

Residential To Office ,re Location Of Residential Use To Ground & 1st Floor,rear Of Premises

<u>Development Management</u> Status: WDN Date:04/08/1993	Application:90/1817/DD01 Details Pursuant To Condition (c) (wall) Of Planning Consent 90/1817/ful Dated 14/1/91.
<u>Development Management</u> Status: WNA Date:10/08/1993	Application:90/1818/DD01 Details Pursuant To Condition (b) (protection Of Interior Elements) & (f) (wall) Of Listed Building Consent 90/1818 Dated 7/2/91.
<u>Development Management</u> Status: GTD Date:02/12/1992	Application:92/0045/DD01 Details Pursuant To Condition Lb08 (specified Details) And Ns01 (basement Windows) Of Listed Building Consent 92/0045/lbc Dated 14 May 1992.
<u>Development Management</u> Status: GTD Date:14/05/1992	Application:92/0045/LBC Provision Of Windows And Lightwells To Front And Rear Elevations To Serve Basement Accomodation And Internal Alterations To Basement.
<u>Development Management</u> Status: GTD Date:02/12/1992	Application:92/0099/DD01 Details Pursuant To Conditions Lb08 (specified Details) And Ns01 (basement Windows) Of Planning Consent 92/0099/ful Dated 29 April 1992
<u>Development Management</u> Status: GTD Date:29/04/1992	Application:92/0099/FUL Use Of Existing Basement Storage Area For Office Use By Provision Of Windows To Front And Rear Elevations.
<u>Development Management</u> Status: GTD Date:09/02/1995	Application:94/2481/DD01 Details Partially Pursuant To Condition Lb08 (detailed Drawings) Of Listed Building Consent 94/2481/lbc Dated 15/11/94
<u>Development Management</u> Status: GTD Date:15/11/1994	Application:94/2481/LBC Demolition Of Existing Front Extension And Removal Of Porch Canopy Internal And External Alterations To Offices And Second Floor Residential Accommodation. Erection Of New Section Of Boundary Wall And Pergola. Installation Of New Railings.
<u>Development Management</u> Status: GTD Date:24/03/1995	Application:95/0108/LBC Internal Alterations To Second Floor Flat
<u>Development Management</u> Status: GTD Date:02/02/1998	Application:97/T7940 London Plane (platanus X Hispanica) - Amended Specification As Agreed On 20 January 1998. 1) Remove Deadwood, Broken Hanging Branches And Stumps. 2) Lightly Back Lower Branches Overhanging Roof Giving 2m Clearance Between Tree And Building
<u>Development Management</u> Status: GTD Date:26/08/1981	Application:81/94/6 Basement, ground and first floor of 1 Spring Terrace for offices, and second floor as residential.
<u>Development Management</u> Status: GTD Date:31/01/2006	Application:05/2807/COU Change of use of second floor to offices in connection with the Registrars Office.
<u>Development Management</u> Status: GTD Date:15/10/2014	Application:14/1162/FUL Change of use from B1(a) to residential and single storey rear extension with internal alterations, front and rear lightwells, railings to front lightwells and front boundary wall and gates
<u>Development Management</u> Status: GTD Date:15/10/2014	Application:14/1163/LBC Change of use from B1(a) to residential and single storey rear extension with internal alterations, front and rear lightwells, railings to front lightwells and front boundary wall and gates

