

Place Division / Development Management

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Sophie Bates
Sophie Bates Architects Ltd
29 St George's Road
Kingston Upon Thames
KT2 6DL

Letter Printed 20 November 2024

FOR DECISION DATED
20 November 2024

Dear Sir/Madam

The Town and Country Planning Act 1990, (as amended)
Decision Notice

Application: 24/2466/HOT
Your ref: 17 Sudbrook Gardens main hous...
Our ref: DC/KEM/24/2466/HOT/HOT
Applicant: Mrs Tamsin Loke
Agent: Sophie Bates

WHEREAS in accordance with the provisions of the Town and Country Planning Act 1990 and the orders made thereunder, you have made an application received on **1 October 2024** and illustrated by plans for the permission of the Local Planning Authority to develop land situated at:

17 Sudbrook Gardens Ham Richmond TW10 7DD

for

Removal of existing side infill and rear conservatory. Two rear extensions to the ground floor and infill over the existing conservatory location to the rear on the first floor. Replacement roof with clay tiles and solar panels to crown roof with habitable space to the loft floor. White insulated render to the external walls to insulate the home. Removal of painted, solid timber driveway gates and pedestrian gates and replacement with black metal, traditional style gates. Removal of brick lintel to both gates and installation of brick arch to pedestrian gate only.

NOW THEREFORE WE THE MAYOR AND BURGESSES OF THE LONDON BOROUGH OF RICHMOND UPON THAMES acting by the Council of the said Borough, the Local Planning Authority HEREBY GIVE YOU NOTICE pursuant to the said Act and the Orders made thereunder that permission to develop the said land in accordance with the said application is hereby **GRANTED** subject to the conditions and informatives summarised and listed on the attached schedule.

Yours faithfully

A handwritten signature in black ink, appearing to read 'R. Angus', with a long horizontal flourish extending to the right.

Robert Angus
Head of Development Management

SCHEDULE OF CONDITIONS AND INFORMATIVES FOR APPLICATION 24/2466/HOT

APPLICANT NAME

Mrs Tamsin Loke
17 Sudbrook Gardens
Ham
Richmond
TW10 7DD

AGENT NAME

Sophie Bates
29 St George's Road
Kingston Upon Thames
KT2 6DL

SITE

17 Sudbrook Gardens Ham Richmond TW10 7DD

PROPOSAL

Removal of existing side infill and rear conservatory. Two rear extensions to the ground floor and infill over the existing conservatory location to the rear on the first floor. Replacement roof with clay tiles and solar panels to crown roof with habitable space to the loft floor. White insulated render to the external walls to insulate the home. Removal of painted, solid timber driveway gates and pedestrian gates and replacement with black metal, traditional style gates. Removal of brick lintel to both gates and installation of brick arch to pedestrian gate only.

SUMMARY OF CONDITIONS AND INFORMATIVES

CONDITIONS

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U0193307	Approved Drawings
U0193308	Materials as Exg/Submitted
U0193309	Restriction on Use of Roof
U0193310	Arboricultural Method Statement (AMS)
U0193311	Pre-Start Meeting
U0193312	Fire Safety
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INFORMATIVES

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U0095742	NPPF APPROVAL - Para. 38-42
BNG02	Biodiversity Gain Plan No Pre-Approval
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DETAILED CONDITIONS AND INFORMATIVES

DETAILED CONDITIONS

AT01 Development begun within 3 years

The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.

REASON: To conform with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

U0193307 Approved Drawings

The development hereby permitted shall be carried out in accordance with the following approved plans and documents, where applicable.

047 P-1, 047 P-2, 047 P-03, 047 P-04, 047 P-05, 047 P-06, 047 P-10, 047 P-11, 047 P-12, 047 P-13, 047 P-14, 047 P-20, 047 P-21, 047 P-22, 047 P-23, 047 P-24, 047 P-25 and 'Design Statement' received on 01 Oct 2024.

REASON: To accord with the terms of the application, for the avoidance of doubt and in the interests of proper planning.

U0193308 Materials as Exg/Submitted

No new external finishes (including fenestration), including works of making good, shall be carried out other than in materials to match the existing, except where indicated otherwise on the submitted application form and/or approved drawings.

REASON: To ensure that the proposed development is in keeping with the existing building and does not prejudice the appearance of the locality.

