

Place Division / Development Management

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Mr Maciej Maslanka
STUDIO CAD PROJECTS LTD
18 BROOKFIELD AVENUE
DUNSTABLE
LU5 5TS

Letter Printed 2 September 2024

FOR DECISION DATED
2 September 2024

Dear Sir/Madam

The Town and Country Planning Act 1990, (as amended)
The Town And Country Planning (General Permitted Development) (England)
Order 2015 (as Amended)
The Town and Country Planning (Development Management Procedure)
(England) Order 2015

Application: 24/1831/PS192
Your ref: LOFT CONVERSION
Our ref: DC/IZM/24/1831/PS192/PS192
Applicant: MR & MRS STEMPIN
Agent: Mr Maciej Maslanka

WHEREAS in accordance with the provisions of the Town and Country Planning Act 1990 and the relevant Orders made thereunder, you have made an application received on **17 July 2024** for a **CERTIFICATE OF LAWFUL USE OR DEVELOPMENT** relating to:

78 Lowther Road Barnes London SW13 9NW

for

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

You are advised that the above works/use at the premises edged red on the decision drawings specified on the attached schedule were/was lawful within the meaning of Section 192 of the Town and Country Planning Act 1990 (as amended) for the reason(s) summarised and detailed on the attached schedule.

Yours faithfully

A handwritten signature in black ink, appearing to read 'R. Angus', with a long horizontal flourish extending to the right.

Robert Angus
Head of Development Management

SCHEDULE OF CONDITIONS AND INFORMATIVES FOR APPLICATION 24/1831/PS192

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

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

The reason(s) and/or informatives(s) applicable to this application are as follows:

SUMMARY OF CONDITIONS AND INFORMATIVES

CONDITIONS

LD02C	Devt/Permitted Class B Roof Extensions
LD02D	Devt/Permitted Class C Roof Alterations

INFORMATIVES

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

PLEASE NOTE:

1. This certificate issued solely for the purpose of Section 192 of the Town and Country Planning Act 1990 (as amended).
2. It certifies that the use/operations/matter specified taking place on the land described above was/would have been lawful on the specified date and thus was not/would not have been liable to enforcement action under Section 172 of the 1990 Act on that date.
3. This certificate applies only to the extent of the use/operations/matter described and to the land specified and identified on the attached plan. Any use/operations/matter which is materially different from that described or which relates to other land may render the owner or occupier liable to enforcement action.
4. The effect of the certificate is also qualified by the proviso in section 192(4) of the 1990 Act, as amended, which states that the lawfulness of the described use or operation is only conclusively presumed when there has been no material change, before the use of is instituted or the operations begun, in any of the matters relevant to determining such lawfulness.

DETAILED CONDITIONS AND INFORMATIVES

DETAILED CONDITIONS

LD02C Devt/Permitted Class B Roof Extensions

This proposal CONSTITUTES DEVELOPMENT within the meaning of Section 55 of the Town and Country Planning Act 1990, but by virtue of Article 3 and Schedule 2 of the Town and Country (General Permitted Development) (England) Order 2015 and any subsequent legislative amendments is of a class which is described as PERMITTED DEVELOPMENT and therefore planning permission IS NOT REQUIRED subject to the following conditions:

- (a) the materials used in any exterior work shall be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;
- (b) the enlargement must be constructed so that:
 - (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:
 - (aa) the eaves of the original roof are maintained or reinstated; and
 - (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
 - (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
- (c) any window inserted on a wall or roof slope forming a side elevation of the dwellinghouse shall be:
 - (i) obscure-glazed, and
 - (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.

LD02D Devt/Permitted Class C Roof Alterations

This proposal CONSTITUTES DEVELOPMENT within the meaning of Section 55 of the Town and Country Planning Act 1990, but by virtue of Article 3 and Schedule 2 of the Town and Country (General Permitted Development) (England) Order 2015 and any subsequent legislative amendments is of a class which is described as PERMITTED DEVELOPMENT and therefore planning permission IS NOT REQUIRED subject to the following condition:

- (a) that any window located on a roof slope forming a side elevation of the dwellinghouse shall be:
 - (i) obscure-glazed; and
 - (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.

