

Application reference: 24/1742/VRC
BARNES WARD

Date application received	Date made valid	Target report date	8 Week date
09.07.2024	09.07.2024	03.09.2024	03.09.2024

Site:

70 Gerard Road, Barnes, London, SW13 9QQ

Proposal:

Variation of planning approval 22/1238/HOT - condition number U0132095 - Approved drawings to allow for alterations to elevational treatment and fenestration including additional glazing.

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

APPLICANT NAME

Louise Farrer
70 Gerard Road
Barnes
London
Richmond Upon Thames
SW13 9QQ

AGENT NAME

Mrs Iris Kouneni
Flat 12
2 Alderson Grove
Walton on Thames
KT12 5EG
United Kingdom

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

Consultations:

Internal/External:

Consultee

Expiry Date

Neighbours:

72 Gerard Road, Barnes, London, SW13 9QQ -
69 Nassau Road, Barnes, London, SW13 9QG, - 16.07.2024
71 Nassau Road, Barnes, London, SW13 9QG, - 16.07.2024
Tideway, Lonsdale Road, Barnes, London, SW13 9QB, - 16.07.2024
59 Gerard Road, Barnes, London, SW13 9QH, - 16.07.2024
57 Gerard Road, Barnes, London, SW13 9QH, - 16.07.2024
55 Gerard Road, Barnes, London, SW13 9QH, - 16.07.2024
68 Gerard Road, Barnes, London, SW13 9QQ, - 16.07.2024
72 Gerard Road, Barnes, London, SW13 9QQ, - 16.07.2024

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

Development Management

Status: GTD

Date: 29/07/2002

Application: 02/1578

Demolish And Rebuild Conservatory And Extend Garage, Change Existing Rear Velux To Dormer And Alterations To Existing Loft Extension.

Development Management

Status: RNO

Date: 11/05/1988

Application: 88/53/35

Side and rear extension to living/dining room and formation of utility room at side. Plan Nos. 1074/M1/M2/M3a/M4a dated February 1988 and received on 19.4.88.

Development Management

Status: GTD
Date:31/01/2011

Application:10/3568/HOT
Existing garage to be converted into utility room and storage space with a new Velux flat roof light added to utility room. Existing double garage doors replaced with timber triple doors. New painted timber sash windows of mirroring proportions, centralised in first floor bathroom exterior wall. New roof light to be added to second floor bathroom. New brick work and timber bin store to be added to front garden.

Development Management

Status: GTD
Date:12/07/2022

Application:22/1238/HOT
Double storey side extension and alterations to existing single storey rear extension

Development Management

Status: PDE
Date:

Application:24/1742/VRC
Variation of planning approval 22/1238/HOT - condition number U0132095 - Approved drawings to allow for alterations to elevational treatment and fenestration including additional glazing.

Building Control

Deposit Date: 13.08.2002
Reference: 02/1538/BN

Alterations to existing single storey rear extension

Building Control

Deposit Date: 19.12.2008
Reference: 09/COR00334/CORGI

Installed a Gas Boiler

Building Control

Deposit Date: 22.07.2011
Reference: 11/1404/IN

Alterations to existing garage-utility room and second floor bathroom and associated works

Building Control

Deposit Date: 14.09.2011
Reference: 11/NIC02144/NICEIC

One or more new circuits Replacement consumer unit

Building Control

Deposit Date: 27.08.2024
Reference: 24/1068/BN

Double storey side extension and alterations to existing single storey rear extension

Application Number	24/1742/VRC
Address	70 Gerard Road Barnes London SW13 9QQ
Proposal	Variation of planning approval 22/1238/HOT - condition number U0132095 - Approved drawings to allow for alterations to elevational treatment and fenestration including additional glazing.
Contact Officer	Sukhdeep Jhooti
Target Determination Date	03.09.2024

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 dwellinghouse with roof accommodation. The site is within Barnes Village and is designated as follows:

- Area Benefitting Flood Defence
- Flood Zone 2
- Flood Zone 3a
- Thames Policy Area
- Village [Barnes Village]
- Village Character Area [Suffolk Road, West of Castelanu – Character Area 14 Barnes Village Planning Guidance Page 57 CHARAREA04/14/01]

3. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

Variation of planning approval 22/1238/HOT - condition number U0132095 - Approved drawings to allow for alterations to elevational treatment and fenestration including additional glazing.

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

- 22/1238/HOT. Double-storey side extension and alterations to existing single-storey extension.

4. CONSULTATIONS CARRIED OUT

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

One letters of objections have been received and the comments can be summarised as follows:

- invasion of privacy and fire safety from windows
- FRA should be carried out
- Encroachment from windows

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
- 14. Meeting the challenge of climate change, flooding and coastal change
- 15. Conserving and enhancing the natural environment

These policies can be found at:

<https://www.gov.uk/guidance/national-planning-policy-framework>

London Plan (2021)

The main policies applying to the site are:

- D4 Delivering good design
- D12 Fire Safety
- SI 12 Flood Risk Management
- SI 13 Sustainable Drainage
- G6 Biodiversity and access to nature
- G7 Trees and woodlands

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	No
Impact on Amenity and Living Conditions	LP8	Yes	No
Impact on Biodiversity	LP15	Yes	No
Impact on Trees, Woodland and Landscape	LP16	Yes	No
Impact on 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) 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	Publication Local Plan Policy	Compliance	
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Flood risk and sustainable drainage	8	Yes	No
Local character and design quality	28	Yes	No
Biodiversity and Geodiversity	39	Yes	No
Trees, Woodland and Landscape	42	Yes	No
Amenity and living conditions	46	Yes	No

These policies can be found at

https://www.richmond.gov.uk/media/16749/hpn_plan_2018_to_2033_january_2019.pdf

Supplementary Planning Documents

House Extension and External Alterations

Village Plan – Barnes Village

These policies can be found at:

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

6. EXPLANATION OF OFFICER RECOMMENDATION

The current proposal seeks planning permission for a revised scheme involving minor material amendments to the approved development, granted under planning permission 22/1238/HOT granted on 11.07.2022. The application is being considered in accordance with the legislative procedures for dealing with amendments to approved development proposals, which were introduced by the Government in October 2009. The procedures require the submission of a formal application for either a "non-material amendment" (under 96A of the Town and Country Planning Act 1990) or a "minor material amendment" under s.73 of the Town and Country Planning Act 1990, where an amendment to an approved scheme is proposed.

National Planning Policy Guidance, 'Flexible Options for Planning Permissions' (Published 6 March 2014 by the Ministry of Housing, Communities & Local Government), confirms that a Section 73 application can be made under section 73 of the Act to vary or remove conditions associated with a planning permission. One of the uses of a section 73 application is to seek a minor material amendment, where there is a relevant condition that can be varied.

The guidance states that there is no statutory definition of a 'minor material amendment' but that it is likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved. Where proposed changes are not considered to be 'minor', a new full planning application would need to be made.

Permission granted under section 73 takes effect as a new, independent permission to carry out the same development as previously permitted subject to new or amended conditions. The new permission sits alongside the original permission, which remains intact and unamended. It is open to the applicant to decide whether to implement the new permission or the one originally granted.

The key issues for consideration are:

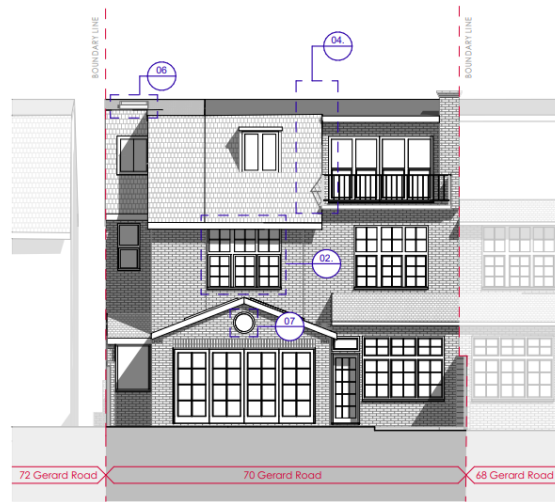
- i Design
- ii Impact on Neighbour Amenity
- iii Trees
- iv Flood Risk
- v Fire Safety

Issue i- Design

Policy LP1 of the Local Plan and Policy 28 of the Publication Local Plan requires all development to be of high urban design quality to maintain the character and heritage of the Borough.



1:100 Proposed Front Elevation



1:100 Proposed Rear Elevation

Figure 1 – Proposed rear elevation

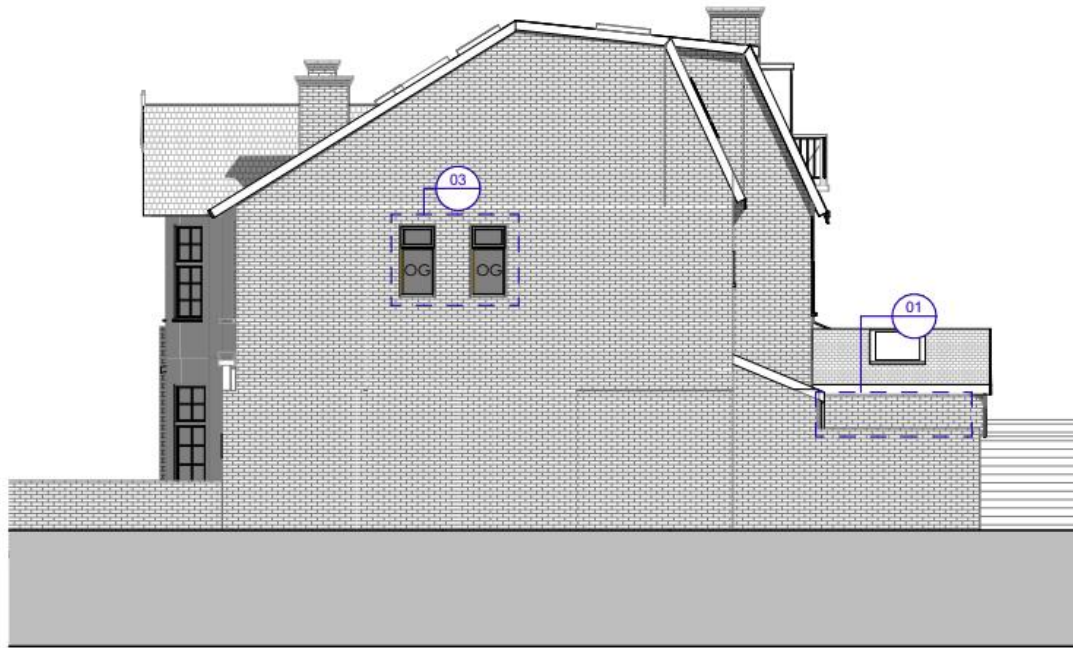
Figure 2 – Rear elevation approved under decision reference: 22/1238/HOT.



