

Application reference: 24/1627/HOT BARNES WARD

Date application received	Date made valid	Target report date	8 Week date
27.06.2024	11.07.2024	05.09.2024	05.09.2024

Site:

11 Ullswater Road, Barnes, London, SW13 9PL

Proposal:

Alteration to fenestration at rear and side elevations, including addition of juliette balconies. Removal of garage door and conversion of garage to boot/laundry room. Raise side return sloping roof to flat roof. Side extension at first floor level.

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

APPLICANT NAME

Mrs Ximena Briones
11 Ullswater Road
Barnes
London
Richmond Upon Thames
SW13 9PL

AGENT NAME

Mrs Silva Beckhaeuser
10 Ranelagh Avenue
London
SW13 0BP

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

Consultations:

Internal/External:

Consultee

Expiry Date

Neighbours:

12 Ullswater Road, Barnes, London, SW13 9PJ, - 11.07.2024
16 Ullswater Road, Barnes, London, SW13 9PJ, - 11.07.2024
14 Ullswater Road, Barnes, London, SW13 9PJ, - 11.07.2024
50 Ferry Road, Barnes, London, SW13 9PW, - 11.07.2024
52 Ferry Road, Barnes, London, SW13 9PW, - 11.07.2024
48 Ferry Road, Barnes, London, SW13 9PW, - 11.07.2024
15 Ullswater Road, Barnes, London, SW13 9PL, - 11.07.2024
9 Ullswater Road, Barnes, London, SW13 9PL, - 11.07.2024

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

Development Management

Status: GTD Application: 11/1961/HOT
Date: 11/08/2011 Hip to gable loft conversion with rear dormer

Development Management

Status: GTD Application: 11/1963/HOT
Date: 11/08/2011 Hip to gable loft conversion with twin rear dormers

Development Management

Status: GTD Application: 12/0198/HOT
Date: 16/09/2013 Single storey side extension

Development Management

Status: REF Application: 12/0201/PS192

Date:05/03/2012	Two storey rear extension.
<u>Development Management</u> Status: GTD Date:23/02/2018	Application:16/4824/HOT Construction of a basement under existing building, including lightwells to the front and rear, and stair leading from basement into rear garden.
<u>Development Management</u> Status: WON Date:14/06/2022	Application:21/1455/HOT Full basement underneath existing property to include area under fully paved front garden and including for construction of light wells to front and rear of property
<u>Development Management</u> Status: WON Date:16/05/2022	Application:21/1456/HOT Construction of a full basement under existing building and paved area to front of building and a single storey extension to side and rear of property
<u>Development Management</u> Status: PCO Date:	Application:24/1627/HOT Alteration to fenestration at rear and side elevations. Removal of garage door and conversion of garage to boot/laundry room. Raise side return sloping roof to flat roof. Side extension at first floor level.
<u>Appeal</u> Validation Date: 30.07.2012 Reference: 12/0133/AP/REF	Two storey rear extension. Appeal Allowed
<u>Building Control</u> Deposit Date: 18.10.2011 Reference: 11/2023/IN	Two storey rear extension and loft conversion
<u>Building Control</u> Deposit Date: 15.11.2011 Reference: 11/2190/IN	Two storey rear extension and loft conversion
<u>Building Control</u> Deposit Date: 15.07.2024 Reference: 24/0849/IN	Structural and layout reconfiguration throughout, divide shower room into two separate shower rooms, conversion of garage to habitable space, new windows and doors
<u>Enforcement</u> Opened Date: 21.11.2011 Reference: 11/0680/EN/NAP	Enforcement Enquiry

Application Number	24/1627/HOT
Address	11 Ullswater Road Barnes London SW13 9PL
Proposal	Alteration to fenestration at rear and side elevations, including addition of juliette balconies. Removal of garage door and conversion of garage to boot/laundry room. Raise side return sloping roof to flat roof. Side extension at first floor level
Contact Officer	Roberta Henriques
Target Determination Date	05/09/2024

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 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 has considered 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 subject site contains a two storey detached property located on the western side of Ullswater Road. The site is subject to the following planning constraints:

