

Application reference: 24/1572/PS192
TEDDINGTON WARD

Date application received	Date made valid	Target report date	8 Week date
20.06.2024	03.09.2024	29.10.2024	29.10.2024

Site:

Braemar Cottages, 6 Manor Road, Teddington, TW11 8BG

Proposal:

Blocking up a doorway in 1 Braemar Cottage. Forming a new doorway in 2 Braemar Cottage.

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

APPLICANT NAME

Mr and Mrs K Symes
1 & 2 Braemar Cottages
6 Manor Road
Teddington
Richmond Upon Thames
TW11 8BG

AGENT NAME

Mr Ian Felgate
Unit 1
56 Glenthams Road
London
SW13 9JJ

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

Consultations:

Internal/External:

Consultee

Expiry Date

Neighbours:

-

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

Development Management

Status: REF

Date:31/10/1955

Application:47/6504

The use of an existing private garage and store for motor body repairs, painting, etc.

Development Management

Status: GTD

Date:24/05/1960

Application:60/0406

Provision of new bathroom and staircase.

Development Management

Status: GTD

Date:06/06/1972

Application:72/0725

Erection of extension to lounge at first floor level.

Development Management

Status: PCO

Date:

Application:24/1572/PS192

Blocking up a doorway in 1 Braemar Cottage. Forming a new doorway in 2 Braemar Cottage.

Project Officer Report

Proposal

Blocking up a doorway in 1 Braemar Cottage. Forming a new doorway in 2 Braemar Cottage (as per application form).

Site Description (framed in relation to the Proposal of this application)

The application site, known as No. 6 Manor Road, is currently occupied by a two-storey detached property, that is not nationally listed, containing No. 2 Units, namely Nos. 1 and 2 Braemar Cottages. This is confirmed by the Planning Inspector in the dismissed Appeal reference: **APP/L5810/W/22/3306052** (referring to the refused application reference: **22/0593/FUL**) who states the following:

the appeal site includes a two-storey building which is set back from Manor Road to the rear of a modern block of flats at 4 Manor Road. It is currently occupied as 2 dwellings, but the main parties indicate that it is a former Victorian coach house and stables originally associated with a property known as Sunnybank.

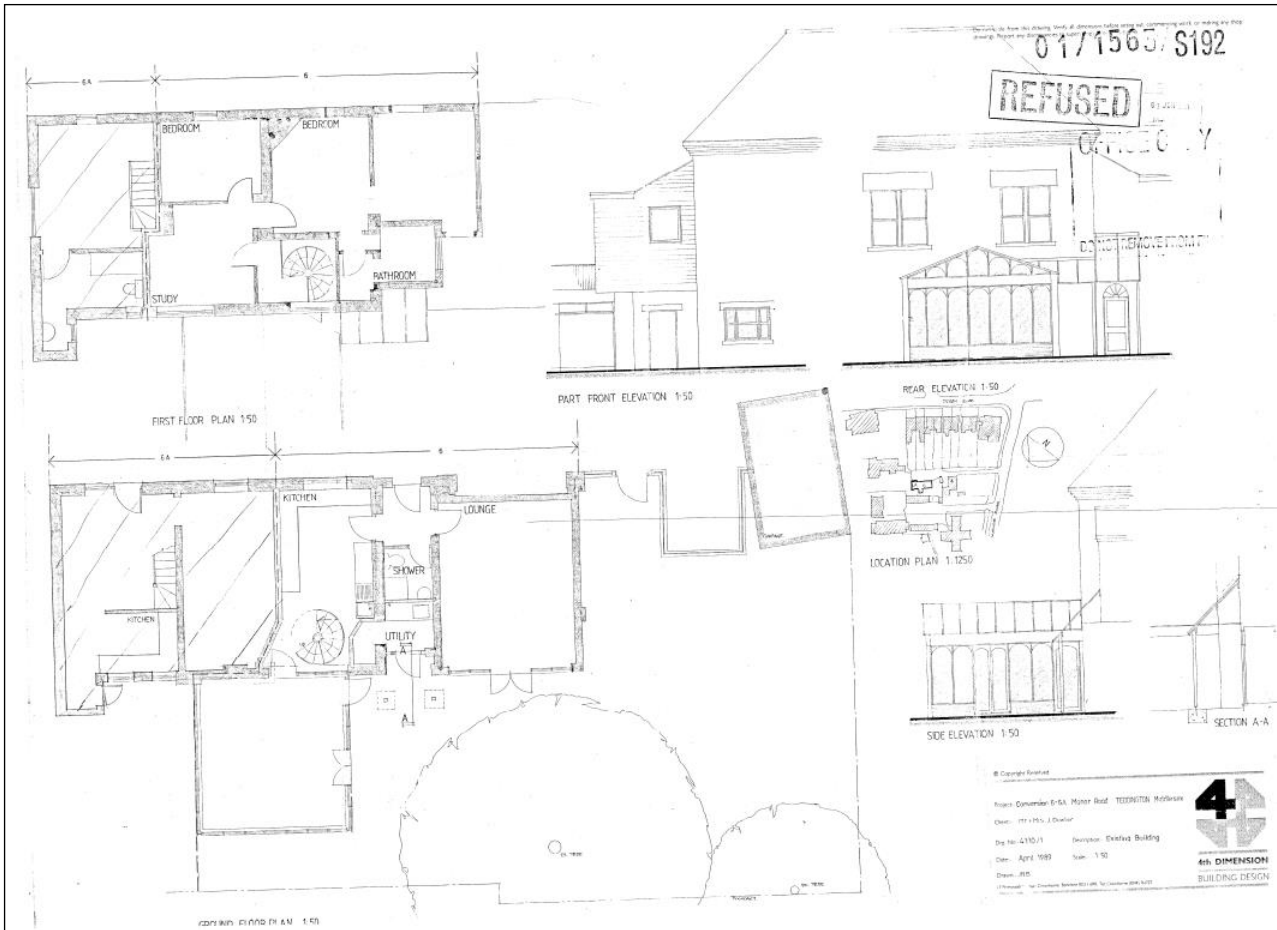
The site falls within Teddington Lock Conservation Area and there are TPOs (protected trees) in close vicinity to it.

