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Date:

7th January 2024

Ref:

1181/04/AC

Head of Development Control
Development and Street Scene
London Borough of Richmond-upon-Thames
Civic Centre
44 York Street
Twickenham
Middlesex TW1 3BZ

Dear Sir/Madam

**94 TEMPLE SHEEN ROAD, EAST SHEEN LONDON SW14 7RR
APPLICATION UNDER SECTION 192 OF THE TOWN & COUNTRY PLANNING ACT 1990
(AS AMENDED) FOR A CERTIFICATE OF LAWFULNESS FOR A PROPOSED USE OR
DEVELOPMENT COMPRISING TILE-HUNG BOX DORMER ROOF EXTENSION TO REAR
ROOF SLOPE, ROOFLIGHT & SOLAR PANEL ARRAY TO FRONT ROOF SLOPE AND
REMOVAL OF CHIMNEYS**

Please find attached a s192 application for a Certificate of Lawfulness for a Proposed Use or Development (CLPUD) in respect of proposed roof level alterations to the above semi-detached dwellinghouse – as listed above. This application varies from recent refusal 24/2910/PS192 in that the proposed box dormer is now to be clad in tile-hanging to match the existing roof material to the house. All other particulars, which were accepted by LBRUT previously, remain the same. It is noted the adjacent property at No92 achieved a similar approval in 2021 (see Planning History section below). This letter includes a Statement of Justification confirming the proposals meet all the requirements and conditions associated with such permitted development.

The application pack comprises:

1. AGA's covering letter with Statement of Justification
2. A Location Plan/Block Plan with the site outlined in red (Allza)
3. A sheet of photographs showing the existing property and its immediate context (Allza)
4. Existing and proposed drawings comprising site layouts, floor plans, roof plans, sections and elevations, prepared by Allza
5. A brief Design & Access Statement, prepared by Allza

LBRUT's s192 CLPUD application fee has been paid via the Planning Portal on submission.

Description of Existing Property

94 Temple Sheen Road (see Figs 1-7 overleaf and drawings and photographs accompanying application) comprises a two-storey semi-detached dwellinghouse located on the north side of Temple Sheen Road, East Sheen - near the corner with Derby Road. The 2-storey property dates from 1957, is of brick construction with a double-pitched roof in tile and was designed by architect Leslie Gooday. It has a total GEA of 208.15 sqm (GIA – 176.64 sqm) excluding the small storage building to the rear (GEA – 4.71 sqm/GIA – 3.78 sqm). A single storey conservatory was erected at the rear in the intervening years but there have been no alterations at roof level during the lifetime of the house. No94's plan form and main elevations are asymmetric, both by itself and when considered together with No92 - its smaller semi-detached neighbour to the east.

The house is not on Historic England's Statutory Register, nor is it within a Conservation Area. The only LBRUT Article 4 Direction affecting the area is a requirement for basement proposals to gain formal planning approval.

