12.07.2024  
30A Staines Road, Twickenham, TW2 5AH, - 12.07.2024  
30 Staines Road, Twickenham, TW2 5AH, - 12.07.2024

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

Development Management

Status: REF Application:00/2082  
Date:08/09/2000 Erection Of Shutters To Shopfront.

Development Management

Status: REF Application:91/0152/FUL  
Date:28/02/1991 Change Of Use From Retail To Hot Food For Consumption Off The Premises.

Development Management

Status: REF Application:95/1969/FUL  
Date:26/07/1995 New Shopfront And External Roller Shutters

Development Management

Status: GTD Application:95/2953/FUL  
Date:15/11/1995 New Shopfront

Development Management

Status: PCO Application:24/1258/FUL

Date: Retrospective application for installation of metal extractor fan to the rear of the property

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Enforcement

Opened Date: 06.08.1996      Enforcement Enquiry  
Reference: 96/00422/EN

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Enforcement

Opened Date: 03.03.2008      Enforcement Enquiry  
Reference: 08/0104/EN/ADV

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Enforcement

Opened Date: 04.07.2023      Enforcement Enquiry  
Reference: 23/0307/EN/EOP

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## 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 visited the application site if required to assess the application, 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, observations during any site visit, 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 site consists of a three-storey end of terrace building on the corner of Staines Road and Camac Road. The building has a flat-roof extension to the rear which reaches the rear boundary, separated from No.1 Camac Road by an alleyway. The ground floor is occupied by café with dining room at the front and kitchen at the rear in the extension. Residential accommodation is on the upper floors.

The application site is situated in Twickenham and has the following designations:

- Area of Mixed Use (Twickenham Green)
- Area Susceptible To Groundwater Flood - Environment Agency (Superficial Deposits Flooding - >= 50%)
- Article 4 Direction Basements (Article 4 Direction - Basements / Ref: ART4/BASEMENTS / Effective from: 18/04/2018)
- Article 4 Direction Class E (Town Centre) to Class C3 (Residential) (Modified Article 4 Direction Class E (Town Centre) to Class C3 (Residential). Came into effect 29 July 2022.)
- Community Infrastructure Levy Band (Low)
- Increased Potential Elevated Groundwater (GLA Drain London)
- Key Shop Frontage (28-38A STAINES ROAD)
- Take Away Management Zone (Take Away Management Zone)
- Throughflow Catchment Area (Throughflow and Groundwater Policy Zone) (Adopted: October 2020 , Contact: Local Plan Team )
- Village (Twickenham Village)
- Village Character Area (North of the Green - Area 11 Twickenham Village Planning Guidance Page 38 CHARAREA13/11/01)
- Ward (West Twickenham Ward)

## 3. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

The proposal seeks retrospective permission for the installation of a vent on the roof of the extension at the rear.



There is no relevant planning history.

#### 4. AMENDMENTS

No amendments were received.

#### 5. CONSULTATIONS CARRIED OUT

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

Comments have been received from Flat A, 30 Staines Road objecting to the application on the basis that the drawings submitted do not accurately reflect what has been installed on site, that the vent spoils the view from their flat, and that it causes a constant low-level humming noise.

#### 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
- 15. Conserving and enhancing the natural 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](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:

- D4 Delivering good design
- D14 Noise

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	
Impact on Amenity and Living Conditions	LP8	Yes	
Local Environmental Impacts, Pollution and Land Contamination	LP10	Yes	

These policies can be found at

[https://www.richmond.gov.uk/media/15935/adopted\\_local\\_plan\\_interim.pdf](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 will be addressed in more detail in the assessment below if/where it is relevant to the application.

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

Issue	Draft Local Plan Policy
Local character and design quality/ Design process	Policy 28/ Policy 42
Amenity and Living Conditions	Policy 46
Local Environmental Impacts	Policy 53

These policies can be found at :

[https://www.richmond.gov.uk/media/fomccpcf/publication\\_local\\_plan\\_low\\_resolution.pdf](https://www.richmond.gov.uk/media/fomccpcf/publication_local_plan_low_resolution.pdf)

### Supplementary Planning Documents

Development Control for Noise Generating and Noise Sensitive Development  
Shopfronts  
Twickenham Village Plan

These documents can be found at:

[https://www.richmond.gov.uk/services/planning/planning\\_policy/local\\_plan/supplementary\\_planning\\_documents\\_and\\_guidance](https://www.richmond.gov.uk/services/planning/planning_policy/local_plan/supplementary_planning_documents_and_guidance)

