

PLANNING REPORT

Printed for officer by
Kerry McLaughlin on 3 September
2024

Application reference: 24/1793/PS192 EAST SHEEN WARD

Date application received	Date made valid	Target report date	8 Week date
15.07.2024	15.07.2024	09.09.2024	09.09.2024

Site:

12 Milton Road, East Sheen, London, SW14 8JR

Proposal:

Rear dormer loft conversion with 3 no. rooflights to the front roof slope, replacement first floor windows to dark grey finish.

APPLICANT NAME

Lara Howells
12 Milton Road
East Sheen
London
SW14 8JR

AGENT NAME

Sean Currie
13 Creswick Road
Acton
London
W3 9HG

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: PDE Application:24/1793/PS192
Date: Rear dormer loft conversion with 3 no. rooflights to the front roof slope, replacement first floor windows to dark grey finish.

Development Management

Status: CEGPD Application:24/1810/PDE
Date:09/08/2024 Single-storey rear extension (4.35m depth, 3m eaves height, 4m overall height).

Building Control

Deposit Date: 13.03.2019 Install a gas-fired boiler
Reference: 19/FEN01445/GASAFE

Building Control

Deposit Date: 24.08.2019 Formation of structural opening between lounge and dining room.
Reference: 19/1413/BN

Building Control

Deposit Date: 16.11.2023 Install replacement windows in a dwelling Install replacement door in a dwelling
Reference: 23/FEN02261/FENSA

Application Number	24/1793/PS192
Address	12 Milton Road, East Sheen, London, SW14 8JR
Proposal	Rear dormer loft conversion with 3 no. rooflights to the front roof slope, replacement first floor windows to dark grey finish.
Contact Officer	Kerry McLaughlin

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 application property is a two-storey, terraced dwelling, located on the western side of Milton Road.

The application site is subject to the following planning constraints:

Area Susceptible to Groundwater Flood - Environment Agency	Superficial Deposits Flooding - >= 75% - SSA Pool ID: 1648
Article 4 Direction Basements	Article 4 Direction - Basements / Ref: ART4/BASEMENTS / Effective from: 18/04/2018
Critical Drainage Area - Environment Agency	Richmond Town Centre and Mortlake [Richmond] / Ref: Group8_004 /
Increased Potential Elevated Groundwater	GLA Drain London
Surface Water Flooding (Area Less Susceptible to) - Environment Agency	
Village	East Sheen Village
Village Character Area	Church Avenue / Vernon Road - Character Area 6 East Sheen Village Planning Guidance Page 27 CHARAREA05/06/01
Ward	East Sheen Ward

3. PROPOSAL AND ANY RELEVANT PLANNING HISTORY

Volume Calculation:

Rear dormer roof extension
 $2.4 \text{ (h)} \times 4.6 \text{ (w)} \times 3.6 \text{ (d)} / 2 = 19.87\text{m}^3$

The scheme seeks confirmation in the form of a lawful development certificate that the construction of the development described above would constitute permitted development.

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

There is no relevant planning history associated with the site.

4. CONSULTATIONS CARRIED OUT

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

During the assessment process council requested, by way of email dated 17/07/2024 & 19/07/2024, as well as follow up telephone calls that the following issues be addressed. However, no response was received.

- Replacement first floor windows should be altered to white window frames or removed from proposals.
- Large square window to the rear dormer roof extension should be reduced in size, in keeping with the existing fenestration on the dwelling.
- The proposed dormer must be setback by 20cm from the eaves.
- Confirmation that the proposed rooflights will protrude no more than 150mm beyond the plane of the roof slope.

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 A

The replacement first floor windows to dark grey finish are not considered to be permitted development under Class A 'The enlargement, improvement or other alteration of a dwellinghouse'

A.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);	Complies
(b) as a result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than original) dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);	Not Applicable The replacement windows do not alter the footprint of the dwelling in any way.
(c) the height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse	Not Applicable
(d) the height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse;	Not Applicable
(e) the enlarged part of the dwellinghouse would extend beyond a wall which – (i) forms the principal elevation of the original dwellinghouse; or (ii) fronts a highway and forms a side elevation of the original dwellinghouse	Not Applicable
(f) subject to paragraph (g), the enlarged part of the dwellinghouse would have a single storey and --- (i) extend beyond the rear wall of the original dwellinghouse by more than 4m in the case of a detached dwellinghouse, or 3m in the case of any other dwellinghouse, or (ii) exceed 4m in height	Not Applicable
(g) For a dwellinghouse not on article 2(3) land nor on a site of special scientific interest, the enlarged part of the dwellinghouse would have a single storey and --- (i) extend beyond the rear wall of the original dwellinghouse by more than 8m in the case of a detached dwellinghouse, or 6m in the case of any other dwellinghouse, or (ii) exceed 4m in height;	Not Applicable
(h) the enlarged part of the dwellinghouse would have more than a single storey and --- (i) extend beyond the rear wall of the original dwellinghouse by more than 3m, or (ii) be within 7m of any boundary of the curtilage of the dwellinghouse being enlarged which is opposite the rear wall of that dwellinghouse	Not Applicable

