

## Application reference: 24/1831/PS192 BARNES WARD

Date application received	Date made valid	Target report date	8 Week date
17.07.2024	23.07.2024	17.09.2024	17.09.2024

**Site:**

78 Lowther Road, Barnes, London, SW13 9NW

**Proposal:**

Proposed roof extension comprising rear gable end and side dormers, front rooflight window and chimneys removal

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

**APPLICANT NAME**

MR & MRS STEMPIN  
78 Lowther Road  
Barnes  
London  
Richmond Upon Thames  
SW13 9NW

**AGENT NAME**

Mr Maciej Maslanka  
18 BROOKFIELD AVENUE  
DUNSTABLE  
LU5 5TS

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

**Consultations:**

**Internal/External:**

**Consultee**

**Expiry Date**

**Neighbours:**

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

Development Management

Status: GTD

Date:05/01/1989

Application:88/2568/FUL

Erection Of Single Storey Rear Extension To Provide A Study, Enlarge Dining Room And An Enlarged Kitchen

Development Management

Status: GTD

Date:09/01/1989

Application:88/2568

Erection of single storey rear extension to provide a study, enlarged dining room and an enlarged kitchen (Plan No. P04 01/P amended on 7th December 1988).

Development Management

Status: REF

Date:09/07/2024

Application:24/1233/PS192

PROPOSED ROOF EXTENSION WITH REAR AND SIDE DORMERS, FRONT ROOFLIGHT AND CHIMNEYS REMOVAL

Development Management

Status: GTD

Date:16/07/2024

Application:24/1374/HOT

PROPOSED SINGLE STOREY REAR/SIDE EXTENSION WITH ADDITIONAL DOOR TO THE LEFT SIDE ELEVATION, GARAGE CONVERSION AND EXTERNAL CHIMNEY REMOVAL

Development Management

Status: PCO

Application:24/1831/PS192

Date:

Proposed roof extension comprising rear gable end and side dormers, front rooflight window and chimneys removal

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Building Control

Deposit Date: 14.08.2008

Cavity wall insulation

Reference: 08/0133/CWALL

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Building Control

Deposit Date: 27.02.2012

2 Windows 1 Door

Reference: 12/FEN00988/FENSA

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Building Control

Deposit Date: 11.07.2024

Single storey rear extension with part side infill, garage conversion, relocation of ground floor WC, removal of front chimney breast, and loft conversion with left hand side and right hand side dormers and rear dormer. (see exclusions\*\*)

Reference: 24/0841/IN

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<b>Application Number</b>	<b>24/1831/PS192</b>
<b>Address</b>	78 Lowther Road, Barnes, London, SW13 9NW
<b>Proposal</b>	Proposed roof extension comprising rear gable end and side dormers, front rooflight window and chimneys removal
<b>Contact Officer</b>	Izabela Moorhouse
<b>Determination Date</b>	17/09/2024

## 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 site comprises a two-storey detached dwelling located on the northern side of Lowther Road. The property is not listed, nor does it constitute a BTM. The site does not fall within a Conservation Area. It is subject to the following constraints:

- Article 4 Direction Basements
- Barnes Village
- Suffolk Road, West of Castelnau Village Character Area

## 3. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

The application seeks permission for a "Proposed roof extension comprising rear gable end and side dormers, front rooflight window and chimneys removal".

The comprehensive list of planning history can be found above. Of relevance:

**24/1233/PS192** – Proposed roof extension with rear and side dormers front rooflight and chimneys removal – **Refused.**

- *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 the construction of the proposed roof results in works that amount to demolition and re-construction, as such it does not meet criteria laid down in the Town and Country Planning (General Permitted Development) (England) Order 2015 and any subsequent legislative amendments.*

### Volume Calculations:

*Side dormer*

$$4.80 \times 2.95 \times 2.36 / 2 = 16.70\text{m}^3$$

*Side dormer*

$$4.80 \times 2.95 \times 2.36 / 2 = 16.70\text{m}^3$$

*Hip to gable*

$$3.40 \times 7.05 \times 3.05 / 6 = 12.18\text{m}^3$$

**Total: 16.70 (side dormer) + 16.70 (side dormer) + 12.18 (hip to gable) = 45.58m<sup>3</sup>**

## 4. CONSULTATIONS CARRIED OUT

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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.

