

Application reference: 24/1852/HOT EAST SHEEN WARD

Date application received	Date made valid	Target report date	8 Week date
19.07.2024	19.07.2024	13.09.2024	13.09.2024

Site:

35 Clare Lawn Avenue, East Sheen, London, SW14 8BE

Proposal:

Rear dormer roof extension, construction of first floor rear extension with accommodation in roof, addition of rooflights and replacement rooftiles. Addition of roof lantern to existing single storey projection, alterations to fenestration and alterations to front facade including relocation of front door.

Amended as follows on 30.07.2024:

The proposal description has been amended and should now read as above.

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

APPLICANT NAME

Mr Amit Sanghvi
35 Clare Lawn Avenue
East Sheen
London
Richmond Upon Thames
SW14 8BE

AGENT NAME

Mr Ivan Gale-Brown
30 Westcar Lane
Hersham
Walton On Thames
Surrey
KT12 5ES
United Kingdom

Neighbours:

81 South Worple Way, East Sheen, London, SW14 8NG, - 30.07.2024
31 Clare Lawn Avenue, East Sheen, London, SW14 8BE, - 30.07.2024
37 Clare Lawn Avenue, East Sheen, London, SW14 8BE, - 30.07.2024
33 Clare Lawn Avenue, East Sheen, London, SW14 8BE, - 30.07.2024
44 Clare Lawn Avenue, East Sheen, London, SW14 8BG, - 30.07.2024
46 Clare Lawn Avenue, East Sheen, London, SW14 8BG, - 30.07.2024

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

Status: GTD Application:01/0311
Date:24/04/2001 Loft Conversion And Front And Rear Dormer Extensions.

Development Management

Status: GTD Application:80/0780
Date:30/09/1980 Erection of single storey rear extension to dining and sitting rooms.

Development Management

Status: GTD Application:80/1363

Date:26/01/1981	Erection of a single storey extension at rear.
<u>Development Management</u>	
Status: GTD	Application:81/1331
Date:19/01/1982	Erection of a single storey rear extension.
<u>Development Management</u>	
Status: GTD	Application:83/0380
Date:10/06/1983	Erection of dormer windows at front and rear to create bedroom and bathroom in roofspace. (Amended drawings received 26.5.83).
<u>Development Management</u>	
Status: GTD	Application:88/0590
Date:25/04/1988	Erection of dormer windows at front and rear to create bedroom and bathroom in roofspace. (Renewal of planning permission ref. 83/0380).
<u>Development Management</u>	
Status: REF	Application:23/2775/HOT
Date:08/12/2023	Extension at loft level existing 2nd floor. Addition of Pitched roof over existing rear single storey extension to form additional 1st floor accommodation, New green roof over at 2nd floor level.
<u>Development Management</u>	
Status: REF	Application:23/3396/HOT
Date:13/02/2024	Rear hip to gable roof extension, construction of first floor rear extension with accommodation in roof, addition of rooflights and replacement rooftiles. Addition of roof lanterns to existing single storey projection, alterations to fenestration and alterations to front facade including relocation of front door.
<u>Development Management</u>	
Status: PCO	Application:24/1852/HOT
Date:	Rear dormer roof extension, construction of first floor rear extension with accommodation in roof, addition of rooflights and replacement rooftiles. Addition of roof lantern to existing single storey projection, alterations to fenestration and alterations to front facade including relocation of front door.
<u>Building Control</u>	
Deposit Date: 07.02.2001	Loft conversion
Reference: 01/0248/FP	
<u>Building Control</u>	
Deposit Date: 12.07.2020	Install a gas-fired boiler
Reference: 20/FEN02328/GASAFE	
<u>Building Control</u>	
Deposit Date: 29.08.2021	Install a replacement consumer unit
Reference: 21/NIC02718/NICEIC	

Application Number	24/1852/HOT
Address	35 Clare Lawn Avenue, East Sheen, London, SW14 8BE
Proposal	Rear dormer roof extension, construction of first floor rear extension with accommodation in roof, addition of rooflights and replacement rooftiles. Addition of roof lantern to existing single storey projection, alterations to fenestration and alterations to front facade including relocation of front door.
Contact Officer	Grace Edwards
Target Determination Date	13/09/2024

