

Application reference: 24/2105/VRC EAST SHEEN WARD

Date application received	Date made valid	Target report date	8 Week date
20.08.2024	20.08.2024	15.10.2024	15.10.2024

Site:

10 Park Gate Gardens, East Sheen, London, SW14 8BQ

Proposal:

Variation of planning approval 24/0507/HOT - condition U0181865 Approved drawings to allow altered front rooflight location, fenestration alterations, revised roof eaves height and altered materials. (retrospective)

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

APPLICANT NAME

Mr and Mrs Travis
10 Park Gate Gardens
East Sheen
London
Richmond Upon Thames
SW14 8BQ

AGENT NAME

Mr Matthew Withers
76 White Hart Lane
Barnes
London
SW13 0PZ
United Kingdom

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

Consultations:

Internal/External:

Consultee

Expiry Date

Neighbours:

81 South Worple Way, East Sheen, London, SW14 8NG, - 27.08.2024
15 Park Gate Gardens, East Sheen, London, SW14 8BQ, - 27.08.2024
11 Park Gate Gardens, East Sheen, London, SW14 8BQ, - 27.08.2024
9 Park Gate Gardens, East Sheen, London, SW14 8BQ, - 27.08.2024
7 Park Gate Gardens, East Sheen, London, SW14 8BQ, - 27.08.2024
8 Clare Lawn Avenue, East Sheen, London, SW14 8BH, -
12 Park Gate Gardens, East Sheen, London, SW14 8BQ, - 27.08.2024
8 Park Gate Gardens, East Sheen, London, SW14 8BQ, -
45 Fife Road, East Sheen, London, SW14 8BJ, - 27.08.2024
41 Fife Road, East Sheen, London, SW14 8BJ, - 27.08.2024
4 Park Gate Gardens, East Sheen, London, SW14 8BQ, - 27.08.2024

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

Development Management

Status: GTD Application: 99/2986
Date: 25/01/2000 Enlargement Of Existing Single Storey Rear Lean-to.

Development Management

Status: GTD Application: 23/1989/HOT
Date: 11/10/2023 Demolition of existing single storey rear extension. Erection of single storey side to rear extensions.

Development Management

Status: GTD Application: 23/1990/PS192

Date:25/07/2023	Hip to gable and rear dormer roof extensions. Rooflights to front elevation
<u>Development Management</u>	
Status: GTD	Application:23/3072/HOT
Date:02/02/2024	First floor rear extension and new first floor side extension. Proposed part ground floor rear and side extensions. Proposed front and rear fence.
<u>Development Management</u>	
Status: GTD	Application:24/0507/HOT
Date:23/05/2024	Hip to gable roof enlargement with rear dormer roof extension and front rooflights. Replacement roof over existing two storey garage and window alteration. First floor rear extension and new first floor side extension. Proposed part ground floor rear and side extensions. Proposed front and rear fence
<u>Development Management</u>	
Status: PDE	Application:24/2105/VRC
Date:	Variation of planning approval 24/0507/HOT - condition U0181865 Approved drawings to allow altered front rooflight location, fenestration alterations, revised roof eaves height and altered materials. (retrospective)
<u>Building Control</u>	
Deposit Date: 14.02.2000	Single storey rear extension.
Reference: 99/2090/1/FP	
<u>Building Control</u>	
Deposit Date: 13.12.2003	FENSA Notification of Replacement Glazing comprising 3 Windows and 0 Doors. Installed by Anglian Windows Ltd. FENSA Member No 13229. Installation ID 1309109. Invoice No S101270824
Reference: 03/7241/FENSA	
<u>Building Control</u>	
Deposit Date: 09.02.2003	FENSA Notification of Replacement Glazing comprising 1 Windows and 0 Doors. Installed by Anglian Windows Ltd. FENSA Member No 13229. Installation ID 440482. Invoice No S101267888
Reference: 03/7706/FENSA	
<u>Building Control</u>	
Deposit Date: 29.11.1999	Single storey rear extension.
Reference: 99/2090/FP	
<u>Building Control</u>	
Deposit Date: 22.11.2010	Replacement consumer unit Partial rewire
Reference: 11/NIC00425/NICEIC	
<u>Building Control</u>	
Deposit Date: 10.03.2010	1 Window
Reference: 11/FEN00667/FENSA	
<u>Building Control</u>	
Deposit Date: 07.02.2011	Installed a Gas Fire
Reference: 11/FEN01384/GASAFE	
<u>Building Control</u>	
Deposit Date: 01.02.2021	Install a gas-fired boiler
Reference: 21/FEN01248/GASAFE	
<u>Building Control</u>	
Deposit Date: 15.01.2024	Single storey rear and side extension, two storey side extension and hip to gable and dormer loft conversion
Reference: 24/0045/IN	
<u>Enforcement</u>	
Opened Date: 28.06.2024	Enforcement Enquiry
Reference: 24/0306/EN/NAP	

Application Number	24/2105/VRC
Address	10 Park Gate Gardens East Sheen London SW14 8BQ
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Contact Officer	Sukhdeep Jhooti

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

The application site comprises a two-storey, semi-detached dwellinghouse within East Sheen Village and is designated as follows:

- Village [East Sheen Village]
- Village Character Area [Palewell Park, Hertford Avenue and surrounds – Character Area 9 East Sheen Village Planning Guidance Page 33 CHARAREA05/09/01]

3. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

Variation of planning approval 24/0507/HOT - condition U0181865 Approved drawings to allow altered front rooflight location, fenestration alterations, revised roof eaves height and altered materials. (retrospective)

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

- **24/0507/HOT.** Hip to gable roof enlargement with rear dormer roof extension and front rooflights. Replacement roof over existing two storey garage and window alteration. First floor rear extension and new first floor side extension. Proposed part ground floor rear and side extensions. Proposed front and rear fence. **Granted.**
- **23/3072/HOT.** First floor rear extension and new first floor side extension. Proposed part ground floor rear and side extensions. Proposed front and rear fence. **Granted**
- **23/1989/HOT.** Demolition of existing single storey rear extension. Erection of single storey side to rear extensions. **Granted**
- **23/1990/PS192.** Hip to gable and rear dormer roof extensions. Rooflights to front elevation. **Granted**
- **99/2986.** Enlargement Of Existing Single Storey Rear Lean-to. **Granted**

4. CONSULTATIONS CARRIED OUT

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

Four [4] letters of objections have been received from neighbouring properties and the comments can be summarised as follows:

- As one of the houses facing No.10 we consider the enlarged window to be ugly and out of character with the other roof extensions in the road

- 1. Impact on local character and appearance
- 2. Bulk and loss of privacy
- 3. Inadequate consideration of local planning policies
- We would respectfully suggest that all four of our neighbour's recent applications should be considered in totality with reference to the aforementioned concerns.
- Impact on local character and appearance
- The proposed large rear dormer roof extension and windows, along with the proposed larger rooflight to the front elevation, significantly alter the appearance of the existing property. This development is out of character with the surrounding area, particularly when considering its appearance. The applicants are proposing to use unusual and visually impactful external materials.
- The overall new rear design introduces a discordant element into the neighbourhood. It disrupts the established streetscape and the architectural harmony particularly as the top floor can be viewed from Clare Lawn Avenue and even as far as Sheen Lane.
- Bulk and loss of privacy
- The enormous bulk and overdevelopment of the overall proposed top floor works and windows/rooflights when all the previous applications are combined, is clear.
- The significant dormer windows and larger rooflights also raise concerns about overlooking, leading to a loss of privacy for neighbouring properties.
- Inadequate consideration of local planning policies
- The proposed roof extension and windows do not appear to align with local planning policies aimed at preserving the character and appearance of residential areas. It could contravene the London Borough of Richmond upon Thames' guidelines on maintaining visual unity within residential neighbourhoods
- It is important that this top floor extension respects the architectural integrity and historical character of the area, which this application fails to do. This extension will be visible to residents of Claire Lawn Avenue, Fife Road and Sheen Lane as well as Park Gate Gardens.
- The loft extension at the back of the house was a complete surprise to us. It is ugly. It is a completely different style from the other loft extensions in the road. A pointed gable window would be much more pleasing and in keeping with the other loft extensions in the road.
- The uniformity of the rooflights in the approved drawings has been replaced by a far less acceptable arrangement of rooflights. This hip-to-gable roof development, which never should have been given approval in the first place is unsightly and made more so by the new, unapproved rooflight layout. As the owner of the other half of this semi-detached house, I remain shocked at such inappropriate development, both at the front and back of this property

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

One [1] Letter of objection has been received from the Mortlake with East Sheen Society and the comments can be summarised as follows:

- The main alteration is the rooflight location on the front elevation. Whereas the approved drawings showed three square rooflights of the same size aligned in a row equidistant from each other just below the ridge, the revised drawings show a combination of two smaller square rooflights further down from the ridge and a third rectangular one at a higher level. In our view the lowering of two rooflights from the ridge is an improvement on the previous arrangement provided they are 1.7m above floor level (which they seem to be) but the location of the rectangular rooflight appears clumsy. We realise it is due to obstruction from the ridge of the front bay roof but we question whether it is actually needed. There is no plan of the loft floor (including staircase access) to demonstrate the need for this change. We are of the view that, given the large dormer window being provided on the rear elevation, this loft room could make do with just the two square rooflights, the rectangular rooflight being unnecessary.
- To conclude, we are not happy with the way in which this development has been handled – beginning with a s192 application which was approved within a week of validation. The applicant has ignored advice given in the Council's SPD on house extensions and we are left with a roof extension which, to quote a phrase often used by the Council in its refusal of applications, is "dominant, unsympathetic and incongruous." We urge the Council to insist on the removal of the rectangular rooflight.

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
- 14. Meeting the challenge of climate change, flooding and coastal change
- 15. Conserving and enhancing the natural 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
- G6 Biodiversity and access to nature
- G7 Trees and woodlands
- SI 12 Flood Risk Management
- SI 13 Sustainable Drainage

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
Impact on Amenity and Living Conditions	LP8	Yes	No
Impact on Biodiversity	LP15	Yes	No
Impact on Trees, Woodland and Landscape	LP16	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) 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	No
Local character and design quality	28	Yes	No
Biodiversity and Geodiversity	39	Yes	No
Trees, Woodland and Landscape	42	Yes	No
Amenity and living conditions	46	Yes	No

Supplementary Planning Documents

House Extension and External Alterations
Village Plan – East Sheen Village

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 current proposal seeks planning permission for a revised scheme involving minor material amendments to the approved development, granted under planning permission 24/0507/HOT granted on 23.05.2024 . The application is being considered in accordance with the legislative procedures for dealing with amendments to approved development proposals, which were introduced by the Government in October 2009. The procedures require the submission of a formal application for either a "non-material amendment" (under 96A of the Town and Country Planning Act 1990) or a "minor material amendment" under s.73 of the Town and Country Planning Act 1990 where an amendment to an approved scheme is proposed.

National Planning Policy Guidance, 'Flexible Options for Planning Permissions' (Published 6 March 2014 by the Ministry of Housing, Communities & Local Government), confirms that a Section 73 application can be made under section 73 of the Act to vary or remove conditions associated with a planning permission. One of the uses of a section 73 is to seek a minor material amendment, where there is a relevant condition that can be varied.

The guidance states that there is no statutory definition of a 'minor material amendment' but that it is likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved. Where proposed changes are not considered to be 'minor', a new full planning application would need to be made.

Permission granted under section 73 takes effect as a new, independent permission to carry out the same development as previously permitted subject to new or amended conditions. The new permission sits alongside the original permission, which remains intact and unamended. It is open to the applicant to decide whether to implement the new permission or the one originally granted.

The Government does not define what changes may be treated as 'minor material amendments'. White Young Green Planning and Design offers this definition: 'A minor material amendment is one whose scale and nature result in a development which is not substantially different from the one which has been approved.' The Government has stated that it 'agrees' with this definition, but it is not statutory.

Each local planning authority is responsible for determining the definition of 'minor material'

There is no list of what is and what is not 'material', as we need to assess each case individually.

In each case, whether a change is material is a judgment based on fact and degree, as well as an assessment of the impact of the change on the local environment. The judgment on materiality is always based on the original planning permission. The LPA considers materiality against the development as a whole, not just part of it. The LPA also need to assess the cumulative effects of any previous amendments against the original permission.

The key issues for consideration are:

- i Design
- ii Impact on Neighbour Amenity
- iii Trees
- iv Flood Risk
- v Fire Safety

Note: Works have commenced on site in relation to the scheme approved under decision reference: 24/0507/HOT.

Issue i- Design

Policy LP1 of the Local Plan requires all development to be of high urban design quality to maintain the character and heritage of the Borough.

The East Sheen Village SPD states that “The vernacular semi-detached houses that became popular pre-WWI became regularised into the standardised designs of the ‘Mock-Tudor semi’. Many of the houses to the south of Upper Richmond Road West were built in this style. Those along Hertford Avenue show a strong Arts and Crafts influence. The houses of Clare Lawn Avenue and Parkgate Gardens softened this style with more standardised elements and the addition of private garages. This style predominates but Art Deco was often used as an alternative style and though less common is often present in the details”.



Figure 1 – Elevations approved under decision reference: 24/0507/HOT.



Figure 2 – Proposed Rear and side elevations



Figure 3 – Proposed front and side elevations

Larger rooflight installed on front elevation

Three front rooflights were approved under the parent approval. The applicant has installed one large rooflight and two smaller rooflights. The large rooflight is larger than what was originally consented for however, a rooflight of this size could be enacted under permitted development rights. The property benefits from such rights as it is outside a Conservation Area and there are no Article 4 Directions or conditions restricting permitted development rights at the property except for a Borough-wide restriction on basement formations.

The proposed amendment does not change the use of the property. Rooflights are not uncommon in the locale so the rooflight whilst larger than what has been approved originally and larger than most rooflights in the immediate area, it would not appear completely out of character to warrant refusal of planning permission. It is noted that there are some prominent rooflights located on the opposite side of the road.



Residents have been consulted and so have not been prejudiced/disadvantaged in any way.

The large rooflight installed on the front elevation is therefore acceptable.

Alterations to fenestration at first floor rear

The proposed first floor glazing would have a contemporary profile to match that of the rest of the rear elevation. No objections are raised given this provides uniformity along the rear elevation.

Metal cladding would replace brickwork along the first-floor rear extension approved under the parent approval. This creates visual interest and given cladding has already been approved along the rear elevation of the property, its further introduction along the rear of the property would not appear unusual or demonstrably harmful. The glazing to the first-floor rear extension would be slightly larger in width than what has been originally approved but it is a modest increase. As such, no objections are raised. The extension would remain an obvious but subordinate addition to the host dwelling.

Revised roof eaves height

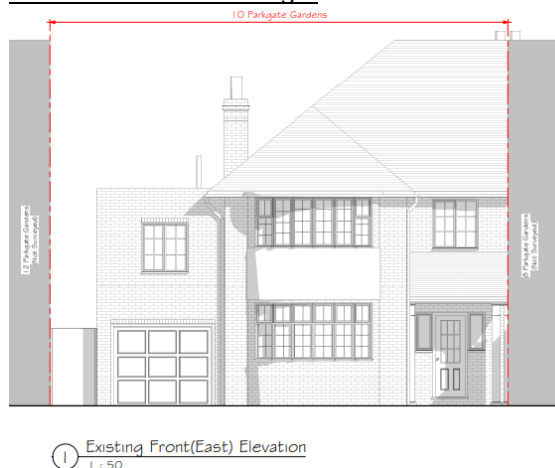


Figure 4 – Existing elevations

The revised roof eaves height would not appear overtly different to the existing situation where the two-storey flat roofed built form to the side of the main body of the house has a similar eaves height to that of the main roof of the original house. As such the amended eaves height of the extension adjacent to the main body of the existing house would not appear unusual when viewed from this context.

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

Issue ii- Impact on Neighbour Amenity

Policy LP8 of the Local Plan states that all development will be required to protect the amenity and living conditions for occupants of new, existing, adjoining and neighbouring properties. Policy 46 of the Publication Local plan reiterates the same.

Larger rooflight installed on front elevation

The rooflight faces onto the public realm. Given this, the separation distance with properties opposite and the mutual overlooking that already exists, the rooflight would not lead to undue loss of privacy to warrant refusal of planning permission.

Alterations to fenestration at first floor rear

Whilst it is noted there is an increase in the overall size of the openings/glazed areas, the proposal will not result in any new onerous viewing angles above that which can already be achieved through the existing fenestration. Thus, the proposal will not result in an increase in overlooking or raise any issues with regard to privacy on any neighbouring properties. The alterations would not lead to a material loss of light or outlook to neighbouring properties given their nature.

Revised roof eaves height

The revised roof eaves height would not result in the material loss of light or outlook to neighbouring properties given the eaves height of the existing two-storey built form adjacent to the main body of the existing house.

In view of the above, the scheme would safeguard neighbour living conditions in line with Policy LP8 of the Local Plan and Policy 46 of the Publication Local Plan.

Issue iii - 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 site is not within a Conservation Area where trees are protected by default. The proposal is significantly set away from any TPO trees. As such, the proposal would comply with policy LP6 of the Local Plan 2018.

Issue iv Flood Risk

Policy LP21 of the Local Plan 2018 relates to flood risk. The site is within flood zone 1 [low probability of flooding from the rivers and the sea]. The site is not affected by any relevant sources of local flooding according to the Council's flood mapping data and SFRA 2020. No basement or subterranean works are being proposed. As such, the scheme would not materially increase flood risk in line with Policy LP21 of the Local Plan 2018.

vi Fire Safety

Policy D12 of the London Plan 2021 relates to fire safety. A fire safety statement has been submitted which meets the aims and objectives of Policy D12. This does not override the need to comply with the fire safety aspects of the Building Regulations. A condition would be imposed to ensure the development adheres to the submitted fire safety statement on an ongoing basis.

Issue ix - 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:

- The original planning permission to which this s73 application relates was exempt by virtue of it being made before 2nd April 2024
- The development impacts habitat of an area below a 'de minimis' threshold of 25m² 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. The amendments, by virtue of their scale and nature, would not result in a development that is substantially different from the development approved under planning permission 24/0507/HOT. The development remains as approved in all respects other than the minor but material changes outlined above, which can be secured by amending the drawing numbers secured by condition U0181865 on the decision notice to relate to the revised drawings listed in this report. The remaining conditions remain relevant. As such it is considered that a new full planning application does not need to be made to secure these changes.

Grant planning permission with conditions

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 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): SJH Dated: ...14.10.2024

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:15.10.2024.....