

Application reference: 24/1754/PS192
HAM, PETERSHAM, RICHMOND RIVERSIDE WARD

| Date application received | Date made valid | Target report date | 8 Week date |
|---------------------------|-----------------|-------------------------------------|-------------------------------------|
| 10.07.2024 | 15.07.2024 | 09.09.2024 EOT 16.09.2024 | 09.09.2024 EOT 16.09.2024 |

Site:

209 Ashburnham Road, Ham, Richmond, TW10 7SE

Proposal:

Installation of Air Source Heat Pump, 17 Solar Panels on the rear roof slope, rooflights, replacement of existing windows, repairs to pergola and replacement front porch.

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

APPLICANT NAME

Mr Daniel Quang Minh
209 Ashburnham Road
Ham
Richmond
TW10 7SE

AGENT NAME

Mr Pouya Zamanpour
Studio 7
160 Barlby Road
London
W10 6BS

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: REF Application:71/1545
Date:07/09/1971 Erection of extension to front of house for use as bedroom and study.

Development Management

Status: WDN Application:24/1318/HOT
Date:25/06/2024 Remove conservatory and pond. Single storey rear/side extension with sedum roof. Replace all windows. Solar panels an x1 rooflight to rear roofslope. Pergola to front/side elevation. Air Source Heat Pump in rear garden. Install wooden fence to side boundary.

Development Management

Status: PDE Application:24/1754/PS192
Date: Installation of Air Source Heat Pump, 17 Solar Panels on the rear roof slope, rooflights, replacement of existing windows, repairs to pergola and replacement front porch.

Development Management

Status: CEGPD Application:24/1756/PDE
Date:05/08/2024 Single-storey rear extension (3.4m depth, 3m eaves height, 3m overall height).

Building Control

Deposit Date: 29.10.2005 Installed a Gas Warm Air Heater

Reference: 06/95610/CORGI

Building Control

Deposit Date: 20.03.2020 Install replacement window in a dwelling Install replacement door in a dwelling

Reference: 20/FEN00430/FENSA

Building Control

Deposit Date: 27.07.2020 Install replacement windows in a dwelling

Reference: 20/FEN01145/FENSA

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|---------------------------|---|
| Application Number | 24/1754/PS192 |
| Address | 209 Ashburnham Road, Ham, Richmond, TW10 7SE |
| Proposal | Installation of Air Source Heat Pump, 17 Solar Panels on the rear roof slope, rooflights, replacement of existing windows, repairs to pergola and replacement front porch. |
| 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, terrace dwelling, located on the south-western side of Ashburnham Road.

The application site is subject to the following planning constraints:

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| Area Susceptible to Groundwater Flood - Environment Agency | Superficial Deposits Flooding - >= 50% <75% - SSA Pool ID: 181 |
| Article 4 Direction Basements | Article 4 Direction - Basements / Ref: ART4/BASEMENTS / Effective from: 18/04/2018 |
| Land Use Past Industrial | Gravel Pit. EXTENTS FROM BGS ARTIFICIAL GEOLOGY LAYER Start: 2002 End: 2004 |
| Neighbourhood Plan Area | Ham and Petersham Neighbourhood Area - Ham and Petersham Neighbourhood Plan - Adopted by Council on 22 January 2019 |
| Surface Water Flooding (Area Less Susceptible to) - Environment Agency | |
| Village | Ham and Petersham Village |
| Ward | Ham, Petersham and Richmond Riverside Ward |

3. 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 above would constitute permitted development.

The comprehensive list of planning history can be found above.

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 the following confirmation/amendments:

- Clarity of glazing to the first-floor flank facing window.
- Confirmation that the proposed rooflight will protrude no 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.
- Confirmation that the solar panels will protrude no more than 0.2 metres beyond the plane of the roof slope when measured from the perpendicular with the external surface of the pitched roof slope.

- Confirmation that the solar panels will be removed as soon as reasonably practicable when no longer needed.
- Drawings showing the dimensions of the air source heat pump required.
- Air source heat pump to be located 1m or more from the boundary.
- Confirmation that the air source heat pump will be removed as soon as reasonably practicable when no longer needed.