Status: REF Date:14/01/2015	Application:14/4751/FUL Alteration of boundary wall to form opening for vehicular and pedestrian access. Removal of section of close boarded timber fence and replacement with brick boundary wall.
<u>Development Management</u> Status: REF Date:14/01/2015	Application:14/4752/LBC Alteration of boundary wall to form opening for vehicular and pedestrian access. Removal of section of close boarded timber fence and replacement with brick boundary wall.
<u>Development Management</u> Status: REF Date:05/05/2016	Application:15/3683/VRC Variation to condition U76314 (drawings) 14/1162/FUL to allow for increased size of basement and add additional lightwells at the side and rear of property.
<u>Development Management</u> Status: REF Date:05/05/2016	Application:15/3684/VRC Variation to condition U76323 (drawings) of 14/1163/LBC to allow for increased size of basement and add additional lightwells at the side and rear of property.
<u>Development Management</u> Status: GTD Date:04/02/2016	Application:14/1162/DD01 Details pursuant to Conditions U76320 (Arboricultural Method Statement), U76321 (hard and soft landscaping), U76317 (Construction Method Statement), PK06A (cycle parking) and DV18A/DV30 (refuse arrangements/storage) of planning permission 14/1162/FUL.
<u>Development Management</u> Status: GTD Date:26/01/2016	Application:14/1163/DD01 Details pursuant to conditions U76323 (Servicing details), U76324 (Detailed Drawings), U76325 (Single Glazing) and U76326 (Schedule of works) of listed building consent 14/1163/LBC.
<u>Development Management</u> Status: REF Date:05/05/2016	Application:15/3895/VRC Change of use from B1(a) to residential and single storey rear extension with internal alterations, front and rear lightwells, railings to front lightwells and front boundary wall and gates - Variation of condition U76314 (Decision Drawings) of planning permission to 14/1162/FUL to enlarge basement, with additional lightwells, add rooflight and other external alterations.
<u>Development Management</u> Status: REF Date:02/12/2016	Application:15/5146/FUL Alteration of boundary wall to form opening for vehicular and pedestrian access. Removal of section of close boarded timer fence and replacement with brick boundary wall.
<u>Development Management</u> Status: REF Date:02/12/2016	Application:15/5147/LBC Alteration of boundary wall to form opening for vehicular and pedestrian access. Removal of section of close boarded timer fence and replacement with brick boundary wall.
<u>Development Management</u> Status: WNA Date:10/01/2017	Application:16/T0233/TPO T1 - London Plane - Cut back lateral branch from property to clear building by up to 3m.
<u>Development Management</u> Status: GTD Date:05/08/2016	Application:16/2534/VRC Variation of condition U76314 (Decision Drawings) of planning permission 14/1162/FUL for addition of rooflight and alterations and additions of windows/doors.
<u>Development Management</u> Status: GTD Date:05/08/2016	Application:16/2536/VRC Variation of condition U76322 (Decision Drawings) of listed building consent 14/1163/LBC for addition of rooflight and alterations and additions of windows/doors.
<u>Development Management</u> Status: WON Date:23/07/2019	Application:17/4096/HOT To install a temporary site cabin at the rear of the property.