(i) the enlarged part of the dwellinghouse would be within 2m of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3m;	Not Applicable
(j) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would --- (i) exceed 4m in height, (ii) have more than a single storey, or Have a width greater than half the width of the original dwellinghouse;	Not Applicable
(ja) any total enlargement (being the enlarged part together with any existing enlargement of the dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in sub-paragraphs (e) to (j);	Not Applicable
(k) it would consist of or include --- (i) the construction or provision of a verandah, balcony or raised platform, (ii) the installation, alteration or replacement of a microwave antenna, (iii) the installation, alteration or replacement of a chimney, flue, soil and vent pipe, or (iv) an alteration to any part of the roof of the dwellinghouse or	Complies
(l) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).	Complies

A.2 In the case of a dwellinghouse on article 2(3) land, development is not permitted by Class A if — Officer Note: All not applicable, the application site is not on article 2(3) land.	Officer's Comment:
(a) It would consist of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebble dash, render, timber, plastic or tiles;	Not Applicable
(b) The enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse; or	Not Applicable
(c) The enlarged part of the dwellinghouse would have more than a single storey and extend beyond the rear wall of the original dwellinghouse	Not Applicable
(d) Any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in sub-paragraphs (b) and (c).	Not Applicable

A.3 Development is permitted by Class A subject to the following conditions—	Officer's Comment:
(a) the materials used in any exterior work (other than materials used in the construction of a conservatory) must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;	Does not Comply
(b) any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse must 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.	Not Applicable There are no new upper-floor, flank facing windows proposed under this application.
(c) where an enlarged part of the dwellinghouse has more than a single storey, or forms an upper storey to an existing	Not Applicable

enlargement of the original dwellinghouse, the roof pitch of the enlarged part must, so far as practicable, be the same as the roof pitch of the original dwellinghouse.	
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The scheme fails to comply with the criteria set out under Schedule 2, Part 1, Class A, A.3 (a) of the Town and Country Planning (General Permitted Development) Order 2015 (as amended). This is because drawing number E107 indicates that the “1st floor windows are to be changed to dark grey finish”. Dark grey frames will not result in a similar visual appearance to those in the existing house which are all white framed.

The ‘Permitted Development Rights for Householders Technical Guidance’ explicitly states “it may be appropriate to replace existing windows with new uPVC double-glazed windows or include them in an extension even if there are no such windows in the existing house. **What is important is that they give a similar visual appearance to those in the existing house, for example in terms of their overall shape, and the colour and size of the frames.**”

Class B

The proposed dormer *is not* 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 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);	Complies
(b) any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof;	Complies
(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;	Complies
(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;	Complies 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;	Complies
(f) the dwellinghouse is on article 2(3) land;	Complies
(g) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses); or	Complies
(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)	Complies

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;	Does not Comply
(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—	Complies

<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>	
<p>(c) 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>Not Applicable</p> <p>Proposals do not include the insertion of any new flank facing windows.</p>

The scheme fails to comply with the criteria set out under Schedule 2, Part 1, Class B, B.2 (a) of the Town and Country Planning (General Permitted Development) Order 2015 (as amended). This is because drawing number E107 indicates a large square window to the rear elevation of the dormer. This shape will not be of a similar visual appearance to those in the existing house.

The ‘Permitted Development Rights for Householders Technical Guidance’ explicitly states “Window frames should also be similar to those in the existing house in terms of their colour and overall shape.” The large square window does not reflect the vertical design of the existing fenestration as seen on the host dwelling.

Class C

The proposed rooflights are not 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	Officer’s Comment:
<p>(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);</p>	<p>Complies</p>
<p>(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;</p>	<p>Does not Comply</p>
<p>(c) it would result in the highest part of the alteration being higher than the highest part of the original roof;</p>	<p>Complies</p>
<p>(d) it would consist of or include -</p> <p>(i) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or</p> <p>(ii) the installation, alteration or replacement of solar photovoltaics or solar thermal equipment;</p>	<p>Complies</p>
<p>(e) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses)</p>	<p>Complies</p>

The submitted drawings and information do not confirm that the proposed rooflights would not project by more than 150mm from the plane of the roof surface and therefore the application does not demonstrate compliance with Paragraph C.1(b) of Schedule 2, Part 1, Class C of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

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:
<p>(a) obscure-glazed; and</p>	<p>Not Applicable</p>

	Proposals do not include the insertion of any new flank facing windows.
(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.	Not Applicable Proposals do not include the insertion of any new flank facing windows.

7. RECOMMENDATION

Refuse Certificate

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 it does not meet criteria laid down in the Town and Country Planning (General Permitted Development) (England) Order 2015 and any subsequent legislative amendments.

The scheme does not comply with A.3 (a) of Class A, Schedule 2, Part 1 of the Town and Country (General Permitted Development) Order 2015 (as amended), this is because the materials used in the exterior work to the fenestration at first floor level will not match that of the existing.

The scheme does not comply with B.2 (a) of Class B, Schedule 2, Part 1 of the Town and Country (General Permitted Development) Order 2015 (as amended), this is because the large square window does not reflect the vertical design of the existing fenestration as seen on the host dwelling, and as such does not provide a similar visual appearance.

The scheme does not comply with C.1 (b) of Class C, Schedule 2, Part 1 of the Town and Country (General Permitted Development) Order 2015 (as amended), this is because the submitted drawings and information do not confirm that the proposed rooflights would not project by more than 150mm from the plane of the roof surface.

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): KM

Dated: 03/09/2024

I agree the recommendation:



Team Leader/Head of Development Management/Principal Planner

Dated: ...03/09/2024.....