

**Place Division / Development Management**

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ian upton  
Ian Upton Architects Limited  
The White House  
Bonnington  
Ashford  
TN25 7BP

Letter Printed 13 September 2024

**FOR DECISION DATED**  
13 September 2024

Dear Sir/Madam

**The Town and Country Planning Act 1990, (as amended)**  
**Decision Notice**

**Application:** 24/1584/HOT  
**Your ref:** Planning Application 4 Dormer  
**Our ref:** DC/JMA/24/1584/HOT/HOT  
**Applicant:** Mrs Punem Sharma  
**Agent:** ian upton

**WHEREAS** in accordance with the provisions of the Town and Country Planning Act 1990 and the orders made thereunder, you have made an application received on **21 June 2024** and illustrated by plans for the permission of the Local Planning Authority to develop land situated at:

**34 Taylor Avenue Kew Richmond TW9 4ED**

for

**Demolition of the side garage and erection of two storey side extensions, and a first floor rear extension, a single storey rear extension, a new raised roof with rear dormer and 3 number rooflights within the front roof slope, new solar panels, and a new front boundary wall and gate**

NOW THEREFORE WE THE MAYOR AND BURGESSES OF THE LONDON BOROUGH OF RICHMOND UPON THAMES acting by the Council of the said Borough, the Local Planning Authority HEREBY GIVE YOU NOTICE pursuant to the said Act and the Orders made thereunder that permission to develop the said land in accordance with the said application is hereby **GRANTED** subject to the conditions and informatives summarised and listed on the attached schedule.

Yours faithfully

A handwritten signature in black ink, appearing to read 'R. Angus', with a long horizontal flourish extending to the right.

Robert Angus  
Head of Development Management

# SCHEDULE OF CONDITIONS AND INFORMATIVES FOR APPLICATION 24/1584/HOT

## APPLICANT NAME

Mrs Punem Sharma  
34 Taylor Avenue  
Kew  
Richmond Upon Thames  
TW9 4ED

## AGENT NAME

ian upton  
The White House  
Bonnington  
Ashford  
TN25 7BP

## SITE

34 Taylor Avenue Kew Richmond TW9 4ED

## PROPOSAL

Demolition of the side garage and erection of two storey side extensions, and a first floor rear extension, a single storey rear extension, a new raised roof with rear dormer and 3 number rooflights within the front roof slope, new solar panels, and a new front boundary wall and gate

## SUMMARY OF CONDITIONS AND INFORMATIVES

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### CONDITIONS

AT01	Development begun within 3 years
U0188736	Approved Drawings
U0188737	Materials
U0188738	Window obscure glazed-No openable~~
GD01A	Restriction on use of roof
U0188739	Submitted Arboricultural Details
U0188740	Fire Safety
U0188741	NRMM

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### INFORMATIVES

U0093827	BNG exempt
IL24	CIL liable
U0093829	Composite Informative
U0093828	NPPF Approval

# DETAILED CONDITIONS AND INFORMATIVES

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## DETAILED CONDITIONS

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### **AT01 Development begun within 3 years**

The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.

REASON: To conform with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

### **U0188736 Approved Drawings**

The development hereby permitted shall be carried out in accordance with the following approved drawings, where applicable:-

Existing:

2 Location Plan; 3 Site Block Plan; 4 Ground Floor Plan; 5 First Floor Plan; 6 Roof Plan; 7 Elevation Street; 8 Elevation Side; 9 Elevation Rear; 10 Elevation Side; Elevation Wall + Fence received on 21 June 2024.

Proposed as part of Proposed Drawings Package received on 15 August 2024:

12 Rev B Site Block Plan; 13 Rev B Ground Floor Plan; 14 Rev B First Floor Plan; 15 Rev B Attic Floor Plan; 16 Rev B Roof Plan; 17 Rev B Elevation Street; 18 Rev B Elevation Side; 19 Rev B Elevation Rear; 20 Rev B Elevation Side; 21 Rev B Elevation Wall + Gate; 22 Rev B Elevations Showing Neighbouring Houses for Comparison.

REASON: To accord with the terms of the application, for the avoidance of doubt and in the interests of proper planning.