<u>Development Management</u> Status: WON Date:23/07/2019	Application:17/4097/LBC To install a temporary site cabin at the rear of the property.
<u>Development Management</u> Status: REF Date:08/08/2018	Application:18/0655/FUL New vehicular and pedestrian entrance to site with associated vehicular crossover. Demolition of timber fence and part brick boundary wall. New brick wall, railings and vehicular and pedestrian gates to the side boundary. Formation of suspended driveway elevated on screw piles.
<u>Development Management</u> Status: WON Date:05/09/2019	Application:18/2739/LBC Erection of a fence within the garden area with a gate.
<u>Development Management</u> Status: GTD Date:28/02/2019	Application:18/3108/FUL New vehicular crossover. Alteration to front garden boundary conditions to form new brick wall, vehicular and pedestrian entrance. Alteration to rear garden boundary conditions to reduce opening size in existing brick wall. Formation of suspended driveway elevated on screw piles to protect RPA.
<u>Development Management</u> Status: GTD Date:28/02/2019	Application:18/3109/LBC Alteration to front garden boundary conditions to form new brick wall, vehicular and pedestrian entrance. Alteration to rear garden boundary conditions to reduce opening size in existing brick wall.
<u>Development Management</u> Status: WDN Date:04/12/2018	Application:18/3429/HOT Erection of a 1.8m high close-panelled timber fence with a pedestrian gate, within rear garden.
<u>Development Management</u> Status: WDN Date:04/12/2018	Application:18/3430/LBC Erection of a 1.8m high close-panelled timber fence, with a pedestrian gate, within the rear garden. The fence will be screened from view of Mount Ararat Road by the existing 2.2m high brick boundary wall.
<u>Development Management</u> Status: REF Date:07/05/2019	Application:19/0892/HOT Erection of a 1.8m high close-panelled timber fence, with a pedestrian gate, within the rear garden. The fence will be screened from view of Mount Ararat Road by the existing 2.2m high brick boundary wall.
<u>Development Management</u> Status: WON Date:04/04/2019	Application:19/1095/HOT Erection of a 1.8m high close-panelled timber fence, with a pedestrian gate, within the rear garden. The fence will be screened from view of Mount Ararat Road by existing 2.2m high brick boundary wall.
<u>Development Management</u> Status: REF Date:07/05/2019	Application:19/1095/LBC Erection of a 1.8m high close-panelled timber fence, with a pedestrian gate, within the rear garden. The fence will be screened from view of Mount Ararat Road by existing 2.2m high brick boundary wall.
<u>Development Management</u> Status: GTD Date:02/12/2019	Application:14/1163/DD02 Details pursuant to condition U76327 (External surfaces/fenestration) of listed building consent 14/1163/LBC for change of use from B1(a) to residential and single storey rear extension with internal alterations, front and rear lightwells, railings to front lightwells and front boundary wall and gates.
<u>Development Management</u> Status: REF Date:16/01/2020	Application:18/3109/DD01 Details pursuant to conditions - LT09 (Hard and soft landscaping required), NS01 (Boundary wall details), BD10 (Sample panels of brickwork) of planning permission 18/3109/LBC.
<u>Development Management</u> Status: WDN Date:02/03/2020	Application:18/3108/DD01 Details pursuant to condition LT09 (Hard and Soft Landscaping Required), U57486 (Arboricultural Method Statement), U0057489 (Boundary wall details), U0057487 (Site Monitoring Procedures/Records), U0057491 (Structural Resilience Details) of planning permission 18/3108/FUL.

<u>Development Management</u> Status: GTD Date:22/05/2020	Application:20/0024/FUL New vehicular crossover alterations to front boundary conditions to form new brick wall, vehicular and pedestrian entrance. Alteration to rear garden boundary conditions to reduce opening size in existing brick associated hard and soft landscaping
<u>Development Management</u> Status: WDN Date:09/03/2020	Application:18/3109/DD02 Details pursuant to conditions - LT09 (Hard and soft landscaping required), NS01 (Boundary wall details), BD10 (Sample panels of brickwork) of planning permission 18/3109/LBC.
<u>Development Management</u> Status: GTD Date:20/04/2020	Application:20/0876/VRC Variation of Condition U57492 (Approved drawings) 18/3109/LBC to allow for a variation to the material used on the decking for tree protection. Variation of Conditions LT09 (Hard and Soft Landscaping Required), U57493 (NS01 - Boundary wall details) and BD10 (Sample Panels of Brickwork) to be in accordance with the submitted details.
<u>Development Management</u> Status: GTD Date:30/07/2020	Application:20/0024/DD01 Details pursuant to condition U0082204 - pedestrian gate and U0082202 - Site Monitoring Recording Procedures
<u>Development Management</u> Status: WON Date:16/05/2022	Application:21/T0330/TPO T0874 T1 London Plane. The proposed works to the tree are the following: - Remove dead wood from entire crown - Reason. Applicant has spotted large pieces (120mm diameter at base) in the crown. - Prune branches encroaching on roof (South/East). Cut sizes no larger than 30mm - Reason. Branches are almost touching the roof of 1 Spring Terrace. - Lift branches encroaching on pavement of Mount Arrarat Road - Reason. Branches are only giving 5-6 feet of clearance from pavement. - Proposed work: Lift branches to give 4 meters clearance from pavement.
<u>Development Management</u> Status: GTD Date:02/06/2021	Application:21/T0333/TPO - Remove all dead wood from crown - applicant has spotted some large pieces in crown. - Reduce branches encroaching on roof of 1 spring terrace. - reduce these branches by 1-2 meters reducing the overall spread of crown from approximately 25 meters to 23/24 meters. Pruning back to suitable growth points. - Reduce pendulous branches encroaching on pavement of Mount Arrarat road by 3 meters. - reducing the spread of the crown from approximately 25 meters to 22 meters - although these branches hang vertically so the actual affect on crown spread would be minimal.
<u>Development Management</u> Status: GTD Date:10/02/2023	Application:22/2252/FUL Internal and external works to 1 Spring Terrace, including a new basement, AC units and the replacement of the existing rear extension
<u>Development Management</u> Status: GTD Date:10/02/2023	Application:22/2253/LBC Internal and external works to 1 Spring Terrace, including a new basement, AC units and the replacement of the existing rear extension
<u>Development Management</u> Status: RNO Date:09/05/2023	Application:23/T0270/TCA T1-False Acacia Previously felled tree with 2x suckers from the stump now grown into trees. Suggested works are to fell down to ground level T2-False Acacia Located very close to neighbouring property wall with no space to fully develop. Suggested works are to fell to ground level
<u>Development Management</u> Status: GTD Date:09/04/2024	Application:23/2071/HOT Alterations to boundary wall, widening of vehicular access and replacement entrance gates.
<u>Development Management</u> Status: GTD Date:09/04/2024	Application:23/2072/LBC Alterations to boundary wall, widening of vehicular access and replacement entrance gates.

