



Application reference: 24/1650/FUL
BARNES WARD

Date application received	Date made valid	Target report date	8 Week date
01.07.2024	09.07.2024	03.09.2024	03.09.2024 EOT: 27.09.2024

Site:

128 Boileau Road, Barnes, London, SW13 9BP

Proposal:

Erection of single storey rear extension (description amended to rear and not side extension)

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

APPLICANT NAME

Mr Ivan Avanesov
 128 Boileau Road
 London
 SW13 9BP
 United Kingdom

AGENT NAME

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

Consultations:

Internal/External:

Consultee

Expiry Date

Neighbours:

- 128 Boileau Road, Barnes, London, SW13 9BP -
- 3 Blakemore Villas, Blakemore Gardens, Barnes, London, SW13 9EH, - 11.07.2024
- 2 Castelnau Row, Barnes, London, SW13 9EE, - 11.07.2024
- 3 Castelnau Row, Barnes, London, SW13 9EE, - 11.07.2024
- 21 Lonsdale Road, Barnes, London, SW13 9JP, - 11.07.2024
- Flat 2, 101 Boileau Road, Barnes, London, SW13 9BW, - 11.07.2024
- Flat 1, 101 Boileau Road, Barnes, London, SW13 9BW, - 11.07.2024
- 112B Boileau Road, Barnes, London, SW13 9BP, - 11.07.2024
- 112F Boileau Road, Barnes, London, SW13 9BP, - 11.07.2024
- 112D Boileau Road, Barnes, London, SW13 9BP, - 11.07.2024
- 112A Boileau Road, Barnes, London, SW13 9BP, - 11.07.2024
- 112E Boileau Road, Barnes, London, SW13 9BP, - 11.07.2024
- 112C Boileau Road, Barnes, London, SW13 9BP, - 11.07.2024
- 16 Jenner Place, Barnes, London, SW13 9DB, - 11.07.2024
- 13 Jenner Place, Barnes, London, SW13 9DB, - 11.07.2024
- 11 Jenner Place, Barnes, London, SW13 9DB, - 11.07.2024
- 9 Jenner Place, Barnes, London, SW13 9DB, - 11.07.2024
- 6 Jenner Place, Barnes, London, SW13 9DB, - 11.07.2024
- 4 Jenner Place, Barnes, London, SW13 9DB, - 11.07.2024
- 1 Jenner Place, Barnes, London, SW13 9DB, - 11.07.2024

17 Jenner Place,Barnes,London,SW13 9DB, - 11.07.2024
15 Jenner Place,Barnes,London,SW13 9DB, - 11.07.2024
14 Jenner Place,Barnes,London,SW13 9DB, - 11.07.2024
12 Jenner Place,Barnes,London,SW13 9DB, - 11.07.2024
10 Jenner Place,Barnes,London,SW13 9DB, - 11.07.2024
8 Jenner Place,Barnes,London,SW13 9DB, - 11.07.2024
7 Jenner Place,Barnes,London,SW13 9DB, - 11.07.2024
5 Jenner Place,Barnes,London,SW13 9DB, - 11.07.2024
3 Jenner Place,Barnes,London,SW13 9DB, - 11.07.2024
2 Jenner Place,Barnes,London,SW13 9DB, - 11.07.2024
17 Lonsdale Road,Barnes,London,SW13 9ED, - 11.07.2024
15 Lonsdale Road,Barnes,London,SW13 9ED, - 11.07.2024
13 Lonsdale Road,Barnes,London,SW13 9ED, - 11.07.2024
11 Lonsdale Road,Barnes,London,SW13 9ED, - 11.07.2024
130 Boileau Road,Barnes,London,SW13 9BP, - 11.07.2024
134 Boileau Road,Barnes,London,SW13 9BP, -
132 Boileau Road,Barnes,London,SW13 9BP, - 11.07.2024

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

Development Management

Status: GTD Application:98/0883
Date:22/12/1998 Retention Of Greenhouse And Garden Shed.

Development Management

Status: PDE Application:24/1650/FUL
Date: Erection of single storey rear extension (description amended to rear and not side extension)

Building Control

Deposit Date: 02.10.2020 Circuit alteration or addition in a special location Install a replacement consumer unit

Reference: 20/NIC01860/NICEIC

Enforcement

Opened Date: 26.02.1998 Enforcement Enquiry

Reference: 98/00077/EN

Application Number	24/1650/FUL
Address	128 Boileau Road Barnes London SW13 9BP
Proposal	Erection of single storey rear extension
Contact Officer	Jasmine Loftus
Target Determination Date	03.09.2024 EOT: 27.09.2024

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 property is a ground floor flat within a two-storey semi-detached dwelling in Barnes. The site is adjacent to the Castelnau Conservation Area but is not within it. Building is not listed or locally listed. BTMs located in the immediate vicinity on Lonsdale Road. The area is residential in character.