### Other Local Strategies or Publications

n/a

## 7. EXPLANATION OF OFFICER RECOMMENDATION

The key issues for consideration are:

- i. Design and local character
- ii. Impact on neighbour amenity
- iii. Fire Safety

### i. Design and local character

#### Policy Context

Chapter 12 of the NPPF advises that poorly designed developments should be refused, especially where designs do not reflect local design policies, guidance and supplementary planning documents. It also says that significant weight should be given to designs which reflect local character, or to ones which are innovative designs in achieving high levels of sustainability, or which help improve the general standard of design in an area and fit in with the 'overall form and layout of their surroundings'.

Policy D4 of the London Plan states that the design of development proposals should be thoroughly scrutinised' and that 'design quality development should be retained through to completion'.

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.

### Analysis

The vent is located at the rear of the property, but, because of the position on the corner, it is clearly visible from the street. The vent is more prominent from Camac Road, but still visible from Staines Road (see image below), which is a larger thoroughfare.



It is noted that several other properties on this section of Staines Road have vents at the rear, however, not being on corner plots they are less noticeable. As such, having vents such as this at the rear of the shops and eateries is not out of keeping with the character of the area. It has to be acknowledged that, in an area of mixed use such as this, there is a need to accommodate shops and restaurants with associated plant equipment.

While the vent is not especially attractive, it has been neatly installed and occupies the minimum possible amount of space. It is thought that, with some carefully designed screening, the visual impact of the vent could be mitigated if judged necessary. It is thought that details of a screen could be submitted by condition.

In view of the above, the proposal can be said to comply with the aims and objections of Chapter 12 of the NPPF, policy D4 of the London Plan and policy LP1 of the Local Plan.

### **ii. Impact on neighbour amenity**

In Chapter 15 of the NPPF, Paragraph 191 states that: 'Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment' It also notes that policies and decisions should 'mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life' .

Policy D14 of the London Plan states that development should avoid 'creating significant adverse noise impacts' and 'mitigating and minimising the existing and potential adverse impacts of noise on, from, within, as a result of, or in the vicinity of new development without placing unreasonable restrictions on existing noise-generating uses'.

Policy LP8 of the Local Plan 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.

It is noted that Flat A, 30 Staines Road have objected to the proposal. The vent is located at the end of the flat roof, some distance from the rear window of the flats at first floor level. The vent is not thought to be of a size as to significantly impact the outlook from these windows or the visual amenity of the residents of these flats.

The other key issue is one of noise. The application includes a Noise Impact Assessment which sets out the noise levels resulting from the vent and suitable mitigation measures. The report concludes that, with these mitigation measures, the vent would not have an adverse impact on neighbours due to noise.

The application has been reviewed by an Environmental Health Officer who agrees with the assessment and advises that the proposals would be within acceptable noise limits providing the recommendations in the report are adhered to. It is also thought that the noise impact can be further mitigated by imposing hours during which the vent cannot be used.

On balance, therefore, the proposal would not detract from the amenity and living conditions of neighbours and would comply with Chapter 15 of the NPPF, Policy D14 of the London Plan, policy LP8 of the Local Plan and the SPD on Development Control for Noise Generating and Noise Sensitive Development.

### **iii. Fire Safety**

Policy D12 Fire Safety of the London Plan Part A requires all development to demonstrate the highest levels of fire safety. All non-major applications require the submission of a Fire Safety Strategy, unless reasonable exemption has been demonstrated.

The applicant has submitted a Fire Safety Statement which is considered to adequately address the relevant criteria of Policy D12.

Any work carried out will need to fully comply with Building Regulations. A planning permission, if granted, is *not* a consent under the Building Regulations.

## **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.

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 subject to condition**



**Recommendation:**

The determination of this application falls within the scope of Officer delegated powers - YES

**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): JPH

Dated: 16/08/2024

**I agree the recommendation: CTA**

Team Leader/Head of Development Management/Principal Planner

Dated: .....19/08/2024.....

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: .....

<b>REASONS:</b>
<b>CONDITIONS:</b>
<b>INFORMATIVES:</b>
<b>UDP POLICIES:</b>
<b>OTHER POLICIES:</b>



The following table will populate as a quick check by running the template once items have been entered into Uniform

**SUMMARY OF CONDITIONS AND INFORMATIVES**

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**CONDITIONS**

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**INFORMATIVES**

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