

Application reference: 24/1698/LBC HAM, PETERSHAM, RICHMOND RIVERSIDE WARD

Date application received	Date made valid	Target report date	8 Week date
04.07.2024	11.07.2024	05.09.2024	05.09.2024

Site:

The House, River Lane, Petersham, Richmond

Proposal:

Proposal to alter the first floor of the property. Existing shower room to be stripped and the walls taken down. Existing fitted cupboards to be removed in main bedroom. New ensuite shower room and vestibule to be formed in main bedroom. New location for entry to main bedroom suite.

APPLICANT NAME

Miriam Klinke
The House,
River Lane,
Petersham,
Richmond Upon Thames
TW10 7AG

AGENT NAME

Mrs Lorna Mishan
36 Clifford Road
Petersham
Richmond
TW10 7EA

DC Site Notice: printed on 22.07.2024 and posted on 02.08.2024 and due to expire on 23.08.2024

Consultations:

Internal/External:

Consultee

English Heritage 1st Consultation
21D Urban D

Expiry Date

12.08.2024
12.08.2024

Neighbours:

-

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

Development Management

Status: GTD Application:96/T1888/CA
Date:09/07/1996 Acer Negundo - Reduce By 15 Or Approximately Five Foot To Just Before The Old Pruning Points

Development Management

Status: GTD Application:96/T1889/CA
Date:09/07/1996 Sycamore At The Front, Adjacent To The Gate - Thin By No More Than 15

Development Management

Status: GTD Application:88/1677/LB
Date:01/11/1988 Remodel existing kitchen and garage to provide new living room.

Development Management

Status: GTD Application:05/T0356/TCA
Date:06/07/2005 T1 - Sycamore (Acer pseudoplatanus) - To have its over extended crown over the road reduced by approximately 2 metres to maintain.

Development Management

Status: GTD Application:09/T0060/TCA
Date:05/03/2009 T1 - Sycamore - Remove dead dying and dangerous branches. Climbing inspection T2 - Beech - Remove dead dying and dangerous branches. Climbing inspection T3 - Box Elder - Reduce to previous pollard points

Development Management

Status: GTD
Date:12/01/2010
Application:09/3222/LBC
Replacement of three sash windows and cills on the south facing first floor front elevation of the property.

Development Management
Status: GTD
Date:29/05/2012
Application:12/0884/LBC
Removal and replacement of internal stairs / staircase. Removal of part walls / piers in kitchen area. Removal of various non load bearing internal walls, cupboard units etc. Open up alcove in first floor bathroom, block up opening between bed 1 and bed 4. Remove door, re-hang doors. Remove suspended false ceiling in living area. Additional floor plumbing etc. to suit bath kitchen layouts. Replace lighting and floor finishes through out.

Development Management
Status: REF
Date:25/07/2013
Application:13/1489/LBC
Replace three separate glass doors with a bi-folding double glazed door for access to rear garden.

Development Management
Status: RNO
Date:20/01/2017
Application:16/T0991/TCA
T1 - Magnolia - Fell to ground level & poison stump

Development Management
Status: GTD
Date:22/03/2023
Application:22/2356/LBC
Replace one single glazed sash window with a double glazed sash window. Replace one damaged single glazed casement window with a double glazed casement window. Replace single glazed French doors with double glazed French doors. Replace three separate single glazed glass doors with one bi-folding double glazed door.

Development Management
Status: GTD
Date:10/05/2024
Application:24/0786/HOT
Demolition of the recess in the external bounding wall. New section of infill brick wall and associated alterations to shed.

Development Management
Status: GTD
Date:10/05/2024
Application:24/0787/LBC
Demolition of the recess in the external bounding wall. New section of infill brick wall and associated alterations to shed.

Development Management
Status: PDE
Date:
Application:24/1698/LBC
Proposal to alter the first floor of the property. Existing shower room to be stripped and the walls taken down. Existing fitted cupboards to be removed in main bedroom. New ensuite shower room and vestibule to be formed in main bedroom. New location for entry to main bedroom suite.

