



Application reference: 24/3001/NMA
KEW WARD

Date application received	Date made valid	Target report date	8 Week date
02.12.2024	02.12.2024	30.12.2024	30.12.2024

Site:

23A West Park Road, Kew, Richmond, TW9 4DB

Proposal:

Non material amendment to planning appeal decision APP/L5810/W/23/3328650 to allow for the Insertion of two new obscured-glazed timber sash windows, increased width to one existing window on the side elevation.

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

APPLICANT NAME

Mr & Mrs Matthew & Katy Williams
23 A West Park Road
Kew
Richmond Upon Thames
TW9 4DB

AGENT NAME

Ms Olga Alexaki
The Studio
210 Old Brompton Road
London
SW5 0BS

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:

Development Management

Status: GTD Application:07/0912/HOT
Date:04/05/2007 Rear garden shed to be removed and replaced with single storey garden studio.

Development Management

Status: REF Application:23/1054/FUL
Date:12/07/2023 Demolition of existing rear extension and construction of new ground floor single storey rear extension

Development Management

Status: PDE Application:24/3001/NMA
Date: Non material amendment to planning appeal decision APP/L5810/W/23/3328650 to allow for the Insertion of two new obscured-glazed timber sash windows, increased width to one existing window on the side elevation.

Appeal

Validation Date: 28.11.2023 Demolition of existing rear extension and construction of new ground floor single storey rear extension

Reference: 23/0116/AP/REF **Appeal Allowed**

Building Control

Deposit Date: 02.10.2014 Replacement bay window glazing and structural supports

Reference: 14/2249/BN

Building Control

Deposit Date: 22.09.2014 Install a gas-fired boiler

Reference: 14/FEN04308/GASAFE

Application Number	24/3001/NMA
Address	23A West Park Road, Kew, Richmond, TW9 4DB
Proposal	Non material amendment to planning appeal decision APP/L5810/W/23/3328650 to allow for the Insertion of two new obscured-glazed timber sash windows, increased width to one existing window on the side elevation.
Contact Officer	Ben Haworth
Target Determination Date	30/12/2024

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.

2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

The application site is a semi-detached property divided into flats. It is two storeys with roof accommodation demonstrated by a dormer. The front elevation is formed of red brick and a two-storey bay window with gable feature above in white. The front garden is enclosed by a low fence.

The application site is situated within Twickenham Village and is designated as:

- Area Poorly Provided With Public Open Space (Area poorly provided with Public Open Space)
- Area Susceptible To Groundwater Flood - Environment Agency (Superficial Deposits Flooding - $\geq 75\%$ - SSA Pool ID: 1492)
- Article 4 Direction Basements (Article 4 Direction - Basements / Ref: ART4/BASEMENTS / Effective from: 18/04/2018)
- Community Infrastructure Levy Band (Higher)
- Conservation Area (CA73 Burlington Avenue & West Park Road)
- Take Away Management Zone (Take Away Management Zone)
- Village (Kew Village)
- Village Character Area (The Avenues - Area 13 Kew Village Planning Guidance Page 43 CHARAREA02/13/01)
- Ward (Kew Ward)

3. DESCRIPTION OF THE PROPOSED AMENDMENTS AND ANY RELEVANT PLANNING HISTORY

The application is for a non-material amendment to planning appeal decision APP/L5810/W/23/3328650 to allow for the insertion of two new obscured-glazed timber sash windows, and an increase in width of one existing window on the side elevation.

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

Reference	Description	Decision	Decision Date
23/1054/FUL	Demolition of existing rear extension and	Refused Permission Appeal allowed	28/02/2024

	construction of new ground floor single storey rear extension		
07/0912/HOT	Rear garden shed to be removed and replaced with single storey garden studio.	Granted Permission	04/05/2007

4. CONSULTATIONS CARRIED OUT

An application to make a non-material change under s.96A is not an application for planning permission, so the existing Town and Country Planning (Development Management Procedure) Order 2015 provisions relating to statutory consultation and publicity do not apply. Local planning authorities have discretion in determining whether and how they choose to inform other interested parties or seek their views.

