



Application no: 20/03300/HOU

PLANNING PERMISSION GRANTED
Town and Country Planning Act 1990 (as amended)

To: Mrs Mary Hackett

Applicant: Mr Altin Lleshi

Mary Hackett & Associates Ltd
Creek Studio
39 Creek Road
Hampton Court
East Molesey
KT8 9BE
England

38 Oakcroft Road
Chessington
KT9 1RH

The Council of the Royal Borough of Kingston upon Thames, as the Local Planning Authority under their powers provided by the above legislation, do hereby **GRANT** planning permission for the development specified in the First Schedule hereto, subject to the conditions (if any) specified in the Second Schedule.

FIRST SCHEDULE

Erection of replacement garage at end of rear garden

At 38 Oakcroft Road Chessington KT9 1RH

Application valid as of 22nd December 2020.

SECOND SCHEDULE

Condition(s):

1. The approved development shall be carried out in accordance with the following drawings/details:

Site Location Plan
01 Existing Site Plan
02 Existing Floor Plans and Elevations
03 Proposed Site Plan
04 Proposed Plans and Elevations
05 Proposed Sections

Reason: For the avoidance of doubt and in the interests of proper planning.

2. The development hereby permitted shall begin before the expiration of three years from the date of this permission.

Reason: This is required by Section 91 of the Town and Country Planning Act 1990.

3. Development shall be carried out in accordance with the materials specified on the approved plans and on the application form unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory appearance on completion of the development in accordance with Policy DM10 (Design Requirements for New Developments including House Extensions) of the LDF Core Strategy Adopted April 2012.

4. The outbuilding hereby permitted shall only be used for a purpose ancillary or incidental or both to the residential use of the dwelling house currently known as '38 Oakcroft Road, Chessington, KT9 1RH', as set out in Section 1 (Site Address) of the submitted application form signed 22.12.2020, unless otherwise first agreed in writing by the Local Planning Authority.

Reason: The establishment of an additional independent unit of accommodation would give rise to an over-intensive use of the site and lead to an unsatisfactory relationship between independent dwellings in conflict with policy DM10 (Design Requirements for New Developments including House Extensions) of the LDF Core Strategy Adopted April 2012.

Informative(s):

| | |
|---|----|
| Number of neighbours originally consulted | 11 |
| Number of contributors | 3 |
| Number of objectors | 3 |
| Number in support | 0 |
| Number making a neutral representation | 0 |

1. This application is of a nature where the Council's Constitution delegates the authority to make the decision to Officers rather than it being decided by a Committee of Councillors.

Before preparing this summary report a Planning Officer has familiarised themselves with the application site, the relevant Development Plan policies and guidance, considered any relevant previous planning applications, and considered any comments made by those interested in the application such as consultees with specialist knowledge and nearby residents.

By indicating that the development proposal complies with relevant Development Plan policies, the planning officer is taking into account the information submitted with the application, any previous relevant applications, any comments received in connection with the application and any other case specific considerations which are material to the decision.

The Development Plan comprises

- The London Plan
- RBK Core Strategy 2012
- Kingston Town Centre Area Action Plan 2008
- The South London Waste Plan

This decision has been authorised by a Senior Officer (Authorising Officer) in the Development Management Service. Prior to endorsing the Planning Officer's recommendation, the Authorising Officer has familiarised themselves with the application site, the application documents, the relevant planning policies and guidance, any relevant history, and any representations received.

2. The site comprises a semi-detached dwelling and this application relates to a proposed larger garage to replace the existing garage current at the end of the garden.

A lawful development certificate 19/03102/CPU dated 26.02.2020 was granted to increase the footprint of the existing garage.

This application seeks to increase both the footprint and the height.

Eleven neighbouring properties have been notified and 3 objections have been received stating;

- Excessive height or bulk of buildings
- Inadequate landscaping/means of enclosure
- Loss of light/Sunlight
- Unacceptable or incompatible use
- Concern the outbuilding would be used for accommodation as part of a large HMO

Concerns relating to a possible use of the extended dwelling as a HMO is not relevant to the assessment of this application. Any change would either be permitted development, or if a large HMO would require planning permission.

The key areas of assessment are:

- The design of the proposed development; and,
- The impact of the development on the amenities of existing and future occupants of land and buildings.

