



PLANNING REPORT

Printed for officer by  
Jeremy MacIsaac on 11 October  
2024

Application reference: 24/2078/FUL  
KEW WARD

Date application received	Date made valid	Target report date	8 Week date
16.08.2024	16.08.2024	11.10.2024	11.10.2024

Site:  
Ground Floor Flat, 24 Defoe Avenue, Kew, Richmond  
Proposal:  
Erection of detached building in rear garden

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

APPLICANT NAME  
Vaughan  
24 Ground Floor Flat Defoe Avenue  
Kew  
Richmond Upon Thames  
TW9 4DT

AGENT NAME  
Mr Darren Leen  
The Bridge Workspace  
7b Parkshot  
Richmond  
TW9 2RD  
United Kingdom

DC Site Notice: printed on 21.08.2024 and posted on 30.08.2024 and due to expire on 20.09.2024

Consultations:  
Internal/External:  
Consultee  
14D Urban D

Expiry Date  
04.09.2024

Neighbours:

- Flat 51,Chancery House,Levett Square,Richmond,TW9 4FD, - 21.08.2024
- Flat 50,Chancery House,Levett Square,Richmond,TW9 4FD, - 21.08.2024
- Flat 49,Chancery House,Levett Square,Richmond,TW9 4FD, - 21.08.2024
- Flat 48,Chancery House,Levett Square,Richmond,TW9 4FD, - 21.08.2024
- Flat 47,Chancery House,Levett Square,Richmond,TW9 4FD, - 21.08.2024
- Flat 46,Chancery House,Levett Square,Richmond,TW9 4FD, - 21.08.2024
- Flat 45,Chancery House,Levett Square,Richmond,TW9 4FD, - 21.08.2024
- Flat 44,Chancery House,Levett Square,Richmond,TW9 4FD, - 21.08.2024
- Flat 43,Chancery House,Levett Square,Richmond,TW9 4FD, - 21.08.2024
- Flat 42,Chancery House,Levett Square,Richmond,TW9 4FD, - 21.08.2024
- Flat 41,Chancery House,Levett Square,Richmond,TW9 4FD, - 21.08.2024
- Flat 40,Chancery House,Levett Square,Richmond,TW9 4FD, - 21.08.2024
- Flat 39,Chancery House,Levett Square,Richmond,TW9 4FD, - 21.08.2024
- Flat 38,Chancery House,Levett Square,Richmond,TW9 4FD, - 21.08.2024
- Flat 37,Chancery House,Levett Square,Richmond,TW9 4FD, - 21.08.2024
- Flat 36,Chancery House,Levett Square,Richmond,TW9 4FD, - 21.08.2024
- Flat 35,Chancery House,Levett Square,Richmond,TW9 4FD, - 21.08.2024
- Flat 34,Chancery House,Levett Square,Richmond,TW9 4FD, - 21.08.2024
- Flat 33,Chancery House,Levett Square,Richmond,TW9 4FD, - 21.08.2024
- Flat 32,Chancery House,Levett Square,Richmond,TW9 4FD, - 21.08.2024