<u>Development Management</u> Status: WDN Date:15/11/2023	Application:23/2473/HOT Demolition of a section of the wall to the rear of 1 and 2 Spring Terrace, to facilitate use of the land as part of the garden of 1 Spring Terrace.
<u>Development Management</u> Status: WDN Date:15/11/2023	Application:23/2474/LBC Demolition of a section of the wall to the rear of 1 and 2 Spring Terrace, to facilitate use of the land as part of the garden of 1 Spring Terrace.
<u>Development Management</u> Status: REF Date:03/04/2024	Application:24/0312/HOT Remediation of existing boundary wall to the rear of 1 and 2 Spring Terrace including rebuilding of leaning sections of the wall, infilling the existing opening, and creation of a 1.2m wide opening of full height and regrading of ground topsoil level adjacent to proposed opening.
<u>Development Management</u> Status: REF Date:03/04/2024	Application:24/0313/LBC Remediation of existing boundary wall to the rear of 1 and 2 Spring Terrace including rebuilding of leaning sections of the wall, infilling the existing opening, and creation of a 1.2m wide opening of full height and regrading of ground topsoil level adjacent to proposed opening
<u>Development Management</u> Status: WDN Date:27/08/2024	Application:23/2071/DD01 Details in pursuant of condition U0178493 (Pre-Start Meeting) of Planning Permission 23/2071/HOT
<u>Development Management</u> Status: PDE Date:	Application:24/1691/HOT Remediation of existing boundary walls to the rear of 1 and 2 Spring Terrace including rebuilding of leaning sections of the wall, part infilling the existing opening to retain an opening of 1.2m wide and minor regrading of ground topsoil level adjacent to the opening. Remediation of existing boundary wall on western site boundary of No. 1
<u>Development Management</u> Status: PDE Date:	Application:24/1692/LBC Remediation of existing boundary walls to the rear of 1 and 2 Spring Terrace including rebuilding of leaning sections of the wall, part infilling the existing opening to retain an opening of 1.2m wide and minor regrading of ground topsoil level adjacent to the opening. Remediation of existing boundary wall on western site boundary of No. 1
<u>Development Management</u> Status: INV Date:	Application:24/2087/VRC Variation of condition U0178492 Submitted Arboricultural Details of planning permission 23/2071/HOT to provide updated reports and details.
<u>Appeal</u> Validation Date: 18.05.2015 Reference: 15/0068/AP/REF	Alteration of boundary wall to form opening for vehicular and pedestrian access. Removal of section of close boarded timber fence and replacement with brick boundary wall.
<u>Appeal</u> Validation Date: 18.05.2015 Reference: 15/0069/AP/REF	Alteration of boundary wall to form opening for vehicular and pedestrian access. Removal of section of close boarded timber fence and replacement with brick boundary wall.
<u>Appeal</u> Validation Date: 08.05.2017 Reference: 17/0092/AP/REF	Alteration of boundary wall to form opening for vehicular and pedestrian access. Removal of section of close boarded timer fence and replacement with brick boundary wall.
<u>Appeal</u> Validation Date: 08.05.2017 Reference:	Alteration of boundary wall to form opening for vehicular and pedestrian access. Removal of section of close boarded timer fence and replacement with brick boundary wall.

