

Place Division / Development Management

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Mrs Fiona Jones
Cameron Jones Planning Ltd
3 Elizabeth Gardens
Ascot
SL5 9BJ

Letter Printed 16 December 2024

FOR DECISION DATED
16 December 2024

Dear Sir/Madam

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

Application: 24/2382/FUL
Your ref: 99 Atbara Road
Our ref: DC/PSH/24/2382/FUL
Applicant: Mr and Mrs McDaid
Agent: Mrs Fiona Jones

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 **23 September 2024** and illustrated by plans for the permission of the Local Planning Authority to develop land situated at:

99 Atbara Road Teddington TW11 9PA

for

The erection of a self-build detached dwelling with associated refuse stores and 1x ASHP and 6no. solar panels on the roof following the demolition of the existing dwelling

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 **REFUSED** subject to the reasons 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 REASONS AND INFORMATIVES FOR APPLICATION 24/2382/FUL

APPLICANT NAME

Mr and Mrs McDaid
99 Atbara Road
Teddington
Richmond Upon Thames
TW11 9PA

AGENT NAME

Mrs Fiona Jones
3 Elizabeth Gardens
Ascot
SL5 9BJ

SITE

99 Atbara Road Teddington TW11 9PA

PROPOSAL

The erection of a self-build detached dwelling with associated refuse stores and 1x ASHP and 6no. solar panels on the roof following the demolition of the existing dwelling

SUMMARY OF REASONS AND INFORMATIVES

REASONS

U0194885	Reason for refusal - Neighbour Amenity
U0194886	Reasons for refusal - Design
U0194887	Reason for refusal - Impact on Trees
U0194888	Reason for refusal - Flood Risk
U0194889	Reason for Refusal - BNG/Self-Build

INFORMATIVES

U0095995	Decision Drawings
U0095997	Missing Information
U0095996	NPPF Para 38-42

DETAILED REASONS AND INFORMATIVES

DETAILED REASONS

U0194885 Reason for refusal - Neighbour Amenity

The proposal, by reason of its design, bulk, scale, massing and siting, would result in a sense of overbearing impact and loss of daylight/sunlight to the neighbouring occupiers at No.101 Atbara Road; and result in a heightened level of perceived overlooking to occupiers located at the rear of the development site. As such, the proposal is not considered to comply with Policy LP8 of the Local Plan and Policy 46 of the Publication Local Plan.

U0194886 Reasons for refusal - Design

The proposal, by reason of its overall detailed design, bulk, scale, massing and siting, would constitute poor design and result in an overbearing and incongruent built form to the detriment of the character of the host site and street. As such, the proposal is not considered to comply with Policy LP1 of the Local Plan, Policy 28 of the Publication Local Plan, and is inconsistent with the Small and Medium Housing Sites Supplementary Planning Document (February 2006).

U0194887 Reason for refusal - Impact on Trees

As a result of insufficient information, an accurate and comprehensive assessment of the impact on identified and/or other neighbouring trees, including during construction, cannot be made. As such, the proposal is not considered to comply with Policy LP16 of the Local Plan and Policy 42 of the Publication Local Plan.

U0194888 Reason for refusal - Flood Risk

As a result of insufficient information, an accurate and comprehensive assessment of the flood risk posed by the proposal cannot be made. As such, the proposal is not considered to comply with Policy LP21 of the Local Plan and Policy 8 of the Publication Local Plan.

U0194889 Reason for Refusal - BNG/Self-Build

In the absence of a binding obligation securing this scheme as self-build and thus claiming an exemption to provide at least 10% biodiversity net gain, the proposal would be prejudicial to meeting biodiversity objectives, contrary to paragraph 13 of Schedule 7A to the Town and Country Planning Act, Policy LP15 of the LBRUT Local Plan (2018) and Policy 39 of the draft Publication Version: Local Plan.

DETAILED INFORMATIVES

U0095995 Decision Drawings

For the avoidance of doubt the Drawing(s) No(s) to which this decision refers are as follows:-

- Drawing No. AR-R02-PR-102; AR-R02-PR-103; AR-R02-PR-104; AR-R02-PR-105; AR-R02-PR-106; R-R02-PR-107; AR-R02-PR-108; Location Plan and Application Form
- Construction Management Plan Pro-forma and additional CMP document by Gravitas
- Affordable Housing Statement by Cameron Jones Planning dated September 2024
- Planning Statement by Cameron Jones Planning dated September 2024
- Arboricultural Impact Assessment drawing dated June 2024
- Daylight/Sunlight document by Richard W Staig dated 11th July 2024
- Flood Risk Assessment by STM Environmental dated 28th June 2023
- Self-Build Statement by Cameron Jones Planning dated September 2024

All received 23rd September 2024.