U0193309 Restriction on Use of Roof

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order), other than the balcony area to the first floor infill extension, no part(s) of the roof of the building(s) hereby approved shall be used as a balcony or terrace nor shall any access be formed thereto.

REASON: To safeguard the amenities of the occupiers of adjoining property.

U0193310 Arboricultural Method Statement (AMS)

The submitted Arboricultural documentation "Pre-development Arboricultural Survey and Report ref: WAS 226/2024 REV A dated 30/09/2024", must inform an Arboricultural Method Statement (AMS), incorporating a Tree Protection Plan (TPP). The AMS shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.

The AMS must:

- A. Be written in accordance with and address sections 5.5, 6.1, 6.2, 6.3 and 7 of British Standard 5837:2012 Trees in relation to design, demolition and construction - recommendations .
- B. Outline any tree constraints and explain any impacts for both above and below ground and specify mitigation measures in line with BS5837.
- C. Detail all tree protection by way of a specification, in line with BS5837 (including plans).
- D. Detail any special engineering, excavation and installation for construction within the Root Protection Area.
- E. Detail any facilitation pruning that may be required. The specification for tying back and/or pruning must be measurable and prepared by a suitably qualified Arboriculturalist or Arboricultural Contractor. All tree work must be undertaken in

accordance with BS3998:2010 Tree work - Recommendations unless approved by the Councils Arboricultural Officer.

F. Provide confirmation of the appointment of an Arboricultural Consultant for the duration of the development and a schedule of inspections to achieve an auditable monitoring and supervision programme, including a timetable for submission to the Local Planning Authority.

The development shall not be implemented other than in accordance with the approved AMS.

REASON: Required prior to commencement of development to satisfy the Local Planning Authority in accordance with the LBRuT Local Plan (2018), LP16 that the trees to be retained will not be damaged during demolition or construction and to protect and enhance tree cover.

U0193311 Pre-Start Meeting

(A) Following the implementation of the Tree Protection, and no later than 14 days prior to the commencement of development (or any materials or machinery being brought onto the site), the Local Planning Authority Arboricultural Officer shall be invited to attend a 'pre-start meeting'. Key stakeholders (including site manager, project arboriculturist and other key site personnel) shall attend the pre-start meeting.

(B) Minutes from the meeting must be prepared and submitted to the Local Planning Authority Arboricultural Officer prior to the commencement of development.

REASON: To ensure that sufficient tree protection is in place and to prevent the tree (s) from being damaged or otherwise adversely affected by building operations and soil compaction.

U0193312 Fire Safety

The development must be carried out in accordance with the provisions of the 'Fire Strategy' received on 04 Oct 2024 unless otherwise approved in writing by the Local Planning Authority.

REASON: To ensure that the development incorporates the necessary fire safety measures in accordance with the Mayor's London Plan Policy D12.

U0193313 NRMM

Non-road mobile machinery during onsite construction of any phase of development, all non-road transportable industrial equipment or vehicles which are fitted with an internal diesel powered compression ignition engine between 37 and 560KW and not intended for transporting goods or passengers on roads are required to meet Stage IIIB of EU Directive 97/68/E and be NRMM registered. Such vehicles must be run on ultra low sulphur diesel (also known as ULSD 'cleaner diesel' or 'green diesel').

"Ultra low sulphur diesel" means fuel meeting the specification within BS EN 590. Where these standards are succeeded, they should be applied when reasonable. Exemptions to these standards may be granted for specialist equipment or for equipment with alternative emission reduction equipment or run on alternative fuels. Such exemptions shall be applied for in writing to the local planning authority in advance of the use of such vehicles, detailing the reasons for the exemption being sought and clearly identifying the subject vehicles. Exemptions that are granted will be in writing and such vehicles must not be used until written exemption has been issued by the local planning authority.

No vehicles or plant to which the above emission standards apply shall be on site, at any time, whether in use or not, unless it complies with the above standards, without the prior written consent of the local planning authority.

Reason: To protect the amenity of future occupants and/or neighbours.

DETAILED INFORMATIVES

U0095741 Composite Informative

Reason for granting:

The proposal has been considered in the light of the Development Plan, comments from statutory consultees and third parties (where relevant) and compliance with Supplementary Planning Guidance as appropriate. It has been concluded that there is not a demonstrable harm to interests of acknowledged importance caused by the development that justifies withholding planning permission.

