

ENVIRONMENT DIRECTORATE

Application reference: 24/1723/PS192
KEW WARD

Date application received	Date made valid	Target report date	8 Week date
08.07.2024	08.07.2024	02.09.2024	02.09.2024

Site:
34 Taylor Avenue, Kew, Richmond, TW9 4ED
Proposal:
Construction of new Outbuilding

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

APPLICANT NAME
Mrs Punem Sharma
34 Taylor Avenue
Kew
Richmond Upon Thames
TW9 4ED

AGENT NAME
ian upton
The White House
Bonnington
Ashford
TN25 7BP

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

Consultations:
Internal/External:
Consultee

Expiry Date

Neighbours:

8 Chelwood Gardens, Kew, Richmond, TW9 4JQ -
10 Chelwood Gardens, Kew, Richmond, TW9 4JQ -

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

- Development Management
Status: GTD Application:11/1617/HOT
Date:08/07/2011 Proposed part two storey and single storey side extension and single storey rear extension.
- Development Management
Status: REGPD Application:23/2910/PDE
Date:05/12/2023 single storey rear extension (8.00mm depth, 3.43m eaves height, 3.43m overall height)
- Development Management
Status: WDN Application:23/3308/HOT
Date:03/01/2024 Part two storey and single storey side extension and single storey rear extension plus, moving the facade of the first-floor side extension toward the road so it is not set back, infilling the corner to the rear to the South West, and adding a two storey rear extension
- Development Management
Status: WDN Application:23/3310/HOT

Date:03/01/2024 Part two storey and single storey side extension and single storey rear extension plus, moving the facade of the first-floor side extension toward the road so it is not set back, infilling the corner to the rear to the South West, adding a two storey rear extension, and roof extension

Development Management

Status: CEGPD Application:23/3347/PDE

Date:08/01/2024 Single storey rear extension (6.40m depth, 3.00m eaves height, 3.15m overall height)

Development Management

Status: REF Application:24/0017/PS192

Date:29/02/2024 Construction of new Outbuilding

Development Management

Status: REF Application:24/0018/PS192

Date:27/02/2024 Additions to the roof comprising hip to gable roof extensions and rear dormer. Front rooflights.

Development Management

Status: WDN Application:24/0415/HOT

Date:18/04/2024 Demolition of the side garage and erection of two storey side extensions, and a first-floor rear extension, a single storey rear extension, a new raised roof comprising a gable ended roof with rear dormer and 3 number rooflights within the front roof slope, new solar panels, and a new front boundary wall and gate.

Development Management

Status: PCO Application:24/1584/HOT

Date: Demolition of the side garage and erection of two storey side extensions, and a first floor rear extension, a single storey rear extension, a new raised roof comprising a hipped roof with rear dormer and 3 number rooflights within the front roof slope, new solar panels, and a new front boundary wall and gate

Development Management

Status: PCO Application:24/1723/PS192

Date: Construction of new Outbuilding

Building Control

Deposit Date: 17.05.2010 10 Windows

Reference: 10/FEN00928/FENSA

Building Control

Deposit Date: 23.01.2012 Part two storey and single storey side and rear extension.

Reference: 12/0133/FP

Building Control

Deposit Date: 02.04.2012 Part two storey and single storey side and rear extension.

Reference: 12/0133/FP/1

Building Control

Deposit Date: 11.11.2014 Single storey rear extension and internal alterations

Reference: 14/2552/FP

Building Control

Deposit Date: 26.02.2015 Install replacement windows in a dwelling Install replacement doors in a dwelling

Reference: 15/FEN00469/FENSA

Building Control

Deposit Date: 16.06.2015 Rewire of all circuits

Reference: 15/NAP00236/NAPIT

Building Control

Deposit Date: 16.06.2015 Install a gas-fired boiler

Reference: 15/FEN02659/GASAFE

Application Number	24/1723/PS192
Address	34 Taylor Avenue Kew Richmond TW9 4ED
Proposal	Construction of new Outbuilding
Contact Officer	Jeremy Maclsaac

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). 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.

2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

The proposal property is a two-storey, detached dwelling, located on the southern end of Taylor Avenue. The site is not statutorily or locally listed nor is it sited within a conservation area.