Relevant Planning History

01/1563 - Proposed Change From 2 Units to Single Dwelling - Refused 20/11/2001.

Reason for Refusal

The proposal CONSTITUTES DEVELOPMENT within the meaning of Section 55 of the Town and Country Planning Act 1990, and an APPLICATION IS REQUIRED.



Refused Plans

22/0593/FUL - Alteration and extension of the two houses at 6 Manor Road - Refused 13/04/2022.

Reasons for Refusal:

Trees

Due to insufficient information regarding the trees to be removed, the Council is unable to fully assess the impact on the protected trees. The proposed extension to house 1, by reason of its poor juxtaposition with the protected trees, would result in a poor quality and overshadowed amenity space for future occupiers, and would add future pressure to their removal. This would be detrimental to the protected trees on site and to the visual character of the area. The scheme would therefore fail to comply with policies LP1, LP8 and LP16 of the Local Plan.

Design

The proposed extensions and alterations, by reason of their design, height, bulk and siting would dominate the original building and reduce the spacious landscape setting of the former boathouse which contributes to the significance of the Conservation Area thereby causing less than substantial harm to the character and appearance of both the application site and the wider Conservation Area. The scheme would be contrary to Section 72 of The Planning (Listed Buildings and Conservation Areas) Act 1990, Paragraphs 194-202 of the National Planning Policy Framework (2021) and policies LP 1 and LP 3 of the adopted Local Plan (2018).

Planning Policies

The applicant is seeking confirmation via the issuing of a Certificate of Lawful Development (Section 192 of the Town and Country Planning Act 1990 - the Act) that the proposal submitted under this application complies with the requirements of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), which relates to "Development within the curtilage of a dwellinghouse".

Assessment

Section 192 of the Act states that:

(1) If any person wishes to ascertain whether-

(a) any proposed use of buildings or other land; or

(b) any operations proposed to be carried out in, on, over or under land,

would be lawful, he may make an application for the purpose to the local planning authority specifying the land and describing the use or operations in question.

(2) If, on an application under this section, the local planning authority are provided with information satisfying them that the use or operations described in the application would be lawful if instituted or begun at the time of the application, they shall issue a certificate to that effect; and in any other case they shall refuse the application.

Permitted development rights for householders - Technical Guidance (2019) defines a dwellinghouse as: "Dwellinghouse - does not include buildings containing one or more flats or a single flat contained within a building".

As confirmed by the Planning Inspector in the dismissed Appeal reference: **APP/L5810/W/22/3306052** (referring to the refused application reference: **22/0593/FUL**):

"the appeal site includes a two-storey building which is [...] currently occupied as 2 dwellings".

In doing so, the host property does not follow within the definition of Dwellinghouse and hence does not benefit from the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), an order made by the Secretary of State. As such, they would require an application for planning permission as per Sections 55(2)(f) and 57 of the Act. Section 55(2)(f) states that (development is defined by Section 55(1) of the Act that can be found below in this section):

(2) The following operations or uses of land shall not be taken for the purposes of this Act to involve development of the land-

(f) in the case of buildings or other land which are used for a purpose of any class specified in an order made by the Secretary of State under this section, the use of the buildings or other land or, subject to the provisions of the order, of any part of the buildings or the other land, for any other purpose of the same class.

Section 57 states that:

(1) Subject to the following provisions of this section, planning permission is required for the carrying out of any development of land.

However, given the proposal of this application only includes internal alterations that would not affect the external appearance of the host building, such proposal is not considered to require an application for planning permission, hence it would not amount to development, and therefore the proposal of this application would be lawful by virtue of Sections 55 and 57 of the Act. Section 55

states that:

(1) Subject to the following provisions of this section, in this Act, except where the context otherwise requires, "development," means the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land.

(1A) For the purposes of this Act "building operations" includes-

(a) demolition of buildings;

(b) rebuilding;

(c) structural alterations of or additions to buildings; and

(d) other operations normally undertaken by a person carrying on business as a builder.]

(2) The following operations or uses of land shall not be taken for the purposes of this Act to involve development of the land-

(a) the carrying out for the maintenance, improvement or other alteration of any building of works which-

(i) affect only the interior of the building, or

(ii) do not materially affect the external appearance of the building,

and are not works for making good war damage or works begun after 5th December 1968 for the alteration of a building by providing additional space in it underground.

Section 57 states that:

(1) Subject to the following provisions of this section, planning permission is required for the carrying out of any development of land.

Summary:

The proposal of this application is considered to be lawful within the meaning of Section 192 of the Act, given such proposal does not constitute development within the meaning of Section 55 of the Town and Country Planning Act 1990, and therefore planning permission is not required.

Recommendation:

It is recommended that the Certificate of Lawful Development is issued.

Recommendation:

The determination of this application falls within the scope of Officer delegated powers - **YES**

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): GAP Dated: 01/10/2024

I agree the recommendation: SGS

Senior Planning Officer

Dated:29/10/2024.....

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

Head of Development Management:

Dated:

REASONS:
CONDITIONS:
INFORMATIVES:
UDP POLICIES:
OTHER POLICIES:

The following table will populate as a quick check by running the template once items have been entered into Uniform

SUMMARY OF CONDITIONS AND INFORMATIVES

CONDITIONS

INFORMATIVES
