



Decision Notice

Date of Decision: 18 December 2018

Royal Borough of Kingston upon Thames
Guildhall 2, High Street
Kingston upon Thames
KT1 1EU

TOWN AND COUNTRY PLANNING ACT, 1990 (AS AMENDED)
TOWN AND COUNTRY (MANAGEMENT PROCEDURE ORDER) (ENGLAND) 2015
(AS AMENDED)

LOCATION: 60 Portland Avenue, New Malden, KT3 6BA
PROPOSAL: Conversion of garage into habitable room

Under the provisions of part III of the Act the Council hereby GRANTS PERMISSION for the development described above.

PERMIT subject to the following conditions:

- 1 The development hereby permitted shall be commenced within 3 years from the date of this decision.

Reason: In order to comply with Section 91 of the Town and Country Planning Act, 1990. (As amended)

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

AD/18500/AA/1 Site Location Plan	12/10/2018
AD/18500/BB/1 Block Plan	12/10/2018
AD/18500/01/1 Existing Ground Floor Plan	12/10/2018
AD/18500/02/1 Existing First Floor Plan	12/10/2018
AD/18500/03/1 Existing Roof Plan	12/10/2018
AD/18500/05/1 Existing Front Elevation	12/10/2018
AD/18500/06/1 Existing Rear Elevation	12/10/2018

AD/18500/07/1 Existing Side Elevation	12/10/2018
AD/18500/10/1 Existing Section A-A	12/10/2018
AD/18500/15/1 Existing View From Neighbouring Property	12/10/2018
AD/18500/16/1 Existing View From Neighbouring Property	12/10/2018
AD/18500/21/1 Proposed Ground Floor Plan	12/10/2018
AD/18500/22/1 Proposed First Floor Plan	12/10/2018
AD/18500/23/1 Proposed Roof Plan	12/10/2018
AD/18500/25/1 Proposed Front Elevation	12/10/2018
AD/18500/26/1 Proposed Rear Elevation	12/10/2018
AD/18500/27/1 Proposed Side Elevation	12/10/2018
AD/18500/30/1 Proposed Section A-A	12/10/2018
AD/18500/35/1 Proposed View From Neighbouring Property	12/10/2018
AD/18500/36/1 Proposed View From Neighbouring Property	12/10/2018
Design & Access Statement	12/10/2018

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

- 3 The materials and finishes of the external walls and roof of the development hereby permitted shall match in colour and texture those of the existing building, or such other materials as shall have been approved in writing by the Local Planning Authority and shall thereafter be retained as such.

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 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting this Order) no windows or other openings (other than those hereby approved) shall be formed in the south eastern wall of the converted garage hereby approved without the prior written consent of the Local Planning Authority.

Reason: To protect the amenities and privacy of the occupiers of the adjoining residential properties in accordance with Policy DM10 (Design Requirements for New Developments including House Extensions) of the LDF Core Strategy Adopted April 2012.

Informative(s):

- 1 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.

- 2 When undertaking demolition and/or 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. Furthermore, please ensure that all vehicles associated with the construction of the development hereby approved are properly washed and cleaned to prevent the passage of mud and dirt onto the adjoining highway. 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. For further information and advice, please contact - Environmental Health Department Pollution Section.

- 3 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".

- 4 Your attention is drawn to the fact that planning permission does not override property rights and any ancient rights of light that may exist. This permission does not empower you to enter onto land not in your ownership without the specific consent of the owner. If you require further information or advice, you should consult a solicitor.

- 5 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.

Your attention is drawn to your rights of appeal (attached) and to the fact that this decision relates only to the Town & Country Planning Acts and to no other enactment or The Building Regulations.

TOWN AND COUNTRY PLANNING ACT 1990 (As amended)

Appeals to 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, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- As this is a decision to refuse planning permission for a householder application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.*
- Appeals must be made using a form which you can get from The Planning Inspectorate, Room 3/13, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN, or online at <https://www.gov.uk/appeal-planning-inspectorate>.
- 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.
- 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 refuses permission to develop land or grants it subject to conditions, the owner may claim that he 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 the 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. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.