



LONDON BOROUGH OF
RICHMOND UPON THAMES

ENVIRONMENT DIRECTORATE

Application reference: 24/1629/PS192
ST MARGARETS AND NORTH TWICKENHAM WARD

Date application received	Date made valid	Target report date	8 Week date
27.06.2024	02.07.2024	27.08.2024	27.08.2024

Site:
77 Winchester Road, Twickenham, TW1 1LE,

Proposal:
Alterations to the fenestration, extended patio at the rear of the property, and installation of a new air con unit.

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

APPLICANT NAME
Siobhan O'Rorke
77 Winchester Road
Twickenham
Richmond Upon Thames
TW1 1LE

AGENT NAME
Miss Rebecca Parnell
85 Uxbridge Road
Ealing Cross
London
W5 5BW
United Kingdom

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

Consultations:
Internal/External:
Consultee

Expiry Date

Neighbours:

-

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

Development Management

Status: WON
Date:16/05/2017
Application:10/1270/VRC
Variation of conditions U29719 (Car Club Membership) and U29710 (Parking Permit Restriction - Grampian) of planning permission 09/2971/FUL.

Development Management

Status: GTD
Date:10/10/2012
Application:12/2643/FUL
Proposed single storey side/rear infill extension and installation of bi-folding doors to the existing rear elevation.

Development Management

Status: REF
Date:10/03/2017
Application:17/0092/PS192
Loft conversion comprising dormer extensions to rear and side roofslopes and installation of three Velux windows to the front roofslope;

Development Management

Status: GTD Application:17/2151/PS192
 Date:24/07/2017 Dormer roof extensions to main roof and above back addition and installation of three rooflights to the front roof elevation.

Development Management

Status: PCO Application:24/1629/PS192
 Date: Alterations to the fenestration, extended patio at the rear of the property, and installation of a new air con unit.

Building Control

Deposit Date: 14.06.2011 Installed a Gas Boiler
 Reference: 11/FEN02234/GASAFE

Building Control

Deposit Date: 29.10.2012 Single storey side/rear infill extension
 Reference: 12/2013/IN

Building Control

Deposit Date: 26.03.2018 Loft conversion
 Reference: 18/0530/IN

Building Control

Deposit Date: 24.07.2018 Install one or more new circuits
 Reference: 18/ELE00235/ELECSA

Building Control

Deposit Date: 10.02.2022 Install replacement windows in a dwelling
 Reference: 22/FEN00439/FENSA

Building Control

Deposit Date: 05.12.2022 Install a gas-fired boiler
 Reference: 24/FEN01004/GASAFE

Application Number	24/1626/PS192
Address	77 Winchester Road, Twickenham, TW1 1LE
Proposal	Alterations to the fenestration, extended patio at the rear of the property, and installation of a new air con unit – as per submitted application form,
Contact Officer	GAP

1. Introduction

The Town and Country Planning (General Permitted Development) Order 2015 (as amended) applies to all land in England and Wales, other than land which is the subject of a special development order, and specifies various classes of development which may be undertaken without the permission of the local planning authority. Such development, referred to as "permitted development", is deemed to have planning permission by the Order, and does not require an application for planning permission to be submitted to the Council.

The applicant has submitted an application for a Certificate of Lawful Development (Proposed). In assessing this application, the Council is making a determination of law as to whether or not the proposed development complies with the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (GDPO). Issues such as the policies contained in the Council's adopted Richmond Local Plan (2018) are not to be taken into consideration as the decision is based on fact and not on policy grounds.

Permitted development rights for householders Technical Guidance (2019) states that:

“Raised” - in relation to a platform means a platform with a height greater than 0.3 metres.

2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

The application site is occupied by a mid-terrace dwelling that is not locally or nationally listed nor located in located in a conservation area, a so-called *“Article 2(3) land”*.

3. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

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

17/2151/PS192 - Dormer roof extensions to main roof and above back addition and installation of three rooflights to the front roof elevation - Granted 24/07/2017.

The application proposes the following (the scheme seeks confirmation in the form of a lawful development certificate that the construction of the development described below would constitute permitted development):

Replacing ground floor rear and front openings and front door (Class A).

Extending existing rear patio (Class F).

Air Conditioning Unit (Not Permitted Development).

Render to the two-storey front bay-window and front façade brick detailing - clarifications have been asked to the agent, and few have been given, namely the agent directed the Case Officer to the description of the proposal.

It is noted that there is no annotation on the drawings of these alterations (annotations have been provided in relation to the above changes on such drawings instead), and the proposed front elevation does not show the rendering to the two-storey front bay-window and front façade brick detailing. Furthermore, such alterations are not included in the description of the proposal as per submitted application form and agent's email.

Render to the two-storey front bay-window and front façade brick detailing is just showed by the 3D drawing.

