



Application reference: 24/2252/FUL
HAMPTON WARD

| | | | |
|---------------------------|-----------------|--------------------|-------------|
| Date application received | Date made valid | Target report date | 8 Week date |
| 09.09.2024 | 12.09.2024 | 07.11.2024 | 07.11.2024 |

Site:

33A Milton Road, Hampton, TW12 2LL,

Proposal:

Alterations to front elevation, including changes to fenestration and front entrance, demolition of rear extension and creation of a pair of rear glazed doors to rear amenity area at 33a Milton Road.

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

APPLICANT NAME

Mr Adam Skinner
 33 A Milton Road
 Hampton
 Richmond Upon Thames
 TW12 2LL

AGENT NAME

Mr Michael Hooper
 1 Royal Close, Manor Road
 Stoke Newington
 LONDON (N16 5AA - N16 5ZZ)
 N16 5SE
 United Kingdom

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

Consultations:

Internal/External:

Consultee

Expiry Date

Neighbours:

- 54 Milton Road, Hampton, TW12 2LJ, - 13.09.2024
- 50 Milton Road, Hampton, TW12 2LJ, - 13.09.2024
- 56 Milton Road, Hampton, TW12 2LJ, - 13.09.2024
- 52 Milton Road, Hampton, TW12 2LJ, - 13.09.2024
- 48 Milton Road, Hampton, TW12 2LJ, - 13.09.2024
- 1 Tudor Road, Hampton, TW12 2NQ, - 13.09.2024
- 5 Tudor Road, Hampton, TW12 2NQ, - 13.09.2024
- 3 Tudor Road, Hampton, TW12 2NQ, - 13.09.2024
- 33 Milton Road, Hampton, TW12 2LL, - 13.09.2024
- 35 Milton Road, Hampton, TW12 2LL, - 13.09.2024

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

Development Management

Status: GTD

Date: 07/09/1983

Application: 83/0857

Change of use of existing shop to office use.

Development Management

Status: GTD

Date: 15/05/1984

Application: 84/0093

Change of use of shop to office, alteration to front elevation; construction of single storey rear extension with flat roof and provision of new pitched roof over existing building. (Amended plans received 23/3/84 and further amended 27/4/84).

Development Management

Status: GTD

Date:24/03/1954

Application:47/3642

Construction of flat over existing shop.

Development Management

Status: GTD

Date:27/04/1960

Application:60/0182

Erection of an extension to existing shop.

Development Management

Status: GTD

Date:18/09/1975

Application:75/0647

Conversion of storage area to provide additional retail floorspace involving alterations to existing front elevation.

Development Management

Status: WDN

Date:27/10/2022

Application:22/2861/GPD26

Change of use from Office Building (Class E) to Residential (Class C3) to create 2 new residential dwellings.

Development Management

Status: REC

Date:

Application:22/2865/GPD26

Development Management

Status: AAPR

Date:15/12/2022

Application:22/3397/GPD26

Change of use of the building from Use Class E (Office) to C3 (Residential) single dwelling.

Development Management

Status: REF

Date:12/07/2023

Application:23/0261/FUL

Demolition of the existing property and the erection of 2 X 2 storey 3-bedroom semi-detached dwellings (Use Class C3) with habitable roof spaces; separate amenity space; bin and cycle stores.

Development Management

Status: GTD

Date:05/06/2024

Application:24/1022/VRC

Removal of condition DV43CParking Permits Restriction - GRAMPIAN, of planning permission 22/3397/GPD26.

Development Management

Status: GTD

Date:14/08/2024

Application:22/3397/NMA

Non material amendment to planning approval 22/3397/GPD26 - No external amendments are proposed and the number of residential dwellings has not changed. Internal amendments to the proposed dwellings are: 1. Move the proposed bathroom and change 'study' room to bedroom. 2. Introduce an ensuite to bedroom 3. Create snug and study area to the rear of the property 4. Create utility area around exiting rear door. For information, a Sunlight Daylight Report is provided which concludes that all proposed habitable rooms receive adequate natural daylight.

Development Management

Status: PCO

Date:

Application:24/2252/FUL

Demolition of rear extension at 33a Milton Road, Hampton, and creation of a pair of rear glazed doors to rear amenity area.

Building Control

Deposit Date: 22.01.1997

Reference: 97/0086/FP

New suspended ceiling and internal partitions

| | |
|---------------------------|---|
| Application Number | 24/2252/FUL |
| Address | 33A Milton Road, Hampton, TW12 2LL |

| | |
|------------------------|---|
| Proposal | Demolition of the existing single storey rear extension replaced by double doors; fenestration and entrance door replaced to the front; and replacement of the existing side door. |
| Contact Officer | GAP |
| Legal Agreement | 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 a single storey building with a pitched roof on the eastern side of Milton Road. The application site is in Hampton Village, in the Hampton Ward. The site received planning consent for a change of use from a shop to an office in 1984.

The application site presents the following constraints:

- Area Susceptible to Groundwater Flood - Environment Agency (Superficial Deposits Flooding - $\geq 50\%$).
- Article 4 Direction Basements.
- Take Away Management Zone.

3. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

The current application aims to pursue the following:

Demolition of the existing single storey rear extension replaced by double doors; fenestration and entrance door replaced to the front; and replacement of the existing side door.

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

22/3397/GPD26 - Change of use of the building from Use Class E (Office) to C3 (Residential) single dwelling - Prior Approval Approved 15/12/2022.

24/1022/VRC - Removal of condition DV43CParking Permits Restriction - GRAMPAN, of planning permission 22/3397/GPD26 - Granted 05/06/2024.

22/3397/NMA - Non material amendment to planning approval 22/3397/GPD26 - No external amendments are proposed and the number of residential dwellings has not changed. Internal amendments to the proposed dwellings are:

1. Move the proposed bathroom and change 'study' room to bedroom - Granted 14/08/2024

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

London Plan (2021)

The main policy applying to the site is:

D12 Fire Safety

The London Plan (2021) 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 | Ne |
| Impact on Amenity and Living Conditions | LP8 | Yes | Ne |
| Flood Risk and Sustainable Drainage | LP21 | Yes | Ne |

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 | |
|-------------------------------------|-------------------------------|------------|----|
| Local character and design quality | 28 | Yes | Ne |
| Amenity and living conditions | 46 | Yes | Ne |
| Flood Risk and Sustainable Drainage | 8 | Yes | Ne |

Supplementary Planning Documents

House Extensions and External Alterations (2015)
Village Plan - Hampton Village Planning Guidance (2016)

These policies can be found at:

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

Determining applications in a Conservation Area (Not Applicable)

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 (Not Applicable)

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.

6. EXPLANATION OF OFFICER RECOMMENDATION

- I. Visual Amenity**
- II. Neighbouring Amenity**
- III. Flooding**
- IV. Fire safety**

I. Visual Amenity

Policy LP 1 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.

No objection is raised to the proposed amendments. The removal of the rear extension, of no significance, would provide a degree of respite within the tight knit immediate locality, in itself considered an improvement in comparison to the current onsite situation. The remaining amendments would be in keeping with the overall character of the property.

The proposal would therefore comply with the aims and objectives of Policy LP 1 and the emerging Policy 28.

II. Neighbouring Amenity

Policy LP 8 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 aforementioned respite, in relation to the removal of the existing rear extension, is considered an improvement for neighbouring amenities also.

Given the nature and ground floor nature of the alterations proposed as part of this application, these are not considered to cause significant amenity issues.

The proposal would therefore comply with the aims and objectives of Policy LP 8 and the emerging Policy 46.

III. Flooding

Policy LP 21 'Flood Risk and Sustainable Drainage' states that all developments should 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 proposal would be set no lower than the existing ground floor level and therefore this would not give rise to significant flood risk concerns.

IV. Fire safety

The submitted Reasonable Exception Statement would justify why Policy D12 of the London Plan (2021) would not be relevant to the development and therefore it is acceptable.

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 where applicable.

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**

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): GAP

Dated: 23/10/2024

I agree the recommendation:

Team Leader/Head of Development Management/Principal Planner - EL

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

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:

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|------------------------|
| REASONS: |
| CONDITIONS: |
| INFORMATIVES: |
| UDP POLICIES: |
| OTHER POLICIES: |

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SUMMARY OF CONDITIONS AND INFORMATIVES

CONDITIONS

INFORMATIVES