Flat 30,Chancery House,Levett Square,Richmond,TW9 4FD, - 21.08.2024  
Flat 29,Chancery House,Levett Square,Richmond,TW9 4FD, - 21.08.2024  
Flat 28,Chancery House,Levett Square,Richmond,TW9 4FD, - 21.08.2024  
Flat 27,Chancery House,Levett Square,Richmond,TW9 4FD, - 21.08.2024  
Flat 26,Chancery House,Levett Square,Richmond,TW9 4FD, - 21.08.2024  
Flat 25,Chancery House,Levett Square,Richmond,TW9 4FD, - 21.08.2024  
Flat 24,Chancery House,Levett Square,Richmond,TW9 4FD, - 21.08.2024  
Flat 23,Chancery House,Levett Square,Richmond,TW9 4FD, - 21.08.2024  
Flat 22,Chancery House,Levett Square,Richmond,TW9 4FD, - 21.08.2024  
Flat 21,Chancery House,Levett Square,Richmond,TW9 4FD, - 21.08.2024  
Flat 20,Chancery House,Levett Square,Richmond,TW9 4FD, - 21.08.2024  
Flat 19,Chancery House,Levett Square,Richmond,TW9 4FD, - 21.08.2024  
Flat 18,Chancery House,Levett Square,Richmond,TW9 4FD, - 21.08.2024  
Flat 17,Chancery House,Levett Square,Richmond,TW9 4FD, - 21.08.2024  
Flat 16,Chancery House,Levett Square,Richmond,TW9 4FD, - 21.08.2024  
Flat 15,Chancery House,Levett Square,Richmond,TW9 4FD, - 21.08.2024  
Flat 14,Chancery House,Levett Square,Richmond,TW9 4FD, - 21.08.2024  
Flat 13,Chancery House,Levett Square,Richmond,TW9 4FD, - 21.08.2024  
Flat 12,Chancery House,Levett Square,Richmond,TW9 4FD, - 21.08.2024  
Flat 11,Chancery House,Levett Square,Richmond,TW9 4FD, - 21.08.2024  
Flat 10,Chancery House,Levett Square,Richmond,TW9 4FD, - 21.08.2024  
Flat 9,Chancery House,Levett Square,Richmond,TW9 4FD, - 21.08.2024  
Flat 8,Chancery House,Levett Square,Richmond,TW9 4FD, - 21.08.2024  
Flat 7,Chancery House,Levett Square,Richmond,TW9 4FD, - 21.08.2024  
Flat 6,Chancery House,Levett Square,Richmond,TW9 4FD, - 21.08.2024  
Flat 5,Chancery House,Levett Square,Richmond,TW9 4FD, - 21.08.2024  
Flat 4,Chancery House,Levett Square,Richmond,TW9 4FD, - 21.08.2024  
Flat 3,Chancery House,Levett Square,Richmond,TW9 4FD, - 21.08.2024  
Flat 2,Chancery House,Levett Square,Richmond,TW9 4FD, - 21.08.2024  
Flat 1,Chancery House,Levett Square,Richmond,TW9 4FD, - 21.08.2024  
21 Ruskin Avenue,Kew,Richmond,TW9 4DR, - 21.08.2024  
19 Ruskin Avenue,Kew,Richmond,TW9 4DR, - 21.08.2024  
17 Ruskin Avenue,Kew,Richmond,TW9 4DR, - 21.08.2024  
15 Ruskin Avenue,Kew,Richmond,TW9 4DR, - 21.08.2024  
13 Ruskin Avenue,Kew,Richmond,TW9 4DR, - 21.08.2024  
11 Ruskin Avenue,Kew,Richmond,TW9 4DR, - 21.08.2024  
First Floor Flat,24 Defoe Avenue,Kew,Richmond,TW9 4DT, - 21.08.2024  
26 Defoe Avenue,Kew,Richmond,TW9 4DT, - 21.08.2024  
Flat 31,Chancery House,Levett Square,Richmond,TW9 4FD, - 21.08.2024  
Flat 61,Chancery House,Levett Square,Richmond,TW9 4FD, - 21.08.2024  
Flat 60,Chancery House,Levett Square,Richmond,TW9 4FD, - 21.08.2024  
Flat 59,Chancery House,Levett Square,Richmond,TW9 4FD, - 21.08.2024  
Flat 58,Chancery House,Levett Square,Richmond,TW9 4FD, - 21.08.2024  
Flat 57,Chancery House,Levett Square,Richmond,TW9 4FD, - 21.08.2024  
Flat 56,Chancery House,Levett Square,Richmond,TW9 4FD, - 21.08.2024  
Flat 55,Chancery House,Levett Square,Richmond,TW9 4FD, - 21.08.2024  
Flat 53,Chancery House,Levett Square,Richmond,TW9 4FD, - 21.08.2024  
Flat 52,Chancery House,Levett Square,Richmond,TW9 4FD, - 21.08.2024

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

Development Management

Status: GTD Application:24/1509/FUL

Date:12/08/2024 Replacement external doors and window to rear and side elevations and internal alterations.

Development Management

Status: PCO Application:24/2078/FUL

Date: Erection of detached building in rear garden

**Building Control**

**Deposit Date: 05.10.2015**      **Install a replacement consumer unit**

**Reference: 15/NIC02426/NICEIC**

**Building Control**

**Deposit Date: 28.08.2024**      **The ground floor flat is undergoing a complete modernisation and refurbishment. The works include a new kitchen, bathroom, central heating, complete re-wiring, removal of two gas heaters (in the existing chimneys) to be replaced with a conventional cast iron fireplace. There is also some minor structural work removing a chimney breast and relocated existing windows and doors.**

**Reference: 24/1061/IN**

<b>Application Number</b>	<b>24/2078/FUL</b>
<b>Address</b>	<b>Ground Floor Flat 24 Defoe Avenue Kew Richmond TW9 4DT</b>
<b>Proposal</b>	<b>Erection of detached building in rear garden</b>
<b>Contact Officer</b>	<b>Jeremy Maclsaac</b>

## 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 has 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 is taking into account 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

24 Defoe Avenue is an early 20th century end-terrace house (now split into two flats) within the Ruskin Avenue & Defoe Avenue Conservation Area.

