

Application reference: 24/1669/HOT
EAST SHEEN WARD

Date received	application	Date made valid	Target report date	8 Week date
02.07.2024		11.07.2024	05.09.2024	05.09.2024

Site:

2 Vicarage Drive, East Sheen, London, SW14 8RX

Proposal:

Construction of granny annex ancillary to the main house.

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

APPLICANT NAME

Mr James Burton
3 Somerhill Avenue
East Sheen
Hove
Richmond Upon Thames
BN3 1RJ
United Kingdom

AGENT NAME

Mr James Burton
3, Somerhill Avenue
Hove
BN3 1RJ
United Kingdom

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

Consultations:

Internal/External:
Consultee

Expiry Date

Neighbours:

81 South Worple Way, East Sheen, London, SW14 8NG -
2A Vicarage Drive, East Sheen, London, SW14 8RX, - 11.07.2024
20 Vicarage Road, East Sheen, London, SW14 8RU, - 11.07.2024
18 Vicarage Road, East Sheen, London, SW14 8RU, - 11.07.2024
Stonehill, 5 Stonehill Road, East Sheen, London, SW14 8RR, - 11.07.2024
Mortlake House, 6 Vicarage Road, East Sheen, London, SW14 8RU, - 11.07.2024
2B Vicarage Drive, East Sheen, London, SW14 8RX, - 11.07.2024

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

Development Management

Status: GTD Application: 01/0418
Date: 01/11/2001 Ground And First Floor Side Extension And Dormers To Side And Rear

Development Management

Status: PCO Application: 24/1669/HOT
Date: Construction of granny annex ancillary to the main house.

Building Control

Deposit Date: 16.07.2002 Part two storey & single storey side extension
Reference: 02/1357/BN

Building Control

Deposit Date: 21.04.1998 Single storey rear extension
Reference: 98/0658/BN

Building Control

Deposit Date: 05.01.2006 Loft conversion
Reference: 06/0027/BN

Application Number	24/1669/HOT
Address	2 Vicarage Drive, East Sheen, London, SW14 8RX
Proposal	Construction of granny annex ancillary to the main house.
Contact Officer	Izabela Moorhouse
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 application site comprises a two-storey semi-detached house, benefiting from a large rear garden, located on the western side of Vicarage Drive. The site has not been identified as a Building of Townscape Merit (BTM) and does not fall within a Conservation Area. The site is also subject to the following planning constraints:

- Area Susceptible to Groundwater Flooding - $\geq 50\%$
- Article 4 Direction – restricting basements
- Protected View – Richmond Park towards St Pauls Cathedral
- East Sheen Village
- Palewell Park, Hertford Avenue and surrounds Village Character Area.

3. PROPOSALS AND RELEVANT PLANNING HISTORY

The application seeks permission for the construction of granny annex in rear garden ancillary to the main dwelling.

The comprehensive list of planning history can be found above. No relevant history associated with the site.

4. CONSULTATIONS CARRIED OUT

The list of neighbours notified of this application are listed above. 1 objection and 1 observational comment have been received. The objection raises the following concerns:

- No formal notice of the proposed development
- Affect on the amenity and living conditions of neighbouring properties
- Creation of rights attached to the permanent owner of the building
- The granny annexe could become a 'lettable' annexe
- Free-standing and not ancillary
- Contrary to LP39, LP16 and LP8 of the Local Plan.

It must be noted that the objector site did not receive notification of the application as the boundary of the site does not adjoin the boundary of the objector site on any side. In addition, the submitted application form states that the granny annex is to be ancillary to the main house. A condition will be attached the permission securing this and restricting the use of the annexe.

The observational comment notes the following:

- Impact to the mature conifer to the corner of the site by the construction
- Removal of the tree will impact on the adjacent landowners' privacy.

The impact of the development on adjacent trees is a consideration within the assessment which is discussed below.

5. AMENDMENTS

None.