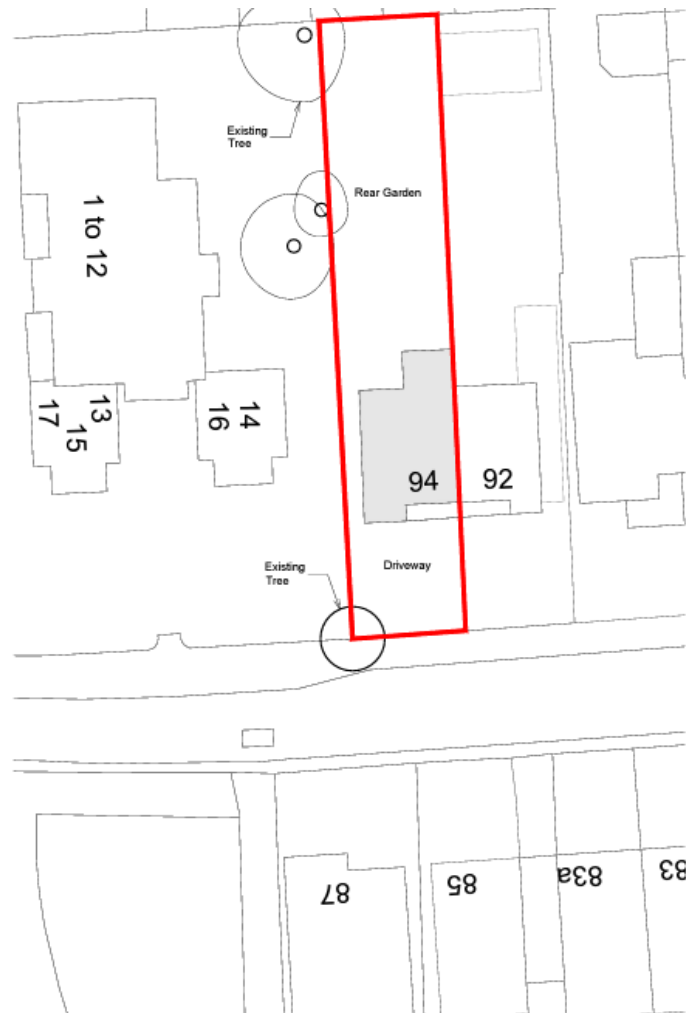


Figure 1 – Block Plan for 94 Temple Sheen Road, East Sheen SW14 7RR

To the north lies a large garden, to the west – the large block of flats known as Furness Lodge and to the south, the older properties at 83-87 Temple Sheen Road. (see Fig 1 above and Figs 2-7 overleaf)



Figure 2 – Existing Floor Plans for 94 Temple Sheen Road



Figure 3 – View of 94 and 94 Temple Sheen Road from the south



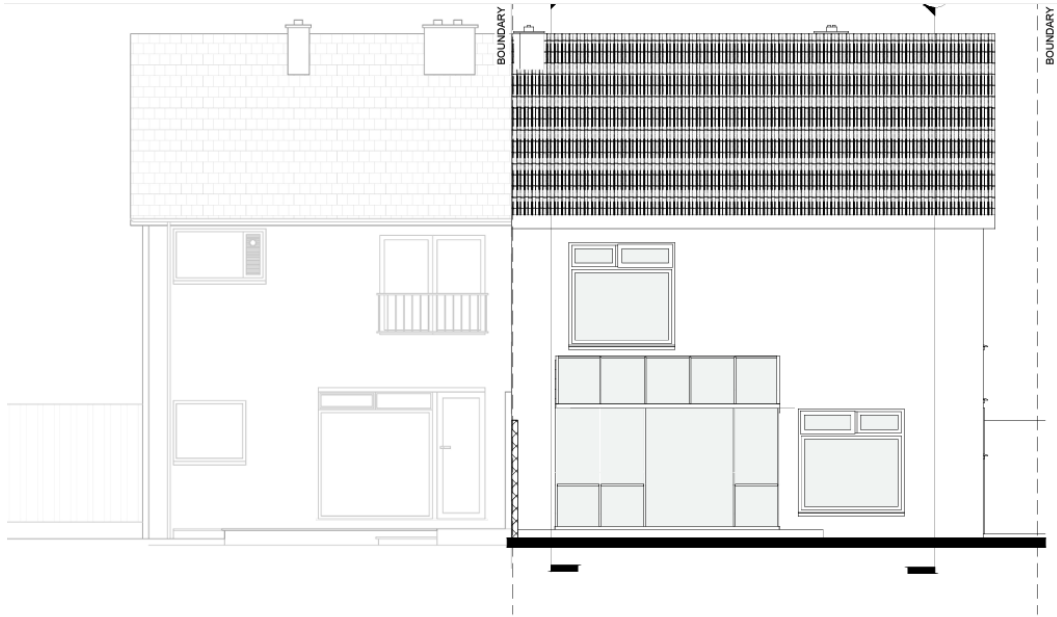
1 Existing Front Elevation
1 : 50

Figure 4 – Existing Street Elevation of 94 and 92 Temple Sheen Road from the south