The application site is designated as:

Area Benefiting Flood Defence - Environment Agency.	Areas Benefiting from Defences
Area Susceptible To Groundwater Flood - Environment Agency	Superficial Deposits Flooding - >= 50% <75% - SSA Pool ID: 1493
Article 4 Direction Basements	Article 4 Direction - Basements / Ref: ART4/BASEMENTS / Effective from: 18/04/2018
Community Infrastructure Levy Band	Higher
Conservation Area	CA74 Ruskin Avenue & Defoe Avenue
Floodzone 2	Tidal Models
Floodzone 3	Tidal Models
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 - SSA Pool ID: 45564
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	Kew Village
Village Character Area	The Avenues - Area 13 Kew Village Planning Guidance Page 43 CHARAREA02/13/01
Ward	Kew Ward

## 3. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

Erection of detached building in rear garden

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

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

2 letters of representation were received.

1 letters of observation have been received and the comments can be summarised as follows:

- Will the structure supersede the fence height and by how much

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

1 letters of support have been received and the comments can be summarised as follows:

- Looks good

The design of the proposal will be assessed in section 6 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
- 16. Conserving and enhancing the historic environment

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
- HC1 Heritage conservation and growth

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	<del>No</del>
Impact on Non-Designated Heritage Assets	LP4	Yes	<del>No</del>
Impact on Amenity and Living Conditions	LP8	Yes	<del>No</del>
Impact on Trees, Woodland and Landscape	LP16	<del>Yes</del>	No
Impact on Flood Risk and Sustainable Drainage	LP21	Yes	<del>No</del>

These policies can be found at

[https://www.richmond.gov.uk/media/15935/adopted\\_local\\_plan\\_interim.pdf](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	
		Yes	No
Flood Risk	8	Yes	<del>No</del>
Local character and design quality	28	Yes	<del>No</del>
Non-designated heritage assets	30	Yes	<del>No</del>
Trees, Woodland and Landscape	42	<del>Yes</del>	No
Amenity and living conditions	46	Yes	<del>No</del>

### Supplementary Planning Documents

Design Quality  
Residential Development Standards  
Kew Village Planning Guidance

These policies can be found at:

[https://www.richmond.gov.uk/services/planning/planning\\_policy/local\\_plan/supplementary\\_planning\\_documents\\_and\\_guidance](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:  
Ruskin Avenue & Defoe Avenue Conservation Area Statement  
Ruskin Avenue & Defoe Avenue Conservation Area Study  
Strategic Flood Risk Assessment 2021

### Determining applications in a Conservation Area

In considering whether to grant planning permission with respect to any buildings or other land in a conservation area, Section 72 of the Planning (Listed buildings and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area. In this context, "preserving", means doing no harm.

To give effect to that duty, decisions of the court have confirmed that for development proposed to be

carried out in a conservation area, a decision-maker should accord “considerable importance and weight” to the desirability of preserving or enhancing the character or appearance of the conservation area, when weighing this factor in the balance with other material considerations which have not been given this special statutory status. This creates a strong presumption against granting planning permission where harm to the character or appearance of a conservation area is identified. The presumption can be rebutted by material considerations powerful enough to do so.

In applications where the decision-maker is satisfied that there will be no harm to the character or appearance of a conservation area, the statutory presumption against granting planning permission described above falls away. In such cases the development should be permitted or refused in accordance with the policies of the development plan and other material considerations.

## **6. EXPLANATION OF OFFICER RECOMMENDATION**

The key issues for consideration are:

- i Design and impact on heritage assets
- ii Impact on neighbour amenity
- iii Trees
- iv Flood Risk
- v Fire Safety
- vi Biodiversity

### **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.*

*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.*

24 Defoe Avenue is an early 20th century end-terrace house (now split into two flats) within the Ruskin Avenue & Defoe Avenue Conservation Area. It is two storeys, fronted in red brick with stock brick sides and rear under a tiled roof. To the front is a two-storey canted bay window surmounted by a gable with timber detailing. The recessed entrance door is paired with no.7 and sits under a simple moulded surround. The porch retains its original decorative glazed tiles, and the original tiled path also survives. The rear is unaltered, retaining the original side outshut (former outside WC). No.24 is situated at the end of a terrace of similar properties, just south of the junction with Ruskin Avenue. Its unaltered built form and lack of unsympathetic additions results in it making a strong positive contribution to the character of the area.

These streets were developed in the early 20th century as part of wider late Victorian/early Edwardian development along Mortlake Road. The houses have a consistent character and design, with a regularity of height, plot size, materials, and detailing. Many original features remain which adds to the quality and cohesiveness of the streets. It is this architectural character, quality, and unity which defines the significance of the area.

The proposal would not be visible from the street and would have no impact from here. There is a quasi-public alley running adjacent to the property from which the proposed outbuilding could have limited visibility, but it would be discreet would not dominate the rear garden or host property.

The proposed outbuilding has a total height of 2.5 meters, which exceeds that of the boundary wall which sits at approximately 1.75m. It has a width of 3.7 metres and a depth of 2.8 metres. The boundary wall benefits from shrubbery which helps disguise this outbuilding in the rear garden of the subject site making not visible from the public domain. One portion of the outbuilding will be finished in brick (southeast portion) and the other portion will be finished in cladding which is dark grey. No

objections are raised with regards to the design of the outbuilding.

## **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 neighbouring property at no. 26 Defoe Avenue benefits from a shed in the rear garden. This is used as a garden store. This will be adjacent to the proposed outbuilding. No. 26 also benefits from a rear extension. There is separation distance between original dwellinghouse and the proposed outbuilding. No issues are foreseen with regards to overlooking, loss of light or visual intrusion with regards to this neighbour.

The properties which are perpendicular to the subject site are a significant distance away and issues with neighbour amenity are mitigated by this distance.

The property will remain in residential use as a result of the development.

The proposal is in accordance with policy LP8 of the Local Plan and Policy 46 of the Publication Local Plan Regulation 19 Version.

## **iii Flood Risk**

Policy LP21 of the Local Plan 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 application site is located within flood zone 3, an area susceptible to groundwater flooding and an increased risk of surface water flooding.

A Completed Environmental agency questionnaire has been provided to support this application, to comply with the requirements of LP21 of the Local Plan and policy 8 of the Publication Local Plan. This document confirms that the ground level of the site will remain the same as a result of this development.

Assuming accordance with these flood risk management measures the proposed application is suitable in terms of flood risk.

## **iv Trees**

Policies LP15 and LP16 seek to protect biodiversity and health and longevity of trees, woodland and landscape in the borough. Local Plan policy LP16, subsection 5 requires;

"That trees are adequately protected throughout the course of development, in accordance with British Standard 5837 - Trees in relation to design, demolition and construction, Recommendations (2012)."

The location of this proposal is sited within the " CA74 Ruskin Avenue & Defoe Avenue " Conservation Area, which affords trees both within and adjacent to the site of the proposal, statutory protection. However, there are currently no recorded Tree Preservation Orders (TPO) within or adjacent to the site of the proposal.

There is one fir tree which is in the rear garden which is planned to be removed for this development. There are limited quality images of the tree to verify this but the tree is evidently growing close the boundary and sufficient information is available to demonstrate that it is not of sufficient amenity value as to warrant an objection to its loss, subject to adequate replacement.



Section 1 of LP16 Trees and Woodlands states that the Council will:

"Resist the loss of trees, including aged or veteran trees, unless the tree is dead, dying or dangerous; or the tree is causing significant damage to adjacent structures; or the tree has little or no amenity value; or felling is for reasons of good arboricultural practice."

As the only reason for this the removal of this tree is to facilitate the construction of the extension, this would conflict with the Council's Local Plan. Nevertheless, Section 3 of LP16 Trees, Woodlands and Landscape requires;

"Where practicable, an appropriate replacement for any tree that is felled."

However, no plans for mitigation by way of replacement tree planting has been submitted as a requirement for tree removal. This is something that needs to be included. Given that there appears to be adequate space in the rear garden for replacement planting, it is considered reasonable and necessary in this instance to secure the details and implementation of such by condition.

Subject to satisfactory tree replacement secured by condition, the proposal complies with policies LP15 and LP16 of the Local Plan and Policy 42 of the Publication Local Plan.

**v Fire Safety**

The applicant has submitted a Fire Safety Statement in support of the proposed development that sufficiently details compliance with London Plan Policy D12. It is noted that this alone does not negate the applicable components of the Building Regulations as they relate to fire safety.

**vi Biodiversity**

Biodiversity net gain became mandatory for minor developments on applications made from 2<sup>nd</sup> April 2024. This application is exempt from mandatory biodiversity net gain on the grounds that:

- The application was made before 2<sup>nd</sup> April 2024
- The development impacts habitat of an area below a 'de minimis' threshold of 25m<sup>2</sup> or 5m of linear habitat such as hedgerows, and does not impact an onsite priority habitat
- The development is for a small scale self-build or custom house building

**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. In making this recommendation consideration has been had to the statutory duties imposed by the Planning (Listed Buildings and Conservation Areas) Act 1990 and the requirements set out in Chapter 16 of the NPPF.

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.

**Grant planning permission**

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

This application has representations online (which are not on the file)  YES  NO

This application has representations on file  YES  NO

Case Officer (Initials): ...JMA.....

Dated: .....11/10/2024.....

**I agree the recommendation:**

This application has been subject to representations. 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: .....11.10.2024.....