

Application reference: 24/3136/PS192
EAST SHEEN WARD

Date application received	Date made valid	Target report date	8 Week date
13.12.2024	13.12.2024	07.02.2025	07.02.2025

Site:

22 York Avenue, East Sheen, London, SW14 7LG

Proposal:

Proposed side dormer.

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

APPLICANT NAME

Mrs Ana Oliveira
22 York Avenue
East Sheen
London
SW14 7LG

AGENT NAME

Mr Rustem Konakli
469 Lordship Lane
Lordship Lane
London
N22 5DJ

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

Date:23/03/2017

Application:17/0510/PS192

Replacement of existing glass conservatory with a single storey rear extension

Development Management

Status: PDE

Date:

Application:24/3136/PS192

Proposed side dormer.

Building Control

Deposit Date: 15.02.2016 Install a gas-fired boiler

Reference: 16/FEN00620/GASAFE

Building Control

Deposit Date: 09.01.2017 Install replacement windows in a dwelling

Reference: 17/FEN00506/FENSA

Application Number	24/3136/PS192
Address	22 York Avenue, East Sheen, London, SW14 7LG
Proposal	Proposed side dormer.
Contact Officer	Kerry McLaughlin

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 application property is a two-storey, semi-detached dwelling, located on the eastern side of York Avenue.

The application site is subject to the following planning constraints:

Area Susceptible to Groundwater Flood - Environment Agency	Superficial Deposits Flooding - >= 50% <75% - SSA Pool ID: 1647
Article 4 Direction Basements	Article 4 Direction - Basements / Ref: ART4/BASEMENTS / Effective from: 18/04/2018
Protected View (Indicative Zone)	View 7 RICHMOND PARK TOWARDS ST PAULS CATHEDRAL
Surface Water Flooding (Area Less Susceptible to) - Environment Agency	
Village	East Sheen Village
Village Character Area	Temple Sheen Road / Palmerston Road / York Avenue - Character Area 12 East Sheen Village Planning Guidance Page 39 CHARAREA05/12/01
Ward	East Sheen Ward

3. PROPOSAL AND ANY RELEVANT PLANNING HISTORY

Volume Calculation:

$$2250 / 2 = 1125 \times 2587 = 2.910\text{m}^2 \quad \blacktriangleright$$

$$2.910\text{m}^2 \times \text{length}$$

$$2.910\text{m}^2 \times 3200 = 9.312\text{m}^2$$

TOTAL ADDITIONAL
VOLUME TO ROOFS

9.312m³

Volume calculation provided by applicant, checked and verified by officer.

Existing roof extension (as confirmed under BC No. 1739/87) = 1650cu.ft (46.7228 cu.m)

Total proposed roof extensions = 56.03m³

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	Decision
17/0510/PS192	Replacement of existing glass conservatory with a single storey rear extension	Granted Permission

Plan No.	Particulars	Applicant	Council's Decision
BC No. 1739/78	Proposed loft extension 1650 cu.ft.	Rigel Designs Ltd. pp R.Porch	P.D.
83/1477	(22 & 24) Erection of a conservatory and store at the rear of 24 York Avenue and the erection of a linked first floor extension to No.s 22 & 24.	Dennis Taylor Bell pp Mr. & Mrs.Chase & " " L Sackin.	REFUSED
84/562 BC No. 1013/84	(Nos. 22/24) Erection of a conservatory and store at the rear of 24 York Ave. & the erection of a linked first floor extension to Nos. 22 & 24.	Dennis Taylor Bell pp Mr.&Mrs.L Sackin Mr.&Mrs.S Chase.	App. with Conditions.
87/473	Erection of conservatory extension at the rear	A B Conservatories pp Mr Chase	App with conds

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 B

The scheme *is not* considered to be permitted development under Class B 'The enlargement of a dwelling house consisting of an addition or alteration to its roof' for the following reasons:

B.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) any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof;	Complies
(c) any part of the dwellinghouse would, as a result of the works, extend beyond the plane of any existing roof slope which forms the principal elevation of the dwellinghouse and fronts a highway;	Complies
(d) the cubic content of the resulting roof space would exceed the cubic content of the original roof space by more than— (i) 40 cubic metres in the case of a terrace house, or (ii) 50 cubic metres in any other case;	Does not Comply (Please see calculations set out under 'Proposals' above)

	The combined roof extensions under this current application together with that previously erected result in a total roof volume exceeding the permitted development allowance of 50m ³ .
(e) it would consist of or include— (i) the construction or provision of a verandah, balcony or raised platform, or (ii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe;	Complies
(f) the dwellinghouse is on article 2(3) land;	Complies
(g) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses); or	Complies
(h) the existing dwellinghouse has been enlarged in reliance on the permission granted by Class AA (enlargement of a dwellinghouse by construction of additional storeys)	Complies

B.2 Development is permitted by Class B subject to the following conditions—	Officer's Comment:
(a) the materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;	Complies As stated on the application form.
(b) the enlargement must be constructed so that— (i) other than in the case of a hip-to-gable enlargement or an enlargement which joins the original roof to the roof of a rear or side extension— (aa) the eaves of the original roof are maintained or reinstated; and (bb) the edge of the enlargement closest to the eaves of the original roof is, so far as practicable, not less than 0.2 metres from the eaves, measured along the roof slope from the outside edge of the eaves; and (ii) other than in the case of an enlargement which joins the original roof to the roof of a rear or side extension, no part of the enlargement extends beyond the outside face of any external wall of the original dwellinghouse; and	Complies
(c) any window inserted on a wall or roof slope forming a side elevation of the dwellinghouse must be— (i) obscure-glazed, and (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.	Does not Comply Insufficient information has been submitted to confirm compliance with this criterion.

7. RECOMMENDATION

Refuse Certificate

Reason for Refusal - B.1 (d) & B.2 (c)

This proposal CONSTITUTES DEVELOPMENT within the meaning of Section 55 of the Town and Country Planning Act 1990, and a planning application IS REQUIRED. This is because it does not meet criteria laid down in the Town and Country Planning (General Permitted Development) (England) Order 2015 and any subsequent legislative amendments.

The proposed scheme fails to comply with criterion B.1(d) of Class B, Part 1, Schedule 2 of The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015 (as amended) as the combined roof extensions under this current application together with that previously erected result in a total roof volume exceeding the permitted development allowance of 50m³.

Insufficient information has been submitted to confirm compliance with B.2 (c) of Class B, Part 1, Schedule 2 of the Town and Country (General Permitted Development) Order 2015 (as amended). The applicant has failed to demonstrate that any window inserted on a wall or roof slope forming a side elevation of the dwellinghouse will be obscure-glazed and 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.

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): KM

Dated: 19/12/2024

I agree the recommendation:

SG
Senior Planner

Dated:20/12/2024.....