

Application reference: 24/1651/HOT KEW WARD

Date application received	Date made valid	Target report date	8 Week date
01.07.2024	01.07.2024	26.08.2024	26.08.2024

Site:

7 Nylands Avenue, Kew, Richmond, TW9 4HH

Proposal:

Proposed ground-floor single storey rear extension, with balustrade/balcony railings onto part of flat roof above.

APPLICANT NAME

Mr and Mrs Evans
7 Nylands Avenue
Kew
Richmond Upon Thames
TW9 4HH

AGENT NAME

Mr Leigh Bowen
The Hut
187 Kew Road
Richmond
TW9 2AZ
United Kingdom

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

Consultations:

Internal/External:

Consultee

Expiry Date

Neighbours:

87A North Road, Kew, Richmond, TW9 4HQ, - 02.07.2024
87 North Road, Kew, Richmond, TW9 4HQ, - 02.07.2024
85 North Road, Kew, Richmond, TW9 4HQ, - 02.07.2024
Pensford Tennis Club, Pensford Avenue, Richmond, TW9 4HP, - 02.07.2024
9 Nylands Avenue, Kew, Richmond, TW9 4HH, - 02.07.2024
5 Nylands Avenue, Kew, Richmond, TW9 4HH, - 02.07.2024

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

Development Management

Status: REF

Date: 05/07/1993

Application: 93/0382/FUL

Erection Of Canopy To Front Entrance Door, Demolition Of Outbuildings & Rebuilding To Provide Utility And Wc, Rebuilding Entrance To Garage In Brickwork, Extension To First Floor To Provide Shower Room And Study And Lobby

Development Management

Status: GTD

Date: 30/06/1993

Application: 93/0383/FUL

Erection Of Canopy To Front Entrance Door. Erection Of Two Storey Side Extension To Provide Wc, Utility Room, Shower Room And Lobby.

Development Management

Status: WDN

Date: 12/08/2005

Application: 05/1982/HOT

First floor side extension. Roof extension with rear dormer and roof lights to front elevation.

Development Management

Status: GTD

Date: 28/04/2006

Application: 06/0754/HOT

First floor extension over garage to front elevation.

Development Management

Status: REF

Date: 01/08/2006

Application: 06/1938/HOT

Loft conversion

<u>Development Management</u> Status: REF Date:07/06/2007	Application:07/1265/HOT Erection of first floor extension over garage and loft conversion including two rear dormer windows.
<u>Development Management</u> Status: GTD Date:09/11/2007	Application:07/3486/HOT Erection of first floor extension, roof extension and rear dormers.
<u>Development Management</u> Status: PCO Date:	Application:24/1651/HOT Proposed ground-floor single storey rear extension, with balustrade/balcony railings onto part of flat roof above.
<u>Building Control</u> Deposit Date: 27.05.2003	FENSA Notification of Replacement Glazing comprising 5 Windows and 1 Doors. Installed by The Sash Window Workshop Ltd. FENSA Member No 18152. Installation ID 738476. Invoice No 683501
Reference: 03/5685/FENSA	
<u>Building Control</u> Deposit Date: 02.04.2005	FENSA Notification of Replacement Glazing comprising 1 Windows and 0 Doors. Installed by The Sash Window Workshop Ltd.. FENSA Member No 18152. Installation ID 2601520. Invoice No 838501
Reference: 05/5541/FENSA	
<u>Building Control</u> Deposit Date: 04.05.1993 Reference: 93/0432/FP	Two storey side extension & internal alterations
<u>Building Control</u> Deposit Date: 02.08.2005	Removal of wall between kitchen and rear reception, associated kitchen electrics
Reference: 05/1592/BN	
<u>Building Control</u> Deposit Date: 24.11.2006	Detached shed garage or greenhouse Dwelling house Extension to circuit (in kitchen special location/ installation) Lighting circuit
Reference: 07/73959/NICEIC	
<u>Building Control</u> Deposit Date: 04.09.2008 Reference: 08/1808/FP	Loft conversion and first floor side extension
<u>Building Control</u> Deposit Date: 27.10.2008 Reference: 08/1808/FP/1	Loft conversion and first floor side extension
<u>Building Control</u> Deposit Date: 06.01.2009 Reference: 08/1808/FP/2	Loft conversion and first floor side extension
<u>Building Control</u> Deposit Date: 20.05.2009 Reference: 08/1808/FP/3	Loft conversion and first floor side extension
<u>Building Control</u> Deposit Date: 18.06.2010 Reference: 10/FEN01929/GASAFE	Installed a Gas Boiler Installed an Unvented Hot Water Storage Vessel
<u>Building Control</u> Deposit Date: 12.10.2010 Reference: 11/NIC00203/NICEIC	Electric floor or ceiling heating system One or more new circuits

Application Number	24/1651/HOT
Address	7 Nylands Avenue Kew Richmond TW9 4HH
Proposal	Proposed ground-floor single storey rear extension, with balustrade/balcony railings onto part of flat roof above.
Contact Officer	Roberta Henriques
Target Determination Date	26/08/2024

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 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 has considered 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 host site is a two storey semi detached dwellinghouse located on the southern side of Nylands Avenue. The site is subject to the following planning constraints:

Area Susceptible To Groundwater Flood - Environment Agency	Superficial Deposits Flooding - >= 75% - SSA Pool ID: 1492
Article 4 Direction Basements	Article 4 Direction - Basements / Ref: ART4/BASEMENTS / Effective from: 18/04/2018
Community Infrastructure Levy Band	Higher
Surface Water Flooding (Area Less Susceptible to) - Environment Agency	
Village	Kew Village
Village Character Area	Around Chancer Avenue, Atwood Avenue and Taylor Avenue - Area 11 Kew Village Planning Guidance Page 39 CHARAREA02/11/01
Ward	Kew Ward

3. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

The proposed development comprises of a single storey rear extension, and the insertion of a glass balustrade on the balcony at first floor level

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

07/3486/HOT	Erection of first floor extension, roof extension and rear dormers.	Granted Permission
07/1265/HOT	Erection of first floor extension over garage and loft conversion including two rear dormer windows.	Refused Permission
06/1938/HOT	Loft conversion	Refused Permission
06/0754/HOT	First floor extension over garage to front elevation.	Granted Permission
05/1982/HOT	First floor side extension. Roof extension with rear dormer and roof lights to front elevation.	Withdrawn by the Applicant
93/0382/FUL	Erection Of Canopy To Front Entrance Door, Demolition Of Outbuildings& Rebuilding To Provide Utility And Wc, Rebuilding Entrance To Garage In Brickwork, Extension To First Floor To Provide Shower Room And Study And	Refused Permission

	Lobby	
93/0383/FUL	Erection Of Canopy To Front Entrance Door. Erection Of Two Storey Side Extension To Provide Wc, Utility Room, Shower Room And Lobby.	Granted Permission

4. CONSULTATIONS CARRIED OUT

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

No letters of representation have been received.

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

5. MAIN POLICIES RELEVANT TO THE DECISION

NPPF (2023)

The key chapters applying to the site are:

- 4. Decision-making
- 12. Achieving well-designed places
- 14. Meeting the challenge of climate change, flooding and coastal change
- 15. Conserving and enhancing the natural environment

These policies can be found at:

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

London Plan (2021)

The main policies applying to the site are:

- D4 Delivering good design
- D12 Fire Safety

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, Woodland and Landscape	LP16	Yes	No
Impact on 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.

Issue	Publication Local Plan Policy	Compliance	
		Yes	No
Flood risk and sustainable drainage	8	Yes	No
Local character and design quality	28	Yes	No
Views and vistas	31	Yes	No
Tree, Woodland and Landscape	42	Yes	No
Amenity and living conditions	46	Yes	No

Supplementary Planning Documents

House Extension and External Alterations
Village Plan – Kew

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:
Article 4 Direction Basement development

6. EXPLANATION OF OFFICER RECOMMENDATION

The key issues for consideration are:

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

i Design and impact on heritage assets

Policy Context

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 proposed single storey rear extension would have a slanted rear elevation, with a depth of approximately 4.3m on its longest side. This depth would allow for sufficient space to remain in the rear garden. The extension's flat roof height would be approximately 3.4m and would sit comfortably below the eil of the first floor window. The scale of the extension is considered to be a subservient addition to the main dwelling.

The rear extension would be finished in white render to match the existing and the roof would be clad in a black single ply membrane with two rooflights. The bifold doors and windows on the rear elevation of the extension would be aluminium framed. The materiality of the extension would ensure that the addition would be architecturally inkeeping with the character and appearance of the main dwelling and the surrounding

area.

It is also proposed to replace the existing railing of the balcony at first floor level with a tempered glass railing. There is no objection to this railing which will complement the glazing of the proposed rear extension, so is considered to be an architecturally inkeeping addition.

ii 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 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.

No.5 Nylands Avenue

The extension would not project beyond the rear elevation of this neighbour by more than 3.5m so is compliant with the requirements of the SPD relating to the depth that single storey rear extensions at semi detached houses should project beyond neighbouring dwellings.

No.9 Nylands Avenue

The extension would project approximately 1.3m beyond the rear wall of this neighbour's ground floor rear extension. This projection is considered to be modest and would not harm the amenities of this neighbour.

Railing

No increased overlooking would result from the addition of the glass railing to the balcony, as the size of the balcony would not be increased

iii 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.

No trees have been identified within the subject site's rear garden, or on adjacent neighbouring sites, that could be affected by the proposed works. Therefore, the proposal would not have a detrimental effect on trees of amenity value through either direct or indirect impacts.

iv Flood Risk

Policy LP 21 of the Local Plan 2018 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 submitted Flood Risk Assessment outlines that the proposal would not increase the flood risk at the site, and states the following flooding mitigation measures:

- Installation of fixtures and fittings that minimize the damage caused during any future flooding thereby future proofing the building.
- The external walls are to be made of concrete blockwork or other masonry type with water resistant finishing externally so that, in the event of flood damage, limited damage to the superstructure will occur and the clean-up operation may be facilitated.

For the reasons outlined above, the proposal would be compliant with Policy LP21 of the Local Plan.

v Fire Safety

The submitted Fire Safety Strategy is considered sufficient to satisfy Policy D12 of the London Plan (2021).

7. LOCAL FINANCE CONSIDERATIONS AND OTHER MATTERS

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. The weight to be attached to a local finance consideration remains a matter for the decision maker. The Mayor of London's CIL and Richmond CIL are therefore material considerations.

On initial assessment this development is not considered liable for the Mayoral or Richmond CIL however this is subject to confirmation by the CIL Administration Team.

8. RECOMMENDATION

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

Grant planning permission

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): ...RHE.....

Dated:22/08/2024.....

I agree the recommendation:



Team Leader/Head of Development Management/Principal Planner

Dated: ...23/08/2024.....

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: