

Application reference: 24/2210/GPD26
NORTH RICHMOND WARD

Date application received	Date made valid	Target report date	8 Week date
02.09.2024	02.09.2024	28.10.2024	28.10.2024

Site:

157A Kew Road, Richmond, TW9 2PN,

Proposal:

The conversion of the basement Use Class E (health and medical services to visiting members of the public) unit to a single-family dwelling (C3) with associated refuse and cycle storage.

Amended as follows on 30.09.2024:

Site Address amended to 157A Kew Road

APPLICANT NAME

Dr Paul Danford
157 Kew Road
Richmond
TW9 2PN

AGENT NAME

Mr James Lloyd
First Floor, 24 Ormond Road
London
TW10 6TH

DC Site Notice: printed on 09.09.2024 and posted on 20.09.2024 and due to expire on 11.10.2024

Consultations:**Internal/External:****Consultee**

14D Urban D
LBRUT Transport
Transport For London
LBRuT Waste Services
LBRuT Non-Commercial Environmental Health Noise Issues

Expiry Date

23.09.2024
23.09.2024
30.09.2024
23.09.2024
23.09.2024

Neighbours:

112B Kew Road, Richmond, TW9 2PQ, - 09.09.2024
112C Kew Road, Richmond, TW9 2PQ, - 09.09.2024
112D Kew Road, Richmond, TW9 2PQ, - 09.09.2024
112E Kew Road, Richmond, TW9 2PQ, - 09.09.2024
112A Kew Road, Richmond, TW9 2PQ, - 09.09.2024
112 Kew Road, Richmond, TW9 2PQ, - 09.09.2024
2 Jocelyn Road, Richmond, TW9 2TH, - 09.09.2024
Basement, The Mews, 155 Kew Road, Richmond, TW9 2PN, - 09.09.2024
155 Kew Road, Richmond, TW9 2PN, - 09.09.2024
159 Kew Road, Richmond, TW9 2PN, - 09.09.2024

The Mews,155 Kew Road,Richmond,TW9 2PN, - 09.09.2024
157 Kew Road,Richmond,TW9 2PN -
157 Kew Road,Richmond,TW9 2PN, - 30.09.2024
155A Kew Road,Richmond,TW9 2PN, - 23.09.2024

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

Development Management

Status: RSS Application:94/3799/FUL
Date:20/02/1995 Conversion Of Roof Slope On Rear Of House To A Flat Terrace Area.

Development Management

Status: GTD Application:98/0322
Date:29/06/1998 Removal Of Existing 1st Floor Extension, Erection Of Glazed Extension
And Retaining Wall Around Flat Roof. Rooflights On Main Roof.

Development Management

Status: WNA Application:98/0323
Date:18/05/1998 Removal Of Existing Rear Brick And Flat Roof Extension, Removal Of
Upper Surface Of Existing Flat Roof Over Area Of Proposed Terrace.

Development Management

Status: GTD Application:83/1035/ADV
Date:15/11/1983 For Advertisements.

Development Management

Status: RNO Application:22/T0805/TCA
Date:15/11/2022 T1. Cherry (dead), Fell - As requested suggested works are too: Fell to
ground level by sectional take down T2. Palm Tree, Fell - As requested
suggested works are too: Fell to ground level by sectional take down

Development Management

Status: PCO Application:24/2210/GPD26
Date: The conversion of the basement Use Class E (health and medical
services to visiting members of the public) unit to a single-family dwelling
(C3) with associated refuse and cycle storage. (Updated: Site Address
amended to 157A Kew Road)

Appeal

Validation Date: 08.03.1995 Development Appeal
Reference: 94/3799/FUL

Building Control

Deposit Date: 18.09.2019 Install a gas-fired boiler
Reference: 19/FEN03137/GASAFE

Application Number	24/2210/GPD26
Address	157A Kew Road, Richmond, TW9 2PN
Proposal	The conversion of the basement Use Class E (health and medical services to visiting members of the public) unit to a single-family dwelling (C3) with associated refuse and cycle storage.
Contact Officer	Grace Edwards
Target Determination Date	28/10/2024

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.

By indicating that the development proposal complies with the relevant provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) the planning officer is taking into account the information submitted with the application; the NPPF and Local Plan policies and material planning considerations raised with any representations received insofar as they are relevant to the assessment under Schedule 2, Part 3, Class MA; and any previous relevant applications.

2. DESCRIPTION OF THE SITE

The application site comprises the basement floor of a three storey semi detached building located on the north eastern side of Kew Road. The building is a Building of Townscape Merit and is located within the Kew Foot Road Conservation Area. The site is also subject to the following constraints:

- Area of Mixed Use
- Area susceptible to groundwater flooding
- Increased potential for elevated groundwater
- Area susceptible to surface water flooding
- Throughflow catchment area
- World Heritage Site buffer zone

3. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

The application seeks permission for the conversion of the whole property from use Class E(g)(i) to Use Class C3 to provide one dwelling.

The comprehensive list of planning history can be found above. The most relevant as follows:

155-157 Kew Road:

81/0534 - Erection of rear extensions to basement, ground and first floors of Nos. 155 and 157. Erection of a two storey side extension to No. 155 for use as a garage with a one bedroom flat over. Use of the basement of Nos.155 and 157 for chiropractic practice. (Amended Drawing No. 81/402A received 22nd February, 1982). **(Granted)**

157A Kew Road:

15/4433/FUL - Change of use from D1 (chiropractor) to C3 residential dwelling. **(Refused – Appeal Dismissed)**

4. CONSULTATIONS CARRIED OUT

Adjoining neighbours have been consulted on the application.

One letter of objection has been received, raising concerns as follows:

- Loss of privacy
- Previous application was rejected

5. ASSESSMENT AGAINST THE GPDO CRITERIA

This application is for a Prior Approval and as such will be assessed under Part 3 – Changes of Use, Class MA ‘Commercial, Business and Service Uses to Dwellinghouses’ contained within the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

The Scheme is not considered to meet the required criteria for prior approval to be granted under Class MA ‘Commercial, Business and Service Uses to Dwellinghouses’.

MA.1 Development is not permitted by Class M—	Officer’s Comment:
(b) unless the use of the building fell within one or more of the classes specified in subparagraph (2) for a continuous period of at least 2 years prior to the date of the application for prior approval	Complies - no evidence has been provided in this regard aside from a statement within the covering letter to say that the premises has been in use under Class E (health and medical services to visiting members of the public) for a continuous period of at least 2 years prior to the date of the application for prior approval. However, a desktop assessment including a review of aerial imagery reveals the premises has been in use as a chiropractic clinic from at least 2012 until 2022.
(d) if land covered by, or within the curtilage of, the building— (i) is or forms part of a site of special scientific interest; (ii) is or forms part of a listed building or land within its curtilage; (iii) is or forms part of a scheduled monument or land within its curtilage; (iv) is or forms part of a safety hazard area; or (v) is or forms part of a military explosives storage area;	Complies
(e) if the building is within- (i) an area of outstanding natural beauty; (ii) an area specified by the Secretary of State for the purposes of section 41(3) of the Wildlife and Countryside Act 198155; (iii) the Broads; (iv) a National Park; or (v) a World Heritage Site;	Complies - the site is within the buffer zone for Kew Gardens, World Heritage Site however is not within the site itself.

(f) if the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained; or	N/A
(g) before 1 August 2022, if— (i) the proposed development is of a description falling within Class O of this Part as that Class had effect immediately before 1st August 2021; and (ii) the development would not have been permitted under Class O immediately before 1st August 2021 by virtue of the operation of a direction under article 4(1) of this Order which has not since been cancelled in accordance with the provisions of Schedule 3.	Complies
(2) The classes mentioned in sub-paragraph (1)(b) are the following classes of the Use Classes Order— (a) the following classes of the Schedule as it had effect before 1st September 2020— (i) Class A1 (shops); (ii) Class A2 (financial and professional services); (iii) Class A3 (food and drink); (iv) Class B1 (business); (v) Class D1(a) (non-residential institutions – medical or health services); (vi) Class D1(b) (non-residential institutions – crèche, day nursery or day centre); (vii) Class D2(e) (assembly and leisure – indoor and outdoor sports), other than use as an indoor swimming pool or skating rink;	As above – see sub para 1(b)
(b) on or after 1st September 2020, Class E (commercial, business and service) of Schedule 2.	As above – see sub para 1(b)

MA.2 Development under Class MA is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to:

2.a Transport impacts of the development particularly to ensure safe site access

Vehicular parking

The application site is located within an area with a PTAL rating of 6a, and is within the N – North East Richmond Controlled Parking Zone which is operational Monday – Saturday 10am – 4.30pm (Bank and Public Holidays free).

The applicant states that the proposal will be car free, and as such, it is considered reasonable and necessary to include a condition restricting the issuance of parking permits to the property to secure the development as car free and ensure that the lack of on site parking would not result in increased parking stress in the locality.

Cycle parking

The submitted covering letter states that the site benefits from an existing cycle store, and that to meet minimum standards for the development, accommodation for an additional two cycles would be provided internally within a separate secure and enclosed area for the use of residents.

Whilst no details of this have been provided, it is acknowledged that there would be sufficient space internally to accommodate the required cycle store. As such, had the proposal been considered acceptable, this detail could have been secured by way of condition.

Waste provision

A three bedroom dwelling requires suitable and sufficient space to store 240L of general waste, 2 x 55L recycling boxes and 1 x 23L food waste box in line with the Councils SPD.

No bin store is shown on the proposed plans, however the submitted covering letter states the following:

The existing refuse store for the offices would be used for the proposal and would accommodate 6 x 240l two-wheeled bins (one per household) for general waste, 12 x 55l boxes (two per household) for recyclables and 6 x 23l boxes (one per household) for food waste.