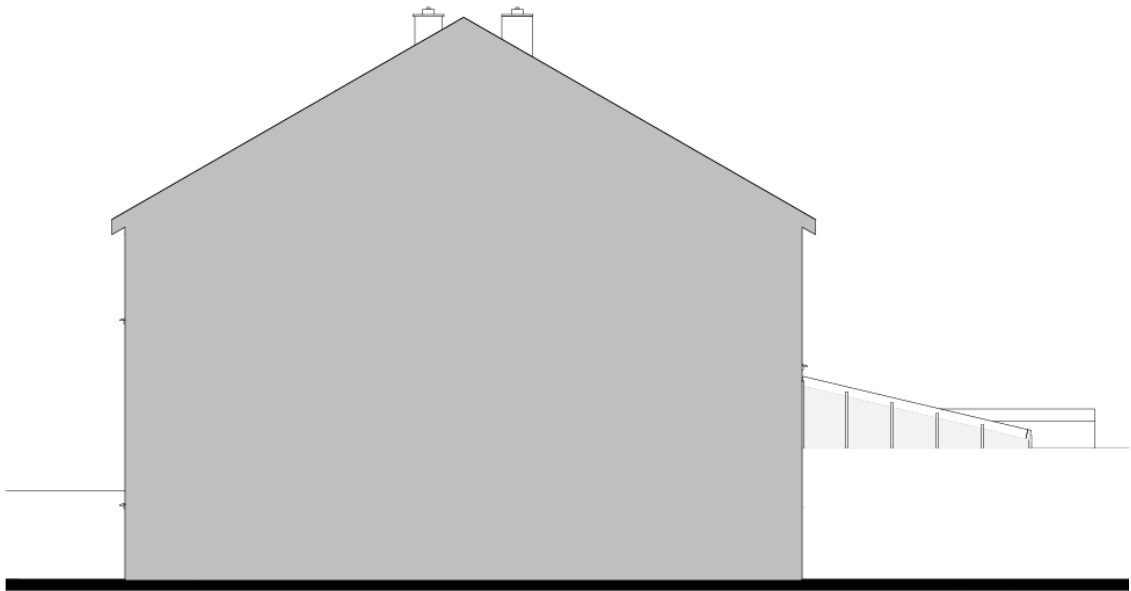
2 Existing West Elevation
1 : 50

Figure 5 – Existing West Elevation to 94 Temple Sheen Road



3 Existing Rear Elevation
1:50

Figure 6 – Existing Rear Garden Elevation of 92 and 94 Temple Sheen Road from the north



4 Existing East Elevation
1:50

Figure 7 – Existing Sectional Elevation through 92 Temple Sheen Road looking towards No94

Planning History

A review of LBRUT Planning's electronic records for 94 and 92 Temple Sheen Road reveals the following entries, starting with the most recent approval date:

94 Temple Sheen Road

- *24/2910/PS192*
Proposed rear dormer roof extension, installation of a rooflight and solar panels to the front roof slope, with removal of chimneys and alterations to fenestration
Status: Refused Permission 23/12/2024
- *24/0357/HOT*
Proposed garden shed in rear garden for relaxing, hobby room and play area.
Status: Refused Permission 14/06/2024
- *24/0351/HOT*
Two storey rear extension, single storey rear extension, dormer extension, front facade windows enl...
Status: Refused Permission 21/08/2024
- *03/3092/HOT*
Proposed Part Single/part Two Storey Rear Extension.
Status: Granted Permission 17/02/2004

92 Temple Sheen Road

- *21/3240/HOT*
Single storey side to rear extension
Status: Granted Permission 27/10/2021
- *21/3234/PS192*
Erection of an outbuilding at the rear of the garden.
Status: Granted Permission 08/10/2021
- *21/3233/PS192*
Rear dormer roof extension. Rooflights to front elevation. Removal of chimney
Status: Granted Permission 30/09/2021

Description of Proposed Alterations

The owner-applicants intend to undertake various works at roof level using permitted development legislation – see below and Figs 8-13 overleaf.

1. The removal of the existing chimneys and the installation of a 4.65m deep x 7.4m wide x 2.67m high box dormer extension on the rear-facing roof slope overlooking the garden and echoing the box dormer approved by LBRUT in respect of the semi-detached neighbour at No92 (see 21/3233/PS192). This will be clad in tile-hanging to match the existing roof material on the house, with new PPC-coated aluminium windows/French

windows and a Juliette balcony with metal railings, the outside face of which will be flush with the front face of the dormer. Both window/door frames and the railings will be in white to match the existing colour for these items elsewhere in the house. Again, the proposed balcony type echoes the balcony LBRUT deemed to constitute permitted development at the rear of adjacent No92 (see Fig 14 overleaf).