### **U0188737 Materials**

No new external finishes (including fenestration), including works of making good, shall be carried out other than in materials to match the existing, except where indicated otherwise on the submitted application form and/or approved drawings.

REASON: To ensure that the proposed development is in keeping with the existing building and does not prejudice the appearance of the locality.

### **U0188738 Window obscure glazed-No openable~~**

The proposed first and second floor window(s) in the side elevation(s) of the building(s) hereby approved shall at no time be openable or glazed, otherwise than in obscured glass, below a minimum height of 1.7 metres (5'7") above the relevant floor level.

REASON: To ensure that the proposed development does not prejudice the amenities of adjoining occupiers.

### **GD01A Restriction on use of roof**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order) no part(s) of the roof of the building(s) hereby approved shall be used as a balcony or terrace nor shall any access be formed thereto.

REASON: To safeguard the amenities of the occupiers of adjoining property.

### **U0188739 Submitted Arboricultural Details**

A. The development hereby approved shall not be implemented other than in accordance with the principles and methodology as described within the approved Arboricultural details "Arboricultural Impact Assessment, Project no: 2226, dated:

08/02/2024", unless otherwise previously agreed in writing with the local planning authority.

B. Prior to commencement of works, confirmation of the appointment of a retained Arboricultural consultant to conduct and submit an auditable system of site supervision and monitoring shall be submitted to the Local Planning Authority arboricultural officer.

C. Illustrated monitoring reports concerning the condition of retained trees shall be submitted to the Local Planning Authority upon commencement and completion of works hereby approved.

REASON: To ensure that the tree(s) are not damaged or otherwise adversely affected by demolition, building operations, excavations and soil compaction.

#### **U0188740 Fire Safety**

The development must be carried out in accordance with the provisions of the Fire safety Strategy received by the council on 21 June 2024, unless otherwise approved in writing by the Local Planning Authority.

REASON: To ensure that the development incorporates the necessary fire safety measures in accordance with the Mayor's London Plan Policy D12.

#### **U0188741 NRMM**

Non-road mobile machinery - During onsite construction of any phase of development, all non-road transportable industrial equipment or vehicles which are fitted with an internal diesel powered compression ignition engine between 37 and 560KW and not intended for transporting goods or passengers on roads are required to meet Stage IIIB of EU Directive 97/68/E and be NRMM registered. Such vehicles must be run on ultra low sulphur diesel (also known as ULSD 'cleaner diesel' or 'green diesel').

"Ultra low sulphur diesel" means fuel meeting the specification within BS EN 590. Where these standards are succeeded, they should be applied when reasonable. Exemptions to these standards may be granted for specialist equipment or for equipment with alternative emission reduction equipment or run on alternative fuels. Such exemptions shall be applied for in writing to the local planning authority in advance of the use of such vehicles, detailing the reasons for the exemption being sought and clearly identifying the subject vehicles. Exemptions that are granted will be in writing and such vehicles must not be used until written exemption has been issued by the local planning authority.

No vehicles or plant to which the above emission standards apply shall be on site, at any time, whether in use or not, unless it complies with the above standards, without the prior written consent of the local planning authority.

Reason: To protect the amenity of future occupants and/or neighbours.

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### **DETAILED INFORMATIVES**

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#### **U0093827 BNG exempt**

Biodiversity Net Gain

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for development of land in England is deemed to have been granted subject to the condition (biodiversity gain condition) that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan, if one is required in respect of this permission would be the London Borough of Richmond-Upon-Thames.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed below. Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements in the list below is/are considered to apply.

Statutory exemptions and transitional arrangements in respect of the biodiversity gain condition.