Area Benefiting Flood Defence - Environment Agency.	Areas Benefiting from Defences
Area Susceptible To Groundwater Flood - Environment Agency	Superficial Deposits Flooding - >= 75% - SSA Pool ID: 1529
Article 4 Direction Basements	Article 4 Direction - Basements / Ref: ART4/BASEMENTS / Effective from: 18/04/2018
Community Infrastructure Levy Band	Higher
Floodzone 2	Tidal Models
Floodzone 3	Tidal Models
Heliport Safeguarding - 150m High	All buildings exceeding 150m (492.1ft) AGL Developments exceeding 150m will need to be sent to the heliport for consultation. Those under 150m can proceed to planning decisions. https://www.gov.uk/government/publications/safeguarding-aerodromes-technical-sites-and-military-explosives-storage-areas/the-town-and-country-planning-safeguarded-aerodromes-technical-sites-and-military-explosives-storage-areas-direction-2002
SFRA Zone 3a High Probability	Flood Zone 3
Surface Water Flooding (Area Less Susceptible to) - Environment Agency	
Take Away Management Zone	Take Away Management Zone

Village	Barnes Village
Village Character Area	Suffolk Road, West of Castelnau - Character Area 14 Barnes Village Planning Guidance Page 57 CHARAREA04/14/01
Ward	Barnes Ward

3. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

The proposed development comprises of alterations to fenestration at rear and side elevations, the removal of the garage door and the conversion of the garage to boot/laundry room and the replacement of the main front door. It is also proposed to raise the sloping roof of the single storey side to rear extension to flat roof, and it is proposed to erect a side extension at first floor level.

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

Ref	Proposal	Decision
21/1455/HOT	Full basement underneath existing property to include area under fully paved front garden and including for construction of light wells to front and rear of property	Written Off Never Validated
21/1456/HOT	Construction of a full basement under existing building and paved area to front of building and a single storey extension to side and rear of property	Written Off Never Validated
16/4824/HOT	Construction of a basement under existing building, including lightwells to the front and rear, and stair leading from basement into rear garden.	Granted Permission
12/0198/HOT	Single storey side extension	Granted Permission
12/0201/PS192	Two storey rear extension.	Refused Permission
11/1963/HOT	Hip to gable loft conversion with twin rear dormers	Granted Permission
11/1961/HOT	Hip to gable loft conversion with rear dormer	Granted Permission

4. CONSULTATIONS CARRIED OUT

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

No letters of representation were received.

Neighbour amenity considerations are assessed under Section 6 (impact on neighbour amenity) in the report below.

5. 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

These policies can be found at:

<https://www.gov.uk/guidance/national-planning-policy-framework>

London Plan (2021)

The main policies applying to the site are:

- D4 Delivering good design
- D12 Fire Safety

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

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
Impact on Amenity and Living Conditions	LP8	Yes	No
Impact on Flood Risk and Sustainable Drainage	LP21	Yes	No
Parking Standards and Servicing	LP45	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.

Issue	Publication Local Plan Policy	Compliance	
Flood risk and sustainable drainage	8	Yes	No
Local character and design quality	28	Yes	No
Amenity and living conditions	46	Yes	No
Sustainable travel choices, Vehicular Parking, Cycle Parking, Servicing and Construction Logistics Management	47, 48	Yes	No

Supplementary Planning Documents

House Extension and External Alterations
Village Plan - Barnes

These policies can be found at:

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

6. EXPLANATION OF OFFICER RECOMMENDATION

The key issues for consideration are:

i Design

- ii Impact on neighbour amenity
- iii Trees
- iv Flood Risk
- v Biodiversity
- vi Fire Safety

i Design

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.

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.

Alteration to fenestration at rear and side elevations including Juliet balconies

On the rear elevation, at ground floor level the wooden hinged and bifold doors to the kitchen, and the door to the living room would be replaced with a sky frame graphite grey powder coated aluminium sliding door system and a sky frame window. There is no objection to these works that would be a similar size to the existing rear openings.

At first floor level there is no objection to the replacement windows with Juliet balconies with flush glass balustrades, as this fenestration would be a similar size to the existing rear openings on this floor.

Replacing the window on the rear dormer, with a window with a Juliet balcony with a glass balustrade is objected to, as the balcony would enlarge the dormer and would cut into the existing roof slope. This conflicts with the guidance for dormers in the House Extension and External Alterations SPD, which states that normally a significant area of the existing roof should be left beneath a dormer, and that dormer windows should be smaller than that of windows of the floor below, which the new window would fail to be.

The new window on the side elevation, is considered to be a discrete and architecturally inkeeping addition.