When read together Policies CS8 and DM10 of the Royal Borough of Kingston upon Thames Local Development Framework Core Strategy (CS)(2012) and the guidance in the Royal Borough of Kingston upon Thames Residential Design Guide SPD (2013) require proposals to be of a high quality design that respects the character and appearance of the original building and the prevailing character of the surrounding area.

Officer Comment: Officers acknowledge concerns relating to height and bulk of the proposed garage. Officers also note that permission was granted for similar types of replacement garages at No. 22 Oakcroft Road (00/02164/FUL dated 04/10/2000) and No. 1 Beechcroft Road (15/10143/HOU dated 20/07/2015). The proposed development is therefore considered to be acceptable in terms of scale, form, bulk, height, massing, spacing and design. It is considered that there would be no adverse impacts on the character or appearance of the area as a result of the proposed development.

Policy DM10 of the Royal Borough of Kingston upon Thames Local Development Framework Core Strategy (CS)(2012) and the guidance in the Royal Borough of Kingston upon Thames Residential Design Guide SPD (2013) requires proposal to have regard to the amenities of the future occupants of the development as well as those of the existing occupants of neighbouring land and buildings, including in terms of privacy, outlook, sunlight/daylight, avoidance of visual intrusion and noise and disturbance.

Officer Comment: Officers note the concerns raised in relation to loss of light/sunlight. However, due to the position of the proposed garage and its separation distance from the properties on both Oakcroft Road and Beechcroft Road, it is considered that the proposed development would not adversely affect the amenities of the occupiers of neighbouring properties by reason of overbearing appearance, loss of light or loss of privacy.

In conclusion, the proposed development would be in general accordance with the National Planning Policy Framework (2019), the National Planning Practice Guidance, the London Plan, Policies of the Core Strategy (2012) and the Residential Design SPD (2013).

3. In accordance with the requirements of Local Government Act 1972 The Plans / Drawings / Documents submitted with the application were available on the Council's website during the assessment of the application.

https://www.kingston.gov.uk/info/200155/planning_applications_and_permissions/263/find_a_planning_application_or_appeal

4. Unless clearly specified otherwise, the base of the development shown on the approved plans is taken to be external ground level, and not a Damp Proof Course or Internal Finished Floor Level. The external ground level is expected to remain consistent before and after construction of the approved development unless specified otherwise on the approved plans.

5. Your attention is drawn to the need to comply with the relevant provisions of the Building Regulations, the Building Acts and other related legislation. These cover such works as - the demolition of existing buildings, the erection of a new building or structure, the extension or alteration to a building, change of use of buildings, installation of services, underpinning works, and fire safety/means of escape works. Notice of

intention to demolish existing buildings must be given to the Council's Building Control Service at least 6 weeks before work starts. A completed application form together with detailed plans must be submitted for approval before any building work is commenced.

6. Reasonable efforts have been made to check that the plans submitted for the purposes of this planning application are consistent from one to the next, and that the development hereby approved can be implemented in accordance with all of the plans submitted. Should it transpire that this is not possible and that your plans are flawed, please be clear that it may be impossible to implement this permission, and that any development undertaken which relies on this permission may be unauthorised and subject to enforcement action if expedient.

7. The Party Wall Act 1996 requires a building owner to notify, and obtain formal agreement from, any adjoining owner, where the building owner proposes to:

- carry out work to an existing party wall;
- build on the boundary with a neighbouring property;
- in some circumstances, carry out groundwork's within 6 metres of an adjoining building.

Notification and agreements under this Act are the responsibility of the building owner and are quite separate from Building Regulations, or Planning Controls. The Building Control Service will assume that an applicant has obtained any necessary agreements with the adjoining owner, and nothing said or implied by the Council should be taken as removing the necessity for the building owner to comply fully with the Party Wall Act. Further information and advice is to be found in "The Party Walls etc. Act 1996 - Explanatory Booklet".

8. Your attention is drawn to the fact that planning permission does not override property rights, and that if your proposal involves construction on or near the site boundary then you should take appropriate steps to ensure that you have correctly identified the position of the boundary, that you do not build over it, and that any works which affect a neighbours property in any way have the benefit of the appropriate agreement from that landowner. Failure to undertake the above steps may leave you liable to legal action by neighbouring landowners. If you require further information or advice, you should consult a solicitor.

9. In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in the Core Strategy, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service, in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably.

