

Application reference: 24/2311/HOT
NORTH RICHMOND WARD

Date application received	Date made valid	Target report date	8 Week date
13.09.2024	18.09.2024	13.11.2024	13.11.2024

Site:

15 Paxton Close, Kew, Richmond, TW9 2AW

Proposal:

RETROSPECTIVE APPLICATION for conversion of internal garage space to residential space on the ground floor with removal of the garage doors and replacement with new windows and wall below; removal of the rear ground floor windows and back door and the installation of new windows and doors to replace; repair of the existing flat roof finish

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

APPLICANT NAME

DAVID WARDEN
15 Paxton Close
Kew
Richmond Upon Thames
TW9 2AW

AGENT NAME

Philip White
14 EVE ROAD
ISLEWORTH
TW7 7HS
United Kingdom

DC Site Notice: printed on 18.09.2024 and posted on 27.09.2024 and due to expire on 18.10.2024

Consultations:

Internal/External:

Consultee
14D Urban D

Expiry Date
02.10.2024

Neighbours:

2 Eversfield Road, Richmond, TW9 2AP, - 18.09.2024
16 Paxton Close, Kew, Richmond, TW9 2AW, - 18.09.2024
14 Paxton Close, Kew, Richmond, TW9 2AW, - 18.09.2024

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

Development Management

Status: GTD Application: 65/0946/DD01
Date: 23/09/1966 Erection of 18 three storey terraced houses each with garage. Condition Nos. (3), (6) (i) (ii) & (iv) (7) and (8) of planning permission 65/0946 dated 21st October, 1965.

Development Management

Status: GTD Application: 65/0946
Date: 21/10/1965 Demolition of two houses and erection of 18 - 3 storey terrace houses each with a garage.

Development Management

Status: PCO Application: 24/2311/HOT
Date: RETROSPECTIVE APPLICATION for conversion of internal garage space to residential space on the ground floor with removal of the garage doors and replacement with new windows and wall below; removal of the rear ground floor windows and back door and the installation of new windows and doors to replace; repair of the existing flat roof finish

Building Control

Deposit Date: 08.12.2008 Installed a Gas Boiler

Reference: 09/COR00132/CORGI

Building Control

Deposit Date: 08.10.2024 Removal of internal garage space and garage doors on the front elevation by removal of non-loadbearing partitions. Space to be converted to habitable space with new ground floor windows on front elevation. Replacement of rear glass doors and fixed glass panels on rear elevation and replacement with new. New stud partition to enclose single staircase on first floor. Electrical works and new plumbing to install kitchen.

Reference: 24/1303/RG

Application Number	24/2311/HOT
Address	15 Paxton Close Kew Richmond TW9 2AW
Proposal	RETROSPECTIVE APPLICATION for conversion of internal garage space to residential space on the ground floor with removal of the garage doors and replacement with new windows and wall below; removal of the rear ground floor windows and back door and the installation of new windows and doors to replace; repair of the existing flat roof finish
Contact Officer	Roberta Henriques
Target Determination Date	13/11/2024

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 subject site is a terraced house located on the eastern side of Paxton Close. The site is located within the Kew Road Conservation Area (CA55) and is also subject to the following planning constraints:

Item Found	More Information
Area Poorly Provided With Public Open Space	Area poorly provided with Public Open Space
Area Susceptible To Groundwater Flood - Environment Agency	Superficial Deposits Flooding - >= 50% <75% - SSA Pool ID: 147
Article 4 Direction Basements	Article 4 Direction - Basements / Ref: ART4/BASEMENTS / Effective from: 18/04/2018
Community Infrastructure Levy Band	Higher
Surface Water Flooding (Area Less Susceptible to) - Environment Agency	
Take Away Management Zone	Take Away Management Zone
Throughflow Catchment Area (Throughflow and Groundwater Policy Zone)	Adopted: October 2020 , Contact: Local Plan Team
Village	Kew Village
Village Character Area	Kew Road - Area 6 & Conservation Area 55 Kew Village Planning Guidance Page 29 CHARAREA02/06/01
Ward	North Richmond Ward
World Heritage Site and buffer zone	Royal Botanic Gardens, Kew Buffer Zone (c) Historic England 2015. Contains OS data. (c) Crown copyright and database 2015. The most publicly available up to date HE data can be obtained from HistoricEngland.org.uk
World Heritage Site and its buffer zone by Historic England.	Royal Botanic Gardens, Kew - World Heritage Site - Buffer Zone

3. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

The proposed development comprises of a retrospective application for the conversion of the internal garage space to residential space and the removal of the garage doors and replacement with new windows and a wall below; the removal of the rear ground floor windows and back door and the installation of new windows and doors to replace them; and the repair of the roof.

The comprehensive list of planning history can be found above, 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.

