

**Application reference: 24/2467/HOT**  
**HAM, PETERSHAM, RICHMOND RIVERSIDE WARD**

Date application received	Date made valid	Target report date	8 Week date
01.10.2024	04.10.2024	29.11.2024	29.11.2024

**Site:**

17 Sudbrook Gardens, Ham, Richmond, TW10 7DD

**Proposal:**

Greenhouse with pergola and open sided canopy incidental to the enjoyment of the dwellinghouse.

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

**APPLICANT NAME**

Tamsin Loke  
17 Sudbrook Gardens  
Ham  
Richmond  
TW10 7DD

**AGENT NAME**

Sophie Bates  
29 St George's Road  
Kingston Upon Thames  
KT2 6DL

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

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

14D Urban D  
LBRuT Trees Preservation Officer (South)

**Expiry Date**

19.10.2024  
19.10.2024

**Neighbours:**

5 Sudbrooke Cottages, Ham Gate Avenue, Ham, Richmond, TW10 5HD, - 05.10.2024  
3 Sudbrooke Cottages, Ham Gate Avenue, Ham, Richmond, TW10 5HD, - 05.10.2024  
Ormeley Lodge Cottage, Ham Gate Avenue, Ham, Richmond, TW10 5HB, - 05.10.2024  
Bramlings, Ham Gate Avenue, Ham, Richmond, TW10 5HB, - 05.10.2024  
4 Sudbrooke Cottages, Ham Gate Avenue, Ham, Richmond, TW10 5HD, - 05.10.2024  
Ormeley Lodge, Ham Gate Avenue, Ham, Richmond, TW10 5HB, - 05.10.2024  
Sudbrook Cottage, Ham Gate Avenue, Ham, Richmond, TW10 5HB, - 05.10.2024  
15 Sudbrook Gardens, Ham, Richmond, TW10 7DD, - 05.10.2024  
19 Sudbrook Gardens, Ham, Richmond, TW10 7DD, - 05.10.2024

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

Status: GTD Application: 90/1879/FUL  
Date: 27/11/1990 Erection Of White Painted Traditionally Built Timber Conservatory At Rear Of House Between Two Existing Projecting Bays

Development Management

Status: WDN Application: 93/0737/FUL  
Date: 08/07/1993 Rebuilding Of Double Garage With Studio Flat Over, Ancillary To Existing Dwelling House.

Development Management

Status: GTD Application: 93/1078/FUL  
Date: 23/12/1993 Rebuilding Of Existing Double Garage To Provide Single Garage And Cottage, Ancillary To Existing Dwelling House.

Development Management

Status: GTD Date:08/09/1988	Application:88/1797 2 storey side extension.
<hr/>	
<u>Development Management</u> Status: GTD Date:05/04/2005	Application:05/0400/PS192 Erect a detached garden studio / changing room.
<hr/>	
<u>Development Management</u> Status: PCO Date:	Application:24/2466/HOT Removal of existing side infill and rear conservatory. Two rear extensions to the ground floor and infill over the existing conservatory location to the rear on the first floor. Replacement roof with clay tiles and solar panels to crown roof with habitable space to the loft floor. White insulated render to the external walls to insulate the home. Removal of painted, solid timber driveway gates and pedestrian gates and replacement with black metal, traditional style gates. Removal of brick lintel to both gates and installation of brick arch to pedestrian gate only.
<hr/>	
<u>Development Management</u> Status: PDE Date:	Application:24/2467/HOT Greenhouse with pergola and open sided canopy incidental to the enjoyment of the dwellinghouse.
<hr/>	
<u>Building Control</u> Deposit Date: 14.10.1998 Reference: 98/1738/FP	Erection of one two storey dwelling
<hr/>	
<u>Building Control</u> Deposit Date: 17.02.1999 Reference: 98/1738/1/FP	Erection of one two storey dwelling
<hr/>	
<u>Building Control</u> Deposit Date: 24.02.2005 Reference: 05/0362/BN	Installation of foul drain to showeroom in future detached studio/changing room in rear garden room
<hr/>	
<u>Building Control</u> Deposit Date: 07.05.2011 Reference: 11/FEN02040/GASAFE	Installed a Gas Boiler
<hr/>	
<u>Building Control</u> Deposit Date: 12.10.2022 Reference: 22/FEN01874/FENSA	Install replacement door in a dwelling
<hr/>	
<u>Building Control</u> Deposit Date: 12.10.2022 Reference: 22/FEN01875/FENSA	Install replacement window in a dwelling
<hr/>	
<u>Building Control</u> Deposit Date: 13.10.2022 Reference: 24/FEN02070/FENSA	Install replacement doors in a dwelling
<hr/>	