Removal of garage door, conversion of garage to boot/laundry room and replacement main front door

The new entrance door, and the removal of the garage door and its replacement with a door to match the style of the entrance door is acceptable, and would be in keeping with the existing fenestration at the property.

Raise side return sloping roof to flat roof

Raising the roof of the single storey side to rear extension to a flat roof is acceptable, because the height of the flat roof would not exceed the height of the rest of the extension and would therefore integrate satisfactorily.

Side extension at first floor level

The applicant also proposes a first floor side extension above the existing single storey garage. The Councils SPD advises that there are alternate ways to ensure an extension harmonises with the original dwelling. One option is making the extension appear as an obvious addition which is subordinate to the main structure, so that the original form can still be appreciated. In such circumstances, the ridge of the extension should be set lower to that on the main house.

Two storey side and rear extensions should not be greater than half the width of the original building to ensure the extension does not over dominate the buildings original scale and character. Where the extension is to be subordinate to the existing house it is usually desirable to set back the extension by at least 1m behind the front elevation.

Development which would result in the significant reduction of an existing important space or gap between neighbouring houses, is not normally acceptable. In conjunction with existing extensions to neighbouring buildings this can have a terracing effect on the street. Consequently, two storey side extensions should be sited 1m from the side boundary.

The proposed side extension would have a flat roof, and the ridge is sufficiently set down from the original roof ridge such that it would appear subservient. There is no objection to the flat roof form in this context, given the number of similar extensions in the vicinity of the site. The proposed extension would be less than half the width of the existing dwelling, however would not be set back the required 1m from the front elevation.

Furthermore, the proposed extension would be sited up to the shared boundary with No. 9 Ullswater Road. This is against the guidance of the SPD which specifies that first floor/ two-storey side extensions should be set in 1m from the boundary.

The proposed development sited up to the boundary would therefore fail to maintain a sense of spaciousness at first floor level, resulting in a terracing effect which would disrupt the rhythm of built form to space within this part of Ullswater Road. The proposed extension is therefore considered to appear visually intrusive within the streetscene.

Whilst it is acknowledged that there are a number of similar first floor extensions within the vicinity of the site above existing garages, all have maintained separation from the side boundary such that a terracing effect at first floor has not occurred.

Notwithstanding the above, the extension would be constructed with materials to match existing, which is considered to provide an acceptable palette of material.

In view of the above, the proposal fails to comply with the aims and objectives of policy LP1 of the Local Plan and policy 28 of the Publication Local Plan.

ii Impact on 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 4m in depth for a detached 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.

Alteration to fenestration at rear and side elevations

The altered fenestration at the ground floor rear elevation and first floor rear elevation would be sited in a similar position to the existing openings, and the Juliet balconies at first floor level would not project significantly beyond the rear elevation. Therefore, due to these considerations, no increased overlooking would arise as a result of the development and the proposed Juliet balconies at first floor are not considered to appear overbearing or intrusive.

The proposed balcony with a glass balustrade at roof level would extend from the existing dormer structure by approximately 0.8m and would have a width of approximately 1.6m. It is not considered that an enlarged window opening would offer significantly advantageous views in comparison to those afforded from the existing dormer. However, the creation of a platform would offer opportunities for direct and prolonged overlooking.

The platform would enable someone to step out and gain greater lateral views towards neighbouring properties than could be afforded from the existing window. Whilst it is noted that the privacy screen would mitigate against some lateral views, it would not prevent direct overlooking and therefore a loss of privacy to neighbouring rear amenity areas would arise as a result of the development.

The new window on the side elevation would be obscure glazed, so would not cause harmful overlooking.

Raise side return sloping roof to flat roof

The existing sloping roof is adjacent to the boundary shared with No.9, which has two side facing windows at ground floor level. These windows serve a hallway to the front, and the rear window is a secondary window serving a kitchen towards the rear. The existing rear extension does not extend significantly beyond the rear of No. 9 Ullswater Road, such that it would impact the rear facing window. As such, it is not considered that

the alteration of a sloping roof to a flat roof would appear overbearing or intrusive to this neighbouring property, nor would it result in a harmful loss of light.

Given its siting, it is not considered to have any impact on the amenities of No. 15 Ullswater Road.

Side extension at first floor level

The proposed first floor side extension would be built along the boundary shared with No.9 and would be 3.6m deep, however the extension would not project beyond the front or rear elevation of No.9.

