

Application reference: 24/2362/HOT
HAM, PETERSHAM, RICHMOND RIVERSIDE WARD

Date application received	Date made valid	Target report date	8 Week date
19.09.2024	24.09.2024	19.11.2024	19.11.2024

Site:

Avenue Lodge, 51 Ham Common, Ham, Richmond

Proposal:

Proposed demolition and replacement of pool wing building, new loggia and associated landscaping works.

APPLICANT NAME

Mr + Mrs John and Susanne Furse
Avenue Lodge
51 Ham Common
Ham
Richmond
TW10 7JG

AGENT NAME

Mr Tom Turner
Stanmer House
Brighton
BN1 9QA

DC Site Notice: printed on 24.09.2024 and posted on 04.10.2024 and due to expire on 25.10.2024

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

21D Urban D
LBRuT Ecology
LBRuT Trees Preservation Officer (South)

Expiry Date

15.10.2024
08.10.2024
08.10.2024

Neighbours:

The Scout Hut,50A Ham Common,Ham,TW10 7JG, - 24.09.2024
The Gate House,50 Ham Common,Ham,Richmond,TW10 7JG, - 24.09.2024
Wellesley House,57B Ham Common,Ham,Richmond,TW10 7JG, - 24.09.2024
Champneys House,57A Ham Common,Ham,Richmond,TW10 7JG, - 24.09.2024
Sutton House,56B Ham Common,Ham,Richmond,TW10 7JG, - 24.09.2024
Beckford House,56C Ham Common,Ham,Richmond,TW10 7JG, - 24.09.2024
Lambert House,56A Ham Common,Ham,Richmond,TW10 7JG, - 24.09.2024
55 Ham Common,Ham,Richmond,TW10 7JG, - 24.09.2024
10 Orford Court,53 Ham Common,Ham,Richmond,TW10 7JG, - 24.09.2024
11 Orford Court,53 Ham Common,Ham,Richmond,TW10 7JG, - 24.09.2024
8 Orford Court,53 Ham Common,Ham,Richmond,TW10 7JG, - 24.09.2024
9 Orford Court,53 Ham Common,Ham,Richmond,TW10 7JG, - 24.09.2024
54 Ham Common,Ham,Richmond,TW10 7JG, - 24.09.2024
5 Orford Court,53 Ham Common,Ham,Richmond,TW10 7JG, - 24.09.2024
6 Orford Court,53 Ham Common,Ham,Richmond,TW10 7JG, - 24.09.2024
2 Orford Court,53 Ham Common,Ham,Richmond,TW10 7JG, - 24.09.2024
1 Orford Court,53 Ham Common,Ham,Richmond,TW10 7JG, - 24.09.2024
3 Orford Court,53 Ham Common,Ham,Richmond,TW10 7JG, - 24.09.2024
4 Orford Court,53 Ham Common,Ham,Richmond,TW10 7JG, - 24.09.2024
The Cottage,51 Ham Common,Ham,Richmond,TW10 7JG, - 24.09.2024

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

Status: GTD

Date:15/01/2002

Application:01/0623

Conservatory To Rear Courtyard. Re-roof Service Area With Skylight And Flat Roof On North Wing, Widen Internal Access Adjacent To Swimming

Pool. Replace Side Porch. Extend At First Floor Above Porch, Associated Internal And Window Alteratio