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
- 12. Achieving well-designed places
- 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:

- D4 Delivering good design
- 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	No
Impact on Designated Heritage Assets	LP3	Yes	No
Impact on Amenity and Living Conditions	LP8	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	Compliance	
	Policy	Yes	No
Local character and design quality	28	Yes	No
Designated heritage assets	29	Yes	No
Amenity and living conditions	46	Yes	No

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

Other Local Strategies or Publications

Other strategies or publications material to the proposal are:

Kew Road Conservation Area Statement
Kew Road 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 Biodiversity

i Design and impact on heritage assets

Policy Context

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.

The Councils SPD relating to House Extensions and External Alterations states that the overall shape, size and position of side and rear extensions should not dominate the existing house or its neighbours. It should harmonise with the original appearance, either by integrating with the house or being made to appear as an obvious addition.

The site lies within the Kew Road Conservation Area and Local Plan Policy LP3 seeks the protection of areas of special significance by designating Conservation Areas and that the impact of proposals within and affecting the setting of Conservation Area will be taken into account. New development should conserve and enhance the character and appearance of the area.

Background

15 Paxton Close is a 1960s terraced house within the Kew Road Conservation Area. It forms part of a small development comprising two three-storey terraces facing a shared cul-de-sac. The architecture is unremarkable and typical of its era of construction, with a flat roof, white-painted horizontal boarding, and large windows. Originally, all properties featured a ground-floor integrated garage, but many have been converted to additional residential space.

]

Paxton Close forms part of an area of 20th century development to the east of Kew Road. This contrasts with the surviving Victorian villas which otherwise character the wider area. This modern development makes little contribution to the character of the area, with Paxton Close and no.15 making a neutral contribution to the character and appearance of the Conservation Area.

More widely, the significance of the Kew Road Conservation Area can be summarised as follows: "the area is predominantly residential, with fine, imposing, detached houses set in mature gardens, interspersed with modern low-rise blocks of flats and town houses...the overriding quality of the conservation area stems from the linear relationship between the street frontages and the wall to the Royal Botanic Gardens. This is bound together by the mature planting in the Gardens overhanging along the broad footpath, and in private gardens. The linear nature is reinforced by original walls, pedestrian gates and piers." (Kew Road Conservation Area Appraisal).

Assessment

This application is a retrospective application for the conversion of the integrated garage to habitable accommodation, new doors to the ground floor rear elevation, and a new roof covering.

No objections are raised regarding the implemented works. The integrated garage made no particular contribution to the character of the building, and it is noted that the majority of properties in Paxton Close have had similar conversions. The glazing that replaced the garage wall reflects the glazing arrangement of the first floor which provides some visual continuity. This replacement window is uPVC, and while uPVC windows are not normally considered acceptable for use in Conservation Areas, no objections are raised in this instance, given the presence of uPVC windows across the wider development.

The new doors to the rear elevation are considered to be acceptable and have a neutral impact on the character of the building.

The flat roof is effectively screened from view by the parapet which results in it not being easily visible from public vantage points, with the re-roofing works having a neutral impact on the character and appearance of the area.

Overall, the implemented works are considered to be acceptable and have a neutral impact on the character and appearance of the Kew Road Conservation Area.

Paragraph 205 of the NPPF states "When considering the impact of a proposed development on the

significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 208 of the NPPF states 'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal'. In this instance, the proposal would not lead to less than substantial harm to the setting, character and appearance of the conservation area, and so complies with the NPPF.

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 Road 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 site is neighboured by No.14 Paxton Close to the north and No.16 Paxton Close to the south, also the site is located opposite No.s 3-5 Paxton Close.

Regarding the garage conversion, It is acknowledged that the window that has replaced the garage door raises concerns about potential for overlooking into No.s 3-5 Paxton Close. However, the outlook from this replacement window is considered to be similar to the outlook from existing first floor front elevation fenestration, so the development is not considered to increase overlooking into No.s 3-5.

Similarly, the lines of sight from the replacement doors on the rear elevation, are not be changed from the lines of sight from previous ground floor rear openings, and therefore the replacement doors are not considered to cause harmful overlooking to any neighbours.

The proposals would therefore comply with the aims and objectives of Policy LP 8 of the Local Plan, Policy 46 of the Publication Local Plan and with the SPD (2015) as a whole.

iii Fire Safety

The submitted Planning Fire Safety Strategy is considered sufficient to satisfy Policy D12 of the London Plan (2021). A compliance condition is attached. 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.

iv 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 is a householder application.

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.

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
- 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:11/11/2024.....

I agree the recommendation:

Senior Planner

VAA

Dated: 12.11.24

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:

REASONS:
CONDITIONS:
INFORMATIVES:
UDP POLICIES:
OTHER POLICIES:



The following table will populate as a quick check by running the template once items have been entered into Uniform

SUMMARY OF CONDITIONS AND INFORMATIVES

CONDITIONS

INFORMATIVES

BNG02	Biodiversity Gain Plan No Pre-Approval
U0095655	Composite Informative
U0095656	NPPF APPROVAL - Para. 38-42