It is noted there are side facing windows at first and second floor of No. 9 Ullswater Road, however these serve a bathroom and stairwell at first floor, and a stairwell at second floor. As such, it is not considered the proposed extension would appear overbearing or obtrusive to this neighbouring property, nor would it result in a harmful loss of light.

No side facing windows are proposed within the first floor extension proposed, and it is considered that the views afforded from the front and rear windows proposed would offer similar views to existing. As such, it is not considered the first floor side extension would result in a harmful loss of privacy through overlooking.

Given the siting of the proposed first floor extension, it is not considered to have any impact on the amenities of No. 15 Ullswater Road.

In view of the above, the proposal fails to comply with the aims and objectives of policy LP8 of the Local Plan and policy 46 of the Publication Local Plan.

iii Parking and Highway Safety

Policy LP 45 'Parking Standards and Servicing' seeks to minimise the impact of car-based travel including on the operation of the road network and local environment. The Councils Transport SPD (2020) sets out that the dimensions for new or re-built garages are 3 metres x 6 metres, the existing garage does not comply with this guidance, and is therefore not considered large enough to accommodate a modern sized car.

Due to this, there is no objection to the conversion of a garage into a boot/laundry room as the parking arrangement on site is not changing. Therefore, the scheme is considered consistent with LP 45.

iv Flood Risk

Policy LP 21 of the Local Plan 2018 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 submitted Flood Risk Assessment outlines that the proposal would not increase the flood risk at the site, and states the following flooding mitigation measures:

- a. The proposed extension and alterations will not lower the existing floor levels, thus maintaining the current level of flood resilience.
- b. The floor slab damp-proof membrane and external wall damp-proof course will be seamlessly joined to provide unbroken protection.
- c. At ground level to the rear side wall to incorporate a continuous damp-proof course positioned at least 150mm above ground level.
- d. Non-return valves will be installed in all new plumbing (sinks/toilets) to prevent backflow in cases of flooding.
- e. Water efficient washing machines and toilet cisterns will be recommended throughout the proposed development works.
- f. Regular Maintenance: Regularly maintain drainage systems, gutters, and downpipes to ensure they are clear and functioning properly
- g. The occupants will be advised to subscribe to the Environment Agency flood warning service.

For the reasons outlined above, the proposal would be compliant with Policy LP21 of the Local Plan.

v 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 it is a householder application.

vi Fire Safety

London Plan policy D12 requires the submission of a Fire Safety Statement on all planning applications.

A Fire Safety Statement has been provided which details means of escape, fire detection and alarm system, firefighting provisions, structural fire protection, compartmentation and other fire safety measures. The submission of this document is considered to satisfy the requirements of policy D12.

The applicant is advised that additions and 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. Overall, the proposal can therefore be considered consistent with Policy D12 of the London Plan.

7. 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.

8. RECOMMENDATION

This recommendation is made following careful consideration of all the issues raised through the application process.

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 (2021) and Development Plan, when taken as a whole.

Refuse planning permission for the following reasons

Reason for Refusal – Design

By virtue of its height, siting and scale, the proposed first floor side extension would appear visually intrusive within the streetscene and would fail to maintain a sense of spaciousness at first floor level, resulting in a harmful terracing effect which would disrupt the rhythm of built form to space within this part of Ullswater Road. The proposed balcony, by reason of its combined siting at roof level, loss of eaves, and scale would result in an unsympathetic and incongruous form of development that would harm the character and appearance of the host dwelling and the surrounding area. The scheme therefore fails to comply with, in particular, policy LP1 of the Local Plan (adopted 2018), policy 28 of the Publication Local Plan, and the House Extensions and External Alterations Supplementary Planning Document (May 2015).

Reason for Refusal – Neighbour Amenity

The proposed balcony, by reason of its size, siting and relationship to neighbouring properties would result in an unacceptable loss of privacy to the detriment of the amenities enjoyed by the occupants of neighbouring properties, in particular Nos 9 and 15 Ullswater Road. The proposal is therefore contrary to, in particular, Policy LP 8 of the Local Plan (2018) and policy 46 of the Publication Local Plan.

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): ...RHE..... Dated:30/08/2024.....

I agree the recommendation:

~~Team Leader/Head of Development Management/Senior Planner~~

Dated:GE.....04/09/2024.....