

Application reference: 24/2325/PS192
NORTH RICHMOND WARD

Date application received	Date made valid	Target report date	8 Week date
16.09.2024	16.09.2024	11.11.2024	11.11.2024

Site:

83 Lower Mortlake Road, Richmond, TW9 2LW,

Proposal:

Demolish existing rear extension and erect a new single storey rear extension.

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

APPLICANT NAME

Mr Miles Black
83 Lower Mortlake Road
Richmond
TW9 2LW

AGENT NAME

Mr Michael Zalucki
22 Micklefield Way
Borehamwood
WD6 4LG

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

Consultations:

Internal/External:

Consultee

Expiry Date

Neighbours:

-

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

Development Management

Status: PDE

Application:24/2325/PS192

Date:

Demolish existing rear extension and erect a new single storey rear extension.

Building Control

Deposit Date: 16.11.1993

New roof covering

Reference: 93/1309/BN

Building Control

Deposit Date: 28.08.2017

Install a gas-fired boiler

Reference: 17/FEN02812/GASAFE

Application Number	24/2325/PS192
Address	83 Lower Mortlake Road, Richmond, TW9 2LW
Proposal	Demolish existing rear extension and erect a new single storey rear extension.
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 northern side of Lower Mortlake Road.

The application site is subject to the following planning constraints:

Area Susceptible to Groundwater Flood - Environment Agency	Superficial Deposits Flooding - >= 75% - SSA Pool ID: 146
Article 4 Direction Basements	Article 4 Direction - Basements / Ref: ART4/BASEMENTS / Effective from: 18/04/2018
Critical Drainage Area - Environment Agency	Richmond Town Centre and Mortlake [Richmond] / Ref: Group8_004 /
Increased Potential Elevated Groundwater	GLA Drain London
Risk of Flooding from Surface Water 1 in 1000 chance - Environment Agency	RoFSW Extent 1 In 1000 year chance
Surface Water Flooding (Area Less Susceptible to) - Environment Agency	
Surface Water Flooding (Area Susceptible to) - Environment Agency	
Throughflow Catchment Area (Throughflow and Groundwater Policy Zone)	Adopted: October 2020 , Contact: Local Plan Team
Village	Richmond and Richmond Hill Village
Village Character Area	South of Lower Mortlake Road - Area 4 Richmond & Richmond Hill Village Planning Guidance Page 22 CHARAREA06/04/01
Ward	North Richmond 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 however the most relevant planning history is as follows:

There is no relevant planning history associated with the site.

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

None.

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 scheme *is not* 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
(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	Complies
(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;	Complies
(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	Complies
(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	Complies
(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	Complies
(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;	Complies

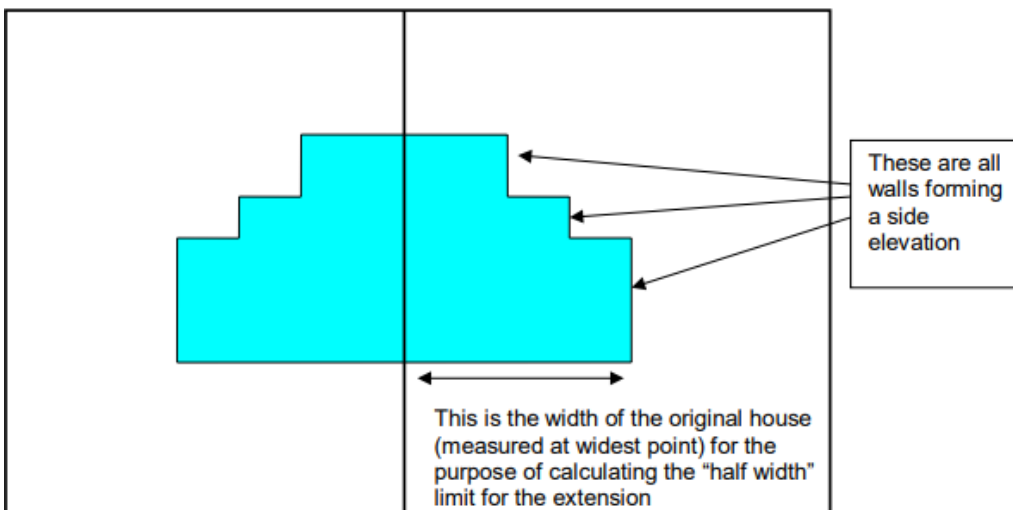
<p>(j) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would ---</p> <p>(i) exceed 4m in height,</p> <p>(ii) have more than a single storey, or</p> <p>Have a width greater than half the width of the original dwellinghouse;</p>	Does not Comply
<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>	Complies
<p>(k) it would consist of or include ---</p> <p>(i) the construction or provision of a verandah, balcony or raised platform,</p> <p>(ii) the installation, alteration or replacement of a microwave antenna,</p> <p>(iii) the installation, alteration or replacement of a chimney, flue, soil and vent pipe, or</p> <p>(iv) an alteration to any part of the roof of the dwellinghouse or</p>	Complies
<p>(l) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).</p>	Complies

The proposed scheme fails to comply with criterion A.1(j) of Class A, Part 1, Schedule 2 of The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015 (as amended) as the proposed rear extension adjoins the side elevation of the two-storey outrigger thus resulting in a side/rear extension, which has a width greater than half the width of the original dwellinghouse.

The 'Permitted Development Rights for Householders Technical Guidance' states:

A wall forming a side elevation of a house will be any wall that cannot be identified as being a front wall or a rear wall. Houses will often have more than two side elevation walls.

For example:



<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>
<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>	Not Applicable

(b) The enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse; or	Not Applicable
(c) The enlarged part of the dwellinghouse would have more than a single storey and extend beyond the rear wall of the original dwellinghouse	Not Applicable
(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).	Not Applicable

A.3 Development is permitted by Class A subject to the following conditions—	Officer's Comment:
(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;	Complies As stated on drawing number 003 Rev 01 & 005 Rev 01.
(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.	Not Applicable No new upper-floor flank facing windows are proposed under this application.
(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 the enlarged part must, so far as practicable, be the same as the roof pitch of the original dwellinghouse.	Not Applicable The scheme is single-storey only.

7. RECOMMENDATION

Refuse Certificate

Reason for Refusal - A.1 (j)

This proposal CONSTITUTES DEVELOPMENT within the meaning of Section 55 of the Town and Country Planning Act 1990, and a planning application IS REQUIRED. This is because it does not meet criteria laid down in the Town and Country Planning (General Permitted Development) (England) Order 2015 and any subsequent legislative amendments.

The proposed scheme fails to comply with criterion A.1(j) of Class A, Part 1, Schedule 2 of The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015 (as amended) as the proposed rear extension adjoins the side elevation of the two-storey outrigger thus resulting in a side/rear extension, which has a width greater than half the width of the original dwellinghouse.

Recommendation:

The determination of this application falls within the scope of Officer delegated powers - YES / ~~NO~~

I therefore recommend the following:

- | | | |
|----|----------------------|-------------------------------------|
| 1. | REFUSAL | <input checked="" type="checkbox"/> |
| 2. | PERMISSION | <input type="checkbox"/> |
| 3. | FORWARD TO COMMITTEE | <input type="checkbox"/> |

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: 18/09/2024

I agree the recommendation:

Senior Planner

VAA

Dated: 18.09.2024