Building Control
Deposit Date: 25.06.2012
Reference: 12/1161/BN
Alterations to opening, install steel support and column

Enforcement
Opened Date: 28.05.2012
Reference: 12/0274/EN/LBUW
Enforcement Enquiry

Application Number	24/1698/LBC
Address	The House, River Lane, Petersham, Richmond, TW10 7AG
Proposal	Proposal to alter the first floor of the property. Existing shower room to be stripped and the walls taken down. Existing fitted cupboards to be removed in main bedroom. New ensuite shower room and vestibule to be formed in main bedroom. New location for entry to main bedroom suite.
Contact Officer	Jack Davies
Target Determination Date	05/09/2024

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 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 House forms the western wing of the grade II* listed Rutland Lodge, a large and grand Georgian house situated at the junction of Petersham Road and River Lane. The site is located in the Petersham Conservation Area (CA6) and the Ham and Petersham Neighbourhood Plan Area. The site is also subject to the following planning constraints:

- Archaeological Priority Area
- Article 4 Direction – restricting basements
- Critical Drainage Area
- Floodzone 2 and 3
- Risk of Flooding from Surface Water 1 in 1000 chance
- SFRA Zone 2 and 3a
- Area Less Susceptible to Surface Water Flooding
- Ham and Petesham Village.

3. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

The application seeks permission to alter the first floor of the property. Existing shower room to be stripped and the walls taken down. Existing fitted cupboards to be removed in main bedroom. New ensuite shower room and vestibule to be formed in main bedroom. New location for entry to main bedroom suite.

The full planning history can be viewed above. Most recently:

24/0786/HOT & 24/0787/LBC - Replace one single glazed sash window with a double-glazed sash window. Replace one small damaged single glazed casement window with a double-glazed casement window. Replace single glazed French doors with double glazed French doors. Replace three separate single glazed glass doors with one bi-folding double-glazed door. **Granted**

22/2356/LBC - Replace one single glazed sash window with a double-glazed sash window. Replace one small damaged single glazed casement window with a double-glazed casement window. Replace single glazed French doors with double glazed French doors. Replace three separate single glazed glass doors with one bi-folding double-glazed door. **Granted**

4. CONSULTATIONS CARRIED OUT

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

No representations were received.

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
- 16. Conserving and enhancing the historic environment

These policies can be found at:

https://assets.publishing.service.gov.uk/media/65a11af7e8f5ec000f1f8c46/NPPF_December_2023.pdf

London Plan (2021)

- Policy D4 – Delivering good design
- Policy D12 – Fire Safety
- Policy HC1 – Heritage conservation and growth

These policies can be found at: https://www.london.gov.uk/sites/default/files/the_london_plan_2021.pdf

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 Designated Heritage Assets	LP3	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	Draft Local Plan Policy
Local Character and Design Quality	LP15, LP28
Impact on Heritage Assets	LP29, LP30

Supplementary Planning Documents

- Listed Buildings
- Conservation Areas

These policies can be found at:

https://www.richmond.gov.uk/services/planning/planning_policy/local_plan/supplementary_planning_documents_and_guidance

Other

Petersham 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.

Determining applications affecting a Listed Building

Sections 16(1) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 require that, when considering whether to grant listed building consent for any works, or whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting, or any features of special architectural or historic interest which it possesses. In this context, "preserving", means doing no harm.

To give effect to this duty decisions of the court have confirmed that a decision-maker should accord "considerable importance and weight" to the desirability of preserving the listed building or its setting when weighing this factor in the balance with other material considerations which have not been given this special statutory status. However, this does not mean that the weight that the decision-maker must give to the desirability of preserving the building or its setting is uniform. It will depend on, among other things, the extent of the assessed harm and the heritage value of the asset in question. This creates a strong presumption against granting planning permission where harm to a listed building or its setting is identified. The presumption can be rebutted by material considerations powerful enough to do so.