<u>Development Management</u> Status: GTD Date:22/10/2001	Application:01/0605 Erection Of Conservatory In Rear Courtyard. Service Area Roof Reformed And Passage Way Added To Access Swimming Pool. Front Enclosure And Swimming Pool Moved Out. Porch To Side Reformed. First Floor Extension.
<u>Development Management</u> Status: GTD Date:30/04/2001	Application:01/T0415 Purple Leaved Plum - Remove
<u>Development Management</u> Status: GTD Date:17/03/2004	Application:04/T0035 Flowering Plum (prunus) - Fell.
<u>Development Management</u> Status: GTD Date:17/03/2004	Application:04/T0036 Hazel (corylus) - Coppice.
<u>Development Management</u> Status: GTD Date:17/03/2004	Application:04/T0037 Bird Cherry (prunus Padus) - To Tidy Previous Poor Workmanship Leaving Many Large Stubs To Bs3998.
<u>Development Management</u> Status: GTD Date:17/03/2004	Application:04/T0038 Japanese Cherry (prunus Serrulata) - Prune By 30 To Raise And Shape Canopy.
<u>Development Management</u> Status: GTD Date:17/03/2004	Application:04/T0039 Magnolia - Prune To Raise And Shape Canopy. Prune And Thin Canopy By 30 In Late Summer.
<u>Development Management</u> Status: GTD Date:17/03/2004	Application:04/T0040 Japanese Cherry (prunus Serrulata) - Prune By 30 To Raise And Shape Canopy.
<u>Development Management</u> Status: GTD Date:17/03/2004	Application:04/T0041 Magnolia - Prune By 30 To Shape Canopy And Crown Lift By 10 In Late Summer.
<u>Development Management</u> Status: GTD Date:17/03/2004	Application:04/T0042 Bay Laurel (laurus) - Prune 5 Stems, To Thin By 50 Leaving Healthy Well Shaped Stems.
<u>Development Management</u> Status: GTD Date:17/03/2004	Application:04/T0043 Pink Leaved Plum (prunus) - Thin Canopy By 30 And Prune Back Leaders By 30
<u>Development Management</u> Status: GTD Date:17/03/2004	Application:04/T0023 Bird Cherry (prunus Padus) - Fell.
<u>Development Management</u> Status: GTD Date:17/03/2004	Application:04/T0024 Japanese Cherry (prunus Serrulata) - Fell.
<u>Development Management</u> Status: GTD Date:17/03/2004	Application:04/T0025 Red Maple (acer Rubrum) - Lift Lateral Branches Overhanging Lawn To 3 Metres. 20 Crown Lift.
<u>Development Management</u> Status: GTD Date:17/03/2004	Application:04/T0026 Laburnum - Fell.
<u>Development Management</u> Status: GTD Date:17/03/2004	Application:04/T0027 Wych Elm (ulmus Glabra) - Fell.
<u>Development Management</u> Status: GTD Date:17/03/2004	Application:04/T0028 Red Maple (acer Rubrum) - Lift Lateral Branches Overhanging Lawn To 3

Metres. 20 Crown Lift.

<u>Development Management</u> Status: GTD Date:17/03/2004	Application:04/T0029 Japanese Cherry (prunus Serrulata) - Prune At The Break And Reduce The Leader By 0.5 Metres.
<u>Development Management</u> Status: GTD Date:17/03/2004	Application:04/T0030 Ash (fraxinus Excelsior) - For 4 Metres From The Ground Tidy Already Broken Branches And Stubs To Bs 3998.
<u>Development Management</u> Status: GTD Date:17/03/2004	Application:04/T0031 Ash (fraxinus Excelsior) - Lift Lower Lateral Branches Overhanging The Tennis Court To 3 Metres. Crown Lift By 10
<u>Development Management</u> Status: GTD Date:17/03/2004	Application:04/T0032 Hawthorn (crataegus) - Fell.
<u>Development Management</u> Status: GTD Date:17/03/2004	Application:04/T0033 False Acacia (robinia Pseudoacacia) - Remove The Lateral Branchoverhanging The Lawn And Deadwod The Crown. 5 Reduction.
<u>Development Management</u> Status: GTD Date:17/03/2004	Application:04/T0034 Apple (malus) - Fell.
<u>Development Management</u> Status: PCO Date:09/03/1994	Application:94/0200/FUL Crown Lift Prunus Sp Tree
<u>Development Management</u> Status: GTD Date:10/03/1994	Application:94/T0180/CA Remove Chamaecyparis Leylandii
<u>Development Management</u> Status: GTD Date:10/03/1994	Application:94/T0181/CA Remove Chamaecyparis Leylandii Adjacent To Robinia In Rear Garden
<u>Development Management</u> Status: GTD Date:10/03/1994	Application:94/T0182/CA Remove Chamaecyparis Leylandii - Tree Furthest From Tennis Court
<u>Development Management</u> Status: WDN Date:02/03/1994	Application:94/T0183/CA Remove Chamaecyparis Leylandii
<u>Development Management</u> Status: GTD Date:10/03/1994	Application:94/T0184/CA Remove Prunus Sp Adjacent To The Avenue
<u>Development Management</u> Status: GTD Date:10/03/1994	Application:94/T0185/CA Remove Prunus Sp Adjacent To The Avenue
<u>Development Management</u> Status: GTD Date:10/03/1994	Application:94/T0186/CA Fraxinus Tree At End Of Garden - Crown Lift, Reduce Overlong Laterals And Thin And Rebalance
<u>Development Management</u> Status: GTD Date:10/03/1994	Application:94/T0187/CA Remove Sorbus Sp Tree
<u>Development Management</u> Status: GTD Date:10/03/1994	Application:94/T0188/CA Remove Ailanthus Sp Tree
<u>Development Management</u> Status: GTD Date:10/03/1994	Application:94/T0189/CA Remove Acer Negundo Tree
<u>Development Management</u> Status: GTD Date:04/03/1994	Application:94/T0190/CA Crown Lift Prunus Sp Tree
<u>Development Management</u> Status: GTD Date:10/03/1994	Application:94/T0191/CA Crown Lift To Prunus Sp Tree

<u>Development Management</u> Status: GTD Date:10/03/1994	Application:94/T0192/CA Crown Thin Prunus Sp Tree
<u>Development Management</u> Status: GTD Date:10/03/1994	Application:94/T0193/CA Crown Thin Prunus Padus Tree
<u>Development Management</u> Status: GTD Date:10/03/1994	Application:94/T0194/CA Reduce Prunus Sp Tree Away From Property
<u>Development Management</u> Status: GTD Date:10/03/1994	Application:94/T0195/CA Prune Prunus Kanzan In Front Garden
<u>Development Management</u> Status: GTD Date:10/03/1994	Application:94/T0196/CA Crown Lift Fraxinus Tree Adjacent To Tennis Courts
<u>Development Management</u> Status: GTD Date:10/03/1994	Application:94/T0197/CA Lightly Crown Thin Prunus Sp Tree Adjacent To St Michaels Convent
<u>Development Management</u> Status: GTD Date:10/03/1994	Application:94/T0198/CA Crown Thin Prunus Cerasifera
<u>Development Management</u> Status: GTD Date:10/03/1994	Application:94/T0199/CA Crown Lift Prunus Sp Tree
<u>Development Management</u> Status: GTD Date:10/03/1994	Application:94/T0200/CA Crown Lift Prunus Sp Tree
<u>Development Management</u> Status: GTD Date:10/03/1994	Application:94/T0201/CA Remove Low Limb Of Fraxinus Tree
<u>Development Management</u> Status: GTD Date:10/03/1994	Application:94/T0202/CA Reshape Taxus Tree
<u>Development Management</u> Status: PDE Date:	Application:07/T0500/TCA T1 - Holly (Ilex aquifolium) - Crown reduce to 12 ft and shape. T2 - Crab Apple (Malus sylvestris) - Tip reduce to balance. T3 - Bay (Laurus nobilis) - Reduce in height to 2.5 metres. Remove large section over road. T4 - Purple leaf Plum (Prunus cerasifera 'pissardii') - Fell to ground level. T5 - Purple leaf Plum (Prunus cerasifera 'pissardii') - Tip reduce from property and cottage. T6 - Purple Maple (Acer spp.) - Remove low limb over garden. T7 & T8 - Hornbeam x 2 (Carpinus betulus) - Raise canopy over tennis courts and crown clean. T9 & T10 - Cherry x 2 (Prunus spp.) - Fell. T11 - Cherry (Prunus spp.) - Raise canopy and tip reduce from tennis court. T12 - Leyland cypress (Cupressocyparis leylandii) - Fell to ground level. T13 - Malus spp. - Reshape. T14 - Cryptomeria spp. - Remove split stem and shape as feasible.
<u>Development Management</u> Status: RNO Date:17/12/2012	Application:12/T0759/TCA T1 - Purple Leaf Plum - Front Garden - Reduce crown by 25% to contain T2 - Norway Maple - Rear Garden - Prune to form a straight line from dome of crown to reshape T3 - Norway Maple - Rear Garden - Prune 3 x branches to limit impact over lawn & improve lawn T4 - Conifer - Rear Garden - Prune to 6ft above fence line T5 - Dogwood - Rear Garden - Prune over-long branches growing over lawn to improve lawn T6 - Tree of Heaven - Rear Garden - Fell to ground level as poorly located unwanted specimen T8 - Ash - Rear Garden - Prune overhang to tennis court fence line to clear tennis court T12 - Whitebeam - Rear Garden - Cut branches to clear overhang to tennis court
<u>Development Management</u> Status: RNO Date:26/06/2019	Application:19/T0381/TCA T1 - Ash - Crown reduce reducing the height and spread of the tree by up to 2m (final height 12m; final spread 8m) T2 - Ash - Crown reduce reducing the height and spread of the tree by up to 2m (final height 10m; final spread 6m)

T3 - Cherry - Fell to ground level and grind down stump T4 - Cherry - Reduce spread over tennis court by 2-3m to ensure no overhang (final height no change at 12m; final spread 6m) T5 - Cherry - Reduce spread over tennis court by 2-3m to ensure no overhang (final height no change at 12m; final spread 6m) T6 - Cherry - Remove minor stem at 2m to north west and reduce spread over tennis court by 3-4m to ensure no overhang (final height no change at 12m; final spread 5m) T7 - Ash - Crown reduce reducing the height and spread of the tree by up to 3m (final height 14m; final spread 8m) T8 - Hornbeam - Reduce spread over tennis court by 3-4m to ensure no overhang (final height no change at 10m; final spread 7m) G9 - Sorbus x3 & Hornbeam - Reduce spread over tennis court by 3-4m to ensure no overhang (final height no change at 10m; final spread 7m) T10 - False Acacia - Fell to ground level and grind down stump T11 - Dogwood - Crown reduction reducing the height and spread of the tree by up to 2m (final height 6m; final spread 5m) T12 - Crab Apple - Fell to ground level and grind down stump

Development Management

Status: RNO

Date: 14/04/2021

Application: 21/T0311/TCA

5 DAY NOTICE T1 Purple Leafed Plum (*Prunus cerasifera* 'Pissardii')
Fell dead stem, as low as possible. T2 Magnolia Remove
dead stems

Development Management

Status: GTD

Date: 15/07/2024

Application: 24/1291/HOT

Ground floor: widen entrance hall, reinstate access via stair, reorganise pantry, laundry room and rear hall. First floor: remove internal partitions from SE bedroom and NE dressing rooms, amend rear hall into double height space with new stair. External: Addition of decorative parapet, amend chimney, amend entrance door via narrowing and addition of porch.

Development Management

Status: GTD

Date: 15/07/2024

Application: 24/1292/LBC

Ground floor: widen entrance hall, reinstate access via stair, reorganise pantry, laundry room and rear hall. First floor: remove internal partitions from SE bedroom and NE dressing rooms, amend rear hall into double height space with new stair. External: Addition of decorative parapet, amend chimney, amend entrance door via narrowing and addition of porch.

Development Management

Status: PDE

Date:

Application: 24/2362/HOT

Proposed demolition and replacement of pool wing building, new loggia and associated landscaping works.

Development Management

Status: PCO

Date:

Application: 24/2363/LBC

Proposed demolition and replacement of pool wing building, new loggia and associated landscaping works.

Building Control

Deposit Date: 14.01.2004

Internal alterations, new first floor partition walls, including new kitchen and bathrooms.