## 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 B

**The scheme is considered to be permitted development under Class B 'The enlargement of a dwelling house consisting of an addition or alteration to its roof' for the following reasons:**

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

B.1 Development is not permitted by Class A if—	Officer's Comment:
(a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P, PA or Q of Part 3 of this Schedule (changes of use);	Compliant
(b) any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof;	Compliant
(c) any part of the dwellinghouse would, as a result of the works, extend beyond the plane of any existing roof slope which forms the principal elevation of the dwellinghouse and fronts a highway;	Compliant
(d) the cubic content of the resulting roof space would exceed the cubic content of the original roof space by more than— (i) 40 cubic metres in the case of a terrace house, or (ii) 50 cubic metres in any other case;	Compliant  (Please see calculations set out under 'Proposals' above).
(e) it would consist of or include— (i) the construction or provision of a verandah, balcony or raised platform, or (ii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe;	Compliant
(f) the dwellinghouse is on article 2(3) land;	N/A
(g) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses); or	N/A
(h) the existing dwellinghouse has been enlarged in reliance on the permission granted by Class AA (enlargement of a dwellinghouse by construction of additional storeys)	N/A

B.2 Development is permitted by Class B subject to the following conditions:

B.2 Development is permitted by Class B subject to the following conditions—	Officer's Comment:
(a) the materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;	Compliant.  The submitted drawings confirm that the materials proposed in the construction of the

	proposals will be similar to those of the existing dwelling.
<p><b>(b)</b> the enlargement must be constructed so that—</p> <p>(i) other than in the case of a hip-to-gable enlargement or an enlargement which joins the original roof to the roof of a rear or side extension—</p> <p>(aa) the eaves of the original roof are maintained or reinstated; and</p> <p>(bb) the edge of the enlargement closest to the eaves of the original roof is, so far as practicable, not less than 0.2 metres from the eaves, measured along the roof slope from the outside edge of the eaves; and</p> <p>(ii) other than in the case of an enlargement which joins the original roof to the roof of a rear or side extension, no part of the enlargement extends beyond the outside face of any external wall of the original dwellinghouse; and</p>	Compliant
<p><b>(c)</b> any window inserted on a wall or roof slope forming a side elevation of the dwellinghouse must be—</p> <p>(i) obscure-glazed, and</p> <p>(ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.</p>	<p>Compliant.</p> <p>The submitted drawings confirm that the windows are to be obscure glazed and non-opening unless more than 1.7 metres above the floor.</p>

### Class C

The development *is* considered to be permitted development under Class C ‘Any other alteration to the roof of the dwelling house’ for the following reasons:

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

C.1 Development is not permitted by Class C if	Officer’s Comment:
<b>(a)</b> permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P, PA or Q of Part 3 of this Schedule (changes of use);	Compliant
<b>(b)</b> the alteration would protrude more than 0.15 metres beyond the plane of the slope of the original roof when measured from the perpendicular with the external surface of the original roof;	Compliant
<b>(c)</b> it would result in the highest part of the alteration being higher than the highest part of the original roof;	Compliant
<b>(d)</b> it would consist of or include -	Compliant
(i) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or	
(ii) the installation, alteration or replacement of solar photovoltaics or solar thermal equipment;	
<b>(a)</b> the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses)	Not Applicable

C.2 Development is permitted by Class C subject to the condition that any window located on a roof slope forming a side elevation of the dwellinghouse must be—

C.2 Development is permitted by Class C subject to the condition that any window located on a roof slope forming a side elevation of the dwellinghouse must be	Officer’s Comment:
<b>(a)</b> obscure-glazed; and	Compliant

(b) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.	Compliant
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**Class G**

The development is considered to be permitted development under Class G ‘The installation, alteration or replacement of a chimney, flue or soil and vent pipe on a dwellinghouse.’ for the following reasons:

G.1 Development is not permitted by Class G if	Officer’s Comment:
(a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P or Q of Part 3 of this Schedule (changes of use);	Compliant
(b) the height of the chimney, flue or soil and vent pipe would exceed the highest part of the roof by 1 metre or more; or	Compliant
(c) in the case of a dwellinghouse on article 2(3) land, the chimney, flue or soil and vent pipe would be installed on a wall or roof slope which—  (i) fronts a highway, and (ii) forms either the principal elevation or a side elevation of the dwellinghouse.	Not applicable.
(d) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).	Not applicable.

**7. RECOMMENDATION**

**Grant certificate**

**Recommendation:**

The determination of this application falls within the scope of Officer delegated powers - YES / ~~NO~~

It is recommended that application 24/1831/PS192 is granted.

**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): .....I.ZM.....

Dated: .....28/08/2024.....

**I agree the recommendation:**

Senior Planner

Dated: 02.09.2024

<b>REASONS:</b>
<b>CONDITIONS:</b>
<b>INFORMATIVES:</b>
<b>UDP POLICIES:</b>
<b>OTHER POLICIES:</b>

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**

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### **CONDITIONS**

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### **INFORMATIVES**

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U0093991	Composite Informative
U0093992	NPPF APPROVAL - Para. 38-42
U0093993	Decision drawing numbers ~~