DETAILED INFORMATIVES

U0093991 Composite Informative

Building Regulations:

The applicant is advised that the erection of new buildings or 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. For application forms and advice please contact the Building Control department, 2nd floor, Civic Centre, 44 York Street, Twickenham, TW1 3BZ. (Tel: 020 8891 1411). If you alter your proposals in any way, including to comply with the Building Regulations, a further planning application may be required. If you wish to deviate in

any way from the proposals shown on the approved drawings you should contact the Development Management department, 2nd floor, Civic Centre, 44 York Street, Twickenham, TW1 3BZ. (Tel: 020 8891 1411).

Damage to the public highway:

Care should be taken to ensure that no damage is caused to the public highway adjacent to the site during demolition and (or) construction. The Council will seek to recover any expenses incurred in repairing or making good such damage from the owner of the land in question or the person causing or responsible for the damage.

BEFORE ANY WORK COMMENCES you MUST contact the London Borough of Richmond upon Thames, 44 York Street, Twickenham TW1 3BZ, Telephone 020 8891 1411 to arrange a pre-commencement photographic survey of the public highways adjacent to and within the vicinity of the site. The precondition survey will ensure you are not charged for any damage which existed prior to commencement of your works.

If you fail to contact us to arrange a pre commencement survey then it will be assumed that any damage to the highway was caused by your activities and you will be charged the full cost of repair.

Once the site works are completed you need to contact us again to arrange for a post construction inspection to be carried out. If there is no further damage then the case will be closed. If damage or further damage is found to have occurred then you will be asked to pay for repairs to be carried out.

Noise control - Building sites:

The attention of the applicant is drawn to the requirements of Section 60 of the Control of Pollution Act 1974 in respect of the minimisation of noise and vibration on construction and demolition sites. Application, under section 61 of the Act for prior consent to the works, can be made to the Environmental Health department.

Under the Act the Council has certain powers to control noise from construction sites. Typically the council will limit the times during which sites are permitted to make noise that their neighbours can hear.

For general construction works the Council usually imposes (when necessary) the following limits on noisy works:-

Monday to Friday 8am to 6pm

Saturdays 8am to 1pm

Sundays and Public Holidays - No noisy activities allowed

Applicants should also be aware of the guidance contained in British Standard BS 5228-1:2009+A1:2014 - Noise and vibration control on construction and open sites.

Any enquiries for further information should be made to the Noise & Nuisance Team, Regulatory Services Partnership NoiseandNuisance@merton.gov.uk.

U0093993 Decision drawing numbers ~~

For the avoidance of doubt the Drawing(s) No(s) to which this decision refers are as follows:-

Location Plan; SCP2240422-01; SCP2240422-02; SCP2240422-1 REV A; SCP2240422-2 REV A; SCP2240422-3 REV A; received on 17/07/2024;.

U0093992 NPPF APPROVAL - Para. 38-42

In accordance with paragraphs 38-42 of the National Planning Policy Framework, Richmond upon Thames Borough Council takes a positive and proactive approach to the delivery of sustainable development, by:

- o Providing a formal pre-application service
- o Providing written policies and guidance, all of which is available to view on the Council's website
- o Where appropriate, negotiating amendments to secure a positive decision
- o Determining applications in a timely manner.

In this instance:

- o The application was acceptable as submitted, and approved without delay.

END OF SCHEDULE OF CONDITIONS AND INFORMATIVES FOR APPLICATION
24/1831/PS192

NOTES:

1. **If you are aggrieved by the decision of the Council to refuse an application for a certificate under Sections 191 and 192 of the Town and Country Planning Act 1990 (as amended) or to refuse in part you may appeal to the Secretary of State under Section 195 of the Act (as amended).**
2. **Notices of appeal must be submitted online at www.planninginspectorate.gov.uk or in writing to Initial Appeals, The Planning Inspectorate, Temple Quay House, 2 The Square, Bristol BS1 6PN or in Wales to the Secretary of State for Wales, Cathays Park, Cardiff CF1 3NQ. Copies of all relevant documents, including the application, the notice of decision and all plans, drawings and correspondence must be supplied to the Secretary of State.**
3. **You are advised to consult the brief official guide to the applications and appeals, published by the department of the Environment and the Welsh Office from which the appeal forms may also be obtained on request.**