Reference: 04/0047/BN

Building Control

Deposit Date: 28.09.2010

Installed a Gas Boiler

Reference: 11/FEN02483/GASAFE

Building Control

Deposit Date: 02.02.2023

Install a gas-fired boiler

Reference: 23/FEN00491/GASAFE

Building Control

Deposit Date: 02.02.2023

Install a gas-fired boiler

Reference: 23/FEN00492/GASAFE

Building Control

Deposit Date: 02.02.2023

Install a gas-fired boiler

Reference: 23/FEN00503/GASAFE

Building Control

Deposit Date: 12.10.2023 Install replacement window in a dwelling Install replacement door in a dwelling

Reference: 23/FEN02116/FENSA

Building Control

Deposit Date: 30.08.2024 Replacement of the pool wing and the addition of a new loggia to the rear of the house with associated refurbishment works

Reference: 24/1082/IN

Application Number	24/2362/HOT
Address	Avenue Lodge, 51 Ham Common, Ham, Richmond, TW10 7JG
Proposal	Proposed demolition and replacement of pool wing building, new loggia and associated landscaping works.
Contact Officer	Kerry McLaughlin

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 is subject to the following planning constraints:

Archaeological Priority	Site: Richmond APA 2.11: Ham - Archaeological Priority Area - Tier II
Area Susceptible to Groundwater Flood - Environment Agency	Superficial Deposits Flooding - >= 75% - SSA Pool ID: 308
Article 4 Direction Basements	Article 4 Direction - Basements / Ref: ART4/BASEMENTS / Effective from: 18/04/2018
Conservation Area	CA7 Ham Common
Increased Potential Elevated Groundwater	GLA Drain London
Listed Building	Grade: II Site: 51 Ham Common Ham Surrey TW10 7JG
Listed Building	Grade: II Site: 51 Ham Common Ham TW10 7JG
Listed Building.	AVENUE LODGE - Grade: II - Location of listed building or structure is identified here by Historic England.
Neighbourhood Plan Area	Ham and Petersham Neighbourhood Area - Ham and Petersham Neighbourhood Plan - Adopted by Council on 22 January 2019
Protected View (Indicative Zone)	N_View_005 View to Marble Hill House (north)
Protected Vista (Indicative 20 metre Buffer)	VISTA 12 HAM HOUSE TWO
Registered Park / Garden.	Site: HAM HOUSE - Grade: II* - Ref: Registered_Parks_and_Gardens.1 - Register of Historic Parks and Gardens of special historic interest in England, part of the National Heritage List for England.
Village	Ham and Petersham Village
Ward	Ham, Petersham and Richmond Riverside Ward

3. RELEVANT PLANNING HISTORY

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

Ref	Proposal	Decision
24/2363/LBC	Proposed demolition and replacement of pool wing building, new loggia and associated landscaping works.	Pending Consideration
23/P0304/PREAPP	Refurbishment works to Avenue Lodge including the replacement of the modern plant room and pool room.	Advice Provided

4. CONSULTATIONS CARRIED OUT

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

No letters of representation have been received.

5. AMENDMENTS

None.

6. 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://assets.publishing.service.gov.uk/media/65819679fc07f3000d8d4495/NPPF_December_2023.pdf

London Plan (2021)

The main policies applying to the site are:

- D4 - Delivering good design
- D12 - Fire Safety
- HC1 - Heritage conservation and growth
- G6 - Biodiversity and access to nature
- G7 - Trees and woodlands

These policies can be found at: <https://www.london.gov.uk/what-we-do/planning/london-plan/new-london-plan/london-plan-2021>

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
Designated Heritage Assets	LP3	Yes	No
Views and Vistas	LP5	Yes	No
Archaeology	LP7	Yes	No
Amenity and Living Conditions	LP8	Yes	No
Biodiversity	LP15	Yes	No
Trees, Woodland and Landscape	LP16	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.

Where relevant to the application under consideration, this is addressed in more detail in the assessment below.

Issue	Local Plan Policy	Compliance	
Local Character and Design Quality	LP28	Yes	No
Designated Heritage Assets	LP29	Yes	No
Views and Vistas	LP31	Yes	No
Archaeology	LP33	Yes	No
Amenity and Living Conditions	LP46	Yes	No
Biodiversity and Geodiversity	LP39	Yes	No
Trees, Woodland and Landscape	LP42	Yes	No

These policies can be found at https://www.richmond.gov.uk/draft_local_plan_publication_version

Ham and Petersham Neighbourhood Plan (2019)

The main policies applying to the site are as follows:

Issue	Plan Policy	Compliance	
Protecting Green Character	C1	Yes	No
Character and Context Appraisal	C2	Yes	No

These policies can be found at

https://www.richmond.gov.uk/media/16749/hpn_plan_2018_to_2033_january_2019.pdf

Supplementary Planning Documents

House Extension and External Alterations
Ham and Petersham Village Plan

These policies can be found at:

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:
CA7 Ham Common Conservation Area Statement
CA7 Ham Common Conservation Area Study

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.

Determining applications affecting a Listed Building

Sections 16(1) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 require that, when considering whether to grant listed building consent for any works, or whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting, or any features of special architectural

or historic interest which it possesses. In this context, "preserving", means doing no harm.

To give effect to this duty decisions of the court have confirmed that a decision-maker should accord "considerable importance and weight" to the desirability of preserving the listed building or its setting when weighing this factor in the balance with other material considerations which have not been given this special statutory status. However, this does not mean that the weight that the decision-maker must give to the desirability of preserving the building or its setting is uniform. It will depend on, among other things, the extent of the assessed harm and the heritage value of the asset in question. This creates a strong presumption against granting planning permission where harm to a listed building or its setting is identified. The presumption can be rebutted by material considerations powerful enough to do so.

7. EXPLANATION OF OFFICER RECOMMENDATION

The key issues for consideration are:

- i Design/Visual Amenity
- ii Neighbour Amenity
- iii Protected Views
- iv Archaeology
- v Ecology
- vi Trees, Woodland and Landscape
- vii Biodiversity

Issue i - Design/Visual Amenity

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.

Policy LP3 of the Local Plan 2018 covers Designated Heritage Asset and states that proposals should conserve and take opportunity to make positive contribution to the historic environment such as retaining and preserving the original structure, layout, architectural features and materials or reinstatement of heritage assets. Appropriate materials and techniques should be used. There is a requirement to seek to avoid harm or justify for loss and demolition will be resisted. The significance of the asset is taken into consideration when assessing works proposed to a designated heritage asset.

51 Ham Common is a detached house with 18th century origins and 19th and 20th century additions located on the north side of Ham Common. It is Grade II listed, within the Ham Common Conservation Area, and adjacent to the Grade II* listed Ham House Park & Garden. The core of the house dates to the mid-18th century, comprising the southern wing and parts of the northern wing. The projecting northern wing was added the early 19th century alongside internal modifications including the central staircase. Substantial extension took place in the 1930s with the introduction of a two-storey extension to the north-east corner, infilling the original L-shaped footprint of the building, a further addition to the 19th century wing, and the construction of a link between the main house and outbuildings to the north. Further undocumented changes have occurred since the 1930s, including the removal of this link and alterations to the internal floor plan. The range of outbuildings to the north are of 18th century origin but have been rebuilt in the late 20th century and are of little heritage significance. Externally the building presents a largely unified composition, being two storeys in white stucco under a slate roof. The fenestration on the 1930s addition imitates that on the original parts of the building, and across the building is a mix of original (some French doors to the southern elevation in particular) and more modern. Internally, the building is much altered with little of the original 18th century plan form appreciable aside from a remnant of the original staircase. The existing 19th century staircase appears intact alongside a few other internal features dating from this period including the French doors and shutters. The remainder of the building has been more heavily altered with few historic features of note. Unsympathetic modern materials including a modern stone floor to the hallway and imitation cornicing have been introduced.

The architectural interest of Avenue Lodge is defined primarily by its 18th century origins, with the southern façade (likely the original front elevation) addressing the Common and retaining much of its original character. The later additions have maintained this overall architectural style and are of interest in their own right in reflecting the growth and development of the original building. It is also of historic interest through its links to notable people from Ham throughout the 18th and 19th centuries. More widely it is illustrative of the growth and development of Ham in the 18th and 19th centuries.

Avenue Lodge also makes a strong positive contribution to the Ham Common Conservation Area which covers the large triangular Common and surrounding buildings, many of which form a remarkable collection of Georgian mansions alongside more recent additions. The Common and surrounding houses make a strong contribution to the overall character of Ham and Petersham, representing one of the best collections of 17th Officer Planning Report – Application 24/2362/HOT Page 10 of 14

and 18th century mansions within such a small rural area.

This application is for the rebuilding of the pool wing building, a new loggia connecting the pool wing to the main house, and associated landscaping works.

Proposals seek to introduce a classical-style loggia with a lightweight glazed roof to the section adjoining the main house and a standing seam zinc roof adjoining the pool building, along the east elevation to connect the main house with the pool house. It would sit along the side of the early 19th century/1930s northern wing with the end connected to the original 18th century part of the house. This form and spatial arrangement of this rear part of the house has been subject to more alteration with the formation and subsequent removal of the covered link to the outbuildings. It is noted that a proposal for a conservatory was approved in 2001, but never built out. Alongside the proposed works to the pool house, the loggia would visually tie the main house to this rear range, resulting in a more cohesive design approach and improving the appearance of the rear part of the building. This would not detract from the special architectural interest and may form a small enhancement.

The pool building itself is proposed to be rebuilt, in a traditional 'orangery' style, with a flat roof. The design is considered to be lightweight, with a separation in massing between the latter and the changing room/plant room.

The pool house dates from the 20th century and is of little heritage significance. The proposals would improve its appearance and present a more unified composition which would enhance the setting of Avenue Lodge.

The proposed materials are considered to be acceptable. The use of stone for the columns and Portland stone for the parapets and capitals is appropriate and would result in a high design quality. The use of lime render and timber doors for the pool building is also appropriate. The use of standing seam zinc to part of the loggia roof is considered to be acceptable in this instance as it would incorporate an element of modern design and materials which identify the loggia as being of modern construction while retaining its Classical form and aesthetics. Samples of the stone and zinc will be secured by way of condition.

Overall, the proposed works are considered to be acceptable and would preserve the special architectural interest of Avenue Lodge. There would be no loss of historic material as a result of the removal of the existing pool building. The proposed replacement would be a visual improvement on the existing, and the construction of the loggia would visually tie the main house to the rear range. Both elements would result in a small enhancement to the appearance of the rear part of the building. As the works are confined to the pool building at the north of the site and the works would enhance its appearance, no harm would be caused to the character and appearance of the Ham Common Conservation Area.

This application is in accordance with Local Plan (2018) policies LP1 and LP3, these policy objectives are taken forward in publication local plan policies LP28 & LP29, the relevant paragraphs of section 16 of the NPPF (2023), and the statutory duty of the 1990 Act.

Issue ii - 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.

Due to the separation between neighbouring houses and its relationship to neighbouring habitable rooms, the proposed extension would comply with the BRE test and would not cause any unreasonable loss of light. With regard to visual intrusion, it is considered that the extension would be set a sufficient distance from neighbouring properties and of an appropriate scale to avoid appearing overbearing.

As this proposal is at ground level only the proposal does not raise any issues in terms of loss of privacy.

The proposal would not cause an unreasonable loss of outdoor amenity space, as required under SPD.

The property would remain solely in residential use as a result of the proposal. An undue increase in noise or pollution would not occur as a result of the proposal.

The proposed scheme is considered acceptable in terms of neighbour amenity. The proposal is not considered to detrimentally impact the amenities of any neighbouring occupiers and therefore, is in line with policy LP8 of the Local Plan (2018), these policy objectives are taken forward in publication local plan policy LP46, and relevant Supplementary Planning Documents/Guidance.