6. MAIN POLICIES RELEVANT TO THE DECISION

NPPF (2021)

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
- 16. Conserving and enhancing the historic environment

These policies can be found at:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf

London Plan (2021)

The main policies applying to the site are:

- Policy D4 - Delivering good design
- Policy D12 - Fire safety
- Policy G7 – Trees and woodlands
- Policy SI12 – Flood risk management
- Policy SI13 – Sustainable drainage

These policies can be found at: <https://www.london.gov.uk/what-we-do/planning/london-plan/new-london-plan/london-plan-2021>

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
Trees, Woodlands and Landscape	LP16	Yes	No
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) and its supporting documents, including all the Regulation 18 representations received, was considered at Full Council on 27 April. Approval was given to consult on the Regulation 19 Plan and, further, to submit the Local Plan to the Secretary of State for Examination in due course. The Publication Version Local Plan, including its accompanying documents, have been published for consultation on 9 June 2023. Together with the evidence, the Plan is a material consideration for the purposes of decision-making on planning applications. 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 Local Plan to be sound and legally compliant, officers and Councillors should accord relevant policies and allocations weight in the determination of applications taking account of the extent to which there are unresolved objections to relevant policies. Note that it was agreed by Full Council that no weight will be given to Policy 4 in relation to the increased carbon offset rate, and therefore the existing rate of £95/t will continue to be applied; in addition, no weight will be given to Policy 39 in relation to the 20% biodiversity net gain requirement at this stage; all other aspects and requirements of these policies will apply.

Issue	Local Plan Policy	Compliance	
Flood Risk	8	Yes	No
Local Character and Design Quality	28	Yes	No
Trees, Woodland and Landscape	42	Yes	No
Impact on Amenity and Living Conditions	46	Yes	No

Supplementary Planning Documents

House Extension and External Alterations
Conservation Areas
Buildings of Townscape Merit
East Sheen 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

Community Infrastructure Levy

Biodiversity Net Gain

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan, if one is required in respect of this permission would be the London Borough of Richmond upon Thames.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because the proposal is development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A 'householder application' means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.

7. EXPLANATION OF OFFICER RECOMMENDATION

The key issues for consideration are:

- i Design and Visual Amenity
- ii Impact on Neighbour Amenity
- iii Trees
- iv Fire Safety

Issue i – Design and Visual Amenity

Policy LP1 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.

The councils House Extensions and External Alterations SPD states that extensions should not lead to a substantial reduction in existing garden area and properties with small gardens may need to restrict the size of their extension to ensure a useable open space is retained.

The footprint of the structure is triangular in shape, located to the southern edge of the garden. The proposed building has a large footprint for an outbuilding at 44.61sqm, as measured on the ground floor plans; the design comprises a flat roof to a maximum height of 2.5m. The outbuilding will also feature a set of glazed sliding doors and two windows on either side to the front elevation (north east), a window to either side elevation and a door and window to the rear elevation (south west).

The proposal site benefits from a sizable rear garden and thus it is considered that the footprint of the outbuilding, is acceptable in relation to the outdoor amenity space and the main dwelling. However, the large footprint is not acceptable in relation to the surrounding character of the area which does not have any larger outbuildings present, and no outbuildings of this size has been granted. Therefore, the outbuilding would appear out of context with the established spatial characteristics.

The amenity space in the rear garden would be reduced as a result of the proposal, however, the reduction will be no more than 50% of the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) and is therefore acceptable.

Due to the siting, the works will not form views from the front of the dwelling, thus the scheme will result in a neutral impact on the public realm.

The outbuilding will be clad in redwood with a rubber membrane flat roof and uPVC doors and windows. The materials ensure the outbuilding will appear as an obvious and distant addition to the original dwellinghouse. The building is significantly smaller in footprint and height to the existing dwelling; therefore, it will not detract or undermine the value and visual amenity of the dwelling itself and will appear visually subordinate.

The outbuilding's use has been specified as a granny annexe and is to be an ancillary living space to the use of the main dwellinghouse to be used by relatives, specified in the application form and personal statement submitted. The proposal does not alter the access to the main property and the annexe would not benefit from separate access or amenity space. However, the outbuilding does benefit from a separate kitchen, living room and bathroom which would be used as a separate living space. Although this has been specified as being used by relatives, however the use specifically by relatives could not be conditioned. If minded to approve the application, a condition will be attached to the permission to ensure the space is not used as a separate habitable dwelling, further discussed in the 'Neighbouring Amenity' section below.

As such, the proposal extension by virtue of its excessive size is considered to be contrary to in particular Local Plan Policy LP1 and the associated Publication Local Plan policies 28, supported by the relevant SPDs.

Issue ii - 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 seeks to protect adjoining properties from visual intrusion, loss of light and privacy.

The application site adjoins no. 4 to the east and neighbours the rear garden of no. 2b to the north. The rear garden adjoins the rear gardens of no. 5 and 15 Stonehill Road.

