

Application Number	24/1350/HOT
Address	59 Bushwood Road, Kew, Richmond, TW9 3BG
Proposal	Ground floor rear extension, dormer roof extension and insertion of x4 rooflights to the front elevation and 4x rooflights to the outrigger.
Contact Officer	Kerry McLaughlin

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 proposal property is a two-storey, end of terrace dwelling, located on the north-eastern side of Bushwood Road.

The application site is subject to the following planning constraints:

Archaeological Priority	Site: Richmond APA 2.4: Kew Green - Archaeological Priority Area - Tier II
Area Benefiting Flood Defence Environment Agency.	Areas Benefiting from Defences
Area Susceptible to Groundwater Flood Environment Agency	Superficial Deposits Flooding - >= 50% <75% - SSA Pool ID: 1493
Article 4 Direction Basements	Article 4 Direction - Basements / Ref: ART4/BASEMENTS / Effective from: 18/04/2018
Conservation Area	CA2 Kew Green
Floodzone 2	Tidal Models
Floodzone 3	Tidal Models
Land Use Past Industrial	Filter Beds. Kew Sewage Works Start: 1894 End: 1930
SFRA Zone 3a High Probability	Flood Zone 3
Surface Water Flooding (Area Less Susceptible to) - Environment Agency	
Village	Kew Village
Village Character Area	Kew Residential Roads - Area 2 & Conservation Area 2 Kew Village Planning Guidance Page 19 CHARAREA02/02/03
Ward	Kew Ward

3. RELEVANT PLANNING HISTORY

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

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

3 letters of support have been received, from 2 neighbouring properties. These comments are summarised as follows:

- The plans are in keeping with other extensions and loft conversions in the street.
- Support of the planning application.

Neighbour amenity considerations are assessed under Section 7 in the report below.

5. AMENDMENTS

None.

6. 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
- 16 - Conserving and enhancing the historic environment

These policies can be found at:

https://assets.publishing.service.gov.uk/media/65819679fc07f3000d8d4495/NPPF_December_2023.pdf

London Plan (2021)

The main policies applying to the site are:

- D4 - Delivering good design
- D12 - Fire Safety
- HC1 - Heritage conservation and growth
- G7 - Trees and woodlands
- SI12 - Flood risk management

These policies can be found at: <https://www.london.gov.uk/what-we-do/planning/london-plan/new-london-plan/london-plan-2021>

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
Designated Heritage Assets	LP3	Yes	No
Archaeology	LP7	Yes	No
Amenity and Living Conditions	LP8	Yes	No
Trees, Woodland and Landscape	LP16	Yes	No
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.

Where relevant to the application under consideration, this is addressed in more detail in the assessment below.

Issue	Local Plan Policy	Compliance	
Local Character and Design Quality	LP28	Yes	No
Designated Heritage Assets	LP29	Yes	No
Archaeology	LP33	Yes	No
Amenity and Living Conditions	LP46	Yes	No
Trees, Woodland and Landscape	LP42	Yes	No
Flood Risk and Sustainable Drainage	LP8	Yes	No

These policies can be found at https://www.richmond.gov.uk/draft_local_plan_publication_version

Supplementary Planning Documents

House Extension and External Alterations
Kew Village Plan

These policies can be found at:

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

Other Local Strategies or Publications

Other strategies or publications material to the proposal are:

CA2 Kew Green Conservation Area Statement
CA2 Kew Green Conservation Area Study

Determining applications in a Conservation Area

In considering whether to grant planning permission with respect to any buildings or other land in a conservation area, Section 72 of the Planning (Listed buildings and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area. In this context, "preserving", means doing no harm.

To give effect to that duty, decisions of the court have confirmed that for development proposed to be carried out in a conservation area, a decision-maker should accord "considerable importance and weight" to the desirability of preserving or enhancing the character or appearance of the conservation area, when weighing this factor in the balance with other material considerations which have not been given this special statutory status. This creates a strong presumption against granting planning permission where harm to the character or appearance of a conservation area is identified. The presumption can be rebutted by material considerations powerful enough to do so.

In applications where the decision-maker is satisfied that there will be no harm to the character or appearance of a conservation area, the statutory presumption against granting planning permission described above falls away. In such cases the development should be permitted or refused in accordance with the policies of the development plan and other material considerations.

