

Application reference: 24/2361/PS192

WHITTON WARD

| Date application received | Date made valid | Target report date | 8 Week date |
|---------------------------|-----------------|--------------------|-------------|
| 19.09.2024                | 19.09.2024      | 14.11.2024         | 14.11.2024  |

Site:  
10 Chase Gardens, Twickenham, TW2 7PB,

Proposal:  
Demolishing existing garage and building permitted development outbuilding at the rear of garden.

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

APPLICANT NAME  
Mr. Ufuk Gumusoz  
10 Chase Gardens  
Twickenham  
Richmond Upon Thames  
TW2 7PB  
United Kingdom

AGENT NAME  
Mr. A Kablan  
3 Redwood Drive , Epsom,  
London  
KT198FL

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

Consultations:  
Internal/External:  
Consultee

Expiry Date

Neighbours:

-

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

|   |  |
|---|--|
| <u>Development Management</u><br>Status: REF<br>Date:17/06/2016 | Application:16/1498/HOT<br>Erection of front porch.  |
| <u>Development Management</u><br>Status: PDE<br>Date:           | Application:24/2361/PS192<br>Demolishing existing garage and building permitted development outbuilding at the rear of garden. |
| <u>Development Management</u><br>Status: PCO<br>Date:           | Application:24/2442/PS192<br>hip to gable loft conversion.   |

Development Management

Status: PCO

Date:

Application:24/2499/PDE

Single storey rear extension (6.00m depth, 2.85m eaves height, 3.76m overall height).

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Appeal

Validation Date: 24.10.2016

Erection of front porch.

Reference: 16/0151/AP/REF

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Building Control

Deposit Date: 12.01.2013

Installed a Gas Boiler

Reference: 13/FEN00249/GASAFE

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Building Control

Deposit Date: 12.04.2018

Install one or more new circuits Install a replacement consumer unit

Reference: 18/ELE00116/ELECSA

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Building Control

Deposit Date: 25.09.2020

Install one or more new circuits Install one or more new circuits

Reference: 20/NIC01892/NICEIC

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Building Control

Deposit Date: 06.10.2020

Install one or more new circuits Install one or more new circuits

Reference: 20/NIC01893/NICEIC

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|                           |  |
|---------------------------|--|
| <b>Application Number</b> | <b>24/2361/PS192</b>   |
| <b>Address</b>            | <b>10 Chase Gardens Twickenham TW2 7PB</b>   |
| <b>Proposal</b>           | <b>Demolishing existing garage and building permitted development outbuilding at the rear of garden.</b> |
| <b>Contact Officer</b>    | <b>SHO</b>   |

**1. Introduction**

The Town and Country Planning (General Permitted Development) Order 2015 (as amended) applies to all land in England and Wales, other than land which is the subject of a special development order, and specifies various classes of development which may be undertaken without the permission of the local planning authority. Such development, referred to as "permitted development", is deemed to have planning permission by the Order, and does not require an application for planning permission to be submitted to the Council.

The applicant has submitted an application for a Certificate of Lawful Development (Proposed). In assessing this application, the Council is making a determination of law as to whether or not the proposed development complies with the Town and Country Planning (General Permitted Development) Order 2015 (as amended). Issues such as the policies contained in the Council's adopted Richmond Local Plan (2018) are not to be taken into consideration as the decision is based on fact and not on policy grounds.

**2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS**

The site in question is a two storey semi-detached dwellinghouse located on the west side of Chase Gardens.

The application site is situated within Whitton and Heathfield Village and is designated as:

- Area Susceptible To Groundwater Flood - Environment Agency (Superficial Deposits Flooding - >= 75% - SSA Pool ID: 214)
- 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 (Twickenham [Richmond] / Ref: Group8\_001 / )
- Floodzone 2 (Fluvial Models)
- Increased Potential Elevated Groundwater (GLA Drain London)
- Risk of Flooding from Surface Water 1 in 100 chance - Environment Agency (RoFSW Extent 1 In 100 year chance - SSA Pool ID: 27058)
- Risk of Flooding from Surface Water 1 in 1000 chance - Environment Agency (RoFSW Extent 1 In 1000 year chance - SSA Pool ID: 46837)
- Risk of Flooding from Surface Water 1 in 30 chance - Environment Agency (RoFSW Extent 1 In 30 year chance - SSA Pool ID: 10686)
- Surface Water Flooding (Area Less Susceptible to) - Environment Agency ( )
- Surface Water Flooding (Area Susceptible to) - Environment Agency ( )
- Take Away Management Zone (Take Away Management Zone)
- Village (Whitton and Heathfield Village)
- Village Character Area (East of Hall Farm Drive - Area 3 Whitton & Heathfield Village Planning Guidance Page 23 CHARAREA01/03/01)
- Ward (Whitton Ward)

3. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

The scheme seeks confirmation in the form of a lawful development certificate that the construction of the development described above would constitute permitted development.

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

| Ref           | Proposal  | Received   | Valid      | Decision              |
|---------------|---|------------|------------|-----------------------|
| 24/2361/PS192 | Demolishing existing garage and building permitted development outbuilding at the rear of garden. | 19/09/2024 | 19/09/2024 | Pending Consideration |
| 16/1498/HOT   | Erection of front porch.  | 18/04/2016 | 18/04/2016 | Refused Permission    |

4. CONSULTATIONS CARRIED OUT

This is an application for a Certificate of Lawful Development (Proposed), which is a request to the Council to confirm that the development as specified does not require an application for planning permission to be submitted to the Council. In assessing this application, the Council is making a determination of law, and as such it is not considered to be necessary to undertake a public consultation.

5. AMENDMENTS

None

6. EXPLANATION OF RECOMMENDATION

The application site is a dwellinghouse, and the application will be assessed against Schedule 2, Part 1 of the Town and Country (General Permitted Development) Order 2015 (as amended), which relates to "Development within the curtilage of a dwellinghouse".

Class A

The scheme *is* considered to be permitted development under Class A ‘The enlargement, improvement or other alteration of a dwellinghouse’

A.1 Development is not permitted by Class A if --

| A.1 Development is not permitted by Class A if—   | Officer’s Comment: |
|---|--------------------|
| (a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P, PA or Q of Part 3 of this Schedule (changes of use);   | Complies           |
| (b) as a result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than original) dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse); | Complies           |
| (c) the height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse   | Complies           |
| (d) the height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse;  | Complies           |
| (e) the enlarged part of the dwellinghouse would extend beyond a wall which –   | Complies           |

|  |          |
|--|----------|
| <p>(i) forms the principal elevation of the original dwellinghouse; or</p> <p>(ii) fronts a highway and forms a side elevation of the original dwellinghouse</p>   |          |
| <p><b>(f)</b> subject to paragraph (g), the enlarged part of the dwellinghouse would have a single storey and ---</p> <p>(i) extend beyond the rear wall of the original dwellinghouse by more than 4m in the case of a detached dwellinghouse, or 3m in the case of any other dwellinghouse, or</p> <p>(ii) exceed 4m in height</p>   | Complies |
| <p><b>(g)</b> For a dwellinghouse not on article 2(3) land nor on a site of special scientific interest, the enlarged part of the dwellinghouse would have a single storey and ---</p> <p>(i) extend beyond the rear wall of the original dwellinghouse by more than 8m in the case of a detached dwellinghouse, or 6m in the case of any other dwellinghouse, or</p> <p>(ii) exceed 4m in height;</p> | Complies |
| <p><b>(h)</b> the enlarged part of the dwellinghouse would have more than a single storey and ---</p> <p>(i) extend beyond the rear wall of the original dwellinghouse by more than 3m, or</p> <p>(ii) be within 7m of any boundary of the curtilage of the dwellinghouse being enlarged which is opposite the rear wall of that dwellinghouse</p>   | Complies |
| <p><b>(i)</b> the enlarged part of the dwellinghouse would be within 2m of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3m;</p>   | Complies |
| <p><b>(j)</b> the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would ---</p> <p>(i) exceed 4m in height,</p> <p>(ii) have more than a single storey, or</p> <p>Have a width greater than half the width of the original dwellinghouse;</p>  | Complies |
| <p><b>(ja)</b> any total enlargement (being the enlarged part together with any existing enlargement of the dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in sub-paragraphs (e) to (j);</p>   | Complies |
| <p><b>(k)</b> it would consist of or include ---</p> <p>(i) the construction or provision of a verandah, balcony or raised platform,</p> <p>(ii) the installation, alteration or replacement of a microwave antenna,</p> <p>(iii) the installation, alteration or replacement of a chimney, flue, soil and vent pipe, or</p> <p>(iv) an alteration to any part of the roof of the dwellinghouse or</p> | Complies |
| <p><b>(l)</b> the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).</p>  | Complies |

A.2 In the case of a dwellinghouse on article 2(3) land, development is not permitted by Class A if ---

| <b>A.2 In the case of a dwellinghouse on article 2(3) land, development is not permitted by Class A if —</b>   | <b>Officer's Comment:</b> |
|--|---------------------------|
| <b>(a)</b> It would consist of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebble dash, render, timber, plastic or tiles;   | Complies                  |
| <b>(b)</b> The enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse; or  | Complies                  |
| <b>(c)</b> The enlarged part of the dwellinghouse would have more than a single storey and extend beyond the rear wall of the original dwellinghouse   | Complies                  |
| <b>(d)</b> Any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in sub-paragraphs (b) and (c). | Complies                  |

A.3 Development is permitted by Class A subject to the following conditions—

| <b>A.3 Development is permitted by Class A subject to the following conditions—</b>   | <b>Officer's Comment:</b>                               |
|---|---|
| <b>(a)</b> the materials used in any exterior work (other than materials used in the construction of a conservatory) must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;   | Complies<br><br>As confirmed by email/annotated on plan |
| <b>(b)</b> any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse must be—<br>(i) obscure-glazed, and<br>(ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed. | Complies  |
| <b>(c)</b> where an enlarged part of the dwellinghouse has more than a single storey, or forms an upper storey to an existing enlargement of the original dwellinghouse, the roof pitch of the enlarged part must, so far as practicable, be the same as the roof pitch of the original dwellinghouse.            | Complies  |

**Class E**

The development *is* considered to be permitted development under Class E:

- (a)** any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure; or
- (b)** a container used for domestic heating purposes for the storage of oil or liquid petroleum gas

for the following reasons:

E.1 Development is not permitted by Class E if—

| E.1 Development is not permitted by Class E if   | Officer's Comment: |
|--|--------------------|
| (a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P, PA or Q of Part 3 of this Schedule (change of use)  | Complies           |
| (b) the total area of ground covered by buildings, enclosures and containers within the curtilage (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse)  | Complies           |
| (c) any part of the building, enclosure, pool or container would be situated on land forward of a wall forming the principal elevation of the original dwellinghouse   | Complies           |
| (d) the building would have more than a single storey  | Complies           |
| (e) the height of the building, enclosure or container would exceed –<br>(i) 4 metres in the case of a building with a dual-pitched roof,<br>(ii) 2.5 metres in the case of a building, enclosure or container within 2 metres of the boundary of the curtilage of the dwellinghouse, or<br>(iii) 3 metres in any other case | Complies           |
| (f) the height of the eaves of the building would exceed 2.5 metres  | Complies           |
| (g) the building, enclosure, pool or container would be situated within the curtilage of a listed building   | Complies           |
| (h) it would include the construction or provision of a verandah, balcony or raised platform   | Complies           |
| (i) it relates to a dwelling or a microwave antenna  | Complies           |
| (j) the capacity of the container would exceed 3,500 litres; or  | Complies           |
| (k) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses)   | Complies /         |

E.2

| E.2 In the case of any land within the curtilage of the dwellinghouse which is within -  | Officer's Comment: |
|--|--------------------|
| (a) a World Heritage Site,   | Not applicable     |
| (b) a National Park,   | Not applicable     |
| (c) an area of outstanding natural beauty or   | Not applicable     |
| (d) the Broads ,   | Not applicable     |
| development is not permitted by Class E if the total area of ground covered by buildings, enclosures, pools and containers situated more than 20 metres from any wall of the dwellinghouse would exceed 10 square metres |                    |

| E.3   | Officer's Comment: |
|---|--------------------|
| E.3 In the case of any land within the curtilage of the dwellinghouse which is article 2(3) land, development is not permitted by Class E if any part of the building, enclosure, pool or container would be situated on land between a wall forming a side elevation of the dwellinghouse and the boundary of the curtilage of the dwellinghouse | Complies           |

| E.4   | Officer's Comment: |
|---|--------------------|
| E.4 For the purposes of Class E, "purpose incidental to the enjoyment of the dwellinghouse as such" includes the keeping of poultry, bees, pet animals, birds or other livestock for the domestic needs or personal enjoyment of the occupants of the dwellinghouse | Complies           |

7. RECOMMENDATION

Grant Certificate



**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): SHO                      Dated: 06/11/2024

**I agree the recommendation:**

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

Dated: .....13/11/2024.....

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: .....