The application site is situated within Barnes Village and is designated as:

- Area Benefiting Flood Defence
- Area Susceptible to Groundwater Flood
- Floodzone 2
- Floodzone 3
- Increased Potential Elevated Groundwater
- Risk of Flooding from Surface Water 1 in 1000 chance
- SFRA Zone 3a High Probability
- Surface Water Flooding
- West of Boileau Road/Lowther Estate Character Area
- Barnes Ward

3. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

Permission is sought for the erection of a ground floor rear extension to serve the lower floor flat. The structure would have a partially pitched roof, with walls finished in brick. It would be a full width extension measuring approx. 3.5m (d).

The roof is flat to the southern side and lowers to a pitched roof at the boundary shared with nos. 132 and 134 Boileau Road. The eaves at the shared boundary stand at approx 2.8m.

Roof lantern above. Folding doors to the rear.

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

20/0183/FUL	Hip to gable with rear dormer roof extension and installation of two rooflights to front roof slope.	Refused on 20/04/2020
98/0883	Retention of greenhouse and garden shed	Granted on 22/12/1998

4. CONSULTATIONS CARRIED OUT

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

Two (2) letters of objection have been received and the comments can be summarised as follows:

- Description inaccurately describes a ‘side’ extension and requires amendment.
- Covenants on the land restrict works to the property.
- Concerns regarding the scale of the extension; potential overshadowing and loss of light to windows and gardens surrounding.
- Dampness to adjacent structures.
- Disruption and risk of blockages to sewer and drainage systems.
- Generation of noise, odours and general disturbance during the construction period; impact on neighbouring occupiers and enjoyment of private property which could present a breach of human rights under the ECHR.
- Access to flat above
- Loss of trees/green infrastructure from the rear garden to accommodate the structure.
- Lack of landscaping included in the proposal and poor aesthetic quality as a result. Raised that trees have already been felled.
- Request that the use of the roof is restricted so that it cannot be used as a terrace.
- Decreasing property value as a result of all of the above concerns.

Two letters of observation were received:

- Applicant raises that description requires amendment from side to rear extension

The concerns stated above are addressed in section 6 (“Officer Assessment”).

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
Impact on Amenity and Living Conditions	LP8	Yes
Impact on Flood Risk and Sustainable Drainage	LP21	Yes

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
Local character and design quality	28	Yes
Amenity and living conditions	46	Yes

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:

- Design and impact on heritage assets
- Impact on neighbour amenity
- Biodiversity
- Flood Risk
- Fire Safety

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.

The House Extensions and External Alterations 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.

The extension, as proposed, does not appear overly large and is in proportion to the host dwelling. It would remain subordinate, as a ground floor extension only. The 'squarish' form of the extension is harmonious with the original house. It would be finished in matching materials, as appropriate, as the site borders the Castelnuovo Conservation Area. Contemporary rear doors would not look out of place on the property, which is not noted for any special historic or architectural interest. The roof lantern would protrude from the centre of the roof by approx. 0.5m, however, its siting to the centre of the roof ensures that it does not stand out as an intrusive element.

In view of the above, the proposal complies with the aims and objectives of policy LP1 of the Local Plan and policy 28.

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.

The SPD on House Extensions and External Alterations notes that generally an extension of 3.5m in depth for a semi-detached property will be acceptable.

There is no adjacent property to the south. As such, this assessment is regarding the impact on the adjoining property housing nos. 132 and 134 Boileau Road.

The proposed depth of 3.5m is in accordance with the guidance set out in the House Extensions and External Alterations SPD. Although some overshadowing will undoubtedly occur from the erection of a new structure, this would not result in an unreasonable imposition on adjacent properties sufficient to warrant material harm in planning terms. The height is not excessive, at 3.2m. The eaves adjoining to nos. 132 and 134 Boileau Road are lowered which further reduces its visual impression and any perceived overbearing.

The supporting text to policy LP8 advises that in assessing whether sunlight and daylight conditions are good, both inside buildings and in gardens and open spaces, the Council will have regard to the most recent Building Research Establishment guidance. The extension as presented would pass the Building Research Establishment (BRE) 45-Degree test and so is not expected to unduly interfere with levels of daylight or sunlight levels to either the adjacent window or the garden of the neighbouring property. No evidence of harm to daylight or sunlight could be substantiated in planning terms.

The extension would have rear and roof fenestration. The roof lantern is angled upwards and would face the flat above at no. 130 Boileau Road. However, the window would not permit views into the window above that could not already be achieved from the garden. The rear doors would face the rear garden of the property, and would replace the existing single door and window. There is no property opposite that would be adversely impacted by this door. Overall, the door would not grant any additional view that the existing fenestration and would not intrude on the privacy of nearby occupiers.

The structure would be finished in appropriate materials to match the main building and would not be visually intrusive as a result of its scale or general appearance.

The property will remain in residential use and there will be no harmful increase in noise.

Given the justifications above, the scheme is considered to comply with the Policy LP8 of the Local Plan and Policy 46 of the Draft Plan and would not result in any undue harm to the amenity of surrounding occupiers.

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.

Flood risk

Policy LP21 of the Local Plan states that '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'. This is supported by Policy 8 of the Draft Local Plan.

The applicant has submitted a Flood Risk Assessment with the application. The site lies within Flood zones 2 and 3 and is susceptible to groundwater flood, but is in an area benefitting from flood defence. The proposal seeks to erect an extension to a residential property, which is classed as minor development. The overall increase in built footprint is negligible and is unlikely to contribute to an increased risk of flooding in the area. A substantial depth of the rear garden would be retained allowing for adequate drainage.

The proposal is considered to comply with the above policies.

Trees

There are no significant trees of public amenity value within or affected by the footprint of the proposed development. The trees within the curtilage of 128 Boileau Road do not benefit from any statutory protections (TPOs) and the applicant is at liberty to remove them. As the application is for minor development, there is no statutory requirement for biodiversity net gain to be achieved. Additional landscaping can make a proposal be considered more favourably but it is noted that the site is not within a conservation area, and the proposal is a minor residential development. The scale of the extension is proportionate to the house and does not over-dominate the plot. Sufficient rear garden space and landscaping will remain. The overall design of the structure and materials is deemed acceptable on its own merit and no additional landscaping will be required.

Fire Safety

Policy D12 of the Local Plan states that all new development must achieve the highest standards for fire safety.

The applicant has provided a Fire Safety Strategy to comply with this requirement.

The new extension would allow for an internal open plan layout with access through the rear doors in the event of fire. As such, there is no risk of obstruction to evacuation routes. No flammable materials are proposed. Passive fire safety measures to be in place (materials to provide 30-minute fire resistance). The scheme is not expected to pose any additional risk to fire safety.

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.

Other matters (see Section 4 "Consultations Carried Out")

- The description of the proposal has been amended following comments from neighbours and the applicant.
- The existence of restrictive covenants could prevent development being undertaken; however, it would be a private legal matter as opposed to a planning matter and is not therefore a material consideration for this planning application.

- Disturbance during the construction process is not usually a material planning consideration, and some degree of disruption is expected. Any unreasonable noise, smell, dust or excessive working hours should be reported to Richmond’s Environmental Health Department.
- Similarly, issues with dampness and sewage are not usually assessed under planning and should be referred to Building Control or Environmental Health if there is interference to adjacent properties.
- Access is not inhibited to the rear garden or any other property
- Reduced property value is considered a private interest and is not a material planning consideration that can be considered in the assessment of this application.
- A condition has been applied restricting use of the roof as a roof terrace to protect the amenity of surrounding occupiers.

7. RECOMMENDATION

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

Grant planning permission

Paragraph 11 of the Framework explains how the presumption in favour of sustainable development applies. For the reasons set out above, this application falls to be determined in accordance with the test under section 38(6) of the 2004 Act, the proposal is in general conformity with the Development Plan overall and there are no material considerations of sufficient weight to justify refusal.

Recommendation:

The determination of this application falls within the scope of Officer delegated powers.

I therefore recommend the following:

- 1. REFUSAL
- 2. PERMISSION
- 3. FORWARD TO COMMITTEE

This application is CIL liable YES NO

This application requires a Legal Agreement YES NO

This application has representations on file YES NO

Case Officer (Initials): **JLO** Dated: 24/09/2024

I agree the recommendation:

This application has been subject to representations that are contrary to the officer recommendation. The Head of Development Management / South Area Team Manager has considered those representations and concluded that the application can be determined without reference to the Planning Committee in conjunction with existing delegated authority.

South Area Team Manager:ND.....

Dated:27.09.2024.....