1. The application for planning permission was made before 12 February 2024.
2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies.
3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and
  - (i) the original planning permission to which the section 73 planning permission relates\* was granted before 12 February 2024; or
  - (ii) the application for the original planning permission\* to which the section 73 planning permission relates was made before 12 February 2024.
4. The permission which has been granted is for development which is exempt being:
  - 4.1 Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:
    - iv) the application for planning permission was made before 2 April 2024;
    - v) planning permission is granted which has effect before 2 April 2024; or
    - vi) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates\* was exempt by virtue of (i) or (ii).
  - 4.2 Development below the de minimis threshold, meaning development which:
    - iii) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
    - iv) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).
  - 4.3 Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A "householder application" means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.
  - 4.4 Development of a biodiversity gain site, meaning development which is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the Biodiversity Gain Planning condition which applies in relation to another development, (no account is to be taken of any facility for the public to access or to use the site for educational or recreational purposes, if that access or use is permitted without the payment of a fee).
  - 4.5 Self and Custom Build Development, meaning development which:
    - iv) consists of no more than 9 dwellings;
    - v) is carried out on a site which has an area no larger than 0.5 hectares; and
    - vi) consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).
  - 4.6 Development forming part of, or ancillary to, the high speed railway transport network (High Speed 2) comprising connections between all or any of the places or parts of the transport network specified in section 1(2) of the High Speed Rail (Preparation) Act 2013.

\* "original planning permission means the permission to which the section 73 planning permission relates" means a planning permission which is the first in a sequence of two or more planning permissions, where the second and any subsequent planning permissions are section 73 planning permissions.

### Irreplaceable habitat

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

The effect of section 73D of the Town and Country Planning Act 1990

If planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 (application to develop land without compliance with conditions previously attached) and a Biodiversity Gain Plan was approved in relation to the previous planning permission ("the earlier Biodiversity Gain Plan") there are circumstances when the earlier Biodiversity Gain Plan is regarded as approved for the purpose of discharging the biodiversity gain condition subject to which the section 73 planning permission is granted.

Those circumstances are that the conditions subject to which the section 73 permission is granted:

- i) do not affect the post-development value of the onsite habitat as specified in the earlier Biodiversity Gain Plan, and
- ii) in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat the conditions do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier Biodiversity Gain Plan.

### **IL24 CIL liable**

The applicant is advised that this permission results in a chargeable scheme under the Borough's and the Mayor of London's Community Infrastructure Levy.

### **U0093829 Composite Informative**

#### **Reason for granting:**

The proposal has been considered in the light of the Development Plan, comments from statutory consultees and third parties (where relevant) and compliance with Supplementary Planning Guidance as appropriate. It has been concluded that there is not a demonstrable harm to interests of acknowledged importance caused by the development that justifies withholding planning permission.

#### **Principal Policies:**

Where relevant, the following have been taken into account in the consideration of this proposal:-

National Planning Policy Framework (NPPF 2023)

4. Decision-Making

12. Achieving well-designed places

14. Meeting the challenge of climate change, flooding and coastal change

London Plan (2021)

D4 Delivering good design

D12 Fire Safety

Local Plan (2018):

- o LP 1 Local Character and Design Quality
- o LP 8 Amenity and Living Conditions
- o LP 16 Impact on Trees, Woodland and Landscape

- o LP 21 Flood Risk and Sustainable Drainage
- o LP 44 Sustainable Travel Choices
- o LP 45 Parking Standards and Servicing

Publication Local Plan:

Flood risk and sustainable drainage	8
Local character and design quality	28
Trees, Woodland and Landscape	42
Amenity and living conditions	46
Sustainable travel choices, Vehicular Parking, Cycle Parking, Servicing and Construction Logistics Management	47, 48

Supplementary Planning Documents

- o Residential Development Standards
- o House Extensions and External Alterations
- o Kew Village Planning guidance

**Building Regulations:**

The applicant is advised that the erection of new buildings or 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. For application forms and advice please contact the Building Control department, 2nd floor, Civic Centre, 44 York Street, Twickenham, TW1 3BZ. (Tel: 020 8891 1411). If you alter your proposals in any way, including to comply with the Building Regulations, a further planning application may be required. If you wish to deviate in any way from the proposals shown on the approved drawings you should contact the Development Management department, 2nd floor, Civic Centre, 44 York Street, Twickenham, TW1 3BZ. (Tel: 020 8891 1411).

**Damage to the public highway:**

Care should be taken to ensure that no damage is caused to the public highway adjacent to the site during demolition and (or) construction. The Council will seek to recover any expenses incurred in repairing or making good such damage from the owner of the land in question or the person causing or responsible for the damage.

BEFORE ANY WORK COMMENCES you MUST contact the London Borough of Richmond upon Thames, 44 York Street, Twickenham TW1 3BZ, Telephone 020 8891 1411 to arrange a pre-commencement photographic survey of the public highways adjacent to and within the vicinity of the site. The precondition survey will ensure you are not charged for any damage which existed prior to commencement of your works.