2. The installation of a 2.35m deep x 0.8m wide PPC-coated aluminium rooflight to the right of the front roof slope, set well up from the eaves and down from the ridge. The window will protrude 0.15m from the existing roof surface when measured perpendicular to the roof.
3. The installation of a 5m deep x 6m wide solar panel array on the front roof slope, protruding 0.2m from the existing roof surface when measured perpendicular to the roof.



Figure 8 – Proposed Floor Plans for 94 Temple Sheen Road

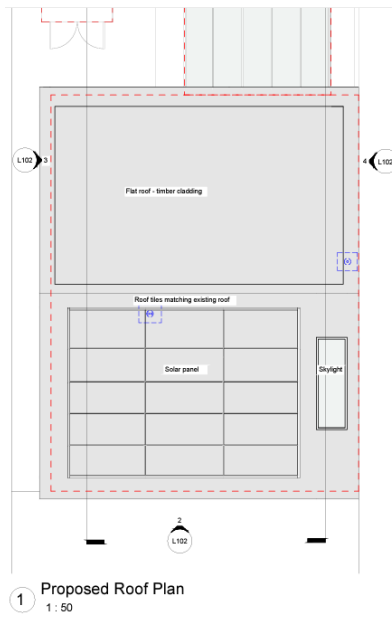


Figure 9 – Proposed Roof Plan for 94 Temple Sheen Road with removal of chimneys, new box dormer to rear roof slope, and new solar panels and rooflight to front roof slope