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 fenestration and repairs to the pergola are 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); | Complies The replacement fenestration and repairs to the pergola do not change 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 |

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| <p>(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;</p> | <p>Not Applicable</p> |
| <p>(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);</p> | <p>Not Applicable</p> |
| <p>(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</p> | <p>Complies</p> |
| <p>(l) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).</p> | <p>Complies</p> |

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| <p>A.2 In the case of a dwellinghouse on article 2(3) land, development is not permitted by Class A if —</p> <p>Officer Note: All not applicable, as the application site is not on article 2(3) land.</p> | <p>Officer's Comment:</p> |
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| <p>(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;</p> | <p>Not Applicable</p> |
| <p>(b) The enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse; or</p> | <p>Not Applicable</p> |
| <p>(c) The enlarged part of the dwellinghouse would have more than a single storey and extend beyond the rear wall of the original dwellinghouse</p> | <p>Not Applicable</p> |
| <p>(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).</p> | <p>Not Applicable</p> |

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| <p>A.3 Development is permitted by Class A subject to the following conditions—</p> | <p>Officer's Comment:</p> |
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| <p>(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;</p> | <p>Complies As stated on drawing numbers LA132_201.CLD, LA132_202.CLD Rev 1 & LA132_203.CLD Rev 1.</p> |
| <p>(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.</p> | <p>Complies As stated on drawing number LA132_203.CLD Rev 1.</p> |
| <p>(c) where an enlarged part of the dwellinghouse has more than a single storey, or forms an upper storey to an existing enlargement of the original dwellinghouse, the roof pitch of</p> | <p>Not Applicable</p> |

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| the enlarged part must, so far as practicable, be the same as the roof pitch of the original dwellinghouse. | |
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Class C

The rooflights are 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: |
|---|---|
| (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) 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; | Complies As stated on drawing numbers LA132_105.CLD Rev 1 & LA132_202.CLD Rev 1. |
| (c) it would result in the highest part of the alteration being higher than the highest part of the original roof; | Complies |
| (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; | Complies |
| (e) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses) | Complies |

| 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: |
|---|---------------------------|
| (a) obscure-glazed; and | Not Applicable |
| (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 |

Class D

The replacement porch is considered to be permitted development under Class D 'The erection or construction of a porch outside any external door of a dwellinghouse' for the following reasons:

| D.1 Development is not permitted by Class D 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) the ground area (measured externally) of the structure would exceed 3sqm | Complies |
| (c) any part of the structure would be more than 3 metres above ground level; | Complies |
| (d) any part of the structure would be within 2 metres of any boundary of the curtilage of the dwellinghouse with a highway; or | Complies |
| (e) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses) | Complies |

Photovoltaic Panels

The photovoltaic panels are assessed against Schedule 2, Part 14 of the Town and Country (General Permitted Development) Order 2015 (as amended), which relates to "Renewable Energy".

Class A

The photovoltaic panels are considered to be permitted development under Class A 'installation or alteration etc of solar equipment on domestic premises' for the following reasons:

A. The installation, alteration or replacement of microgeneration solar PV or solar thermal equipment on—

(a) a dwellinghouse or a block of flats; or

(b) a building situated within the curtilage of a dwellinghouse or a block of flats.

| A.1 Development is not permitted by Class A if — | Officer's Comment: |
|--|---|
| (a) The solar PV or solar thermal equipment would protrude more than 0.2 metres beyond the plane of the wall or, in the case of a pitched roof, the roof slope when measured from the perpendicular with the external surface of the wall or pitched roof slope; | Complies As stated on drawing numbers LA132_105.CLD Rev 1 & LA132_202.CLD Rev 1. |
| (b) in the case of solar PV or solar thermal equipment on a pitched roof, it would result in the highest part of the solar PV or solar thermal equipment being higher than the highest part of the roof (excluding any chimney); | Complies |
| (ba) in the case of solar PV or solar thermal equipment on a flat roof, it would result in the highest part of the solar PV or solar thermal equipment being more than 0.6 metres higher than the highest part of the roof (excluding any chimney); | Not Applicable |
| (c) in the case of land within a conservation area or which is a World Heritage Site, the solar PV or solar thermal equipment would be installed on a wall which fronts a highway; | Not Applicable |
| (d) the solar PV or solar thermal equipment would be installed on a site designated as a scheduled monument; or | Complies |
| (e) the solar PV or solar thermal equipment would be installed on a building within the curtilage of the dwellinghouse or block of flats if the dwellinghouse or block of flats is a listed building. | Complies |

| A.2 Development is permitted by Class A subject to the following conditions— | Officer's Comment: |
|--|--|
| (a) solar PV or solar thermal equipment is, so far as practicable, sited so as to minimise its effect on the external appearance of the building; | Complies The solar panels have been sited on the rear roof slope and are to be set in from the sides of the roof. |
| (b) solar PV or solar thermal equipment is, so far as practicable, sited so as to minimise its effect on the amenity of the area; | Complies The solar panels have been sited on the rear roof slope, this together with the modest projection will minimise the visual impact on the wider area as far as practical. |
| (ba) in the case of solar PV or solar thermal equipment installed on a flat roof located on article 2(3) land, before beginning development the developer must apply to the local planning authority for a determination as to whether the prior approval of the local planning authority will be required with respect to the impact of the appearance of | Not Applicable |