6. EXPLANATION OF OFFICER RECOMMENDATION

The key issues for consideration are:

- i Design and Impact on Heritage Assets
- ii Fire Safety

Issue i - Design and Impact on Heritage Assets

The NPPF (National Planning Policy Framework) advises good design is a key aspect of sustainable development and is indivisible from good planning and should contribute positively to making places better for people.

The NPPF states that there should be a presumption in favour of the conservation of designated heritage assets and the more significant the designated heritage asset the greater the presumption in favour of its conservation should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.

Policy LP1 of the Local Plan seeks to maintain and, where possible, enhance the high architectural and urban design quality which contributes to the character and heritage of the area.

Policy LP3 requires development to conserve the historic environment of the borough, and where possible
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make a positive contribution. 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 House forms the western wing of the Grade II* listed Rutland Lodge, situated at the junction of Petersham Road and River Lane, within the Petersham Conservation Area. Rutland Lodge is a grand three-storey late 17th century house which was gutted in a fire of 1967 and much rebuilt. The House comprises the re-built west wing of Rutland Lodge and is now a separate dwelling. It is two storeys in brown brick under a flat roof. The fire and re-building is highlighted in the list entry and is also clearly evident by the modern brickwork to the building and the flat roof. The re-built house however responds well to Rutland Lodge and maintains the character of the listed building and likely was built to match the damaged building. It is, however, clearly identifiable as a late 20th century reproduction of the original late 17th century architectural style.

The fabric of The House is of little architectural and historic significance, although it is clear that internal decoration including cornices and dado rails was added with the intention of replicating period features and design. The significance of the building is primarily defined by forming a part of Rutland Lodge, albeit re-built, and contributing strongly to the setting of this Grade II* listed building. It also makes a strong contribution to the character of the Conservation Area.

The Petersham Conservation Area Appraisal notes that "the character of this area is dominated by large detached mansions of two to three storeys boldly addressing the road and set in individual large well-planted grounds with mature trees and generous spaces between buildings. These mansions dominate the streetscene...and trees in their gardens, remain perceptible over and through these boundaries from the street." These features contribute strongly to the significance of the Conservation Area.

This application is for alterations to the first-floor layout including removal of an existing shower room and formation of a new ensuite and vestibule to the main bedroom.

No objections are raised regarding the proposed works. As noted above, the fabric of The House is of little heritage significance and so there are no concerns regarding loss of historic material. The works would comprise a modest alteration to the plan form, comprising the enlargement of one bedroom and the partial compartmentalisation of another. Again, the plan form of The House is considered to be of little heritage significance, and the works would not significantly alter the circulation patterns or overall layout of the first floor. It is noted that existing details including architraves, skirting, and doors would be retained and matched in the new areas which is acceptable and appropriate to maintain the overall 1960s interpretation of a late 17th century interior.

Overall, it is considered that the special interest and significance of The House would be preserved as this is primarily defined by its external appearance and visual and historic relationship with Rutland Lodge.

This application in accordance with policies LP1 and LP3, the relevant paragraphs of section 16 of the NPPF (2023) and the statutory duty of the 1990 Act.

Issue ii - 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 and is considered to meet the requirements of London Plan Policy D12.

The applicant is advised that alterations to existing buildings should comply with the Building Regulations. This permission is not a consent under Building Regulations for which a separate application should be made. A condition will be included to ensure this is adhered to on an ongoing basis. Overall, the scheme can therefore be considered consistent with this Policy D12 of the London Plan.

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.

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.

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
- This application requires a Legal Agreement YES* NO
- This application has representations online (which are not on the file) YES NO
- This application has representations on file YES NO

Case Officer (Initials):DAV.....

Dated:21/08/2024.....

I agree the recommendation:

... 

Principal Planner

Dated: ...21/08/2024.....