Appeal

Validation Date: 08.05.2017 Alteration of boundary wall to form opening for vehicular and pedestrian access. Removal of section of close boarded timber fence and replacement with brick boundary wall.

Reference: 17/0093/AP/REF

Building Control

Deposit Date: 26.08.1992 Self containment of flat, installation of fittings and refurbishment
Reference: 92/1025/FP

Building Control

Deposit Date: 31.01.1995 Internal alterations & upgrading of building
Reference: 94/1688/1/FP

Building Control

Deposit Date: 11.08.2005 Alterations to convert residential accommodation into offices
Reference: 05/1675/FP

Building Control

Deposit Date: 20.09.2005 Alterations to convert residential accommodation into offices
Reference: 05/1675/RS1/FP

Building Control

Deposit Date: 03.08.2015 CHANGE OF USE FROM COMMERCIAL TO RESIDENTIAL. ACCOMMODATION TO COMPRISE OF: LOWER GROUND FLOOR: CINEMA / GYM ROOM, WITH CLOAK ROOM, GUEST / AU PAIR SUITE, GUEST / AU PAIR BEDROOM WITH EN SUITE, BEDROOM WITH EN SUITE. GROUND FLOOR: KITCHEN, LIVING ROOM / DINING ROOM, SUN ROOM, STUDY/ TV PLAY ROOM AND WC. FIRST FLOOR: THREE BEDROOMS, THREE EN SUITES. SECOND FLOOR: TWO BEDROOMS WITH EN SUITES. ROOF LIGHT TO REAR AND TO INCLUDE ALL ASSOCIATED STRUCTURAL WORKS AND INTERNAL PARTITION AMENDMENTS

Reference: 15/1842/IN

Building Control

Deposit Date: 04.12.2016 Install a gas-fired boiler Install an unvented hot water storage vessel Install a gas fire

Reference: 16/FEN03635/GASAFE

Building Control

Deposit Date: 15.11.2022 Replacement dining room rear extension, internal alterations, and refurbishment throughout

Reference: 22/1953/IN

Building Control

Deposit Date: 14.02.2024 KOMPOZITOR Plastics Developing Ltd.: Furanflex - RWV Chimney Lining System with Descriptor Install a flue liner KOMPOZITOR Plastics Developing Ltd.: Furanflex - RWV Chimney Lining System with Descriptor Install a flue liner

Reference: 24/HET00026/HETAS

Enforcement

Opened Date: 24.11.2006 Enforcement Enquiry
Reference: 06/0557/EN/LBUW

Enforcement

Opened Date: 10.03.2009 Enforcement Enquiry
Reference: 09/0106/EN/EOP

Enforcement

Opened Date: 28.07.2015 Enforcement Enquiry
Reference: 15/0500/EN/BCN

Enforcement

Opened Date: 17.10.2017 Enforcement Enquiry
Reference: 17/0560/EN/BCN

Enforcement

Opened Date: 05.03.2019 Enforcement Enquiry
Reference: 19/0116/EN/BCN

Enforcement

Opened Date: 04.09.2020 Enforcement Enquiry

Reference: 20/0348/EN/USN

Enforcement

Opened Date: 27.07.2021 Enforcement Enquiry

Reference: 21/0333/EN/LBUW

Enforcement

Opened Date: 08.04.2024 Enforcement Enquiry

Reference: 24/0191/EN/LBUW

Application Number	24/1691/HTO and 24/1692/LBC
Address	1 Spring Terrace, Paradise Road, Richmond, TW9 1LW
Proposal	Remediation of existing boundary walls to the rear of 1 and 2 Spring Terrace including rebuilding of leaning sections of the wall, part infilling the existing opening to retain an opening of 1.2m wide and minor regrading of ground topsoil level adjacent to the opening. Remediation of existing boundary wall on western site boundary of No. 1
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 visited the application site, 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 the site visit, any comments received in connection with the application and any other case specific considerations which are material to the decision.

The application site is subject to the following constraints:

- Archaeological priority area
- Article 4 direction restricting basement development
- Community Infrastructure Levy Band – Higher
- Sheen Road, Richmond Conservation Area
- Critical Drainage Area
- Grade II Listed
- TPO
- Richmond and Richmond Hill Village Planning Guidance: Character Area 16

Historic England describe the Grade II Listed Property as:

Late C18 pair of 3-storey houses, each 3 windows wide plus one window wide 2-storey side wings. Brown brick, slated hipped roof to eaves. Round-headed door in recessed single window bay.

3. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

Remediation of existing boundary walls to the rear of 1 and 2 Spring Terrace including rebuilding of leaning sections of the wall, part infilling the existing opening to retain an opening of 1.2m wide and minor regrading of ground topsoil level adjacent to the opening. Remediation of existing boundary wall on western site boundary of No. 1

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

23/2473/HOT and 23/2474/LBC - Demolition of a section of the wall to the rear of 1 and 2 Spring Terrace, to facilitate use of the land as part of the garden of 1 Spring Terrace. Withdrawn

24/0312/HOT and 24/0313/LBC - Remediation of existing boundary wall to the rear of 1 and 2 Spring Terrace including rebuilding of leaning sections of the wall, infilling the existing opening, and creation of a 1.2m wide opening of full height and regrading of ground topsoil level adjacent to proposed opening. Refused for the following reasons:

- **Design and Heritage** - The proposed new opening, by reason of its siting, loss of original fabric and in the absence of sufficient information to demonstrate that this would not destabilise the remaining wall, fails to sustain or enhance the significance of the listed buildings. The proposal is thereby contrary to the NPPF and Richmond Local Plan (2018) in particular policies LP1 and LP3 and policies 28 and 29 of the Publication Local Plan.
- **Neighbour Amenity** - The proposal by reason of its facilitation of access to land at the rear of No.2 Spring Terrace without a lawful boundary treatment to screen lines of sight into the garden of No.2 Spring Terrace, would result in additional harmful overlooking and loss of privacy to these neighbouring occupiers. The proposal is thereby contrary to the Richmond Local Plan (2018) in particular Policy LP8 and Publication Local Plan Policy 46.

4. CONSULTATIONS CARRIED OUT

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

1 letters of objection have been received and the comments can be summarised as follows:

- Previous applications including an appeal demonstrate the boundary treatment and elongated rear gardens form a historical pattern which contributes to the significance of these heritage assets
- Previous applications involving altering the boundary have been refused
- Appeal Inspector noted that boundary wall should be retained so the landlocked plot behind No 2 remains clearly identifiable as a former element of the elongated rear garden formally enjoyed by No2
- Proposed opening would go against appeal decision
- Support planting of yew hedge but concern that views will open in winter
- Harmful overlooking and significant loss of privacy
- Security concerns due to lack of physical barrier between gardens

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
- 15. Conserving and enhancing the natural environment
- 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)

The main policies applying to the site are:

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

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 Designated Heritage Assets	LP3	Yes

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.