The proposed outbuilding is to be located at the far end of the rear garden of the application site, siting adjacent to the rear boundary line of nos. 5 and 15 Stonehill Road. Given siting, the building is substantially removed from the built form of habitable buildings.

The annexe is to be set in from the adjoining boundaries, approximately 0.8m from the boundary with no. 4 Vicarage Drive, approximately 0.5m from no. 5 Stonehill Road and approximately 2.3m from no. 15 Stonehill Road. Therefore, given the siting and the height of the proposal, it is considered that the development will not appear unreasonably overbearing or visually intrusive to any neighbouring gardens.

As the outbuilding is at ground level only, the proposal will not afford any additional views beyond that which could be achieved through the use of the existing garden, therefore no issues are raised in terms of loss of privacy or overlooking.

As discussed above, a sufficient amount of rear amenity space would be retained as a result of the proposal. This would satisfy the guidelines set out in the House extensions and external alterations SPD.

As discussed in the 'Design and Visual Amenity' section, if minded to approve the application, a condition would be recommended securing incidental use as follows; *"The outbuilding hereby permitted shall not be used other than as accommodation incidental to the use of the existing dwelling house as such and shall not be used/occupied as a separate self-contained dwelling. Reason: To protect the amenity of the area."*

Subject to the above condition concerns are not raised regarding any unreasonable additional pollution, noise or disturbance.

The proposed scheme is considered acceptable in terms of neighbour amenity. The proposal is not considered to detrimentally impact the amenities of any neighbouring occupiers and therefore, is in line with policy LP8 of the Local Plan (2018) and relevant Supplementary Planning Documents/Guidance.

Issue iii – Trees

Policy LP 16 states that 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. It will also ensure development protects, respects, contributes to and enhances trees and landscapes, the Council, when assessing development proposals.

The proposal site is not designated within a Conservation Area, thus there is no protection of the trees on the site, nor are there any recorded Tree Preservation Orders (TPO) within or adjacent to the site of the proposal.

However, given the siting and layout, the existing on-site and adjacent trees are visible from private views from the properties on Stonehill Road and Vicarage Drive, therefore they are considered to be of amenity value.

The proposal has not included any detail or information regarding whether any trees are to be removed or the protection of the trees on or adjacent to the site.

The proposed plans do not show the presence of trees in the rear and adjacent gardens. Such details are required in order to assess the impact of construction activities which may act as a constraint upon the proposal. In addition, construction activities linked to the proposal could irreparably damage the roots, rendering nearby and/or neighbouring trees unstable and susceptible to failure. It is vital therefore, that these potential impacts are appropriately assessed, and the nearby trees are suitably protected from both direct and indirect construction activity.

Had officers considered the scheme acceptable, the council would require that the area around nearby trees would be suitably protected from both direct and indirect construction activity and not used for the storage of any materials and/or machinery. This includes the impact of any ingress and egress routes for machinery. Supporting structures etc.

No Arboricultural Impact Assessment or protection details have been submitted, as such, the application fails to demonstrate impact of construction activities on nearby trees and thus does not comply with Local Plan Policy LP16.

Issue v - Fire Safety

London Plan policy D12 requires the submission of a Fire Safety Statement on all planning applications.

A Fire Safety Statement has been submitted to the Council – received on 10/07/2024.

Had officers considered the application acceptable, a condition would have been included to ensure this is adhered to on an ongoing basis. The applicant is advised that alterations to existing buildings should comply with the Building Regulations. Overall, the scheme can therefore be considered consistent with this Policy D12 of the London Plan.

8. 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.

9. 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.

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.

Refuse planning permission for the following reasons

Impact on Design/Impact on Trees

The proposed outbuilding would result in an excessively large addition out of context with the established spatial characteristics of the area and in the absence of sufficient arboricultural information, in the form of a Tree Survey, Tree Constraints Plan and Arboricultural Impact Assessment, would also fail to safeguard the health and longevity of existing on-site trees to the detriment of the ecological benefit of the site contrary to, in particular, Policies LP1 and LP 16 of the Local Plan (2018), Publication Local Plan Policies 28 and 42, and the following Supplementary Planning Guidance; Trees: Landscape Design, Planting and Care; Trees: Legislation

and Procedure.

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):IZM..... Dated:14/08/2024.....

I agree the recommendation:

Senior Planner

VAA

Dated: 29.08.24

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

U0093719	Decision drawing numbers ~~
U0093720	NPPF REFUSAL- Para. 38-42