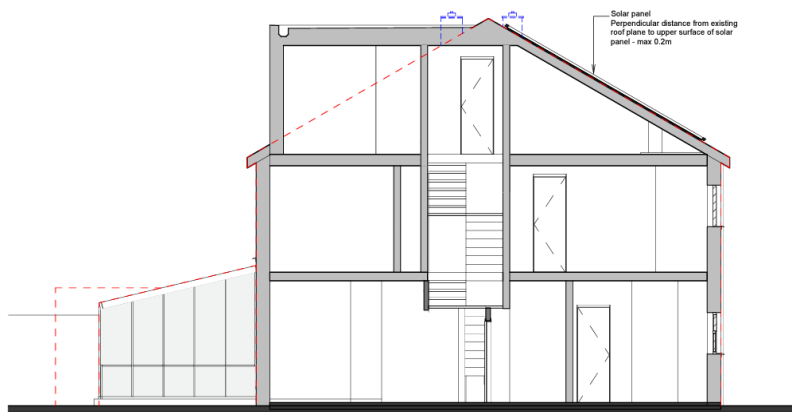


Figure 10 – Proposed Section through 94 Temple Sheen Road looking east

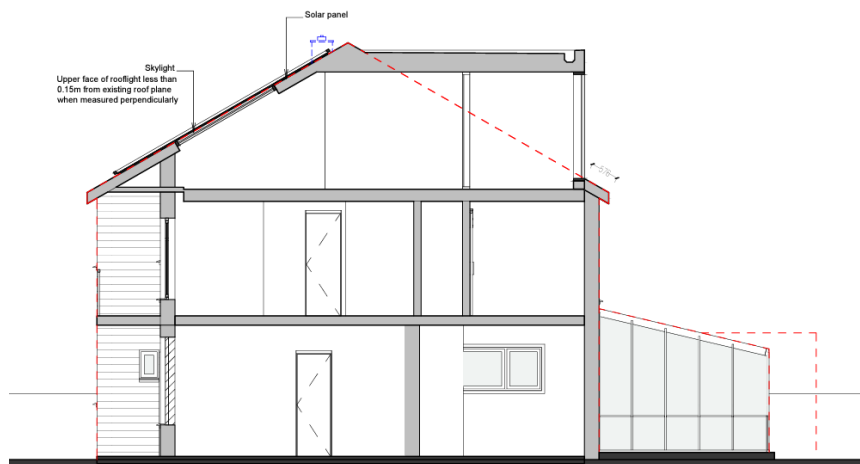


Figure 11 – Proposed Section through 94 Temple Sheen Road looking east

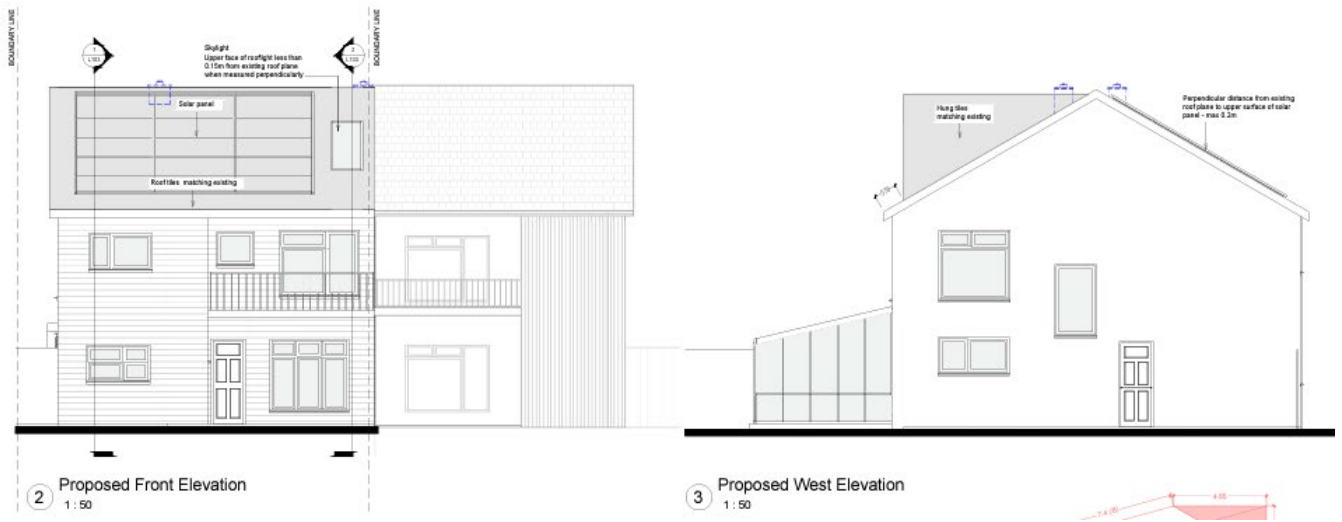


Figure 12 – Proposed Front and West Elevations to 94 Temple Sheen Road



Figure 13 – Proposed Rear Elevation to 94 Temple Sheen Road and Sectional Elevation through No92 looking west



Figure 14 – Permitted Rear Box Dormer development at 92 Temple Sheen Road (21/3233/PS192)

Justification for Grant of Certificate of Lawfulness

This application utilizes the following sections of the Town and Country Planning (General Permitted Development) (England) Order 2015 (“the Order”) as amended to justify the proposed development:

- Proposed box dormer to rear roof slope: *Class B – additions etc to the roof in Part 1 of Schedule 2 to the Order.*
- Proposed rooflight to front roof slope: *Class C – other alterations to the roof in Part 1 of Schedule 2 to the Order.*
- Proposed solar Panels to front roof slope: *Class A – installation or alteration etc of solar equipment on domestic premises in Part 14 Renewable Energy of Schedule 2 to the Order.*
- Proposed removal of chimneys: *Class G – chimney, flues etc in Part 1 of Schedule 2 to the Order.*

How each element conforms to the requirements and conditions set out in the Order is examined in further detail below.

Proposed tile-hung box dormer to rear roof slope

Under Class B – additions etc to the roof in Part 1 of Schedule 2 to the Order, the limits and conditions listed below apply. AGA has included an Applicant Response after each limit or condition indicating how the proposed box dormer at 94 Temple Sheen Road conforms to the various requirements and conditions and, therefore, qualifies as permitted development.

B.1 Development is not permitted by Class B if –

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)

Applicant Response: The property was erected as a dwellinghouse in 1957, therefore the restriction set out in part (a) is not applicable in this instance.

(b) any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof

Applicant Response: No part of the proposed works exceeds the height of the existing roof.

(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

Applicant Response: The box dormer is to be constructed on the dwellinghouse's rear roof slope overlooking the rear garden, so will not be located on a principal elevation or one that fronts a highway.

