

## Application reference: 24/2235/FUL TEDDINGTON WARD

Date application received	Date made valid	Target report date	8 Week date
05.09.2024	06.09.2024	01.11.2024	01.11.2024

### Site:

8 Plough Lane, Teddington, TW11 9BN,

### Proposal:

Removal and reconstruction of existing rear elevation masonry wall (Retrospective Application).

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

### APPLICANT NAME

Mr. Michal Piasecki  
8 Plough Lane  
Teddington  
Richmond Upon Thames  
TW11 9BN

### AGENT NAME

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

### Consultations:

**Internal/External:**

**Consultee**

**Expiry Date**

### Neighbours:

17 Springfield Road, Teddington, TW11 9AP, - 09.09.2024  
15 Springfield Road, Teddington, TW11 9AP, - 09.09.2024  
13 Springfield Road, Teddington, TW11 9AP, - 09.09.2024  
Flat 2, 82 High Street, Teddington, TW11 8JD, - 09.09.2024  
Flat 1, 82 High Street, Teddington, TW11 8JD, - 09.09.2024  
Flat 6, 82 High Street, Teddington, TW11 8JD, - 09.09.2024  
Flat 5, 82 High Street, Teddington, TW11 8JD, - 09.09.2024  
Flat 4, 82 High Street, Teddington, TW11 8JD, - 09.09.2024  
Flat 3, 82 High Street, Teddington, TW11 8JD, - 09.09.2024  
84 High Street, Teddington, TW11 8JD, - 09.09.2024  
84B High Street, Teddington, TW11 8JD, - 09.09.2024  
82 High Street, Teddington, TW11 8JD, - 09.09.2024  
84A High Street, Teddington, TW11 8JD, - 09.09.2024  
Flat 3, 86 High Street, Teddington, TW11 8JD, - 09.09.2024  
Flat 2, 86 High Street, Teddington, TW11 8JD, - 09.09.2024  
Flat 1, 86 High Street, Teddington, TW11 8JD, - 09.09.2024  
86 High Street, Teddington, TW11 8JD, - 09.09.2024

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

#### Development Management

Status: REF

Application: 19/2897/ES191

Date: 15/11/2019

Establish use of building as Use Class B1(c)

#### Development Management

Status: WON Date:05/08/2021	Application:20/1705/FUL Conversion of existing ancillary domestic storage to create one house (C3) with shared refuse and cycle storage area
<u>Development Management</u>	
Status: WDN Date:08/08/2022	Application:22/2379/ES191 Storage of building materials
<u>Development Management</u>	
Status: REF Date:30/09/2022	Application:22/2451/ES191 Single unit with storage use
<u>Development Management</u>	
Status: REF Date:19/02/2024	Application:23/2508/FUL Change of use of building into a one-bedroomed dwellinghouse
<u>Development Management</u>	
Status: PCO Date:	Application:24/2235/FUL Removal and reconstruction of existing rear elevation masonry wall.
<u>Appeal</u>	
Validation Date: 09.06.2020 Reference: 20/0160/AP/REF	Establish use of building as Use Class B1(c)
<u>Enforcement</u>	
Opened Date: 19.08.2024 Reference: 24/0436/EN/UBW	Enforcement Enquiry

<b>Application Number</b>	24/2235/FUL
<b>Address</b>	8 Plough Lane, Teddington TW11 9BN
<b>Proposal</b>	Removal and reconstruction of existing rear elevation masonry wall
<b>Contact Officer</b>	Tim Wilson
<b>Legal Agreement</b>	No

## 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 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 site is located on Plough Lane and consists of a two-storey unit within a row of other units and workshops. Plough Lane runs parallel to High Street Teddington and also serves the rear of the units along High Street.

The site is located within Hampton Wick and Teddington Village Guidance and is subject to the following site designations:

- Area Susceptible to Groundwater Flood - Environment Agency
- Article 4 Direction A1 to A2 (Restricting A1 To A2 - High Street, Teddington 01/04/17 / Ref: ART4/A1TOA2/005 / Effective from: 01/04/2017)
- Article 4 Direction Basements (Article 4 Direction - Basements / Ref: ART4/BASEMENTS / Effective from: 18/04/2018)
- Community Infrastructure Levy Band (Low)
- Critical Drainage Area - Environment Agency (Teddington [Richmond] / Ref: Group8\_006 / )
- Increased Potential Elevated Groundwater (GLA Drain London)
- Land Use Past Industrial (car servicing / repairs Start: 1994 End: 2004)
- Main Centre Boundary (Teddington)

- Main Centre Buffer Zone (Teddington Town Centre Boundary Buffer Zone)
- Village Character Area (Udney Park Road and Surrounds - Area 6 Hampton Wick & Teddington Village Planning Guidance Page 29 CHARAREA11/06/01)
- Ward (Teddington Ward)

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

The application seeks planning permission to replace the existing rear elevation wall (see below) with a new masonry wall reusing the existing bricks as far as practicable and to install a new window to be frosted and non-openable.



It is noted that the planning application has been made following an enforcement enquiry. The wall has now been completed, meaning this application is retrospective.

