



Application reference: 24/1459/HOT
 KEW WARD

Date application received	Date made valid	Target report date	8 Week date
07.06.2024	08.07.2024	02.09.2024	02.09.2024

Site:

6 Nylands Avenue, Kew, Richmond, TW9 4HH

Proposal:

Demolish existing extension and replace with part 2 storey, part single storey rear extension. First floor side elevation extension, green roof to converted garage, alteration to fenestration.

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

APPLICANT NAME

Ms Yi Fei Deng
 52 Burlington Av.
 London
 TW9 4DH

AGENT NAME

Ms Winnie Tam
 13 Mitchison Road
 London
 N1 3NJ
 United Kingdom

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

Consultations:

Internal/External:

Consultee

LBRuT Trees Preservation Officer (South)

Expiry Date

23.07.2024

Neighbours:

- 13 Nylands Avenue, Kew, Richmond, TW9 4HH, - 09.07.2024
- 11 Nylands Avenue, Kew, Richmond, TW9 4HH, - 09.07.2024
- 9 Nylands Avenue, Kew, Richmond, TW9 4HH, - 09.07.2024
- 7 Nylands Avenue, Kew, Richmond, TW9 4HH, - 09.07.2024
- 23 Melvin Court, High Park Avenue, Kew, Richmond, TW9 4BW, - 09.07.2024
- 19 Melvin Court, High Park Avenue, Kew, Richmond, TW9 4BW, - 09.07.2024
- 15 Melvin Court, High Park Avenue, Kew, Richmond, TW9 4BW, - 09.07.2024
- 11 Melvin Court, High Park Avenue, Kew, Richmond, TW9 4BW, - 09.07.2024
- 7 Melvin Court, High Park Avenue, Kew, Richmond, TW9 4BW, - 09.07.2024
- 25 Melvin Court, High Park Avenue, Kew, Richmond, TW9 4BW, - 09.07.2024
- 21 Melvin Court, High Park Avenue, Kew, Richmond, TW9 4BW, - 09.07.2024
- 17 Melvin Court, High Park Avenue, Kew, Richmond, TW9 4BW, - 09.07.2024
- 13 Melvin Court, High Park Avenue, Kew, Richmond, TW9 4BW, - 09.07.2024
- 9 Melvin Court, High Park Avenue, Kew, Richmond, TW9 4BW, - 09.07.2024
- 5 Melvin Court, High Park Avenue, Kew, Richmond, TW9 4BW, - 09.07.2024
- 3 Melvin Court, High Park Avenue, Kew, Richmond, TW9 4BW, - 09.07.2024
- 8 Nylands Avenue, Kew, Richmond, TW9 4HH, - 09.07.2024
- 4 Nylands Avenue, Kew, Richmond, TW9 4HH, - 09.07.2024

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

Development Management

Status: GTD Application:98/1845
 Date:15/09/1998 Erection Of Single Storey Rear Conservatory.
Development Management
 Status: GTD Application:98/2180
 Date:03/11/1998 Loft Conversion.
Development Management
 Status: GTD Application:23/3385/HOT
 Date:13/02/2024 Demolish existing extension and replace with part 2 storey, part single storey rear extension. Amend first floor side elevation window.
Development Management
 Status: REF Application:23/3386/HOT
 Date:15/02/2024 front/side elevation extension with green roof, amend side elevation window.
Development Management
 Status: PDE Application:24/1459/HOT
 Date: Demolish existing extension and replace with part 2 storey, part single storey rear extension. First floor front/side elevation extension, green roof to converted garage, alteration to fenestration.

Building Control

Deposit Date: 11.09.1998 Loft conversion

Reference: 98/1544/FP

Building Control

Deposit Date: 06.11.1998 Loft conversion

Reference: 98/1544/1/FP

Building Control

Deposit Date: 31.03.2005 Remove of ground floor chimney breast, formation of ground floor shower room and alterations to existing ground floor WC to access internally

Reference: 05/0632/BN

Building Control

Deposit Date: 17.11.2006 Dwelling house Lighting circuit Main/ supplementary equipotential bonding New consumer unit Special location (room containing bath or shower swimming pool sauna)

Reference: 07/73886/NICEIC

Building Control

Deposit Date: 28.11.2008 Installed a Gas Fire

Reference: 08/COR02802/CORGI

Building Control

Deposit Date: 13.08.2018 Install a gas-fired boiler

Reference: 18/FEN02520/GASAFE

Application Number	24/1459/HOT
Address	6 Nylands Avenue Kew Richmond TW9 4HH

Proposal	Demolish existing extension and replace with part 2 storey, part single storey rear extension. First floor front/side elevation extension, green roof to converted garage, alteration to fenestration.
Contact Officer	Jack Davies
Target Determination Date	02/09/2024

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 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 has considered 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 subject site is a rectangular parcel of land, located to the north of Nylands Avenue, in the residential area of Kew. The site contains a two-storey semi-detached dwelling to the front of the lot and private open space to the rear.

The application site is situated within Kew Village and is designated as:

- Area Susceptible to Groundwater Flood
- Article 4 Direction Basements
- Community Infrastructure Levy Band
- Risk of Flooding from Surface Water 1 in 1000 chance
- Surface Water Flooding

3. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

The proposed development comprises Demolish existing extension and replace with part 2 storey, part single storey rear extension. First floor side elevation extension, green roof to converted garage, alteration to fenestration.

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

23/3385/HOT - Demolish existing extension and replace with part 2 storey, part single storey rear extension. Amend first floor side elevation window. **Granted**

23/3386/HOT - Front/side elevation extension with green roof, amend side elevation window. **Refused**
REASON: Design - The proposed front/side extension by reason of its siting, design and scale, would result in an unsympathetic and incongruous form of development that would harm the character and appearance of the host building and street scene. As such the proposal would be contrary to the National Planning Policy Framework and to the London Borough of Richmond upon Thames Local Plan (2018), in particular policy LP1, Publication Local Plan policy 28, as well as the House Extensions and External Alterations SPD.

4. CONSULTATIONS CARRIED OUT

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

No letters of representation were received.

The scheme was amended, rectifying errors on the rear elevation drawing which showed incorrect annotations and the side extension to extend to the boundary. The projecting eaves were also omitted at request of the council.

The DoD was amended to better reflect the proposals, however it was not necessary to reconsult neighbours given there were no changes to the scheme as originally submitted which increased in scale.

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

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

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	
		Yes	No
Flood risk and sustainable drainage	8	Yes	No
Local character and design quality	28	Yes	No
Design process	44	Yes	No
Amenity and living conditions	46	Yes	No

Supplementary Planning Documents

House Extension and External Alterations

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 key issues for consideration are:

- i Design and impact on heritage assets
- ii Impact on neighbour amenity
- iii Trees and Biodiversity
- iv Flood Risk
- v Fire Safety

i Design and impact on heritage assets

Policy LP1 of the Local Plan 2018 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 SPD relating to House Extensions and External Alterations states that the overall shape, size and position of side and rear extensions should not dominate the existing house or its neighbours. It should harmonise with the original appearance, either by integrating with the house or being made to appear as an obvious addition.

The scheme seeks to combine the two recent application at this site, one of which was approved for a part ground floor part first floor rear extensions, and the other refused for a two storey side extension. This application has been submitted with amendments to the two storey side extension, notably the extension is now set in 1m from the boundary and the overhanging eaves have been omitted.

The House Extensions and External Alterations SPD (2015), states *development, which would result in the significant reduction of an existing important space or gap between neighbouring houses, is not*

normally acceptable. In conjunction with existing extensions to neighbouring buildings this can have a terracing effect on the street. Consequently, two storey side extensions should be sited 1m from the side boundary.

The proposed side extension is to be set in 1m from the side boundary and is sited underneath the eaves of the main roof. It is noted that the house extensions SPD also states that side/front extensions should be sited back 1m from the front elevation, however officers note that there are examples of other flush side/front extensions in the street and as such the proposal does not appear as a completely incongruous feature.

The proposed new front elevation window will be of a design similar to the existing windows and as such there is no objection.

Given such, the proposed side/front extension is considered to be acceptable and subservient to the host dwelling, and overcomes the previous reasons for refusal.

In regards to the ground a first floor rear extensions, it is noted that these were previously approved under application 23/3385/HOT. Officers consider the previous assessment to remain valid, the only difference is that a section of glazing to the rear of the ground floor rear extension has been omitted in this scheme. Although there would be a cumulative impact as a result of the side/front elevation, it is not considered that this would have impact on local character which would warrant a reason for refusal. The assessment previously made is outlined below -

The proposal involves the construction of a single storey extension positioned to the rear of the dwelling. The extension would create 2sqm of additional floor area to the north-east corner of the ground floor. The height of the proposal would not protrude above the existing ground floor.