Reference to 6 bins equating to one per household suggests 6 households on the site, however only one is proposed. As such, it not considered that this statement relates to the application proposal.

Notwithstanding this, it is considered that there would be sufficient space to accommodate the required refuse arising from the development and as such, had the scheme been considered acceptable, details of this would have been secured by condition.

2.b Contamination risks in relation to the building

The previous land use history of the site does not suggest that the site is subject to contamination. Given there are no proposed works that would result in excavation into previously undisturbed land, there would be limited risk. No objection is therefore raised in this regard.

2.c Flooding risks to the building

The application site is located within Floodzone 1, however is located within an area susceptible to both groundwater and surface water flooding. It is also located within a throughflow catchment area and an area with an increased potential for elevated groundwater.

The proposed use is considered as 'More Vulnerable' having regard to the Flood Risk Vulnerability and Flood Zone Compatibility table within the NPPG.

The submitted covering letter states that mitigation measures could be incorporated, which include flood resistance and resilience as precautionary measures and the usual flood warning systems in place that future occupants can sign up to. However, the submitted information makes no assessment of the flood risk to future occupants of the site. As such, in the absence of a site specific Flood Risk Assessment, the proposal fails to comply with the aims and objectives of policy LP 21 of the Local Plan and policy 8 of the emerging local plan.

2.d Impacts of noise from commercial premises on the intended occupiers of the development

A Noise Assessment was not submitted with the application. Whilst the surrounding locality benefits from commercial units, the upper floors of Kew Road are largely residential and the streets in the immediate vicinity are residential in nature.

Therefore, it is not considered that the impact of noise from commercial premises would be detrimental to the intended occupiers of the site.

2.e The impact of that change of use on the character or sustainability of the conservation area (where the building is located in a conservation area and the development involves a change of use of the whole or part of the ground floor)

The site is located within the Kew Foot Road Conservation Area and the application involves the change of use of the whole of the lower ground floor. Given the nature of the existing use, it is not considered that there will be a significant impact on the character or sustainability of the conservation area.

2.f the provision of adequate natural light in all habitable rooms of the dwellinghouses

From the submitted floor plans it would appear that all habitable rooms benefit from windows. However given the subterranean nature of the unit, these windows are either small (to the rear) or likely to be significantly impacted by their siting below external ground level, within a lightwell (to the front). The window serving bedroom 3 is the smallest of the windows, and is located below external ground level and is between the two staircases serving the upper floors of the properties and the light reaching this window is therefore likely to be significantly impacted.

As such, in the absence of a satisfactory Daylight Assessment, the proposal fails to demonstrate that adequate natural light would be provided to all habitable rooms proposed.

2.g The impact on intended occupiers of the development of the introduction of residential use in an area the authority considers to be important for general of heavy industry, waste management, storage and distribution, or a mix of such uses

There is no heavy industry, waste management, storage and distribution, or other such mix of uses in the area.

2.h The impact on the local provision of the type of services loss where the development involves the loss of services provided by a registered nursery, or a health centre maintained under section 2 or 3 of the National Health Service Act 2006

The proposal would not result in the loss of a registered nursery or health centre maintained under section 2 or 3 of the NHS Act 2006.

2.i Where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building.

“MA.3. Development meets the fire risk condition referred to in paragraph MA.2(2)(i) if the development relates to a building which will –

- a. *Contain two or more dwellinghouses; and*
- b. *Satisfy the height condition in paragraph (3), read with paragraph (7), of article 9A (fire statements) of the Town and Country Planning (Development Management Procedure) (England) Order 2015”.*

Whilst the resultant building would result in 2 dwellinghouses, noting that one is already present on the upper floors, it is not 18 metres or more in height and it does not contain 7 or more storeys. The proposal, therefore, complies with the above criteria.

Other

Space standards

Section 3 (Permitted Development) paragraph 9A states that:

Schedule 2 does not grant permission for, or authorise any development of, any new dwellinghouse—
(a) where the gross internal floor area is less than 37 square metres in size; or
(b) that does not comply with the nationally described space standard issued by the Department for Communities and Local Government on 27th March 2015

The internal floor area does not fall below 37sqm in size. Whilst no proposed occupancy has been suggested within the application, the resultant dwelling has a floor space of ~159sqm which would significantly exceed the minimum standard required for a 3-bedroom, single storey dwelling.

However, no sectional drawing has been provided and as such it is not possible to ascertain compliance with the required floor to ceiling heights.

Concerns raised by neighbouring properties are noted. However, the concerns raised do not fall to be considered under an application of this nature.

In view of the above, it is considered that prior approval should be refused.

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):GE..... Dated:22/10/2024.....

I agree the recommendation:



Team Leader/Head of Development Management/Principal Planner

Dated: ...24/10/2024.....