7. EXPLANATION OF OFFICER RECOMMENDATION

The key issues for consideration are:

- i Design/Visual Amenity
- ii Neighbour Amenity
- iii Archaeology
- iv Trees
- v Flood Risk
- vi Biodiversity

Issue i - Design/Visual Amenity

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.

Policy LP3 of the Local Plan 2018 covers Designated Heritage Asset and states that proposals should conserve and take opportunity to make positive contribution to the historic environment such as retaining and preserving the original structure, layout, architectural features and materials or reinstatement of heritage assets. Appropriate materials and techniques should be used. There is a requirement to seek to avoid harm or justify for loss and demolition will be resisted. The significance of the asset is taken into consideration when assessing works proposed to a designated heritage asset.

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 Supplementary Planning Document (SPD) on House Extensions and External Alterations gives advice on dormers noting that they should be avoided to the front elevation and should remain in scale with the existing structure through not raising or projecting above the ridgeline. Dormers should not dominate the original roof and so significant areas should be left beneath and to either side of any proposed dormer. Windows within dormers should be smaller than those on the floor below.

The site comprises a two-storey brick-fronted, stucco/stone-detailed prominent end of terrace dwelling of the late C19, with a prominent pitched double height bay window, tiled porch, hipped slate roof and a two-storey paired mono-pitched rear outrigger with side lean-to. Set on a tree-lined street, off the arcadian Thames, it forms part of a wider group of Victorian/Edwardian residential streets and makes a positive contribution to the character, appearance and significance of the Conservation Area.

Rear Extension

The proposal seeks to erect a single-storey extension between the outrigger and site boundary line, the extension is to protrude 1.3m beyond the rear elevation of the outrigger. The extension comprises a pitched roof, incorporating rooflights within. The height of the extension will be sited comfortably below the cill of the first-floor level fenestration on the main rear elevation, as required under SPD. Given the proposed dimensions in comparison to the existing built form, the rear extension will not appear overly dominant and will appear subordinate to the original building.

The proposed exterior materials comprise predominately brickwork, to ensure the development will integrate satisfactorily with the original dwellinghouse, with zinc style cladding to the roof. With regard to fenestration, the scheme proposes largely glazed windows/doors to the rear elevation. The proposed fenestration retains window hierarchy, as outlined in the 'House Extensions and External Alterations' SPD. The contemporary materials assist in reducing the visual bulk and contribute to helping the extension appear an obvious addition to the main dwellinghouse. No objections are raised with regard to materials.

The amenity space in the rear garden would be reduced as a result of the proposal. However, the reduction will not be significant, when compared to the rear garden area and does not harm local character.

When viewed in the context of the neighbouring additions, it is considered that the proposed development would not harm the character and appearance of the surrounding conservation area. Due to the siting, the works will not form views from the front of the dwelling/street scene, having a neutral impact on the public realm.

Dormer

Whilst there is no in-principle objection to a rear dormer roof extension at this property, the dormer as proposed comprises a wrap-around roof extension. The 'House Extensions and External Alterations' specifically states, "Dormer windows should not wrap round two sides of a hip roof and interrupt the roof profile." The roof of the host dwelling is more prominent than average, with views from Maze Road in addition to those up and down Bushwood Road, it is also end of terrace. Given the hipped roof form, the proposals will create an awkward roof form, which will appear incongruous and be highly prominent within street views.

The scale of the dormer is out of proportion with the roof, covering the entirety of the rear roof and cutting into the side roof profile. Whilst it would not necessarily undermine the uniformity of the terrace in views from the rear given existing roof extensions within the immediate vicinity, it would detract from the architectural integrity of the host dwelling and create excessive visual clutter at roof level in views from the front of the property. This harmful impact would be exacerbated by the size and detail of the dormer, which would subsume and fail to be subservient to the host roof, which would sit awkwardly in relation to the main ridge, eaves and retained side chimney - intruding into the terracotta cresting, sited higher than the flaunching of the chimney and sitting oppressively on the main eaves.

Whilst it is noted No.61 Bushwood Road does comprise a wraparound dormer, although less bulky than that proposed here and in materials to match the roof, this was approved under historic policy in 1993 (ref: Officer Planning Report – Application 24/1350/HOT Page 5 of 9

93/1200/FUL - 93/1109/S191). The extension here demonstrates the harm which can be caused from wider views and to the form of the roof.