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 application site comprises a two-storey, detached dwellinghouse within East Sheen Village and is subject to the following designations:

- Area susceptible to groundwater flooding
- Protected view (indicative zone) (View 7 Richmond Park towards St Pauls Cathedral)
- Village (East Sheen Village)
- Village Character Area (Palewell Park, Hertford Avenue and surrounds – Character Area 9 East Sheen Village Planning Guidance Page 33 CHARARREA05/09/01)

3. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

The proposed development comprises a rear dormer roof extension, construction of first floor rear extension with accommodation in roof, addition of rooflights and replacement rooftiles. Addition of roof lantern to existing single storey projection, alterations to fenestration and alterations to front facade including relocation of front door.

Relevant planning history is as follows:

23/2775/HOT - Extension at loft level existing 2nd floor. Addition of Pitched roof over existing rear single storey extension to form additional 1st floor accommodation, New green roof over at 2nd floor level. **(REFUSED)**. Reasons for refusal stated:

The proposed development by reason of its combined siting, design, massing, unsympathetic fenestration arrangements and width of the first floor extension exceeding half of the original, would appear incongruous and overdominant, representing an unsympathetic and visually obtrusive form of development which fails to appear subordinate to the existing dwelling. The proposal is contrary to, in particular, Policy LP1 of the Local Plan (2018), the Supplementary Planning Document House Extensions and External Alterations (2015).

In the absence of satisfactory information, the applicant has failed to demonstrate that the proposed

development by reason of its combined height, depth and siting would not result in a harmful loss of light and an overbearing, visually intrusive form of development which would result in an unacceptable sense of enclosure to the detriment of the residential amenity of nearby occupants, in particular, No 37 Clare Lawn Avenue. The proposed development would thereby be contrary to, in particular, policy LP8 of the Local Plan (2018) and the council's 'House Extensions and External Alterations' (2015) Supplementary Planning Document.

23/3396/HOT - Rear hip to gable roof extension, construction of first floor rear extension with accommodation in roof, addition of rooflights and replacement rooftiles. Addition of roof lanterns to existing single storey projection, alterations to fenestration and alterations to front facade including relocation of front door. **(REFUSED)**. Reasons for refusal noted:

The proposed development by reason of the combined height, bulk and massing at roof level would appear incongruous and over dominant, representing an unsympathetic and visually obtrusive form of development which fails to appear subordinate to the existing dwelling. The proposal is contrary to, in particular, Policy LP1 of the Local Plan (2018), policy 28 of the Publication Local Plan, and the Supplementary Planning Document House Extensions and External Alterations (2015).

By reason of its combined height, depth and siting, and in the absence of satisfactory information, the first floor rear extension would be an overbearing, visually intrusive form of development which would result in an unacceptable sense of enclosure and has failed to demonstrate that it would not result in a harmful loss of light to the ground floor south facing habitable window, to the detriment of the residential amenity of nearby occupants, in particular, No 37 Clare Lawn Avenue. The proposed development would thereby be contrary to, in particular, policy LP8 of the Local Plan (2018), policy 46 of the Publication Local Plan and the council's 'House Extensions and External Alterations' (2015) Supplementary Planning Document.

4. CONSULTATIONS CARRIED OUT

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

Three letters of objection have been received and the comments can be summarised as follows:

- Disturbance from new lighting
- Concerns about accuracy of daylight/sunlight survey, which was carried out without access to neighbouring properties
- Very tall
- Overshadowing
- Loss of privacy through five new windows

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

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
Protected Views and Vistas	LP7	Yes	No
Impact on Amenity and Living Conditions	LP8	Yes	No
Impact on 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) and its supporting documents, including all the Regulation 18 representations received, was considered at Full Council on 27 April. Approval was given to consult on the Regulation 19 Plan and, further, to submit the Local Plan to the Secretary of State for Examination in due course.

The Publication Version Local Plan, including its accompanying documents, have been published for consultation on 9 June 2023. Together with the evidence, the Plan is a material consideration for the purposes of decision-making on planning applications.