Given the above, this is considered an error and an informative will be attached to the decision notice requesting clarifications to be submitted with any further application.

3.1 NOTES

The agent has been emailed and advised that an air conditioning unit requires planning permission, given this is not Permitted Development.

The agent replied to the email of the Case Officer emailing the below:

I have already had this discussion with the validation team upon submission regarding the A/C unit to which I provided a link saying they are allowed under permitted development as long as they adhere to the following guidelines. I have attached our conversion above. There is no difference between an A/C unit and ASHP as both can extract heat and cool air.

<https://lacltd.uk.com/do-air-conditioning-units-need-planning-permission>

Do Air Conditioning Units Need Planning Permission?

Whenever you make significant alterations to a property, you need to ensure you comply with all relevant regulations, including planning permission. And in some cases, this can apply to the installation of climate control systems.

Whilst this post is not intended (nor should it be taken) as official legal advice, it will walk you through some general guidance on AC installation in both domestic and commercial properties.

Do You Need Planning Permission for Domestic Air Conditioning?

In most cases, installation of domestic **air source heat pumps** falls under permitted development, that is, work that can be carried out without a planning application. This is because the external units installed have little impact on the property and its surroundings.

So as a general rule, no, you do not need planning permission to install a small AC system in a domestic property, provided your external unit meets the following regulations:

- It sits over one meter clear of any property boundaries
- It sits over one meter clear of the edge of a flat roof
- It is not installed on a pitched roof
- It is under 0.6m³
- There is no wind turbine at the property

There are, however, some exceptions to this rule. It's likely you'll need permission from your Local Planning Authority to install an AC system if your property sits on designated land, such as:

- An Area of Outstanding Natural Beauty
- A National Park
- A Conservation Area
- A World Heritage Site



This capture taken from the above link states the following: *“this post is not intended (nor should it be taken) as official legal advice”*.

Regarding the above capture, it is agreed that air source heat pumps fall under Permitted Development Rights and the stated requirements appear the ones of Schedule 2, Part 14, Class G – installation or alteration etc of air source heat pumps on domestic premises.

The capture then moves on to interchangeably refer to air source heat pumps and air conditioning units, when the GDPO (2015) does not do so. If Permitted Development Rights were to be interchangeably applied to air source heat pumps and air conditioning units, the GDPO (2015) would have stated so.

It is also noted that:

“while essentially identical in cooling mode (heat pumps and air conditioners), heating mode is a completely different story. Air conditioners do not provide heating, but heat pumps do”.

The above has been taken from the following link:

<https://www.carrier.com/residential/en/us/products/heat-pumps/heat-pumps-vs-air-conditioners/> .

4. CONSULTATIONS CARRIED OUT

This is an application for a Certificate of Lawful Development (Proposed), which is a request to the Council to confirm that the development as specified does not require an application for planning permission to be submitted to the Council. In assessing this application, the Council is making a determination of law, and as such it is not considered to be necessary to undertake a public consultation.

5. AMENDMENTS

Requested but not received.

6. EXPLANATION OF RECOMMENDATION

The application site is a dwellinghouse, and the application will be assessed against Schedule 2, Parts 1 and 14 of the Town and Country (General Permitted Development) Order 2015 (as amended).

Assessment

The application proposes the following (the scheme seeks confirmation in the form of a lawful development certificate that the construction of the development described below would constitute permitted development):

- 1- Replacing ground floor rear and front openings and front door (Class A - enlargement, improvement or other alteration of a dwellinghouse).
- 2- Extending existing rear patio (Class F - hard surfaces incidental to the enjoyment of a dwellinghouse).
- 3- Air Conditioning Unit (Not Permitted Development).

1- This would be acceptable subject to the following conditions:

- (a) the materials used in any exterior work (other than materials used in the construction of a conservatory) shall be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;
- (b) any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse shall be:
 - (i) obscure-glazed, and
 - (ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed; and
- (c) where the enlarged part of the dwellinghouse has more than one storey, the roof pitch of the enlarged part shall, so far as practicable, be the same as the roof pitch of the original dwellinghouse.

2- This would be acceptable given the proposal would not be situated on land between a wall forming the principal elevation of the dwellinghouse and a highway and its height would not exceed 0.3 metres (the height of the platform would be 0.17 metres).

3- This is not Permitted Development (see above for further information).

Summary:

The proposal is not considered to be lawful within the meaning of s.192 of the Act, given the provision of an air conditioning unit is not allowed under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GDPO).

7. RECOMMENDATION

Refuse Certificate

It is recommended that application 24/1629/PS192 is not supported.

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): GAP

Dated: 16/07/2024

I agree the recommendation: TFA

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

REASONS:
CONDITIONS:
INFORMATIVES:
UDP POLICIES:
OTHER POLICIES:

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

CONDITIONS

INFORMATIVES