<b>Application Number</b>	<b>24/2467/HOT</b>
<b>Address</b>	<b>17 Sudbrook Gardens, Ham, Richmond, TW10 7DD</b>
<b>Proposal</b>	<b>Greenhouse with pergola and open sided canopy incidental to the enjoyment of the dwellinghouse.</b>
<b>Contact Officer</b>	<b>Kerry McLaughlin</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 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 proposal property is a two-storey, detached dwelling, located on the south-eastern side of Sudbrook Gardens.

The application site is subject to the following planning constraints:

Area Susceptible to Groundwater Flood - Environment Agency	Superficial Deposits Flooding - >= 50% <75% - SSA Pool ID: 143
Article 4 Direction Basements	Article 4 Direction - Basements / Ref: ART4/BASEMENTS / Effective from: 18/04/2018
Building of Townscape Merit	Site: Wall At Sudbrook Gardens Ham
Increased Potential Elevated Groundwater	GLA Drain London
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_004 View from near Ham House to Orleans House
Protected View (Indicative Zone)	N_View_005 View to Marble Hill House (north)
Surface Water Flooding (Area Less Susceptible to) - Environment Agency	
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:

There is no relevant planning history associated with the site.

## 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

These policies can be found at:

[https://assets.publishing.service.gov.uk/media/65819679fc07f3000d8d4495/NPPF\\_December\\_2023.pdf](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  
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	<del>No</del>
Non-Designated Heritage Assets	LP4	Yes	<del>No</del>
Views and Vistas	LP5	Yes	<del>No</del>
Amenity and Living Conditions	LP8	Yes	<del>No</del>
Trees, Woodland and Landscape	LP16	Yes	<del>No</del>
Infill, Backland and Backgarden Development	LP39	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.

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	<del>No</del>
Non-Designated Heritage Assets	LP30	Yes	<del>No</del>
Views and Vistas	LP31	Yes	<del>No</del>
Amenity and Living Conditions	LP46	Yes	<del>No</del>
Trees, Woodland and Landscape	LP42	Yes	<del>No</del>
Infill and Backland Development	LP15	Yes	<del>No</del>

These policies can be found at [https://www.richmond.gov.uk/draft\\_local\\_plan\\_publication\\_version](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	<del>No</del>
Character and Context Appraisal	C2	Yes	<del>No</del>

These policies can be found at

[https://www.richmond.gov.uk/media/16749/hpn\\_plan\\_2018\\_to\\_2033\\_january\\_2019.pdf](https://www.richmond.gov.uk/media/16749/hpn_plan_2018_to_2033_january_2019.pdf)

**Supplementary Planning Documents**

Buildings of Townscape Merit

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](https://www.richmond.gov.uk/services/planning/planning_policy/local_plan/supplementary_planning_documents_and_guidance)

**7. EXPLANATION OF OFFICER RECOMMENDATION**

The key issues for consideration are:

- i Design/Visual Amenity
- ii Neighbour Amenity
- iii Protected Views
- iv Trees
- v 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 LP4 states that development shall preserve the significance, character and setting of non-designated heritage assets.*

*Policy LP39 B states there is a presumption against loss of back gardens due to the need to maintain local character, amenity space and biodiversity. Back garden land which contributes either individually or as part of a larger swathe of green space to amenity of residents or provides wildlife habitats must be retained. In exceptional cases where it is considered that a limited scale of backgarden development may be acceptable it should not have a significantly adverse impact upon the factors set out above. Development on backgarden sites must be more intimate in scale and lower than frontage properties.*

*The councils SPD on 'House Extensions and External Alterations' states outbuildings "should not lead to a substantial reduction in existing garden area and properties with small gardens may need to restrict the size of their extension to ensure a useable open space is retained."*

The proposed greenhouse/pergola/canopy structure will be constructed along the eastern boundary of the rear garden, with a combined external footing of ~15.7m x 4.9m, with a smaller store to the north elevation. The structure will feature pitched roofs to the greenhouse and canopy, with a flat roof to the pergola. The greenhouse will comprise a ridge height of ~4.4m. Whilst considerably substantial in size, the scale of the structure is proportionate to the size of the outdoor amenity space. A sufficient amount of rear amenity space would be retained as a result of the proposal. This would satisfy the guidelines set out in the House extensions and external alterations SPD.