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| the solar PV or solar thermal equipment on that land; | |
| (bb) in relation to an application under sub-paragraph (ba), paragraphs J.4(3) to J.4(12) of this Part apply as if “Class A” substitutes the reference to “Class J” in paragraph J.4(4); and | Complies |
| (c) solar PV or solar thermal equipment is removed as soon as reasonably practicable when no longer needed. | Complies As stated on drawing numbers LA132_105.CLD Rev 1 & LA132_202.CLD Rev 1. This will also be secured by way of condition. |

Air Source Heat Pump

The air source heat pump is assessed against Schedule 2, Part 14, Class G of the Town and Country (General Permitted Development) Order 2015 (as amended), which relates to "Installation or alteration etc of air source heat pumps on domestic premises".

Class G

Permitted Development

G. The installation, alteration or replacement of a microgeneration air source heat pump—

- (a) on a dwellinghouse or a block of flats; or
- (b) within the curtilage of a dwellinghouse or a block of flats, including on a building within that curtilage.

Development not permitted

G.1 Development is not permitted by Class G unless the air source heat pump complies with the MCS Planning Standards or equivalent standards.

| G.2 Development is not permitted by Class G if— | Officer’s Comment: |
|--|--|
| (a) in the case of the installation of an air source heat pump, the development would result in the presence of more than 1 air source heat pump on the same building or within the curtilage of the building or block of flats; | Complies Only 1x heat source air pump is proposed under this application. |
| (b) in the case of the installation of an air source heat pump, a wind turbine is installed on the same building or within the curtilage of the dwellinghouse or block of flats; | Complies No wind turbine is proposed. |
| (c) in the case of the installation of an air source heat pump, a stand-alone wind turbine is installed within the curtilage of the dwellinghouse or block of flats; | Complies No wind turbine is proposed. |
| (d) the volume of the air source heat pump’s outdoor compressor unit (including any housing) would exceed 0.6 cubic metres; | Complies As shown on drawing numbers LA132_101.CLD Rev 1, LA132_102.CLD Rev 1 & LA132_105.CLD Rev 1. |
| (e) any part of the air source heat pump would be installed within 1 metre of the boundary of the curtilage of the dwellinghouse or block of flats; | Complies The air source heat pump is situated in excess of 1m from the boundary of the curtilage, as shown on drawing numbers LA132_101.CLD Rev 1, LA132_102.CLD Rev 1 & LA132_105.CLD Rev 1. |
| (f) the air source heat pump would be installed on a pitched roof; | Complies The air source heat pump is at ground level. |
| (g) the air source heat pump would be installed on a flat roof where it would be within 1 metre of the external edge of that roof; | Complies The air source heat pump is at ground level. |
| (h) the air source heat pump would be installed on a site designated as a scheduled monument; | Complies |

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| <p>(i) the air source heat pump would be installed on a building or on land within the curtilage of the dwellinghouse or the block of flats if the dwellinghouse or the block of flats is a listed building;</p> | <p>Complies</p> |
| <p>(j) in the case of land within a conservation area or which is a World Heritage Site the air source heat pump—</p> <p>(i) would be installed on a wall or a roof which fronts a highway; or</p> <p>(ii) would be installed so that it is nearer to any highway which bounds the curtilage than the part of the dwellinghouse or block of flats which is nearest to that highway; or</p> | <p>Not Applicable</p> |
| <p>(k) in the case of land, other than land within a conservation area or which is a World Heritage Site, the air source heat pump would be installed on a wall of a dwellinghouse or block of flats if—</p> <p>(i) that wall fronts a highway; and</p> <p>(ii) the air source heat pump would be installed on any part of that wall which is above the level of the ground floor storey.</p> | <p>Complies The air source heat pump is not installed on a wall.</p> |

Conditions

| <p>G.3 Development is permitted by Class G subject to the following conditions—</p> | <p>Officer’s Comment:</p> |
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| <p>(a) the air source heat pump is used solely for heating purposes;</p> | <p>Complies</p> |
| <p>(b) the air source heat pump is, so far as practicable, sited so as to minimise its effect on the external appearance of the building;</p> | <p>Complies</p> |
| <p>(c) the air source heat pump is, so far as practicable, sited so as to minimise its effect on the amenity of the area; and</p> | <p>Complies</p> |
| <p>(d) the air source heat pump is removed as soon as reasonably practicable when no longer needed.</p> | <p>Complies As stated on drawing numbers LA132_101.CLD Rev 1, LA132_102.CLD Rev 1 & LA132_105.CLD Rev 1. This will also be secured by way of condition.</p> |

7. RECOMMENDATION

Grant Certificate

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: 10.09.2024

I agree the recommendation:

Senior Planner

VAA

Dated: 10.09.24