The proposal also involves the construction of a first-floor extension positioned to the rear of the dwelling. The extension would create 9sqm of additional floor area to the north-east corner of the first-floor. The extension would project 1.2 metres from the rear first-floor wall and would sit 2.8 metres above the ground floor. The width of the extension would be approximately half the width of the main form, compliant with guidelines provided within the House Extensions SPD. In terms of materiality, the exterior walls would be constructed from brickwork to match existing. All roofing proposed would be flat with rooflights.

The rear elevation would contain bi-folding doors in the form of five large rectangular glass panels. Two additional windows are also proposed at ground floor level and three new windows are proposed at first floor. All windows and doors proposed generally mimic the design of fenestration to the rear of the dwelling.

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

ii Impact on 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 on House Extensions and External Alterations notes that generally an extension of 3m in depth for a terrace property will be acceptable. Where the proposed extension seeks a larger depth, the eaves should be reduced to 2.2m at the shared boundary to mitigate detrimental impact on neighbours such as sense of enclosure or overbearing. However, the final test of acceptability is dependent on the specific circumstances of the site which may justify greater rear projection.

8 Nylands Avenue

The proposed ground and first floor rear extensions have already been approved. In regards to the proposed side extension, this would result in new wall along the eastern (side) boundary. It is noted the length of wall along boundary would not be altered, however the height would increase and would

be closer to No.8. It is acknowledged the proposal would adjoin private open space of this neighbouring lot, however, as the neighbouring property contains a spacious yard, it would not be enclosed by the extension. The portion of wall on boundary compared to the length of boundary remaining unaffected by built form is minor. Moreover, there are no neighbouring windows facing the proposal. Therefore, the scale of the extension is not considered to create a sense of enclosure, nor appear overbearing to this adjoining lot. There are no new side facing windows proposed at first floor and as such there will be no additional opportunities to overlook.

4 Nylands Avenue

The proposed side extension would not have impact on the amenity of No.4 given its siting. As discussed the proposed ground floor and first floor extension have already been approved and no further assessment is required.

51 High Parks Avenue

Due to the generous setback of the extension from the rear boundary, the proposal would not result in loss of light, visual intrusion or create a sense of enclosure to this neighbouring property. There would be new doors and windows to the rear. However, given the existing tall solid boundary fencing, neighbouring built form adjoining the boundary and large setback between the proposal and neighbouring property, no additional overlooking impacts would arise.

Overall, having regard to the proposals siting, design, scale and materiality, it is considered that the proposed rear extension would not impact upon on the amenities of any neighbouring property.

In view of the above, the proposal would comply with the aims and objectives of policy LP8 of the Local Plan.

iii Trees and Biodiversity

Policies LP15 and LP16 seek to protect biodiversity and health and longevity of trees, woodland and landscape in the borough. Local Plan policy LP16, subsection 5 requires;

It is noted from the submitted information that there are trees in close proximity to the proposed ground floor rear extension. Notably there is no information submitted with this application which outlines that trees will not be affected by the proposed development. Notwithstanding such, the council note that the proposed rear extensions already benefit from planning permission. As such, whilst lack of information is noted, it would not be reasonable in this instance to request the information given the fallback position of the extant permission.

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 is a householder application.

iv Flood Risk

Policy LP 21 of the Local Plan 2018 states all developments should avoid or minimise, contributing to all sources of flooding, including fluvial, tidal, surface water, groundwater and flooding from sewers, taking account of climate change and without increasing flood risk elsewhere.

The proposed addition would be set no lower than the existing ground level. Therefore, the proposal is not expected to be impacted by flood hazards, nor would the proposal worsen flood hazards.

For the reasons outlined above, the proposal would satisfy the aims and objectives of Policy LP21 of the Local Plan 2018.

v Fire Safety

The applicant has submitted a fire safety strategy in support of the application. The submission of such a document is sufficient to meet the requirements of policy D12.

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.

Grant planning permission

Paragraph 11 of the Framework explains how the presumption in favour of sustainable development applies. For the reasons set out above, this application falls to be determined in accordance with the test under section 38(6) of the 2004 Act, the proposal is in general conformity with the Development Plan overall and there are no material considerations of sufficient weight to justify refusal.

Recommendation:

The determination of this application falls within the scope of Officer delegated powers - YES

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): ... DAV

Dated:02/09/2024

I agree the recommendation:

South Area Team Manager:ND.....

Dated:02.09.2024.....