The design of the wraparound dormer is considered poor quality and fails to relate to the built form of the original dwelling. This is exacerbated by the use of zinc cladding, which will further increase prominence within views from the street scene to the front of the property.

Paragraph 199 of the NPPF states 'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 202 of the NPPF states 'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal'. In this instance, whilst the proposal would lead to less than substantial harm to the significance, character and appearance of the conservation area, there is no public benefit arising from the proposal as such it is contrary to the NPPF.

Notwithstanding the above, whilst the proposed fenestration is not in strict conformity with SPD, which states "Dormer windows should be smaller than that of windows of the floor below," given the nature of the fenestration within existing dormers in close proximity it is not considered that the fenestration would further detriment the visual amenity of the area and is therefore acceptable in this instance.

Rooflights

The adopted Area Appraisal notes: new dormers and rooflights should not be installed on front roof slopes or side roof slopes visible from the public realm where they would compromise the uniformity of a group or terrace.

Rooflights are a common feature in the area and have been made more discreet by being set high in the pitch, aligning with neighbours and not dominating the roof. The roof of the host property is more prominent than average, with views from Maze Road in addition to those up and down Bushwood Road. It is also hipped and end-of-terrace, so there is less roof. The current proposal for x4 rooflights to the front elevation is excessive, would dominate and clutter the authentic original slate and terracotta trimmed roof. However, the property benefits from permitted development rights, and as such rooflights can be installed at this property without the need for planning permission. As such, given the fall-back position, a refusal cannot be justified here.

Proposals incorporate the instillation of 4x rooflights across the roof of the outrigger. The proposed rooflights are appropriately located, of an appropriate style and of an acceptable scale. The proposals are also similar to others within the immediate vicinity. As such, no objections are raised in this regard.

The scheme fails to comply with policies LP1 & LP3 of the Local Plan (2018), these policy objectives are taken forward in publication local plan policy LP28 & LP29, the House Extensions and External Alterations' (2015) SPD, CA2 Kew Green Conservation Area Statement and CA2 Kew Green Conservation Area Study.

Issue ii - 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.

With regard to dormer roof extensions, the SPD on House Extensions and External Alterations notes that where houses are terraced and/or have small gardens, overlooking should be minimised by restricting the side of the window and setting windows back from the eaves.

Rear Extension

Given siting, any potential neighbouring amenity impact is limited to No.61 Bushwood Road only.

No.61 comprises a single-storey wraparound extension, abutting the shared boundary line. The proposed extension would project no more than 3m beyond the rear elevation of this extension, this is considered an acceptable projection which would satisfy the guidelines set out in the House Extensions and External

Alterations SPD. It is considered that the proposed rear extension will not result in any undue overbearing, loss of light, visual intrusion or create a sense of enclosure to this property.

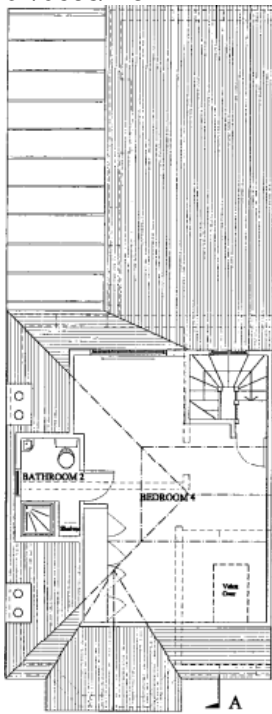
As this element of the proposal is at ground level only the proposal does not raise any issues in terms of loss of privacy.

The proposal would not cause an unreasonable loss of outdoor amenity space, as required under SPD.

Dormer & Rooflights

The proposed works would be located within the confines of the existing roof. For this reason, it is considered that the proposed development would not appear unreasonably overbearing or visually intrusive to neighbouring occupiers or within the street scene. The siting at roof level would also ensure the proposals would not cause an undue loss of light to neighbouring properties habitable rooms or gardens. Whilst it is noted No.61 does comprise 1x flank facing window to the dormer historic planning records indicate that this window serves a non-habitable room only (bathroom).

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Plan at 2nd Floor Level

Existing front and rear elevation windows offer an existing degree of mutual overlooking within the immediate vicinity. It is considered that the front rooflights and rear dormer windows will not result in any new onerous viewing angles above that which can already be achieved through the existing fenestration. The scheme does incorporate 4x flank facing windows on the roof of the outrigger, facing towards No.61, in order to protect against overlooking/loss of privacy any new flank facing openings will be conditioned to be obscure glazed and non-openable below 1.7m of the relevant floor level. Subject to condition, the proposal will not result in an increase in overlooking or raise any issues with regard to privacy on any neighbouring properties.