1:100 Proposed Front Elevation

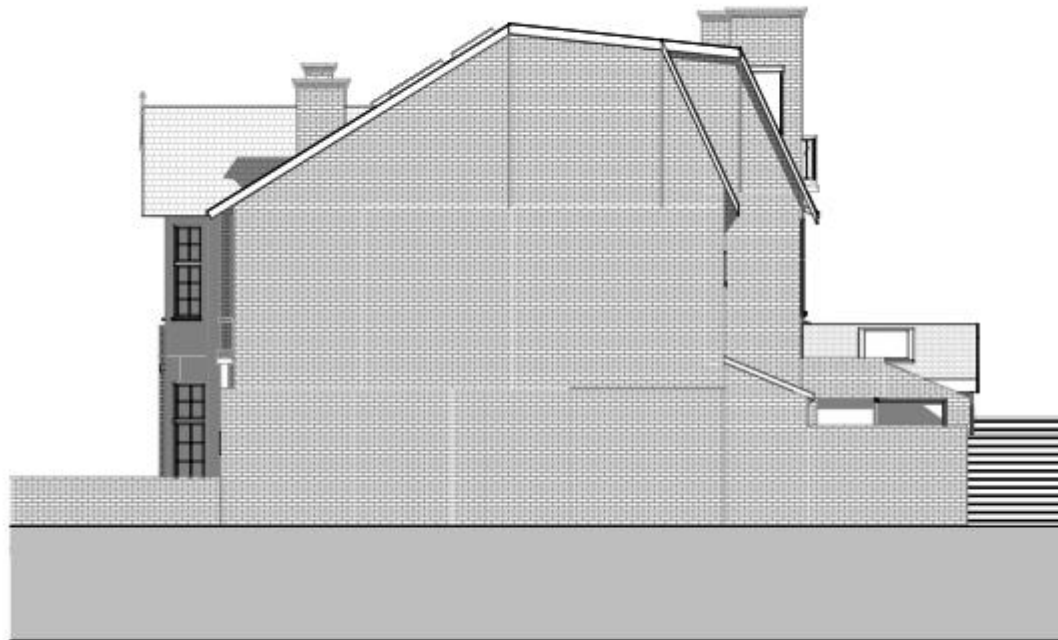


1:100 Proposed Rear Elevation



1:100 Proposed Side Elevation

Figure 3- Side elevation proposed



1:100 Proposed Side Elevation

Figure 4 – Side elevation proposed

The scheme is assessed in turn:

Rooflights

The proposed rear and front roof lights would appear proportionate in size and scale. Within the context of Officer Planning Report – Application 24/1742/VRC Page 7 of 10

the front rooflights approved under the parent approval, the rooflights be acceptable and would amount to a minor material amendment to the scheme approved.

Side window openings

The proposed side window openings would not lead to a significant change in terms of its scale in relation to the original approval. In visual terms it would lead to windows which would match the existing house and they would break up the massing along this flank elevation. It would not be contrary to any restrictive condition on the original permission. Flank window openings are not unusual and can be carried out under permitted development. Planning permission was not required for the flank window openings.

Removal of x 1 chimney stack

The removal of 1 chimney stack to the rear could be carried out under permitted development as a fall-back position. It is therefore acceptable.

Additional second floor rear window.

The additional second floor rear window would match existing. It would not be a significant change in terms of its scale in relation to the parent permission. Visually, it would create interest along this façade. The additional window would not be contrary to any local, regional or national planning policy or guidance. It would not be contrary to any restrictive condition on the original permission. It is therefore acceptable.

Additional glazing at first floor rear

The additional glazing at first floor level would not be significant in scale when viewed in the context of the original approval. Visually it would match the fenestration approved elsewhere at first floor rear and would provide a degree of symmetry. The additional windows would not be contrary to any restrictive condition on the original permission. It would not be contrary to any local, regional or national planning policy or guidance. It is therefore acceptable.

Window at ground floor rear

The oriel window at ground floor rear would not be materially significant in terms of its scale in relation to the original approval. Visually the oriel window would not lead to demonstrable harm to the character and appearance of the existing house due to the modest size of the window. It would serve as a feature to the extension approved under the parent approval. It would not be contrary to any relevant development plan policy or to any restrictive condition on the original permission.

Brick wall against ground floor rear extension approved.

This would correct a discrepancy in the side elevations original approved and is therefore acceptable in the interests of proper planning.

In view of the above, the proposal would comply with the aims and objectives of policy LP1 of the Local Plan and policy 28 of the Publication Local Plan.