(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***

Applicant Response: As the existing property comprises a semi-detached dwellinghouse, the 50 sqm cubic content restriction set out in (ii) above applies in this instance. The diagram in Figure 15 overleaf demonstrates that the proposed box dormer has a cubic volume of 0.5 x 7.4m x 4.65m x 2.67m or 45.93 sqm, which falls below the 50 sqm maximum permitted.

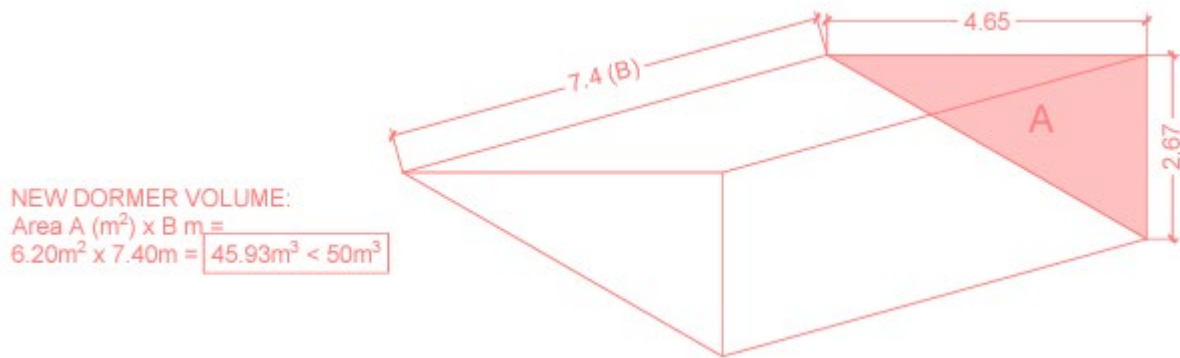


Figure 15 – Volume Calculation for Proposed Rear Box Dormer to 94 Temple Sheen Road

(e) it would consist of or include -

(i) the construction or provision of a verandah, balcony or raised platform, or

Applicant Response: No projecting verandah, balcony or raised platform is being created outside the box dormer in this instance. The applicant notes a “Juliette balcony” is to be installed in the plane of the front façade to the box dormer proposed by their semi-detached neighbour at No92 Temple Sheen Road and this was considered permitted development - see 21/3233/PS192 approved 30.09.2021 and Fig 14 above. A similar element is included in the box dormer proposal for No94 – see Fig 13 above.

(ii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe

Applicant Response: Chimneys are being not installed, altered or replaced in this instance, but are being removed. The applicant notes chimneys were removed to accommodate the box dormer proposed by their semi-detached neighbour at No92 Temple Sheen Road and the Council considered this permitted development - see 21/3233/PS192 approved 30.09.2021 and the permitted rear elevation to No92 in Fig 14 above.

(f) the dwellinghouse is on article 2(3) land [land within a National Park, the Broads, an area of outstanding natural beauty, an area designated as a conservation area, and land within World Heritage Sites].

Applicant Response: The site does not comprise article 2(3) land falling within a National Park, the Broads, an area of outstanding natural beauty, an area designated as a conservation area, and land within World Heritage Sites.

Conditions B.2 Development is permitted by Class B subject to the following conditions –

(a) the materials used in any exterior work shall be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse

Applicant Response: The proposed dormer will be tile-hung to match the existing clay tiles on the roof of the house, with full height PPC aluminium glazed windows finished in white to match the existing and a grey flat roof.

(b) the enlargement shall 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

Applicant Response: The eaves of the original roof are maintained in the proposal.

(bb) the edge of the enlargement closest to the eaves of the original roof shall, so far as practicable, be not less than 0.2 metres from the eaves, measured along the roof slope from the outside edge of the eaves; and

Applicant Response: The distance between that part of the proposed dormer closest to the eaves and the eaves themselves will be 0.575m – in excess of the 0.2m minimum.

(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

Applicant Response: No part of the enlargement extends beyond the outside face of any external wall of the original dwellinghouse in the proposal.

(c) any window inserted on a wall or roof slope forming a side elevation of the dwellinghouse shall be –

(i) obscure-glazed, and

Applicant Response: No side facing windows are proposed at roof level.