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 Local Plan to be sound and legally compliant, officers and Councillors should accord relevant policies and allocations weight in the determination of applications taking account of the extent to which there are unresolved objections to relevant policies. Note that it was agreed by Full Council 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.

Overall, the weight afforded to each policy at this stage will differ depending on the nature of representations received to that policy. Where relevant to the application under consideration, this is addressed in more detail in the assessment below.

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Issue	Publication Local Plan Policy	Compliance	
Flood risk and sustainable drainage	8	Yes	No
Local character and design quality	28	Yes	No
Views and vistas	31	Yes	No
Amenity and living conditions	46	Yes	No

Supplementary Planning Documents

Design Quality
House Extension and External Alterations

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:
Community Infrastructure Levy

6. EXPLANATION OF OFFICER RECOMMENDATION

The key issues for consideration are:

- i Design
- ii Impact on neighbour amenity
- iii Flood Risk
- iv Fire Safety

i Design and impact on heritage assets

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.

In regard to roof extensions, the Councils SPD relating to House Extensions and External Alterations states that an extension that results in the conversion of an existing hip roof into a gabled roof is not desirable and will not be encouraged. Roof extensions should not dominate the original roof.

The current application follows refused application 23/3396/HOT which proposed a first floor extension of a similar scale to that proposed under the current application, albeit centrally located within the rear elevation. As noted above, the most recently refused scheme also proposed a rear hip to gable roof extension and was refused for the following reason in design terms:

The proposed development by reason of the combined height, bulk and massing at roof level would appear incongruous and over dominant, representing an unsympathetic and visually obtrusive form of development which fails to appear subordinate to the existing dwelling. The proposal is contrary to, in particular, Policy LP1 of the Local Plan (2018), policy 28 of the Publication Local Plan, and the Supplementary Planning Document House Extensions and External Alterations (2015).

The below illustrates the existing site, the previously refused scheme and that currently proposed:

Existing dwelling:



Previously refused:



Currently proposed:



The previously proposed rear hio to gable extension has been removed from the proposal. Instead, a more modest rear dormer has been proposed which would be set down from the main ridge, up from the

eaves and in from the sides of the dwelling such that it appears as a subordinate roof addition. The windows within the rear dormer would also be smaller than those in the floors below in line with the requirements of the SPD. Furthermore it is noted that the rear dormer would match the existing front dormer in terms of design.

The Councils SPD 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.

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.

The extension currently proposed would be ~ 5.2m deep, and would have an eaves height of ~5.66m with a maximum height of ~ 8.62m. The extension would have a width of approximately 5.78m, which would be just less than half the width of the original building in accordance with the requirements of the SPD.

The previously refused extension had been designed with a gable end at roof level which was considered to contribute to the overall unacceptable bulk and massing of the proposals at roof level. In contrast, the first floor extension currently proposed has been designed with a hipped roof, the pitch of which would match the main dwelling. The extension would be set down from the main ridge of the dwelling so as to appear as a subordinate addition.

Following the omission of the proposed rear hip to gable, and the amendments to the roof of the proposed first floor extension, the current proposals are no longer considered to appear incongruous or over dominant. Whilst large, it is considered they would represent sympathetic and suitably subordinate forms of development which would be of a scale in keeping with surrounding development.

A number of rooflights are proposed within the side and rear facing roof slopes of both the main roof, and the roof of the rear extension. These are considered acceptable.

The addition of a roof lantern to the existing single storey rear extension is considered acceptable in terms of visual amenity.

The external finishes and design of properties vary along this street. The alterations to the front including elevational treatment, new roof tiles and front rooflights would not appear unusual when viewed from various angles of the general street scene. No objections are therefore raised. Similarly, the roof canopy above the front door and relocation of the front entrance are not alterations that would result in any harm to the appearance of the property.

In view of the above, the proposal is considered to have overcome the previous design reason for refusal and would 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 Councils SPD states that extensions that create an unacceptable sense of enclosure or appear overbearing when seen from neighbouring gardens or rooms will not be permitted.

The application site adjoins Nos. 37 and 33 Clare Lawn Avenue to the north and south respectively. To the west the site backs on to the side of No. 31 Clare Lawn Avenue.

As noted above, application 23/3396/HOT was refused for the following reason on neighbour amenity grounds:

By reason of its combined height, depth and siting, and in the absence of satisfactory information, the first floor rear extension would be an overbearing, visually intrusive form of development which would result in an unacceptable sense of enclosure and has failed to demonstrate that it would not result in a harmful loss of light to the ground floor south facing habitable window, to the detriment of the residential amenity of nearby occupants, in particular, No 37 Clare Lawn Avenue. The proposed development would thereby be contrary to, in particular, policy LP8 of the Local Plan (2018), policy 46 of the Publication Local Plan and the council's 'House Extensions and External Alterations' (2015) Supplementary Planning Document.

No 37 Clare Lawn Avenue

It is acknowledged the proposed first floor extension would not project beyond the existing rear elevation of No. 37 Clare Lawn Avenue, and has been sited away from the shared boundary with this neighbouring property in comparison to the extension previously refused. The proposed roof extension would be contained within the existing roof slope. However, there are a number of windows within the flank elevation of neighbouring property which could be affected by the additional bulk and massing of the proposed extensions.

The officer report for the previously refused application noted that that the south facing flank windows at ground floor from left to right serve a laundry room and an office, and at first floor serve a bathroom. The window serving the laundry room would be a secondary window, and the window serving the office and bathroom are primary windows.

The proposed extension at first floor would be set away from the shared boundary with this property by approximately 6.6m, and as such, whilst it would be readily visible from the side facing windows of this neighbouring property, it is not considered to result in a harmful sense of enclosure or visual intrusion which would warrant a refusal.

The current application has been accompanied by a BRE daylight/sunlight assessment which concludes that the windows and associated rooms will not experience a noticeable reduction in daylight or sunlight as a result of the proposed development.

No 33 Clare Lawn Avenue

This property has a ground floor flank elevation habitable room window affected, but this is a secondary window to a room which benefits from its primary outlook to the front. This property also has a rear facing window within a dormer roof extension which is serves a single aspect bedroom.

It is acknowledged that this window is set at a higher level than the first floor at the application site. However, the scheme will add significant massing at first floor level, just ~0.7m from the shared boundary with this neighbouring property. It is not considered that the slightly elevated position of the window would be sufficient to mitigate the overbearing and visually intrusive impact of the proposed extension.

Whilst it is noted the submitted daylight/sunlight assessment concludes that the windows and associated rooms will not experience a noticeable reduction in daylight or sunlight as a result of the proposed development, the additional massing at first floor is considered to constitute an unneighbourly form of development which would create an unacceptable sense of enclosure for this neighbouring property.

The alterations on the front elevation and the addition of roof lanterns to the rear would not lead to demonstrable harm afforded to neighbouring amenity due to their height, scale and siting.

As such, the proposal would fail to comply with the aims and objectives of policy LP8 of the Local Plan and policy 46 of the emerging Local Plan.

iii Flood Risk

The application site is located within flood zone 1, however is located within an area at risk of groundwater flooding. Having regard to the nature of the proposals, no increase in flood risk is anticipated and the proposal is consistent with LP21.

iv Fire Safety

The application has been submitted with a Fire Statement which is considered to satisfy the requirements of Policy D12 of the London Plan. 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.

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 reason

Refusal – Neighbour Amenity

By reason of its combined height, depth and siting in close proximity to the boundary, the first floor rear extension would be an overbearing, visually intrusive and unneighbourly form of development which would result in an unacceptable sense of enclosure, to the detriment of the residential amenity of nearby occupants, in particular, No 33 Clare Lawn Avenue. The proposed development would thereby be contrary to, in particular, policy LP8 of the Local Plan (2018), policy 46 of the Publication Local Plan and the council's 'House Extensions and External Alterations' (2015) Supplementary Planning Document.

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
Uniform)

YES* NO
(*If yes, complete Development Condition Monitoring in

This application has representations online
(which are not on the file)

YES NO

This application has representations on file

YES NO

Case Officer (Initials):GE.....

Dated:11/09/2024.....

I agree the recommendation:



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

Dated: ...12/09/2024.....