U0095997 Missing Information

The following is noted as missing information required to inform and permit a comprehensive understanding of any future scheme and application;

- A Tree Protection Plan
- An Acoustic/Noise Assessment in general accordance with Section 6.4 of the Development Control for Noise Generating and Noise Sensitive Development SPD to appropriately assess the potential noise impacts of any ASHP unit.
- A CMP that includes the matters as submitted plus details the spoil removal method; site setup drawing; and identify methods to avoid contact and harm to overhanging trees.
- An Ecological Assessment that includes the matters as submitted plus details hard and soft landscaping works; external lighting (including a plan); ecological enhancements (including a plan) and bat identification and protection during construction.
- A Flood Risk Assessment that includes the matters as submitted plus details updated Causeway calculations to include the total site area; a drawing illustrating routes of exceedance flows in a 1 in 100-year (plus climate change) event; and identifying the maintenance tasks and frequencies for the proposed SuDS features and orifice plate flow control device.

U0095996 NPPF 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 scheme was found to be contrary to policy and guidance, and subsequently refused. The Council is ready to enter into further discussions, through the Council's formal pre-application service, to advise the applicants of relevant policy and guidance; and where possible assist in the preparation of a new planning permission. More information on the pre-application service and relevant fees can be found online at www.richmond.gov.uk/pre-application_for_developers.

END OF SCHEDULE OF REASONS AND INFORMATIVES FOR APPLICATION
24/2382/FUL

FUL 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:

Planning Application

Appeal time:

Within six months of the date of the council's decision letter.

Who can appeal?

The applicant or their agent may lodge an appeal.

The right of appeal:

You can appeal against the council's decision:

- If you applied to the Local Planning Authority and they:
 - Refused permission;
 - Gave permission but with conditions you think are inappropriate;
 - Haven't approved the details of a scheme which they or the Secretary of State have already given outline planning permission for or;
 - Have approved the details of a scheme but with conditions you think are inappropriate or unreasonable.

- If the LPA rejected a proposal arising from a condition or limitation on a planning permission.
- If the LPA don't decide your application within the time allowed. Normally the time allowed is eight weeks from when they accept your application.
- If the LPA told you they needed more information before they could decide your outline planning application, but you do not want to supply this.

You will make your appeal to the Department for Communities and Local Government of which the Planning Inspectorate is a part. Most are decided by specialist officers in the Planning Inspectorate. Only the person or business applying for consent to display an advertisement may appeal. If the council issues a discontinuance notice, only those on whom the notice is served may appeal.

The appeal process:

Appeals must be made

- Online at www.planninginspectorate.gov.uk, or
- 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 process is fully documented on the website of the Planning Inspectorate www.planninginspectorate.gov.uk, however in summary there are three main types of appeal:

Written procedure:

Written evidence is considered from the applicant/agent/business and the council. The council will send copies of any letters of objection or support they received when considering your application. Within six weeks of the Inspectorate receiving your appeal forms the council will send a copy of their statement to the Inspectorate. You must make any comment on these within three weeks.

Hearing procedure:

Hearings allow you and the council to exchange views and discuss your appeal. Before the hearing the council will send a copy of their statement to you and the Inspectorate. You can comment on their statement in writing otherwise the Inspectorate will treat the reasons given in your appeal form as the basis of your case for discussion.

Hearings are usually held in council offices. The Inspector leads the discussion and invites the people involved to put their points across. The Inspector will visit the site unaccompanied before the hearing and will make a further accompanied visit as part of the hearing.

Inquiry procedure:

Inquiries are normally for large-scale applications. A public inquiry is a formal procedure in which both parties have legal representation.

Making your views known on someone else's appeal:

The LPA will notify anyone who took part in the consultations when you first applied for permission that you are appealing. For appeals decided by hearing or inquiry the LPA will tell interested people when and where this will be and let them know that they can attend. The Inspectorate will also take account of the views of certain groups who have a right to comment, for example, owners of a site, local amenity groups and so on.

Costs:

Normally you and the council will pay for your own expenses in an appeal. You can only claim costs when you can show that the council have behaved in an unreasonable way causing unnecessary expense.

Who to contact?

The Planning Inspectorate

Website www.planninginspectorate.gov.uk

Email enquiries@pins.gsi.gov.uk

Telephone 0303 444 5000

Write to Initial Appeals, The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN

London Borough of Richmond upon Thames

Website www.richmond.gov.uk/planning

Email planningappeals@richmond.gov.uk

Telephone 020 8891 1411 for advice

Write to The Appeals Officer, Development Control, Civic Centre, 44 York Street, Twickenham TW1 3BZ