



LONDON BOROUGH OF
RICHMOND UPON THAMES

ENVIRONMENT DIRECTORATE

PLANNING REPORT

Application reference: 24/1708/PS192 WHITTON WARD

Date application received	Date made valid	Target report date	8 Week date
05.07.2024	05.07.2024	30.08.2024	30.08.2024

Site:

195 Whitton Dene, Whitton, Isleworth, TW7 7NJ

Proposal:

Converting a hipped roof to a gable roof. Rear loft dormer extension. 2 new rooflights at the front and a new window to the side gable end.

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

APPLICANT NAME

Mr and Mrs Dondi
195 Whitton Dene
Whitton
Richmond Upon Thames
TW7 7NJ

AGENT NAME

Mr Leigh Bowen
The Hut
187 Kew Road
Richmond
TW9 2AZ
United Kingdom

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

Consultations:

Internal/External:

Consultee

Expiry Date

Neighbours:

-

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

Development Management

Status: AEGPD

Date:01/06/2015

Application:15/1972/PDE

Single storey rear extension (4m in depth, 2.5m to the eaves and 3.6m overall height).

Development Management

Status: REF

Date:11/05/2023

Application:23/0722/PS192

Hip to gable and rear dormer roof extensions. Rooflights to front elevation.

Development Management

Status: REF

Date:06/07/2023

Application:23/1304/HOT

Hip to gable and rear dormer roof extensions. Rooflights to front elevation.

Development Management

Status: PCO

Date:

Application:24/1708/PS192

Converting a hipped roof to a gable roof. Rear loft dormer extension. 2 new rooflights at the front and a new window to

the side gable end.

Building Control

Deposit Date: 27.11.2004 FENSA Notification of Replacement Glazing comprising 3 Windows and 1 Doors. Installed by Ultralux Window Systems Ltd. FENSA Member No 23561. Installation ID 2263367. Invoice No 15071

Reference: 04/7959/FENSA

Building Control

Deposit Date: 06.11.2014 Removal of two chimney breast on ground floor and installation of brackets

Reference: 14/2526/BN

Building Control

Deposit Date: 29.06.2015 Proposed rear extension

Reference: 15/1522/IN

Building Control

Deposit Date: 01.09.2016 Install one or more new circuits

Reference: 16/NIC01949/NICEIC

Building Control

Deposit Date: 31.10.2018 Install replacement windows in a dwelling Install replacement doors in a dwelling

Reference: 18/FEN01797/FENSA

Building Control

Deposit Date: 22.03.2024 Install replacement windows in a dwelling Install replacement door in a dwelling

Reference: 24/FEN00637/FENSA

Enforcement

Opened Date: 24.02.2021 Enforcement Enquiry

Reference: 21/0065/EN/UBW

Application Number	24/1708/PS192
Address	195 Whitton Dene, Whitton, Isleworth, TW7 7NJ
Proposal	Converting a hipped roof to a gable roof. Rear loft dormer extension. 2 new rooflights at the front and a new window to the side gable end (as per application form).
Contact Officer	GAP

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.

The Permitted development rights for householders - Technical Guidance (2019) states that:

“Article 2(3) land” - this includes land within a National Park, the Broads, an area of outstanding natural beauty, an area designated as a conservation area, and land within World Heritage Sites.

“Terrace house” - means a dwellinghouse situated in a row of 3 or more dwellinghouses used or designed for use as single dwellings, where:

(a) it shares a party wall with, or has a main wall adjoining the main wall of, the dwellinghouse on either side or

(b) if it is at the end of a row, it shares a party wall with or has a main wall adjoining the main wall of a dwellinghouse which fulfils the requirements of subparagraph (a).

2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

The property is a two-storey end-of-terrace dwelling that does not possess any heritage designation.

3. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

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

The development is related to: a hip-to-gable and rear dormer roof extensions and loft side window (Class B); No. 2 roof lights to the front roof slope (Class C).

The comprehensive list of planning history can be found above and the relevant planning history below:

23/0722/PS192 - Hip to gable and rear dormer roof extensions. Rooflights to front elevation - Refused 11/05/2023.

Reason for Refusal

This proposal CONSTITUTES DEVELOPMENT within the meaning of Section 55 of the Town and Country Planning Act 1990 (the Act), 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, in particular:

The proposal is not considered to be lawful within the meaning of Section 192 of the Act, given such proposal fails to meet the requirements of Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), namely:

B.1(d)(i): The cubic content of the resulting roof space will exceed the cubic content of the original roof space by more than 40 cubic metres in the case of a terrace house.

B.2(a): The materials used for the rear dormer will not present a similar appearance to those used in the construction of the exterior of the existing roof.

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

The applicant has been advised as follows:

In order to be Permitted Development, the volume of the roof extensions cannot exceed 40m³ in the case of an end-of-terrace property.

The rear dormer needs to be reduced in size in order for the roof extensions not to exceed the allowance of 40m³.

The above has been taken on board and an amended scheme has been received.

6. EXPLANATION OF RECOMMENDATION

The proposal falls under Class B - an addition or alteration to the roof.

Requirements under Class B	Compliance
B.1 Development is not permitted by Class B if-	
(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 2 of this Schedule (change 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 (ii) 50 cubic metres in any other case	Compliant. The Volume Calculation contained in the Drawing No. 052_B Rev B (39.9m ³) is found to be correct.
(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	Not Applicable.
B.2 Development is permitted by Class B 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	Compliant.
(b) The enlargement shall 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 shall, so far as practicable, be not less than 0.2 metres from the eaves, measure along the roof slope from the outside edge of the eaves; and	Compliant.

(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	
(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 windows which can be opened are more than 1.7 metres above the floor of the room in which the window is installed	Addressed by condition.

The proposal falls under Class C - other alterations to the roof.

Requirements under Class C	Compliance
C.1 Development is not permitted by Class C if-	
(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 2 of this Schedule (change of use)	Compliant.
(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.
(c) It would result in the highest part of the alteration being higher than the highest part of the original roof; or	Compliant.
(d) It would consist of or include- (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	Compliant.
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 shall be –	
(a) Obscure-glazed; and (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	Addressed by condition.

7. RECOMMENDATION

Approve Certificate

Summary:

The proposal is considered to be lawful within the meaning of Section 192 of the Act, given such proposal would meet the requirements of Classes B and C of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Recommendation:

It is recommended that application 24/1708/PS192 is supported.

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): GAP Dated: 15/07/2024

I agree the recommendation:

Team Leader/Head of Development Management/Principal Planner - EL

Dated: 29/09/2024.....

This application has been subject to representations that are contrary to the officer recommendation. The Head of Development Management has considered those representations and concluded that the application can be determined without reference to the Planning Committee in conjunction with existing delegated authority.

Head of Development Management:

Dated:

REASONS:
CONDITIONS:
INFORMATIVES:
UDP POLICIES:
OTHER POLICIES:

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

CONDITIONS

INFORMATIVES