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

#### Planning History

- **19/2897/ES191** - Establish use of building as Use Class B1(c). **Refused and appeal dismissed.** Reason for refusal –
  - *The evidence provided is considered insufficient to demonstrate that, on the balance of probability, the established and continued use of Unit 8, Plough Lane, Teddington has subsisted for a continuous period of 10 years and consequently it has not been demonstrated that the use is lawful within the meaning of Section 191 of the Town and Country Planning Act 1990.*
- **22/2451/ES191** - Single unit with storage use. **Refused.** Reason for refusal –
  - *Insufficient information has been submitted to satisfactorily demonstrate that the use of the building for Class E use has been in place for a continuous period of ten or more years and consequently it has not been demonstrated that the use is lawful within the meaning of Section 191 of the Town and Country Planning Act 1990 (as amended).*
- **23/2508/FUL** – Change of use of the existing unit to provide a one-bedroom dwellinghouse. **Refused.** Reason for refusal –
  - *Insufficient information has been submitted to support the change of use. Overall, the proposed use is not supported.*

### 4. CONSULTATIONS CARRIED OUT

The neighbours notified of this application are listed above.

Two letters of objection has been received from 15 Springfield Road, who raised the following comments:

- Amenity and privacy concerns and added noise and light pollution into the rear garden and premises, this will also be an added security risk to the property.
- Fire safety - should a fire start in the commercial unit, (which they are trying to make into a residential property hence needing the additional light source) the window would be a direct opening to my garden / property and surrounding neighbours number 13 and 17, putting all three houses at fire risk.
- The window could be changed into an opening window, which then gives them direct access into my garden and property.
- Errors on dwgs – fence to rear of 15 Springfield Road shown as existing/screening window – this was taken down before commencement of work

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

No letters of support have been received.

## 5. 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://www.gov.uk/guidance/national-planning-policy-framework>

### London Plan (2021)

The main policies applying to the site are:

- D4 Delivering good design
- D11 Safety, security and resilience to emergency
- D12 Fire Safety

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 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	
		Yes	No
Local character and design quality	28	Yes	No
Amenity and living conditions	46	Yes	No

### Supplementary Planning Documents

- Design Quality
- Residential Development Standards SPD (2010) Incorporating Nationally Described Space Standards
- Hampton Wick and Teddington Village Planning Guidance SPD (2017)

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:

- Article 4 Direction – basement development
- Community Infrastructure Levy

## 6. EXPLANATION OF OFFICER RECOMMENDATION

The key issues for consideration are:

- i Design
- ii Impact on neighbour amenity
- iii Fire Safety

### i. Design

*Policy LP1 of the Local Plan requires all development to be of high architectural and urban design quality and compatible with local character in terms of development patterns, scale, height and design.*

The overall built form of the unit is unchanged and will not be extended. Minor alterations are proposed to the rear elevation in the form of a new window. Windows along the row of units is common, with the proposed window to be frosted and non-openable. The window will not appear out of character with the surrounding units. The scheme is consistent with LP1 of the Local Plan and Policy 28 of the Publication Plan.

### ii. Impact on neighbour amenity

*Policy LP 8 of the Local Plan outlines that all development will be required to protect the amenity and living conditions for occupants of new, existing, adjoining and neighbouring properties. The Council will:*

- 1. ensure the design and layout of buildings enables good standards of daylight and sunlight to be achieved in new development and in existing properties affected by new development; where existing daylight and sunlight conditions are already substandard, they should be improved where possible;*
- 2. ensure balconies do not raise unacceptable overlooking or noise or disturbance to nearby occupiers; height, massing or siting, including through creating a sense of enclosure;*
- 3. ensure that proposals are not visually intrusive or have an overbearing impact as a result of their height, massing or siting, including through creating a sense of enclosure;*
- 4. ensure there is no harm to the reasonable enjoyment of the use of buildings, gardens and other spaces due to increases in traffic, servicing, parking, noise, light, disturbance, air pollution, odours or vibration or local micro-climatic effects.*

*Policy LP 10 of the Local Plan outlines that the Council will seek to ensure that local environmental impacts of all development proposals do not lead to detrimental effects on the health, safety and the amenity of existing and new users or occupiers of the development site, or the surrounding land. In regard to noise, the Council encourages good acoustic design to ensure occupiers of new and existing noise sensitive buildings are protected.*

The proposal is to replace an existing wall with salvaged bricks where possible or new bricks to match existing and as such there is no increase in the overall built form and little change in appearance of the wall: it is therefore not considered to have an impact on neighbour amenity through overbearingness or loss of light. The arrangement remains largely as existing.

A new window is however proposed at ground floor level on the rear elevation. In this regard, the plans note that this will be obscure glazed and non-openable. A condition is included to ensure that this remains so on an ongoing basis.

It is noted that a public access way is shown on planning maps to the rear of the site separating the subject site with the residential properties along Springfield Road. The properties along Springfield Road largely include fences to the rear of their properties to reduce privacy and amenity impacts. Some of these residential properties have extended into the private access way, notably No.13. The property immediately adjacent to the subject site (15 Springfield Road) has recently been granted planning permission (23/0221/HOT) and it is understood that these works have recently commenced. An intervening fence (shown on the submitted drawings) that provides screening between No 15 and the subject site has been removed. As such, it is considered necessary that the proposed window is obscure glazed and non-openable in perpetuity to ensure impacts on privacy and amenity to No.15 are maintained at an acceptable level. This is to be secured via a planning condition imposed on this consent.

On the basis of the above, the proposal is considered consistent with policy LP8 of the Local Plan and Policy 46 of the Publication Plan.

### **iii. Fire Safety**

A Fire Safety Statement was submitted with the application, received 5 September 2024. A condition will be 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. This permission is NOT a consent under the Building Regulations for which a separate application should be made. Overall, the scheme can therefore be considered consistent with this Policy D12(A) of the London Plan.

## **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. 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              | <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
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This application has representations on file	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
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Case Officer (Initials): TWL

Dated: 28 October 2024

**I agree the recommendation: CTA**

Team Leader/Head of Development Management/Principal Planner

Dated: .....08/11/2024.....

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: .....