Principal Policies:

Where relevant, the following have been taken into account in the consideration of this proposal:-

Local Plan Policies: LP1, LP4, LP5, LP8, LP16, LP44 & LP45

Supplementary Planning Guidance: Buildings of Townscape Merit, House Extension and External Alterations & Ham and Petersham Village Plan
Ham and Petersham Neighbourhood Plan (2019)

Building Regulations:

The applicant is advised that the erection of new buildings or 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. For application forms and advice please contact the Building Control department, 2nd floor, Civic Centre, 44 York Street, Twickenham, TW1 3BZ. (Tel: 020 8891 1411). If you alter your proposals in any way, including to comply with the Building Regulations, a further planning application may be required. If you wish to deviate in any way from the proposals shown on the approved drawings you should contact the Development Management department, 2nd floor, Civic Centre, 44 York Street, Twickenham, TW1 3BZ. (Tel: 020 8891 1411).

Damage to the public highway:

Care should be taken to ensure that no damage is caused to the public highway adjacent to the site during demolition and (or) construction. The Council will seek to recover any expenses incurred in repairing or making good such damage from the owner of the land in question or the person causing or responsible for the damage.

BEFORE ANY WORK COMMENCES you MUST contact the London Borough of Richmond upon Thames, 44 York Street, Twickenham TW1 3BZ, Telephone 020 8891 1411 to arrange a pre-commencement photographic survey of the public highways adjacent to and within the vicinity of the site. The precondition survey will ensure you are not charged for any damage which existed prior to commencement of your works.

If you fail to contact us to arrange a pre commencement survey then it will be assumed that any damage to the highway was caused by your activities and you will be charged the full cost of repair.

Once the site works are completed you need to contact us again to arrange for a post construction inspection to be carried out. If there is no further damage then the case will be closed. If damage or further damage is found to have occurred then you will be asked to pay for repairs to be carried out.

Noise control - Building sites:

The attention of the applicant is drawn to the requirements of Section 60 of the Control of Pollution Act 1974 in respect of the minimisation of noise and vibration on

construction and demolition sites. Application, under section 61 of the Act for prior consent to the works, can be made to the Environmental Health department.

Under the Act the Council has certain powers to control noise from construction sites. Typically the council will limit the times during which sites are permitted to make noise that their neighbours can hear.

For general construction works the Council usually imposes (when necessary) the following limits on noisy works:-

Monday to Friday 8am to 6pm
Saturdays 8am to 1pm
Sundays and Public Holidays - No noisy activities allowed

Applicants should also be aware of the guidance contained in British Standard BS 5228-1:2009+A1:2014 - Noise and vibration control on construction and open sites.

Any enquiries for further information should be made to the Noise & Nuisance Team, Regulatory Services Partnership NoiseandNuisance@merton.gov.uk.

U0095742 NPPF APPROVAL - Para. 38-42

In accordance with paragraphs 38-42 of the National Planning Policy Framework, Richmond upon Thames Borough Council takes a positive and proactive approach to the delivery of sustainable development, by:

- o Providing a formal pre-application service
- o Providing written policies and guidance, all of which is available to view on the Council's website
- o Where appropriate, negotiating amendments to secure a positive decision
- o Determining applications in a timely manner.

In this instance:

- o The application was acceptable as submitted, and approved without delay.

BNG02 Biodiversity Gain Plan No Pre-Approval

Approval of a Biodiversity Gain Plan will not be required before development commences

Biodiversity Net Gain

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for development of land in England is deemed to have been granted subject to the condition ('biodiversity gain condition') that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan, if one is required in respect of this permission would be the London Borough of Richmond upon Thames.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed below.

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements in the list below is/are considered to apply.

Statutory exemptions and transitional arrangements in respect of the biodiversity gain condition.

1. The application for planning permission was made before 12 February 2024.
2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies.
3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and
 - (i) the original planning permission to which the section 73 planning permission relates* was granted before 12 February 2024; or
 - (ii) the application for the original planning permission* to which the section 73 planning permission relates was made before 12 February 2024.
4. The permission which has been granted is for development which is exempt being:
 - 4.1 Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:
 - (i) the application for planning permission was made before 2 April 2024;
 - (ii) planning permission is granted which has effect before 2 April 2024; or
 - (iii) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates* was exempt by virtue of (i) or (ii).
 - 4.2 Development below the de minimis threshold, meaning development which:
 - (i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
 - (ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).
 - 4.3 Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A 'householder application' means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.
 - 4.4 Development of a biodiversity gain site, meaning development which is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the Biodiversity Gain Planning condition which applies in relation to another development, (no account is to be taken of any facility for the public to access or to use the site for educational or recreational purposes, if that access or use is permitted without the payment of a fee).
 - 4.5 Self and Custom Build Development, meaning development which:
 - (i) consists of no more than 9 dwellings;
 - (ii) is carried out on a site which has an area no larger than 0.5 hectares; and
 - (iii) consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).
 - 4.6 Development forming part of, or ancillary to, the high speed railway transport network (High Speed 2) comprising connections between all or any of the places or parts of the transport network specified in section 1(2) of the High Speed Rail (Preparation) Act 2013.

