



**Application no: 22/02209/HOU**

## **PLANNING PERMISSION GRANTED**

Town and Country Planning Act 1990 (as amended)

To: Mr Bernard Toomey  
Studio Charrette  
C/oBern Toomey  
51 ElizabethHouse  
Enterprize Way  
Deptford  
SE8 3PY

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 boundary wall, pedestrian gate and sliding vehicle gate**

Application valid as of 5th July 2022.

### **SECOND SCHEDULE**

#### **Condition(s):**

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

Proposed Block Plan  
Existing and Proposed Elevation and Section  
Proposed Plan  
Visibility Splay Block Plan Visibility  
Splay Plans

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 (as amended).

3. The development to which this permission relates 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 D3 of the London Plan 2021 and policies CS8 and DM10 of the LDF Core Strategy 2012.

4. Prior to any above ground works (excluding demolition) a Fire Safety Strategy shall be submitted to and approved in writing by the local planning authority. The Fire Safety Strategy shall demonstrate how the development will achieve the highest standards of fire safety and shall include the following details:

- 1) suitably positioned outside space for fire appliances/ an evacuation assembly point;
- 2) Appropriate fire alarm systems;
- 3) Passive and active fire safety measures;
- 4) appropriate construction details to minimise the risk of fire spread;
- 5) provision of suitable and convenient means of escape/ an evacuation strategy;
- 6) provision of suitable access and equipment for firefighting which is appropriate for the size and use of the development. The Fire Safety Strategy shall include a statement of competence.

The development shall be carried out in accordance with the approved Strategy and thereafter maintained.

Reason: In the interests of fire safety and to ensure the safety of all building users in accordance with Policy D12 (Fire safety) of the London Plan 2021.

**Informative(s):**

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

1. ---Officer Report---

**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 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.

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.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan for the Royal Borough of Kingston upon Thames comprises the following documents:

- The London Plan 2021
- The South London Waste Plan 2012
- The LDF Core Strategy 2012
- The Kingston Town Centre Area Action Plan 2008

2. The site comprises a semi-detached dwelling.

3 neighbouring properties have been notified of the proposals and no representations have been received.

RBK Transport Officer - No objections

The key areas of assessment are:

- The design of the proposed development;
- The impact of the development on the amenities of existing and future occupants of land and buildings; - The impact of the development on highways and transportation; and, - Fire Safety Assessment.

#### Design

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: The proposed front boundary treatment would not exceed 1m in height and would use materials that would appear in keeping with the host property. As such, it is 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.

While the proposed side boundary treatment would appear higher than what is viewed within the immediate area, officers note that the proposal would face a side access road, and while it would be visible from the streetscene, given that it would extend from the existing set of garages adjoining the site, officers note that it would visually blend with the appearance of the garages and as such would not appear incongruous within the streetscene.

#### Amenity

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: Given the siting of the proposed side boundary treatment in relation to neighbouring properties, and the modest height of the proposed front boundary treatment, officers consider 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.

#### Transportation

Policy T6 of the London Plan 2021 states that car parking should be restricted in line with levels of existing and future public transport accessibility and connectivity. The maximum standards as set out in policies T6.1 to T6.5 should be applied to development proposals.

Policy DM9, Policy DM10 and the Council's Sustainable Transport SPD 2013 together require development proposals to comply with the car parking standards in the London Plan.

Officer Comment: Given that the proposed boundary treatment fronting Elm Road would not exceed 1m in height, officers are satisfied that the proposal would provide adequate visibility and as such would not have an adverse impact upon highway safety.

#### Fire Safety Assessment

London Plan Policy D12(A) requires all development proposals to achieve the highest standards of fire safety, embedding these at the earliest possible stage.

Officer Comment: The applicant has not submitted a Fire Safety Strategy, however, the plans include the provision of a suitably positioned outside space for fire appliances/ an evacuation assembly point and

officers see no reason why a development of the type sought could not comply with the rest of the provisions of Policy D12(A), the details of which could be secured through conditions. For these reasons, officers conclude that the proposal would not conflict with Policy D12 of the London Plan.

In conclusion, the proposed development would be in general accordance with the National Planning Policy Framework (2021), the National Planning Practice Guidance, the London Plan (2021), Policies of the Core Strategy (2012) and the Residential Design SPD (2013).

### 3. Details of the Application Submission

In accordance with the requirements of Local Government Act 1972 details of the application submission 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](https://www.kingston.gov.uk/info/200155/planning_applications_and_permissions/263/find_a_planning_application_or_appeal)

---End of Officer Report---

4. 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.

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. 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 groundworks 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".

7. 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 neighbour's 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.

8. 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.

9. 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.

10. Where reference is made within the decision notice to a condition applying 'unless otherwise agreed in writing with the local planning authority', please be aware that only a formal application under section 73 or 96a of the Town and Country Planning Act 1990 (As Amended) is acceptable as a method of said written agreement.

11. 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.

### **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](https://www.kingston.gov.uk/building_control)

Signed



Barry John Lomax  
Head of Development Management

On behalf of Kingston Council

30th August 2022

<p style="text-align: center;"><b>ROYAL BOROUGH OF KINGSTON UPON THAMES</b> <b>APPENDIX TO PLANNING DECISION NOTICES</b> <b>NOTES TO APPLICANTS</b></p>
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### **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 preapplication service. Please see the following link for further information:

## **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](mailto: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/appealplanning-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](mailto:odpm@twoten.press.net)