10. When undertaking demolition and/or noisy building work, please be considerate to your neighbours and do not undertake work before 8am or after 6pm Monday to Friday, before 8am or after 1pm on a Saturday or at any time on Sundays or Bank Holidays.


You are advised that the Council does have formal powers to control noise and nuisance under The Control of Pollution Act 1974, the Clean Air Acts and other relevant legislation, and that any works undertaken which impact unreasonably upon the surrounding area may be subject to action by the Councils Environmental Health Department.

11. The applicant is advised that the use of the property as a HMO which is occupied by more than six people, falls within a 'sui-generis' use for which planning permission would be required.

Building Regulations

Please note that this is a planning permission only and you may also require approval under the Building Regulations. If you are in any doubt about this you can get further information via the following link: https://www.kingston.gov.uk/building_control

Signed

A handwritten signature in black ink, appearing to read 'Barry John Lomax', written over a horizontal line.

Barry John Lomax
Head of Development Management (acting)

On behalf of Kingston Council

16th February 2021

**ROYAL BOROUGH OF KINGSTON UPON THAMES
APPENDIX TO PLANNING DECISION NOTICES
NOTES TO APPLICANTS**

Appeals to the Secretary of State

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development, or to grant it subject to conditions, you can appeal to the Secretary of State for the Environment under Section 78 of the Town and Country Planning Act 1990 (as amended).

Before you decide to appeal you may wish to consider amending your proposal to meet the Council's reasons for refusing permission. The Council's planning staff are always prepared to discuss ways to avoid an appeal by submitting an alternative application. This may involve a charge in line with our pre-application service. Please see the following link for further information:

https://www.kingston.gov.uk/info/200155/planning_applications_and_permissions/231/pre-application_advice

Time Limits for Appeal

If you want to appeal, then you must do so within 6 months of the date of this notice, subject to the exceptions below. The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

Exceptions

1. If there is an enforcement notice relating to the same or substantially the same land and development as is the subject of this decision, and you want to appeal against the decision, then you must do so within 28 days of the date of this notice.
2. If an enforcement notice is later served relating to the same or substantially the same land and development as in your application, and if you want to appeal against the decision, then you must do so within: 28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder or minor commercial appeal] of the date of this notice, whichever period expires earlier.

Public Inquiries

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details can be found at the following link:

<https://www.gov.uk/government/collections/casework-dealt-with-by-inquiries>

How to Appeal

You can appeal using a form that you can get from The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Customer Support Unit, Tel: 0117 372 6372. Appeal forms and guidance can also be downloaded from the Planning Inspectorate's website <https://www.gov.uk/appeal-planning-decision>.

Alternatively, the Planning Inspectorate have introduced an online appeals service which you can use to make your appeal at <https://www.gov.uk/appeal-planning-decision>. The Inspectorate will publish details of your appeal on the internet. This may include a copy of the original planning application form and relevant supporting documents supplied to the local planning authority by you or your agent, together with the completed appeal form and information you submit to the Planning Inspectorate. Please ensure that you only provide information, including personal information, that you are happy will be made available to others in this way. If you supply personal information belonging to a third party please ensure you have their permission to do so.

The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

Purchase Notices

If either the local planning authority or the Secretary of State for the Environment refuses permission to develop land or grants it subject to conditions, the owner may claim that they can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council, or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase their interest in the land in accordance with the provision of Part VI of the Town and Country Planning Act 1990.

Compensation

In certain circumstances compensation may be claimed from the local planning authority if permission is refused or granted subject to conditions by the Secretary of State appeal or reference of the application to him.

These circumstances are set out in section 114 and related provisions of the Town and Country Planning Act 1990 (as amended).

The Party Wall etc. Act 1996

Anyone intending to carry out work described in the Act MUST give adjoining owners at least 2 months notice in writing of their intentions. The Act covers:

- (i) work to be carried out directly to an existing party wall or structure
- (ii) new building at or astride the boundary line between properties
- (iii) excavation within 3 or 6 metres of a neighbouring building or structure, depending on the depth of the hole or foundations

If you are not sure whether the Act applies to work that you are planning, you should seek professional advice. A free explanatory booklet is available from ODPM Free Literature, PO Box 236, Wetherby, West Yorkshire, LS23 7BN. Tel 0870 1226236 e-mail odpm@twoten.press.net