Issue ii- Impact on Neighbour Amenity

Policy LP8 of the Local Plan states that all development would be required to protect the amenity and living conditions for occupants of new, existing, adjoining and neighbouring properties. Policy 46 of the Publication Local Plan has similar aims and objectives.

Rooflights

The additional rooflights would not lead to material increases in the levels of overlooking from linear or lateral views due to their siting, profile, size, scale, number and design. Rooflights were proposed and approved as part of the parent application, as such neighbouring properties who were informed of the original application would not be disadvantaged in any way. A neighbour consultation has been undertaken as part of this application as required by statute.

Side window openings

The proposed flank window openings would be conditioned to be obscure glazed and non-openable above 1.7m of finished floor level to prevent overlooking of No. 72 Gerard Road. This condition is a standard condition which meets the Government's six tests for conditions which are: Necessary, relevant to planning, relevant to the development permitted, enforceable, precise and reasonable in all other respects. It is also used by the government in permitted development legislation for the imposition of upper floor flank windows to dwellinghouses. Neighbours and any other third party who would have participated in or was informed of the original application have not been disadvantaged in any way as they have been consulted during this application as per the law.

Removal of x 1 chimney stack

The removal of x 1 chimney stack would have a neutral impact on neighbour amenity as it would lead to less built form than existing. This can be actioned under permitted development as a fall back

position.

Additional second floor rear window.

The additional second floor window would not lead to material increases in the levels of overlooking from linear and lateral views compared with existing first and second floor window openings.

Additional glazing at first floor rear

It is considered that a mutual level of overlooking occurs within the immediate vicinity, and the additional glazing would lead to no more overlooking from linear and lateral views compared with existing first floor glazing along the rear elevation of the existing property.

Oriel window at ground floor rear

Given this window would be above head height, it would not lead to material increases in the levels of overlooking compared with the existing situation.

Brick wall against ground floor rear extension approved.

This would correct a discrepancy in the side elevations original approved and is therefore acceptable in the interests of proper planning. It would have a neutral impact on neighbour living conditions.

In view of the above, the proposal would safeguard neighbour living conditions in line with Policy LP8 of the Local Plan and Policy 46 of the Publication Local Plan.

Issue iii - Biodiversity

Biodiversity net gain became mandatory for minor developments on applications made from 2nd April 2024. This application is exempt from mandatory biodiversity net gain on the grounds that:

- The original planning permission to which this s73 application relates was exempt by virtue of it being made before 2nd April 2024
- The development impacts habitat of an area below a 'de minimis' threshold of 25m² or 5m of linear habitat such as hedgerows, and does not impact an onsite priority habitat
- The development is for a small-scale self-build or custom house building

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

During the construction process, the scheme would need to adhere to the fire safety and all other relevant aspects of the Building Regulations. The Local Planning Authority only assess whether a development complies with local, regional, national planning policies and guidance only. Building Regulations fall outside the remit of the LPA. An informative would be placed in the decision notice reminding the applicant that the scheme needs to comply with the Building Regulations with details of the Council's Building Control department being provided in this regard.

The London Fire Brigade and Local Building Control Authority have not been consulted on this application as it does not meet the threshold set by legislation. This does not override the need for the scheme to comply with the fire safety aspects of the Building Regulations as noted above.

8. RECOMMENDATION

This recommendation is made following careful consideration of all the issues raised through the application process. The amendments, by virtue of their scale and nature, would not result in a development that is substantially different from the development approved under planning permission 22/1238/HOT. The development remains as approved in all respects other than the minor, but material changes outlined above, which can be secured by amending the drawing numbers secured by condition U0132095 – Approved drawings on the decision notice to relate to the revised drawings listed in this report. The remaining conditions remain relevant. As such it is considered that a new full planning application does not need to be made to secure these changes.

Grant planning permission 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 online (which are not on the file) YES NO

This application has representations on file YES NO

Case Officer (Initials): SJH

Dated: 02.09.2024

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:02.09.2024.....