Issue iii - Protected Views

Policy LP5 of the local plan states 'The council will protect the quality of the views, vistas, gaps and the skyline,

all of which contribute significantly to the character, distinctiveness and quality of the local and wider area'.

Due to the nature and proposed height of the scheme being lower than that of the surrounding built form, it is considered this proposal will have a neutral impact on the 005 - View to Marble Hill House (north) protected view. Therefore, the scheme is compliant with the aims and objectives of LP5 of the Local Plan (2018), these policy objectives are taken forward in publication local plan policy LP31.

Issue iv - Archaeology

The site is located in an Archaeology Priority Area (APA 2.11 Ham). The Ham APA is primarily focussed on the potential to reveal evidence for the early medieval Anglo-Saxon, medieval and early modern settlement. Policy LP7 states that "the Council will seek to protect, enhance and promote its archaeological heritage (both above and below ground), and will encourage its interpretation and presentation to the public." Due to the developed nature of the site, together with the scale and nature of the development, an archaeological assessment is not a requirement. However, if the subject works do uncover archaeological findings, it will be necessary to take measures to safeguard the archaeological remains where these are found in line with LP7, these policy objectives are taken forward in publication local plan policy LP33.

Issue v - Ecology

Policy LP15 of the Local Plan states 'The Council will protect and enhance the borough's biodiversity, in particular, but not exclusively, the sites designated for their biodiversity and nature conservation value, including the connectivity between habitats'.

The applicant has submitted a 'Bat Survey Report, dated July 2024, ref: 23-234. This report states; "A bat assessment was carried out on 18th March 2024 which identified moderate potential for bats within the batten spaces of the roof which may be impacted by the proposed works, further detailed bat survey was therefore required. Emergence surveys were carried out between 9th May and 12th June 2024 which did not record any bats emerging from the pool house, indicating the likely absence of bat roosts from this building. ... Should bats, or evidence of bats, be identified during the works, the procedure in section 6 of the report must be followed." All recommendations as per the Bat Survey report must be implemented, this will be secured by way of condition.

Subject to condition, this application is in accordance with policy LP15 of the Local Plan (2018), these policy objectives are taken forward in publication local plan policy LP39.

Issue vi - Trees, Woodland and Landscape

Policy LP16 of the Local Plan states 'The Council will require the protection of existing trees and the provision of new trees, shrubs and other vegetation of landscape significance that complement existing, or create new, high quality green areas, which deliver amenity and biodiversity benefits.

Statutory Tree Protection

The location of this proposal is sited within the "CA7 Ham Common" 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.

Submitted Arboricultural Details

Council notes the submission of the "Tree Survey & Arboricultural Impact Assessment, for Avenue Lodge, 53 Ham Common, dated: 17/05/2024". A BS5837:2012 survey is included within this report.

Tree Impact Assessment and Protection

It is necessary to identify trees that will be affected by development and satisfy the Local Planning Authority that retained trees will not be damaged during demolition or construction.

This is to ensure development protects, respects, contributes to, and enhances trees and landscapes, in accordance with LBR Local Plan (LBRLP) 5.5, Policy LP16, subsection 5 and pursuant to section 197 of the Town and Country Planning Act 1990.

LBRuT 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).

It is considered that the recommendations and working methodologies of the aforementioned Tree Report are consistent with good Arboricultural practice for construction activities around trees and are in line with the British Standard BS5837 (2012) in the execution of this proposal.

Recommendations

No objections are raised against the development in terms of impact on trees, subject to condition. This application is in accordance with policy LP16 of the Local Plan (2018), these policy objectives are taken forward in publication local plan policy LP42.

Issue vii - 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 is a householder application.

Other Matters

Fire Safety

The applicant has submitted a 'Fire Safety Statement' as required under policy D12 of the London Plan (2021).

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.

8. 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.

9. 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.

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.

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

Official

Case Officer (Initials): KM

Dated: 28.10.2024

I agree the recommendation:



~~Team Leader/Head of Development Management/Principal Planner~~

Dated: ...30/10/2024.....