Where relevant to the application under consideration, this is addressed in more detail in the assessment below.

Issue	Publication Local Plan Policy	Compliance
Local character and design quality	28	Yes
Designated heritage assets	29	Yes

Supplementary Planning Documents

House Extension and External Alterations
Richmond and Richmond Hill Village Planning Guidance

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:
Sheen Road, Richmond conservation area statement

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

Background

The application site is a Grade II Listed Building which forms part of a pair with No.2 and forms part of a wider listed group. The site and neighbours are also part of the Sheen Road, Richmond Conservation Area. As such, great weight shall be given to the conservation and preservation of these heritage assets in accordance with the NPPF.

The application site is part of a row of similar listed houses which form Paradise Road. All the houses in the row have gardens of a similar depth and these form the garden setting to the listed buildings; brick garden walls run between them and along Mount Ararat Road and form part of the listed curtilage of each house. The gardens are all quite long and narrow, but not so long that the houses on the plots are not clearly visible from all viewing points within the properties, and externally the houses and gardens are seen together as forming a visual whole.

In regard to the significance of the site and the listed group, part of this arises from the uniformity in the layout of the properties including the elongated rear gardens. This historic pattern is typical of houses of this age both individually and as a listed group. The map on Historic England's website associated with the listing shows the original form of the back gardens which evidences that the layout of the land to the rear of these properties has historic as well as group value.

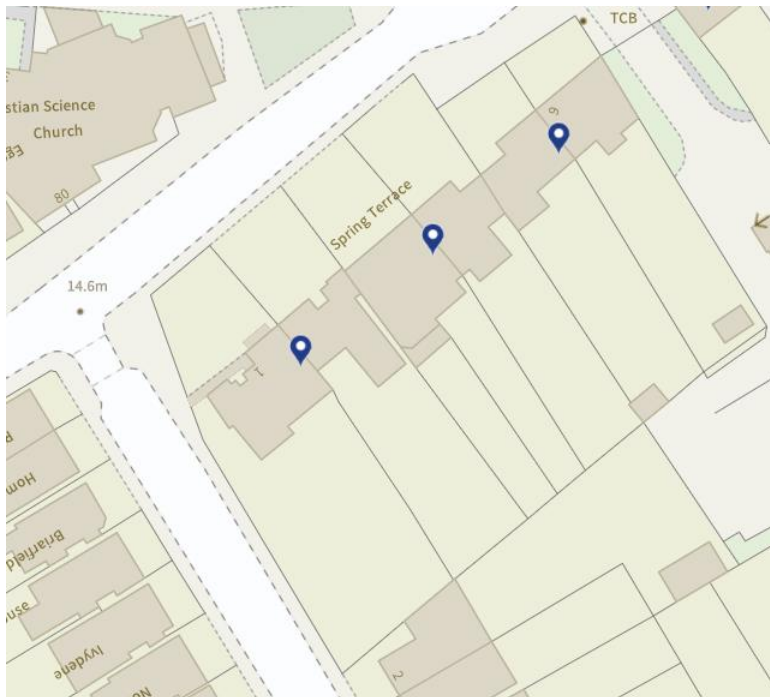


Figure 1 - Map from Historic England Website indicating the size of rear gardens

This common characteristic of elongated rear gardens has been retained until fairly recently as it is understood from application reference 20/0896/LBC that the fence at No.2 Spring Terrace was erected unlawfully circa March 2016.

The planning history both of this site and the terrace row has refused subdivision of these elongated gardens. For example:

- 20/0896/LBC for a fence at No.2 was refused
- 19/0892/HOT at No.1 Spring Terrace for a fence subdividing the garden was refused
- 19/3872/LBC at land to the rear of Spring Terrace including partial demolition and alteration of the listed garden walls was refused and dismissed at appeal.

