

**Application reference: 24/2269/HOT**  
**KEW WARD**

Date application received	Date made valid	Target report date	8 Week date
10.09.2024	10.09.2024	05.11.2024	05.11.2024

**Site:**

18 Haverfield Gardens, Kew, Richmond, TW9 3DD

**Proposal:**

Amendments to existing extension with new rooflights.

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

**APPLICANT NAME**

Mr & Mrs Fernandez  
18 Haverfield Gardens  
Kew  
Richmond Upon Thames  
TW9 3DD

**AGENT NAME**

Sergio Olavegogeochea  
142B Petersham Road  
Wolsey House  
Richmond  
TW10 6UX

**DC Site Notice:** printed on 12.09.2024 and posted on 20.09.2024 and due to expire on 11.10.2024

**Consultations:**

**Internal/External:**

**Consultee**

14D Urban D

**Expiry Date**

26.09.2024

**Neighbours:**

14 Priory Road, Kew, Richmond, TW9 3DF, - 12.09.2024  
18 Priory Road, Kew, Richmond, TW9 3DF, - 12.09.2024  
20 Haverfield Gardens, Kew, Richmond, TW9 3DD, - 12.09.2024  
16 Haverfield Gardens, Kew, Richmond, TW9 3DD, - 12.09.2024

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

Development Management

Status: REF Application:95/0837/FUL  
Date:08/06/1995 Construction Of Rear Dormer

Development Management

Status: RSS Application:95/2299/FUL  
Date:07/09/1995 Roof Extension At Rear

Development Management

Status: GTD Application:95/2299/DD01  
Date:06/03/1997 Roof Extension At Rear - Details Pursuant To Condition 3 Of Doe Decision Dated 2/10/96 (use Of Natural Welsh Slate).

Development Management

Status: GTD Application:06/3194/HOT  
Date:07/12/2006 Erection of single storey side extension.

Development Management

Status: PDE Application:24/2269/HOT  
Date: PROPOSED INTERNAL LAYOUT & FENESTRATION AMENDMENTS TO EXISTING EXTENSION WITH NEW ROOFLIGHTS.

Appeal

Validation Date: 08.03.1996      Roof Extension At Rear - Details Pursuant To Condition 3 Of Doe Decision Dated 2/10/96 (use Of Natural Welsh Slate).  
Reference: 95/2299      **Appeal Allowed**

---

Building Control

Deposit Date: 04.08.1995      Underpinning  
Reference: 95/0955/BN

---

Building Control

Deposit Date: 21.04.1995      Loft conversion and internal alterations  
Reference: 95/0101/1/FP

---

Building Control

Deposit Date: 13.08.2009      Single storey rear infill extension  
Reference: 09/1361/FP

---

Building Control

Deposit Date: 22.06.2011      Circuit alteration or addition in a kitchen/special location  
Reference: 11/ELE00747/ELECSA

---

Building Control

Deposit Date: 18.01.2017      Installed Rais: Rais Q-Tee 65 with competency Install a biomass dry fuel room heater stove or cooker Installed Liner: Liner  
Reference: 17/HET00075/HETAS

---

Building Control

Deposit Date: 16.07.2018      Install a replacement consumer unit  
Reference: 18/NIC02349/NICEIC

---

Building Control

Deposit Date: 01.05.2023      Install replacement door in a dwelling  
Reference: 23/FEN00927/FENSA

---

Enforcement

Opened Date: 28.06.2018      Enforcement Enquiry  
Reference: 18/0322/EN/UBW

---

<b>Application Number</b>	<b>24/2269/HOT</b>
<b>Address</b>	<b>18 Haverfield Gardens, Kew, Richmond TW9 3DD</b>
<b>Proposal</b>	<b>Amendments to existing extension with new rooflights.</b>
<b>Contact Officer</b>	<b>Roberta Henriques</b>
<b>Target Determination Date</b>	<b>5<sup>th</sup> November 2024</b>

## 1. INTRODUCTION

This application is of a nature where the Council's Constitution delegates the authority to make the decision to Officers rather than it being determined by the Planning Committee.

Before preparing this summary report the planning officer 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 has considered 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 subject site is a two storey dwellinghouse plus attic, located on the north western side of Haverfield Gardens. The site is located within the Kew Green Conservation Area (CA2), and in subject to the following planning constraints:

<b>Item Found</b>	<b>More Information</b>
Archaeological Priority	Site: Richmond APA 2.4: Kew Green - Archaeological Priority Area - Tier II
Area Susceptible To Groundwater Flood - Environment Agency	Superficial Deposits Flooding - >= 50% <75% - SSA Pool ID: 1493
Article 4 Direction Basements	Article 4 Direction - Basements / Ref: ART4/BASEMENTS / Effective from: 18/04/2018
Community Infrastructure Levy Band	Higher
Floodzone 2	Tidal Models
Floodzone 3	Tidal Models
SFRA Zone 3a High Probability	Flood Zone 3
Take Away Management Zone	Take Away Management Zone
Village	Kew Village
Village Character Area	Kew Residential Roads - Area 2 & Conservation Area 2 Kew Village Planning Guidance Page 19 CHARAREA02/02/03
Ward	Kew Ward

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

The proposed development comprises of alterations to the internal layout, fenestration and rooflights of the existing single storey rear extension.

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

<b>Ref</b>	<b>Proposal</b>	<b>Decision</b>
06/3194/HOT	Erection of single storey side extension.	Granted Permission
95/2299/DD01	Roof Extension At Rear - Details Pursuant To Condition 3 Of Doe Decision Dated 2/10/96 (use Of Natural Welsh Slate).	Granted Permission
95/2299/FUL	Roof Extension At Rear	Refused
95/0837/FUL	Construction Of Rear Dormer	Refused

#### 4. CONSULTATIONS CARRIED OUT

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

No letters of representation were received.

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

#### 5. MAIN POLICIES RELEVANT TO THE DECISION

##### NPPF (2023)

The key chapters applying to the site are:

- 4. Decision-making
- 16. Conserving and enhancing the historic environment

These policies can be found at:

<https://www.gov.uk/guidance/national-planning-policy-framework>

##### London Plan (2021)

The main policies applying to the site are:

- D12 Fire Safety
- HC1 Heritage conservation and growth

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

##### Richmond Local Plan (2018)

The main planning considerations applying to the site and the associated Local Plan policies are:

Issue	Local Plan Policy	Compliance	
Local Character and Design Quality	LP1	Yes	<del>No</del>
Impact on Designated Heritage Assets	LP3	Yes	<del>No</del>
Impact on Amenity and Living Conditions	LP8	Yes	<del>No</del>

These policies can be found at

[https://www.richmond.gov.uk/media/15935/adopted\\_local\\_plan\\_interim.pdf](https://www.richmond.gov.uk/media/15935/adopted_local_plan_interim.pdf)

##### Richmond Publication Local Plan (Regulation 19 version)

The Richmond Publication Version Local Plan (Regulation 19 version) was published on 9 June 2023 for public consultation which ended on 24 July 2023.

The Publication Version Local Plan, together with all the representations received during the representation period, the plan and its supporting documents were submitted to the Secretary of State for examination on 19 January 2024. The submission documents do not form part of the statutory development plan for the Borough, however, by publishing and submitting the Borough Local Plan for independent examination the Council has formally confirmed its intention to adopt the Publication Plan.

The Publication Version Local Plan, including its evidence base, are material considerations for decision-making. The weight to be given to each of the emerging policies and allocations will depend on an assessment against the criteria set out in paragraph 48 of the NPPF. As the Council considers the emerging Borough Local Plan to be sound and legally compliant, officers and Councillors should accord relevant policies and allocations significant weight in the determination of applications taking account of the extent to which there are unresolved objections to relevant policies. Therefore, the weight afforded to each policy at this stage will differ depending on the level and type of representation to that policy. This is addressed in more detail in the assessment below where it is relevant to the application.

Note that it was agreed by Full Council on 27 April, when the Publication Plan was approved, that no weight will be given to Policy 4 in relation to the increased carbon offset rate, and therefore the existing rate of £95 will continue to be used; in addition, no weight will be given to Policy 39 in relation to the 20% biodiversity net gain requirement; all other aspects and requirements of these policies will apply.

Issue	Publication Local Plan Policy	Compliance	
Local character and design quality	28	Yes	<del>No</del>
Designated heritage assets	29	Yes	<del>No</del>
Amenity and living conditions	46	Yes	<del>No</del>

### Supplementary Planning Documents

House Extension and External Alterations  
Village Plan - Kew

These policies can be found at:

[https://www.richmond.gov.uk/services/planning/planning\\_policy/local\\_plan/supplementary\\_planning\\_documents\\_and\\_guidance](https://www.richmond.gov.uk/services/planning/planning_policy/local_plan/supplementary_planning_documents_and_guidance)

### Other Local Strategies or Publications

Other strategies or publications material to the proposal are:

Kew Green Conservation Area Statement  
Kew Green 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.

## 6. EXPLANATION OF OFFICER RECOMMENDATION

The key issues for consideration are:

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

### i Design and impact on heritage assets

Policy LP1 of the Local Plan 2018 seeks to maintain and, where possible, enhance the high architectural and urban design quality which contributes to the character and heritage of the area. Proposals should demonstrate an understanding of the site and its context when considering the design including layout, siting and access and the compatibility of the works to the neighbouring uses.

Policy LP3 of the Local Plan 2018 states that development 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.

This application proposes alterations to the rear fenestration at ground floor level fenestration, including the addition of rooflights to the existing single storey side extension.

The existing rear ground floor aluminium doors and window will merge into a larger opening to create an aluminium sliding door system. On the roof of the extension, the existing modular glazing will be replaced by grey slate similar to the main roof and 2 rooflights.

The fenestration proposals and roof will not affect the conservation area, as the works will complement the existing character of the house and its context. They will not be seen from public vantage points.

In view of the above, the proposal complies with the aims and objectives of policies LP1 and LP3 of the Local Plan and policies 28 and 29 of the Publication Local Plan as supported by the Kew Green Conservation Area Statement/Study.

## **ii Impact on neighbour amenity**

Policy LP8 states that development must protect the amenity and living conditions of existing, adjoining and neighbouring occupants. Design must allow for good daylight standards, avoid overlooking or noise disturbance, avoid visual intrusion, overbearing impacts or harm to the reasonable enjoyment of the uses of buildings and gardens. Harm may arise from various impacts such as noise, air pollution, odours or vibration.

The outlook from the proposed doors on the rear of the single storey rear extension, will be similar to the existing outlook from the openings to the rear of the extension. Therefore, no increased overlooking to neighbours is considered to result from the works.

Due to the positioning of the rooflights, they are not considered to cause harmful overlooking to any neighbours.

In view of the above, the proposal complies with the aims and objectives of policy LP8 of the Local Plan 2018 and policy 46 of the publication Local Plan .

## **iii Fire Safety**

London Plan policy D12 requires the submission of a Fire Safety Statement on all planning applications.

A Fire Safety Strategy has been received on 10<sup>th</sup> September 2024.

A condition has been included to ensure this is adhered to on an ongoing basis. The applicant is advised that alterations to existing buildings should comply with the Building Regulations. Overall, the scheme can therefore be considered consistent with this Policy D12 of the London Plan.

## **iv Biodiversity**

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

## **v Flood risk**

Policy LP21 of the Local Plan requires all developments to avoid, or minimise, contributing to all sources of flooding, including fluvial, tidal, surface water, groundwater and flooding from sewers, taking account of climate change and without increasing flood risk elsewhere.

The application site is located within flood zones 2, 3 and 3a and as such, a completed EA flood risk form has been provided, which confirms that floor proofing has been incorporated where appropriate.

Furthermore, having regard to the nature of the proposed works, it is not considered to exacerbate flood risk on site or within the surrounding area. No objections are therefore raised in this regard.

**7. LOCAL FINANCE CONSIDERATIONS AND OTHER MATTERS**

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. The weight to be attached to a local finance consideration remains a matter for the decision maker. The Mayor of London's CIL and Richmond CIL are therefore material considerations.

On initial assessment this development is not considered liable for the Mayoral or Richmond CIL however this is subject to confirmation by the CIL Administration Team.

**8. RECOMMENDATION**

This recommendation is made following careful consideration of all the issues raised through the application process. In making this recommendation consideration has been had to the statutory duties imposed by the Planning (Listed Buildings and Conservation Areas) Act 1990 and the requirements set out in Chapter 16 of the NPPF.

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**

**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): .....RHE..... Dated: .....29/10/2024.....

**I agree the recommendation:**

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

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