(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

Applicant Response: No side facing windows are proposed at roof level.

Proposed rooflight to front roof slope

Under Class C – other alterations to the roof in Part 1 of Schedule 2 to the Order, the limits and conditions set out below apply. Again, AGA has included an Applicant Response after each limit or condition indicating how the proposed rooflight at 94 Temple Sheen Road conforms to the various requirements and conditions and, therefore, qualifies as permitted development.

C.1 Development is not permitted by Class C if –

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)

Applicant Response: The property was erected as a dwellinghouse in 1957, therefore the restriction set out in part (a) is not applicable in this instance.

(b) the alteration would protrude more than 0.15 metres beyond the plane of the slope of the original roof when measured from the perpendicular with the external surface of the original roof

Applicant Response: The proposed rooflight does not protrude more than 0.15 metres beyond the plane of the slope of the original roof when measured perpendicularly – see note on architect's proposed sections and Fig 11 above.

(c) it would result in the highest part of the alteration being higher than the highest part of the original roof; or

Applicant Response: No part of the rooflight will be higher than the highest part of the original roof (see architect's proposed elevations and sections).

(d) it would consist of or include-

(i) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or

Applicant Response: the insertion of the rooflight does not involve the installation, alteration or replacement of an existing chimney, flue or soil and vent pipe - only the full removal of chimneys, which LBRUT has previously considered permitted development – see LBRUT App Ref 21/3233/PS192 permitted 30.09.2021, and last para on p16 overleaf.

(ii) the installation, alteration or replacement of solar photovoltaics or solar thermal equipment

Applicant Response: Whilst the applicant is proposing to install solar panels on the front roof slope, these are being applied for under Class A – installation or alteration etc of solar equipment on domestic premises in Part 14 Renewable Energy of Schedule 2 to the Order (see section below).

Conditions

C.2 Development is permitted by Class C subject to the condition that any window located on a roof slope forming a side elevation of the dwellinghouse shall be –

(a) obscure-glazed; and

Applicant Response: No side facing windows are proposed at roof level.

(b) 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

Applicant Response: No side facing windows are proposed at roof level.

Proposed solar panels to front roof slope

Under Class A – installation or alteration etc of solar equipment on domestic premises in Part 14 Renewable Energy of Schedule 2 to the Order, the limits and conditions set out below apply. Again, AGA has included an Applicant Response after each limit or condition indicating how the proposed solar panels at 94 Temple Sheen Road conform to the various requirements and conditions and, therefore, qualify as permitted development.

Permitted development

A. The installation, alteration or replacement of microgeneration solar PV or solar thermal equipment on—

(a) a dwellinghouse or a block of flats; or

(b) a building situated within the curtilage of a dwellinghouse or a block of flats.

Applicant Response: The subject property comprises a dwellinghouse, so (a) above applies.

Development not permitted

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

(a) the solar PV or solar thermal equipment would protrude more than 0.2 metres beyond the plane of the wall or in the case of a pitched roof, the roof slope when measured from the perpendicular with the external surface of the wall or pitched roof slope;

Applicant Response: The proposed solar panels will not protrude more than 0.2 metres beyond the plane of the slope of the original roof when measured perpendicularly – see note on architect's proposed sections and Fig 12 above.

(b) in the case of solar PV or solar thermal equipment on a pitched roof, it would result in the highest part of the solar PV or solar thermal equipment being higher than the highest part of the roof (excluding any chimney);

Applicant Response: No part of the proposed solar panels will be higher than the highest part of the original roof (see architect's proposed elevations and sections).

(ba) in the case of solar PV or solar thermal equipment on a flat roof, it would result in the highest part of the solar PV or solar thermal equipment being more than 0.6 metres higher than the highest part of the roof (excluding any chimney);

Applicant Response: N/A - The solar panels are to be installed on a pitched roof.

(c) in the case of land within a conservation area or which is a World Heritage Site, the solar PV or solar thermal equipment would be installed on a wall which fronts a highway;

Applicant Response: N/A – the host property is not located within a conservation area or World Heritage Site.

