

Decision Maker: Plans Sub-Committee No. 1

Date: 24 November 2011

Decision Type: Non-Urgent Non-Executive Non-Key

Title: 138 LOCKESLEY DRIVE, ORPINGTON

Contact Officer: Tim Bloomfield, Development Control Manager (Planning Investigation and Appeals)
Tel: 020 8313 4687 E-mail: tim.bloomfield@bromley.gov.uk

Chief Officer: Chief Planner

Ward: Cray Valley West

1. Reason for report

- 1.1 A report was presented to Plans Sub Committee on 29 September 2011 regarding various breaches of planning control at this site, including a hoarding along the front boundary and the raising of ground levels in the side/rear garden. It was resolved to take enforcement action against the hoarding and the notice was issued on 26 October 2011. Members also requested a further report concerning the alleged raising of ground levels and the Highway Engineer to investigate repositioning the proposed vehicle crossover.

2. **RECOMMENDATION**

- 2.1 No further action be taken.

3. COMMENTARY

- 3.1 At Plans Sub-Committee on 29 September 2011 it was resolved to take enforcement action against an overheight hoarding along the front boundary of the site. Members also requested a further report concerning the alleged raising of ground levels in the rear garden. The Highway Engineer was also requested to investigate repositioning the vehicle crossover to the site from Lockesley Drive.

Hoarding

- 3.2 The enforcement notice against the hoarding was issued on 26 October 2011 and is due to take effect on 26 December 2011, with 1 month for compliance. The notice had not been complied with at the time of preparing this report and a further update will be given at the meeting. However, the owner has indicated that the hoarding will be removed once the property has been sold and before the new owners move in.

Ground Levels

- 3.3 With regard to ground levels, a site meeting was held with the owner on 1 November 2011. The property is situated on a hill and the land slopes down from west to east. The existing level of the rear garden is approx. 300mm higher than the rear garden of No.136, although this partly reflects the natural gradient of the land, and does not appear to be significantly higher than other properties in the vicinity. The rear garden of 136 includes a patio area with steps up to the lawn which emphasises the difference in levels. No.138 also has a recently constructed patio area which is level with the rear of the house.
- 3.4 A boundary fence between the rear gardens of 138 and 136 previously provided a reasonable level of privacy to both properties. However, this has recently been removed and the rear gardens now have a much lower level of privacy. Provided the boundary fence is reinstated both rear gardens will have a satisfactory degree of privacy.
- 3.5 Permission was granted in 2008 for a detached garage at the side of 138, (ref. 09/00488). The approved plan gives no indication of ground levels and there was nothing to suggest that it was proposed to increase levels in the rear garden. However, in the area behind the garage and adjoining the side boundary ground levels are approx. 500mm higher than the adjoining garage at 136. This means that it is possible to overlook the flank wall of the garage at 136 and to a lesser extent the rear patio. The owner of 138 has therefore been advised to lower ground level in this area in order to reduce to impact on No.136. An update on the progress of this work will be given at the committee.
- 3.6 It would appear that ground levels in the rear garden have been increased, although the precise extent varies from approx. 500mm to the rear of the garage to approx. 100mm at the end of the garden. Unfortunately there is insufficient information to indicate precisely how much levels have been increased. The overall impact on the adjoining properties is more apparent in the area to the rear of the garage and immediately adjoining the side boundary but on balance, it is concluded that it does not result in a material loss of amenity due to overlooking, subject to the reinstatement of the boundary fence between 138 and 136.
- 3.7 The main area of concern is to the rear of the garage and adjacent to the side boundary with No. 136. Subject to the lowering of ground levels in this part of the garden, it is considered that it would not be expedient to take action, given the relatively small increase in levels further down the garden and the reduced impact on residential amenity.

Vehicle crossover

- 3.8 Permission was granted in 2008 (ref. 09/00488) for a detached garage with pitched roof at the side of the dwelling. The approved layout plan shows a vehicle crossover from Lockesley Drive with a driveway at an approximate 45° angle in front of the garage. Lockesley Drive is not a classified road and the vehicle access does not require planning permission and did not form part of the application. The construction of the vehicle crossover and driveway does not therefore involve a breach of planning control.
- 3.9 Following a site meeting on 10 November 2011 with a Ward Member, the Area Inspector from Area Management and the applicant, it has been agreed to construct an “in & out” drive. One crossover will be as near to no. 136 as possible, while still allowing access to the garage and frontage, in order to give maximum visibility and the second access will allow vehicles to turn and enter and exit the property in forward gear.

Non-Applicable Sections:	Policy, Financial, Legal and Personnel Implications
Background Documents: (Access via Contact Officer)	

ENF/TCB/11/00161