The dismissed appeal confirmed the contributions of the gardens to the significance of the site stating:

- *Its significance also includes the substantial rear gardens which the 1867-72 map shows as separate landscaped grounds laid out with trees, paths and promenades to the rear of houses on Spring Terrace. Although those layouts appear to have largely since disappeared, an element of the special historic interest of the building lies in the extent of those gardens and the contribution they made to the dwellings they served*
- *even though the plots have been divorced from the remaining gardens of Nos 1 and 2, they remain clearly understandable as former elements of larger gardens*

Whilst the application site may no longer form part of Nos 1 and 2 Spring Terrace as originally and is now in the ownership of No.1, that is not to say that the site does not form the historical setting of the Listed Buildings.

Proposal

The application seeks permission for rebuilding leaning sections of the garden wall, partial infill an unauthorised opening leaving a single width opening and regrading topsoil adjacent to the opening. Remediation of existing boundary wall on western site boundary of No. 1 is also proposed.

Boundary Wall Between No.1 and 2

The current proposals seek to rectify an unauthorised opening in the garden wall by partially infilling, leaving a single width opening of 1.2m. A previous application for similar works was refused on heritage grounds due to the siting of the opening in the original part of the wall that was sound. This application seeks to rectify this refusal by moving the opening to within the existing opening which is more appropriate. The bricking up of the rest of the unauthorised opening is supported.

The proposals to repair the brick wall, bringing these elements to two bricks thick where it has been poorly rebuilt in a single brick skin is supported. The bricking up of the double opening is also supported.

Overall, the reforming of the wall at 2 bricks thick will ensure stability, retaining the boundary line in the long

term. While only part of the unauthorised opening is proposed to be infilled, the limited width of this opening means the original elongated boundary is still clearly perceived.

As such, these works do not harm the gardens or their contribution to the setting and significance of the listed buildings with which they are associated.

Yew Hedge

It is noted that a yew hedge is proposed between No.1 and 2 Spring Terrace. While its siting could be seen to truncate the garden, the use of soft landscaping has a different impact to the fence previously refused under 20/0896/LBC as it creates a softer appearance suitable for garden space. In combination with the above works which assist in retaining the majority of the boundary wall, the plot will remain clearly understandable as a former element of No.2's historically elongated garden.

It is also noted that the formation of a yew hedge does not require planning permission or listed building consent. As such, this is not considered a reason for the refusal of the application.

Western Boundary Works

To the western side boundary wall, it is proposed to remove the metal gates and replace these with timber gates. There is no objection to this as timber is a more appropriate traditional material for the setting of the Grade II Listed Building. It is also proposed to demolish and rebuild a section of the wall in order to stabilise it given the existing cracks. There is no objection to this subject to matching materials to preserve the appearance.

Paragraph 205 of the NPPF states 'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 208 of the NPPF states 'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal'. In this instance, the proposal is not considered to result in harm to the character and appearance of the listed building and the wider conservation area.

Therefore, no objection is raised to the proposal in regard to design and heritage impacts.

Issue – Fire Safety

Policy D12 of the London Plan requires all applications to include a fire safety statement to demonstrate the criteria in Part A of this policy has been complied with and to demonstrate that fire safety has been considered at an early stage.

Where the applicant considers parts of or the whole policy do not apply, this should be justified in a Reasonable Exception Statement (RES).

As such, no objection is raised to the proposal in this regard.

The applicant is advised that alterations to existing buildings should comply with the Building Regulations. This permission is NOT a consent under the Building Regulations for which a separate application should be made.

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. In making this recommendation consideration has been had to the statutory duties imposed by the Planning (Listed Buildings and Conservation Areas) Act 1990 and the requirements set out in Chapter 16 of the NPPF.

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 listed building consent with conditions

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 YES NO

Case Officer (Initials):SG..... Dated:29/08/2024.....

I agree the recommendation:

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

South Area Team Manager:ND.....

Dated:29.08.2024.....