* 'original planning permission means the permission to which the section 73 planning permission relates' means a planning permission which is the first in a sequence of two or more planning permissions, where the second and any subsequent planning permissions are section 73 planning permissions.

Irreplaceable habitat

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

The effect of section 73D of the Town and Country Planning Act 1990

If planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 (application to develop land without compliance with conditions previously attached) and a Biodiversity Gain Plan was approved in relation to the previous planning permission ('the earlier Biodiversity Gain Plan') there are circumstances when the earlier Biodiversity Gain Plan is regarded as approved for the purpose of discharging the biodiversity gain condition subject to which the section 73 planning permission is granted.

Those circumstances are that the conditions subject to which the section 73 permission is granted:

- (i) do not affect the post-development value of the onsite habitat as specified in the earlier Biodiversity Gain Plan, and
- (ii) in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat the conditions do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier Biodiversity Gain Plan.

U0095743 Bricks

The council strongly encourages the applicant to retain and reuse the removed bricks to ensure the historic material is either incorporated back into the wall or reused elsewhere on the site.

U0095756 AMS

The following industry standards should be referred to:

- o BS: 3998 (2010) Tree work - Recommendations
- o BS: 5837 (2012) Trees in relation to demolition, design and construction - Recommendations

U0095757 Arboricultural Conditions

For the avoidance of doubt, where a condition requires the submission and approval of details to the Local Planning Authority a formal application for approval of details reserved by condition should be made. Where a condition requires the submission of details to the Arboriculture Officer, details should be forwarded to: paul.maher@richmondandwandsworth.gov.uk or in writing to: Paul Maher, Trees and Parks, Civic Centre, 44 York Street, Twickenham, TW1 3BZ.

U0095747 CIL Liable

The applicant is advised that this permission may result in a chargeable scheme under the Borough's and the Mayor of London's Community Infrastructure Levy.

END OF SCHEDULE OF CONDITIONS AND INFORMATIVES FOR APPLICATION
24/2466/HOT

HOT Applications

Making an Appeal – Summary Guidance

Whether to appeal

If the Local Planning Authority (LPA) turn down your application, you should look carefully at the reasons why they turned it down before you make an appeal. You should speak to the LPA to see if you can sort out the problem - perhaps by changing your proposal. An appeal should only ever be a last resort.

Type of appeal

Refusal of permission for HOT applications – this type of appeal is appropriate for domestic alterations and extensions and any ancillary development in the garden. It is not appropriate for alterations to flats.

Appeal time

Within 12 weeks of the date of this notice.

Who can appeal

The applicant or their agent may lodge an appeal

The appeals process

Appeals must be made

- Online at www.planninginspectorate.gov.uk, or
- Using a form which you can get from Initial Appeals, The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN.

It will be expected that all appeal documentation will be submitted electronically.

The Planning Inspectorate (on behalf of the Secretary of State) will determine the appeal procedure to be followed. Normally this will proceed by way of the Householder Appeal Service which will rely solely on information submitted at application stage. The Council will send copies of any letters of objection or support they received when considering your application. Further submissions or statements will not be accepted by the Planning Inspectorate.

Your householder appeal will be decided by a Planning Inspector. He/she will consider all the application documents and grounds of appeal and also make an unaccompanied visit to the appeal site. You may be required to provide access to the site for the Inspector.

Appeal decision

80% of householder appeal decisions will be issued within 8 weeks from the start date of the appeal.

Further information available from:

The Planning Inspectorate –

Website www.planninginspectorate.gov.uk

Email enquiries@pins.gsi.gov.uk

Telephone 0303 444 5000

London Borough of Richmond Upon Thames -

Website www.richmond.gov.uk/planning

Email planningappeals@richmond.gov.uk

Telephone 020 8891 1411 for advice