

Application reference: 24/2291/FUL BARNES WARD

Date application received	Date made valid	Target report date	8 Week date
11.09.2024	16.09.2024	11.11.2024	11.11.2024

Site:

70 Rocks Lane, Barnes, London, SW13 0DA

Proposal:

Install flue to rear elevation. Remove existing flue from front elevation and make good with mortar.

APPLICANT NAME

Mr Eion Curtis
70 Rocks Lane
Barnes
LONDON
SW13 0DA
United Kingdom

AGENT NAME

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

Consultations:

Internal/External:

Consultee

LBRuT Non-Commercial Environmental Health Noise Issues

Expiry Date

30.09.2024

Neighbours:

54 Rocks Lane, Barnes, London, SW13 0DA, - 16.09.2024
51 Rocks Lane, Barnes, London, SW13 0DA, - 16.09.2024
49 Rocks Lane, Barnes, London, SW13 0DA, - 16.09.2024
55 Rocks Lane, Barnes, London, SW13 0DA, - 16.09.2024
53 Rocks Lane, Barnes, London, SW13 0DA, - 16.09.2024
52 Rocks Lane, Barnes, London, SW13 0DA, - 16.09.2024
50 Rocks Lane, Barnes, London, SW13 0DA, - 16.09.2024
48 Rocks Lane, Barnes, London, SW13 0DA, - 16.09.2024
Second Floor Flat, 1 Ranelagh Avenue, Barnes, London, SW13 0BY, - 16.09.2024
First Floor Flat, 1 Ranelagh Avenue, Barnes, London, SW13 0BY, - 16.09.2024
Ground Floor Flat, 1 Ranelagh Avenue, Barnes, London, SW13 0BY, - 16.09.2024
3 Ranelagh Avenue, Barnes, London, SW13 0BY, - 16.09.2024
4 Ranelagh Avenue, Barnes, London, SW13 0BY, - 16.09.2024
5 Ranelagh Avenue, Barnes, London, SW13 0BY, - 16.09.2024
2 Ranelagh Avenue, Barnes, London, SW13 0BY, - 16.09.2024
6 Ranelagh Avenue, Barnes, London, SW13 0BY, - 16.09.2024
109 Elm Grove Road, Barnes, London, SW13 0BX, - 16.09.2024
107 Elm Grove Road, Barnes, London, SW13 0BX, - 16.09.2024
105 Elm Grove Road, Barnes, London, SW13 0BX, - 16.09.2024
99 Elm Grove Road, Barnes, London, SW13 0BX, - 16.09.2024
97 Elm Grove Road, Barnes, London, SW13 0BX, - 16.09.2024
111 Elm Grove Road, Barnes, London, SW13 0BX, - 16.09.2024
101 Elm Grove Road, Barnes, London, SW13 0BX, - 16.09.2024
95 Elm Grove Road, Barnes, London, SW13 0BX, - 16.09.2024
93 Elm Grove Road, Barnes, London, SW13 0BX, - 16.09.2024
Ground Floor Flat, 103 Elm Grove Road, Barnes, London, SW13 0BX, - 16.09.2024
Top Flat, 103 Elm Grove Road, Barnes, London, SW13 0BX, - 16.09.2024
56 - 71 Rocks Lane, Barnes, London, SW13 0DA, - 16.09.2024
68 Rocks Lane, Barnes, London, SW13 0DA, - 16.09.2024
66 Rocks Lane, Barnes, London, SW13 0DA, - 16.09.2024

63 Rocks Lane, Barnes, London, SW13 0DA, - 16.09.2024
61 Rocks Lane, Barnes, London, SW13 0DA, - 16.09.2024
58 Rocks Lane, Barnes, London, SW13 0DA, - 16.09.2024
56 Rocks Lane, Barnes, London, SW13 0DA, - 16.09.2024
71 Rocks Lane, Barnes, London, SW13 0DA, - 16.09.2024
69 Rocks Lane, Barnes, London, SW13 0DA, - 16.09.2024
67 Rocks Lane, Barnes, London, SW13 0DA, - 16.09.2024
65 Rocks Lane, Barnes, London, SW13 0DA, - 16.09.2024
64 Rocks Lane, Barnes, London, SW13 0DA, - 16.09.2024
62 Rocks Lane, Barnes, London, SW13 0DA, - 16.09.2024
60 Rocks Lane, Barnes, London, SW13 0DA, - 16.09.2024
59 Rocks Lane, Barnes, London, SW13 0DA, - 16.09.2024
57 Rocks Lane, Barnes, London, SW13 0DA, - 16.09.2024

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

Development Management

Status: PCO

Application: 24/2291/FUL

Date:

Install flue to rear elevation. Remove existing flue from front elevation and make good with mortar.

Building Control

Deposit Date: 12.03.2018

Install a gas-fired boiler

Reference: 18/FEN00982/GASAFE

Application Number	24/2291/FUL
Address	70 Rocks Lane Barnes London SW13 0DA
Proposal	Install flue to rear elevation. Remove existing flue from front elevation and make good with mortar.
Contact Officer	Roberta Henriques
Target Determination Date	11/11/2024

1. INTRODUCTION

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

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 application site is a flat located within four storey building, sited on the west side of Rocks Lane. The site is subject to the following planning constraints:

Item Found	More Information
Area Benefiting Flood Defence - Environment Agency.	Areas Benefiting from Defences
Area Susceptible To Groundwater Flood - Environment Agency	Superficial Deposits Flooding - $\geq 50\%$ $< 75\%$ - SSA Pool ID: 1528
Article 4 Direction Basements	Article 4 Direction - Basements / Ref: ART4/BASEMENTS / Effective from: 18/04/2018
Bank Top Planning App Tool - Environment Agency	
Community Infrastructure Levy Band	Higher
Floodzone 2	Tidal Models
Floodzone 3	Tidal Models
Heliport Safeguarding - 150m High	All buildings exceeding 150m (492.1ft) AGL Developments exceeding 150m will need to be sent to the heliport for consultation. Those under 150m can proceed to planning decisions. https://www.gov.uk/government/publications/safeguarding-aerodromes-technical-sites-and-military-explosives-storage-areas/the-town-and-country-planning-safeguarded-aerodromes-technical-sites-and-military-explosives-storage-areas-direction-2002
Protected View (Indicative Zone)	View 7 RICHMOND PARK TOWARDS ST PAULS CATHEDRAL
SFRA Zone 3a High Probability	Flood Zone 3
Surface Water Flooding (Area Less Susceptible to) - Environment Agency	
Surface Water Flooding (Area Less Susceptible to) - Environment Agency	
Village	Barnes Village
Village Character Area	Barn Elms, Rocks Lane - Character Area 4 Barnes Village Planning Guidance Page 27 CHARAREA04/04/01
Ward	Barnes Ward

3. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

The proposed development comprises of the installation of a flue to the rear elevation, in addition to removing the existing flue from the front elevation and making good with mortar.

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 were received

5. MAIN POLICIES RELEVANT TO THE DECISION

NPPF (2021)

The key chapters applying to the site are:

- 4. Decision-making
- 12. Achieving well-designed places
- 14. Meeting the challenge of climate change, flooding and coastal change

These policies can be found at:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf

London Plan (2021)

The main policies applying to the site are:

D4 Delivering good design
D12 Fire Safety
D14 Noise

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	No
Impact on Amenity and Living Conditions	LP8	Yes	No
Impact on Flood Risk and Sustainable Drainage	LP21	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.

Issue	Publication Local Plan Policy	Compliance	
Flood risk and sustainable drainage	8	Yes	No
Local character and design quality	28	Yes	No
Amenity and living conditions	46	Yes	No

Supplementary Planning Documents

Development Control for Noise Generating and Noise Sensitive Development
Village Plan – Barnes

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:

Strategic Flood Risk Assessment 2021

6. EXPLANATION OF OFFICER RECOMMENDATION

The key issues for consideration are:

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

i Design

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.

Planning permission is sought for the installation of a flue to the rear elevation, in addition to removing the existing flue from the front elevation and making good with mortar. The works will be located at Flat 70 Rocks Lane which is forth floor flat.

The new boiler flue on the rear elevation will exit through the existing brickwork wall to the balcony area and will travel horizontally along the underside of the concrete soffit. The existing boiler flue is located on the street-facing front elevation, and once this flue is removed the hole will be patched with mortar. The new boiler flue would not be readily visible from public vantage points and due to its modest scale, it would not appear to be visually conspicuous or over- dominant. Also, it would not appear out of keeping when viewed from the rear of the application site, given the presence of other utilitarian apparatus within the rear of the site. Furthermore, the works to the front elevation are considered to be minor in nature and would not harm the character and appearance of the building.

In view of the above, the proposal would comply with the aims and objectives of Policy LP1 of the Local Plan

and policy 28 of the Publication Local Plan .

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 council's Environmental Health Officer has reviewed the application, and has commented that the noise levels from domestic boilers are normally acceptable, so there is not considered to be a material increase in the level of noise associated with the proposed boiler flue.

The proposal would not lead to a material loss of light, outlook or privacy due to the siting of the proposed boiler flues in relation to the habitable room windows and amenity areas of neighbouring residential properties.

In view of the above, the proposal would safeguard neighbour living conditions in line with Policy LP8 of the Local Plan.

iii Flood Risk

Policy LP21 of the Local Plan relates to flood risk. The site is within Floodzones 2 and 3 and within an area susceptible to groundwater flooding. It is noted however, that no basement or subterranean development is proposed. The proposal would not result in substantial increase in built form compared with existing. As such, the proposal would comply with Policy LP21 of the Local Plan.

iv Fire Safety

A Reasonable Exception Statement has been submitted to the Council - received 11/09/2024.

It is considered that the requirement of London Plan Policy D12 (a) to provide Fire Statement does not apply as the development is of a minor scale. As the proposal comprises for replacement external doors and no internal alterations to layout are proposed, the proposal is not considered to affect the existing fire safety arrangements

v 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:

- ☐ The application was made before 2nd April 2024
- ☒ The development impacts habitat of an area below a 'de minimis' threshold of 25m² or 5m of linear habitat such as hedgerows, and does not impact an onsite priority habitat
- ☐ The development is for a small scale self-build or custom house building

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..

Grant planning permission

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.

Recommendation:

The determination of this application falls within the scope of Officer delegated powers - YES / NO

I therefore recommend the following:

- | | | |
|----|----------------------|-------------------------------------|
| 1. | REFUSAL | <input type="checkbox"/> |
| 2. | PERMISSION | <input checked="" type="checkbox"/> |
| 3. | FORWARD TO COMMITTEE | <input type="checkbox"/> |

This application is CIL liable	<input type="checkbox"/> YES*	<input checked="" type="checkbox"/> NO
	(*If yes, complete CIL tab in Uniform)	

This application requires a Legal Agreement	<input type="checkbox"/> YES*	<input checked="" type="checkbox"/> NO
	(*If yes, complete Development Condition Monitoring in Uniform)	

This application has representations online (which are not on the file)	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
--	------------------------------	--

This application has representations on file	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
--	------------------------------	--

Case Officer (Initials): ...RHE.....

Dated:05/11/2024.....

I agree the recommendation:



Team Leader/Head of Development Management/Principal Planner

Dated: ...06/11/2024.....

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: