

Director of Growth  
Nazeya Hussain

Our Ref: 19/02022/LBC



# Decision Notice

Date of Decision: 26 September 2019

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:** Flat 9, Coombe House, Devey Close, Kingston

**PROPOSAL:** Replacement of a first floor kitchen window with patio doors and alterations to rear fire exit stairwell to allow access to fire escape from private roof terrace at second floor level (Listed Building Consent)

Under the provision of section 8 of the Act the Council hereby **GRANTS LISTED BUILDING CONSENT** for the works described above.

Subject to the following conditions:

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

Reason:

To comply with the provisions of Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended, to prevent the accumulation of unimplemented listed building consents and to enable the Local Planning Authority to review the situation at the end of this period if the development has not begun.

2. The development shall conform in all material aspects with the plans and details shown in the application as listed below:

020-005	Block Plan	Received	13/08/2019
020-01	Existing First Floor Plan	Received	13/08/2019
020-02	Existing Second Floor Plan	Received	13/08/2019
020-03	Proposed First Floor Plan	Received	13/08/2019
020-04	Proposed Second Floor Plan	Received	13/08/2019
020-07	Existing Rear Elevation	Received	13/08/2019
020-08	Proposed Rear Elevation	Received	13/08/2019

Reason:

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

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. Any damage to the building caused by or during the course of the carrying out of the works permitted shall be made good within 3 months of the completion of the development, in accordance with a specification agreed in writing with the Local Planning Authority.

Reason: To safeguard the character and appearance of the Listed Building in accordance with policy 7.8 of the London Plan (2016) and CS8 and DM12 of the Core Strategy Adopted April 2012.

5. A sample of the external stairwell and patio doors materials hereby permitted shall be submitted to and approved in writing by the Local Planning Authority before any works which affect the external elevations on site are commenced. The development shall then be built in accordance with these approved samples.

Reason:

To ensure a satisfactory appearance on completion of the development in the interests of visual amenity in accordance with Policy DM10 (Design Requirements for New Developments including House Extensions) and Policy DM12 (Development in Conservation Areas and Affecting Heritage Assets) of the LDF Core Strategy Adopted April 2012.

6. . Detailed drawings at the scale of 1:50 of the external stairwell and patio doors shall be submitted to and approved in writing by the Local Planning Authority before the relevant part of the work is begun. The detail thereby approved shall then be carried out in accordance with that approval in accordance with Policy DM10 (Design Requirements for New Developments including House Extensions) and Policy DM12 (Development in Conservation Areas and Affecting Heritage Assets) of the LDF Core Strategy Adopted April 2012.

**Reason:**

To ensure a satisfactory appearance on completion of the development in the interests of visual amenity in accordance with Policy DM10 (Design Requirements for New Developments including House Extensions) and Policy DM12 (Development in Conservation Areas and Affecting Heritage Assets) of the LDF Core Strategy Adopted April 2012.

**Informatives**

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. 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.

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.

**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.