The exterior materials comprise; glass, aluminium frame (green/grey finish) to greenhouse walls on brick reclaimed multi lower wall to perimeter of greenhouse, brick (reclaimed multi) to store and to gable end, slate tiles to open sided pitched canopy and ridge crossing and finials to the pitch of the roof. The design of the greenhouse is in keeping with the age of the house, with ornate detailing to the crest of the ridge and in the column design. The building is significantly smaller in footprint and height to the existing dwelling, therefore will not detract or undermine the value and visual amenity of the building of townscape merit and will appear visually subordinate.

There are a number of single-storey rear extensions and outbuildings existing within close proximity to the development site. When viewed in the context of the neighbouring additions it is considered that the proposed development would not harm the character and appearance of the surrounding area. Due to the siting, the works will not form views from the front of the dwelling, thus the scheme will result in a neutral impact on the public realm.

The site is not in a Conservation Area but the Ham Common Conservation Area is immediately to the east and south. The proposed greenhouse/pergola would not impact on the character or appearance of the Conservation Area.

The proposed scheme is considered acceptable in terms of design/visual amenity. The proposal is not considered to detrimentally impact the character of the wider area or host building of townscape merit and therefore, is in line with the aims and objectives of policies LP1, LP4 and LP39 of the Local Plan (2018), these policy objectives are taken forward in publication local plan policies LP28, LP30 & LP15, and relevant supplementary planning documents.

#### **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.*

With regards to neighbour amenity, the main neighbouring dwelling to consider is 15 Sudbrook Gardens. Richmond Golf Club is to the rear of the site.

The proposed building is to be located at the far end of the rear garden of the application site, given sitting the building is substantially removed from the built form of habitable buildings.

The greenhouse will be located in front of a 3.4m high wall. The greenhouse is set 1m away from this wall and the eaves are at 2.018m above a 0.15m patio. Although the ridge is 4.444m, this is 2.5m from the boundary to no.15, where there is an outbuilding in the garden, and 5m from the grounds to the right. As such, the proposal would not lead to an unreasonable loss of daylight or sunlight to the habitable rooms of the neighbouring property or cause any undue overshadowing to the garden. The siting would significantly mitigate any sense of enclosure to the neighbouring dwelling and ensures that the building will not appear unreasonably overbearing or visually intrusive to the garden.

With regard to fenestration, as the structure is at ground level only, the proposal will not afford any additional views beyond that which could be achieved through the use of the existing garden, therefore no issues are raised in terms of loss of privacy or overlooking.

The description of proposal notes the proposed structure will be incidental to the enjoyment of the dwellinghouse. The scheme will be conditioned to ensure that it is not used as a separate self-contained dwelling, to protect the amenity of the area.

Subject to the above condition no concerns are raised regarding any unreasonable additional pollution, noise or disturbance.

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 '004 View from near Ham House to Orleans House' and '005 View to Marble Hill House (north)' protected views. 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 - Trees**

*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 not sited within a Conservation Area, however, the rear garden borders the "CA7 Ham Common" Conservation Area, which affords trees to the south of the site of the proposal, statutory protection. 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 "Pre-development Arboricultural Survey and Report ref: WAS 226/2024 REV A dated 30/09/2024". A BS5837:2012 survey is included within this report.

Officers note the comments concerning the presence of a, now filled in, swimming pool adjacent to Tree T1 which will have significantly curtailed the root spread of tree T1.

#### *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*

Subject to condition, the proposed development would accord with the aims and objectives of Policy LP16 of the Local Plan (2018), these policy objectives are taken forward in publication local plan policy LP42.

#### **Issue v - 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.

#### **Other Matters**

##### **Fire Safety**

The applicant has submitted a 'Fire Strategy' 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**

The proposal is consistent with the objectives of the above policies and guidance, and therefore it is recommended the scheme is approved without delay.

**Grant planning permission with conditions**

#### **Recommendation:**

Officer Planning Report – Application 24/2467/HOT Page 7 of 8

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): KM

Dated: 05/11/2024

**I agree the recommendation:**

Senior Planner

VAA

Dated: 05.11.2024