5. TOWN AND COUNTRY PLANNING ACT 1990

The application seeks approval under s.96A(4) of the Act for non-material changes to planning permission. Section 96A(1) states: "A local planning authority may make a change to any planning permission relating to land in their area if they are satisfied that the change is not material."

Section 96A(2) states: "In deciding whether a change is material, a local planning authority must have regard to the effect of the change, together with any previous changes made under this section, on the planning permission as originally granted."

S96A was introduced by the Parliament to allow for a degree of flexibility to be introduced into the planning system. Whilst there is no statutory guidance as to what constitutes a non-material amendment, materiality is a matter of judgement and that materiality is to be judged by reference to the overall context including the nature and scale of the permission being altered. Judgement on 'materiality' in any particular case is one of fact and degree, along with taking into account the likely impact of the amendment on the local environment. Materiality is considered against the development as a whole, not just part of it. The basis for forming a judgement on materiality is always the original permission however the cumulative effects of any previous amendments would also need to be assessed.

Although what defines a non-material amendment is to the discretion of the local authority concerned and lacking in legal definition, the following key tests could be applied in assessing the acceptability of a change to an approved scheme under the non-material amendment procedure:

- Is the proposed change material/significant in terms of its scale (magnitude, degree etc) in relation to the original approval?
- Would the proposed change result in a development that will appear noticeably different to what interested parties may have envisaged or could result in an impact on the amenity of occupiers of adjoining properties?
- Would the interests of any third party or body who participated in or where informed of the original decision be disadvantaged in any way?
- Would the amendments be contrary to any planning policy of the Council?

If none of these tests are positive, then it is considered that the change could be dealt with

as a non-material amendment.

6. EXPLANATION OF OFFICER RECOMMENDATION

Is the proposed change material/significant in terms of its scale (magnitude, degree etc) in relation to the original approval?

The description of the original application was: *Demolition of existing rear extension and construction of new ground floor single storey rear extension*

This application seeks the addition of two new windows on the side ground-floor elevation, and the enlargement of an existing window.

As works to the side elevation windows were not part of the parent application, the proposal cannot be considered an amendment to the previous approval.

In this case, as the property is a flat, it does not benefit from permitted development rights regarding changes to windows.

Would the proposed change result in a development that will appear noticeably different to what interested parties may have envisaged or could result in an impact on the amenity of occupiers of adjoining properties?

The proposed new windows and side window extension would be located on the western ground-floor elevation adjacent to No.25. The separation difference between the two buildings is less than 2m. As such, the proposed changes are located where there would be limited visibility from public viewpoints.

As the proposed new windows would be obscure glazed, they are not considered to result in any possible privacy incursions onto the neighbouring property.

The proposed widened window is considered a minor extension of the existing window located in a ground floor bedroom. The increase in window width would be from an existing width of approximately 0.6m to a proposed width of approximately 0.9m. An increase in width of 0.3m compared to the existing bedroom window is considered to result in immaterial changes to the existing outlook opportunities from the subject room onto No.25.

Overall, the development will not result in an impact on the amenity of neighbouring properties.

Would the interests of any third party or body who participated in or where informed of the original decision be disadvantaged in any way?

It is not considered that the proposed changes will have a detrimental impact on the amenity of surrounding occupiers to the point where any third party who participated in the original decision would be prejudiced or disadvantaged in any way.

Would the amendments be contrary to any planning policy of the Council?

It is considered that the proposal would have a neutral impact on the character and appearance of the existing dwelling and surrounding area.

7. RECOMMENDATION

This recommendation is made following careful consideration of all the issues raised through

the process and it is considered the current application satisfies Section 96A of the Town and Country Planning Act (1990) as amended.

Refuse for the following reasons

The proposed additions and alterations are considered to be a material amendment under the provisions of Section 96A of the Town and Country Planning Act 1990 (as amended) as the design would be materially different to that of the approved scheme. As such, additional consent is required from the Local Planning Authority.

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):BH.....

Dated:19/12/2024.....

I agree the recommendation:

SG
Senior Planner

Dated:19/12/2024.....