(d) the solar PV or solar thermal equipment would be installed on a site designated as a scheduled monument; or

Applicant Response: N/A - the host property is not a scheduled monument.

(e) the solar PV or solar thermal equipment would be installed on a building within the curtilage of the dwellinghouse or block of flats if the dwellinghouse or block of flats is a listed building.

Applicant Response: N/A – the host dwellinghouse is not a listed building.

Conditions

A.2 Development is permitted by Class A subject to the following conditions—

(a) solar PV or solar thermal equipment is, so far as practicable, sited so as to minimise its effect on the external appearance of the building;

Applicant Response: The proposed solar panels are positioned on the dwellinghouse's south facing roof slope to achieve operational effectiveness. The only other roof slope is north facing and would be both impracticable and inoperable.

(b) solar PV or solar thermal equipment is, so far as practicable, sited so as to minimise its effect on the amenity of the area;

Applicant Response: The proposed solar panels must be positioned on the dwellinghouse's south facing roof slope - which fronts on to Temple Sheen Road, to achieve operational effectiveness. The only other roof slope – to the rear, is north facing and would be impracticable and inoperable.

(ba) in the case of solar PV or solar thermal equipment installed on a flat roof located on article 2(3) land, before beginning development the developer must apply to the local planning authority for a determination as to whether the prior approval of the local

planning authority will be required with respect to the impact of the appearance of the solar PV or solar thermal equipment on that land;

Applicant Response: N/A – the proposal does not involve a flat roof or Article 2(3) land.

(bb) in relation to an application under sub-paragraph (ba), paragraphs J.4(3) to J.4(12) of this Part apply as if “Class A” substitutes the reference to “Class J” in paragraph J.4(4); and]

Applicant Response: N/A – the proposal does not involve a flat roof or Article 2(3) land as conditioned in sub-paragraph (ba).

(c) solar PV or solar thermal equipment is removed as soon as reasonably practicable when no longer needed.

Applicant Response: The applicant agrees to abide by this condition.

Proposed removal of chimneys to front and rear roof slopes

Class G – chimney, flues etc in Part 1 of Schedule 2 to the Order, sets out the limits and conditions affecting permitted development rights for the installation, alteration or replacement of a chimney, flue or soil and vent pipe on a dwellinghouse. However, it is considered this Class refers to new or altered elements, not those being wholly removed. Nevertheless, AGA has included an Applicant Response after each limit or condition and notes LBRUT has accepted the demolition of chimneys as part of other s192 Permitted Development applications qualifies within the Borough, inc. 21/3233/PS192 approved 30.09.2021 for the semi-detached neighbour at 92 Temple Sheen Road.

G.1 Development is not permitted by Class G if –

(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)

Applicant Response: The property was erected as a dwellinghouse in 1957, therefore the restriction set out in part (a) is not applicable in this instance.

(b) the height of the chimney, flue or soil and vent pipe would exceed the highest part of the roof by 1 metre or more; or

Applicant Response: N/A – no new chimney, flue, or soil or vent pipes are proposed as part of this submission.

(c) in the case of a dwellinghouse on article 2(3) land, the chimney, flue or soil and vent pipe would be installed on a wall or roof slope which-

(i) fronts a highway, and

(ii) forms either the principal elevation or a side elevation of the dwellinghouse.

Applicant Response: N/A – the dwellinghouse does not lie within article 2(3) land and no chimneys, flues or soil and vents are being installed as part of this submission.

Conclusions

AGA concludes that, as the proposals for the tile-hung box dormer on the rear roof slope, the rooflight and solar panels on the front roof slope, and the removal of existing chimneys meet all necessary requirements and conditions in respect of Classes B, C and G respectively to Part 1 in Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015, they constitute permitted development and a Certificate of Lawfulness for a Proposed Use or Development can be issued. Additionally, the proposed solar array to the front roof slope also meets the requirements and conditions set out in Class A to Part 14 Renewable Energy in Schedule 2 to the same Order and, likewise, comprises permitted development.

We trust this follow up s192 application for a Certificate of Lawfulness for a Proposed Use or Development is now in order and LBRUT can proceed to validation, but please do not hesitate to contact Alistair Grills should you require further clarification of any item.

We look forward to hearing from you.

Yours faithfully



Alistair Grills

Enc.