If you fail to contact us to arrange a pre commencement survey then it will be assumed that any damage to the highway was caused by your activities and you will be charged the full cost of repair.

Once the site works are completed you need to contact us again to arrange for a post construction inspection to be carried out. If there is no further damage then the case will be closed. If damage or further damage is found to have occurred then you will be asked to pay for repairs to be carried out.

**Noise control - Building sites:**

The attention of the applicant is drawn to the requirements of Section 60 of the Control of Pollution Act 1974 in respect of the minimisation of noise and vibration on construction and demolition sites. Application, under section 61 of the Act for prior consent to the works, can be made to the Environmental Health department.

Under the Act the Council has certain powers to control noise from construction sites. Typically the council will limit the times during which sites are permitted to make noise that their neighbours can hear.



For general construction works the Council usually imposes (when necessary) the following limits on noisy works:-

Monday to Friday 8am to 6pm

Saturdays 8am to 1pm

Sundays and Public Holidays - No noisy activities allowed

Applicants should also be aware of the guidance contained in British Standard BS 5228-1:2009+A1:2014 - Noise and vibration control on construction and open sites.

Any enquiries for further information should be made to the Noise & Nuisance Team, Regulatory Services Partnership NoiseandNuisance@merton.gov.uk.

### **U0093828 NPPF Approval**

In accordance with paragraphs 38-42 of the National Planning Policy Framework, Richmond upon Thames Borough Council takes a positive and proactive approach to the delivery of sustainable development, by:

- o Providing a formal pre-application service
- o Providing written policies and guidance, all of which is available to view on the Council's website
- o Where appropriate, negotiating amendments to secure a positive decision
- o Determining applications in a timely manner.

In this instance:

- o The application was amended following negotiations with the Council to ensure the scheme complied with adopted policy and guidance, and a decision was made without delay.

END OF SCHEDULE OF CONDITIONS AND INFORMATIVES FOR APPLICATION  
24/1584/HOT

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# **HOT Applications**

## **Making an Appeal – Summary Guidance**

### **Whether to appeal**

If the Local Planning Authority (LPA) turn down your application, you should look carefully at the reasons why they turned it down before you make an appeal. You should speak to the LPA to see if you can sort out the problem - perhaps by changing your proposal. An appeal should only ever be a last resort.

### **Type of appeal**

Refusal of permission for HOT applications – this type of appeal is appropriate for domestic alterations and extensions and any ancillary development in the garden. It is not appropriate for alterations to flats.

### **Appeal time**

Within 12 weeks of the date of this notice.

### **Who can appeal**

The applicant or their agent may lodge an appeal

### **The appeals process**

Appeals must be made

- Online at [www.planninginspectorate.gov.uk](http://www.planninginspectorate.gov.uk), or
- Using a form which you can get from Initial Appeals, The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN.

It will be expected that all appeal documentation will be submitted electronically.

The Planning Inspectorate (on behalf of the Secretary of State) will determine the appeal procedure to be followed. Normally this will proceed by way of the Householder Appeal Service which will rely solely on information submitted at application stage. The Council will send copies of any letters of objection or support they received when considering your application. Further submissions or statements will not be accepted by the Planning Inspectorate.

Your householder appeal will be decided by a Planning Inspector. He/she will consider all the application documents and grounds of appeal and also make an unaccompanied visit to the appeal site. You may be required to provide access to the site for the Inspector.

### **Appeal decision**

80% of householder appeal decisions will be issued within 8 weeks from the start date of the appeal.

Further information available from:

The Planning Inspectorate –

Website [www.planninginspectorate.gov.uk](http://www.planninginspectorate.gov.uk)

Email [enquiries@pins.gsi.gov.uk](mailto:enquiries@pins.gsi.gov.uk)

Telephone 0303 444 5000

London Borough of Richmond Upon Thames -

Website [www.richmond.gov.uk/planning](http://www.richmond.gov.uk/planning)

Email [planningappeals@richmond.gov.uk](mailto:planningappeals@richmond.gov.uk)

Telephone 020 8891 1411 for advice