The application site is subject to the following relevant 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
Increased Potential Elevated Groundwater	GLA Drain London
Risk of Flooding from Surface Water 1 in 1000 chance - Environment Agency	RoFSW Extent 1 In 1000 year chance - SSA Pool ID: 24506
Risk of Flooding from Surface Water 1 in 1000 chance - Environment Agency	RoFSW Extent 1 In 1000 year chance - SSA Pool ID: 45630
Surface Water Flooding (Area Less Susceptible to) - Environment Agency	
Surface Water Flooding (Area Less Susceptible to) - Environment Agency	
Take Away Management Zone	Take Away Management Zone
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 scheme seeks confirmation in the form of a lawful development certificate that the construction of the development described above would constitute permitted development.

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

24/0017/PS192 - Construction of new Outbuilding **Refused**

Reason for refusal: This proposal CONSTITUTES DEVELOPMENT within the meaning of Section 55 of the Town and Country Planning Act 1990, and a planning application IS REQUIRED. This is because it does not meet criteria laid down under Class E (a) of Part 1 Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 and any subsequent legislative amendments. This is because the proposed development by way of its scale and inclusion of primary living accommodation is not considered reasonably required for purposes incidental to the enjoyment of the main dwellinghouse.

This is a resubmission of the refused scheme with a smaller footprint, removal of the full bathroom and is accompanied by a justification statement.

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.

Nevertheless, a general observation was received regarding soundproofing and an objection raising concerns over flooding. Whilst these concerns are noted, neither of these matters are material to the assessment of a Certificate of Lawful Development application.

5. AMENDMENTS

None

6. EXPLANATION OF RECOMMENDATION

The application site is a dwellinghouse, and the application will be assessed against Schedule 2, Part 1 of the Town and Country (General Permitted Development) Order 2015 (as amended), which relates to "Development within the curtilage of a dwellinghouse".

Class E

The development *is* considered to be permitted development under Class E:

- (a) any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure; or**
- (b) a container used for domestic heating purposes for the storage of oil or liquid petroleum gas**

for the following reasons:

E.1 Development is not permitted by Class E if—

E.1 Development is not permitted by Class E if	Officer's Comment:
(a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class	Complies

M, N, P, PA or Q of Part 3 of this Schedule (change of use)	
(b) the total area of ground covered by buildings, enclosures and containers within the curtilage (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse)	Complies
(c) any part of the building, enclosure, pool or container would be situated on land forward of a wall forming the principal elevation of the original dwellinghouse	Complies
(d) the building would have more than a single storey	Complies
(e) the height of the building, enclosure or container would exceed – (i) 4 metres in the case of a building with a dual-pitched roof, (ii) 2.5 metres in the case of a building, enclosure or container within 2 metres of the boundary of the curtilage of the dwellinghouse, or (iii) 3 metres in any other case	Complies As shown on drawing no. 7 elevations - proposed
(f) the height of the eaves of the building would exceed 2.5 metres	Complies As shown on drawing no. 7 elevations - proposed
(g) the building, enclosure, pool or container would be situated within the curtilage of a listed building	Complies
(h) it would include the construction or provision of a verandah, balcony or raised platform	Complies
(i) it relates to a dwelling or a microwave antenna	Complies
(j) the capacity of the container would exceed 3,500 litres; or	Complies
(k) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses)	Complies

E.2

E.2 In the case of any land within the curtilage of the dwellinghouse which is within -	Officer's Comment:
(a) a World Heritage Site,	Not applicable
(b) a National Park,	Not applicable
(c) an area of outstanding natural beauty or	Not applicable
(d) the Broads ,	Not applicable
development is not permitted by Class E if the total area of ground covered by buildings, enclosures, pools and containers situated more than 20 metres from any wall of the dwellinghouse would exceed 10 square metres	

E.3	Officer's Comment:
E.3 In the case of any land within the curtilage of the dwellinghouse which is article 2(3) land, development is not permitted by Class E if any part of the building, enclosure, pool or container would be situated on land between a wall forming a side elevation of the dwellinghouse and the boundary of the curtilage of the dwellinghouse	Complies

E.4	Officer's Comment:
E.4 For the purposes of Class E, "purpose incidental to the enjoyment of the dwellinghouse as such" includes the keeping of poultry, bees, pet animals, birds or other livestock for the domestic needs or personal enjoyment of the occupants of the dwellinghouse	Complies The applicant has submitted additional information which is an improvement based on the refused application ref: 24/0017/PS192. They have reduced the overall size and removed the shower from the scheme. Thus providing enough evidence to the council that this does not comprise primary living accommodation.

7. RECOMMENDATION

Grant Certificate

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 Monitoring in Uniform) YES* NO
(*If yes, complete Development Condition

This application has representations online (which are not on the file) YES NO

This application has representations on file YES NO

Case Officer (Initials):JMA.....

Dated:30/08/2024.....

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:30.08.2024.....