

# Decision Notice

Date of Decision: 20 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: 12 The Hollands, Worcester Park, KT4 7LH**

**PROPOSAL: Variation of Condition 2 (Plans) of Planning Permission 18/14424/HOU (Demolition of existing garage and conservatory and erection of a single storey side/front extension and single storey rear extension incorporating a raised terrace and screening). Revision of the approved proposed front extension (replacing the existing garage) to retain the existing garage converted to habitable accommodation.**

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:

065_012 Roof Plans_P2	02/10/2018
065_031 Side Elevations_P2	02/10/2018
065_005 Block Plan_P2(1)	02/10/2018

065_010 Ground Floor Plans_P2(1)	02/10/2018
065_030 Front Elevations_P2(1)	02/10/2018
065 001 P1 Site Location Plan	24/10/2018
065 005 P1 Proposed Block Plan	24/10/2018
065 010 P1 Existing And Proposed Ground Floor Plans Previously Approve	24/10/2018
065 012 P1 Existing And Proposed Roof Plans - Previously Approved	24/10/2018
065 030 Existing And Proposed Front Elevations - Previously Approved	24/10/2018
065 031 P1 Existing And Proposed East Elevations - Previously Approved	02/10/2018

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

- 3 The facing materials to be used in the construction of the building shall be those specified on the application form and approved drawings or such other materials as have been approved in writing by the Local Planning Authority before the development is commenced 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 The roof of the extension hereby permitted shall not be converted or used as a balcony or a sitting out area, and no access shall be gained except for maintenance purposes.  
Reason: To protect the amenities and privacy 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.
- 5 The proposed boundary fencing/screening as shown on the approved plans shall be erected in accordance with the approved plans before the raised terrace is brought into use and permanently retained as such. Any replacement fencing/screening shall comply with the approved plans.  
Reason: To protect the amenities and privacy 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 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.
- 2 **Ground Level / Base Level**  
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.
- 3 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.
- 4 You have been granted planning permission to build a residential extension. 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.

- 5 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".

- 6 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.

**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 for Environment, Transport and the Regions under section 78 of the Town and Country Planning Act 1990.
- If you want to appeal, then you must do so within six months of the date of this notice, using forms and guidance which can be downloaded from The Planning Inspectorate web site <https://www.gov.uk/appeal-planning-inspectorate>. Alternatively they can be obtained from the following address:- The Planning Inspectorate, Room 3/13, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN.
- The Planning Inspectorate has introduced an online appeals service which you can use to make your appeal online. You can find the service through the Appeals area of the Planning Portal – see <https://www.planningportal.co.uk/info/200207/appeals>. The Inspectorate will publish details of your appeal on the internet (on the Appeals area of the Planning Portal). This may include a copy of the original planning application form and relevant supporting documents supplied to the local 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 belonging to you 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. More detailed information about data protection and privacy matters is available on the Planning Portal.
- 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 or the Secretary of State for Environment, Transport and the Regions 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 in whose area the land is situated. 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 (as amended).