The property would remain solely in residential use as a result of the proposal. An undue increase in noise or pollution would not occur as a result of the proposal.

The proposed scheme is considered acceptable in terms of neighbour amenity. The proposal is not considered to detrimentally impact the amenities of any neighbouring occupiers and therefore, is in line with policy LP8 of the Local Plan (2018), these policy objectives are taken forward in publication local plan policy LP46 and relevant Supplementary Planning Documents/Guidance.

Issue iii - Archaeology

The site is located in an Archaeology Priority Area (APA 2.4 Kew Green). Policy LP7 states that “the Council will seek to protect, enhance and promote its archaeological heritage (both above and below ground), and will encourage its interpretation and presentation to the public.” Given the limited scale of the development, an archaeological assessment is not a requirement. However, if the subject works do uncover archaeological findings, it will be necessary to take measures to safeguard the archaeological remains where these are found in line with LP7, these policy objectives are taken forward in publication local plan policy LP33.

Issue iv - Trees

Policy LP16 of the Local Plan states 'The Council will require the protection of existing trees and the provision of new trees, shrubs and other vegetation of landscape significance that complement existing, or create new, high quality green areas, which deliver amenity and biodiversity benefits.

The location of this proposal is sited within the CA2 Kew Green, Conservation Area which affords trees both within and adjacent to the site of the proposal, statutory protection. However, there are no recorded Tree Preservation Orders (TPO) within or adjacent to the site of the proposal.

There are no statutory protected trees within the vicinity of the construction area, thus there is no risk that the incorporation of the proposed development and its construction would materially harm the health or longevity of any statutory protected trees.

The proposed development would accord with Policy LP16 of the Local Plan (2018), these policy objectives are taken forward in publication local plan policy LP42.

Issue v - Flood Risk

Policy LP21 of the Local Plan 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 application site is situated within flood risk zone 2, 3 & 3a.

The applicant has submitted the Environment Agency's 'Householder and other minor extensions in Flood Zones 2 and 3' questionnaire, which confirms the floor levels within the proposed development will be set no lower than existing levels and, flood proofing of the proposed development has been incorporated where appropriate.

The applicant has also submitted a flood risk assessment which states:

- The finished floor level is recommended to be set no lower than the existing FFL at a minimum of 4.60mAOD.
- The development will result in increases of 16m² in the built-up area and 8m² in the impermeable area of the site. However, the impact on local flood risk is deemed to be negligible due to the minor nature of the development and that the site is only anticipated to witness residual flooding in modelled tidal breach events.
- Flood resilient materials and construction methods will be used so as to ensure that the impacts of any potential flooding are minimised.

The scheme is in line with the aims and objectives of policy LP21 of the Local Plan (2018), these policy objectives are taken forward in publication local plan policy LP8.

Issue vi - 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 is a householder application.

Other Matters

Fire Safety

The applicant has submitted a 'Fire Safety Statement' as required under policy D12 of the London Plan (2021).

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.

8. 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.

9. RECOMMENDATION

This recommendation is made following careful consideration of all the issues raised through the application process. In making this recommendation consideration has been had to the statutory duties imposed by the Planning (Listed Buildings and Conservation Areas) Act 1990 and the requirements set out in Chapter 16 of the NPPF.

For the reasons set out above, it is considered that the adverse impacts of allowing this planning application would significantly outweigh the benefits, when assessed against the policies in NPPF (2019) and Development Plan, when taken as a whole.

Refuse planning permission for the following reasons

Reason for Refusal - Design

The proposed dormer roof extension, by reason of its siting, design, inappropriate material and scale, would result in an unsympathetic and incongruous form of development that would adversely impact on the character of the host building and cause less than substantial harm to the character and appearance of the CA2 Kew Green Conservation Area. There are no public benefits to outweigh this harm. The proposal is therefore in conflict with the NPPF (2023) and Richmond Local Plan (2018), in particular policies LP1 and LP3, Publication Local Plan policies 28 and 29, the SPD on House Extensions and External Alterations (2015) and the CA2 Kew Green Conservation Area Statement and CA2 Kew Green Conservation Area Study.

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:

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:03.09.2024.....