

SECTION '2' – Applications meriting special consideration

Application No : 10/01908/DET

Ward:
Kelsey And Eden Park

Address : 63 Hayes Lane Beckenham BR3 6RE

OS Grid Ref: E: 538498 N: 168581

Applicant : Mrs Ross

Objections : YES

Description of Development:

Details of design, external appearance, landscaping, parking, foul and surface water drainage pursuant to conditions 1,2 4 and 5 of outline permission ref 06/00360 granted on appeal for two storey dwelling fronting Quinton Close at land rear of 63 Hayes Lane.

Key designations:

London Distributor Roads

Proposal

This application has been called to committee by the local ward councillor in addition to application ref. 10/01710 which seeks permission for the extension of time limit to implement outline permission for a detached dwelling (under ref. 06/01883), which can also be found on this agenda.

Under planning ref. 06/01883 outline permission was granted on appeal for a two storey dwelling fronting Quinton Close on land to rear of 63 Hayes Lane.

This application seeks approval of the reserved matters including external appearance of the building and the landscaping of the site. Approval is also sought in respect of conditions 4 and 5 of the appeal decision notice which relate to parking and foul/surface water drainage.

The details submitted are summarised as follows:

- the siting and footprint of the building, remains as per the outline approval,
- the two storey dwelling would maintain a traditional hipped roof design with a

maximum height of approx. 9.1m, however the height of the roof of the building adjacent to Wendene to the north, will be stepped down,

- all primary windows to rooms are located to the front and rear elevation of the house. There is only one flank window proposed at first floor level on the southern elevation (facing rear garden of No.63) which would provide obscure glazing to a secondary bedroom window,
- the external finish of the building comprises a mix of facing brickwork (Ibstock Coleridge yellow multi and Caveridge Kilnwood Multi stock bricks) and white render at first floor. Windows and rear patio doors to be double glazed white PVC, roof tiles comprise Marley Eternit clay plain tile in Farmhouse Brown Sand
- landscaping details include making good existing boundary fencing and retaining existing privet hedging. Whilst additional planting is proposed to the Quinton Close frontage, some areas of the privet hedge will be removed to allow for the creation of separate pedestrian and vehicular accesses which would be enclosed by timber farm style gates and posts, approx. 0.9 - 1.1m in height respectively.
- within the site, areas will be laid to lawn, with the front path and parking area to comprise brindle and charcoal colour pavers, flag paving to the rear patio and gravel path around the northern side of the building,
- a bin enclosure will be provided on the south side of the site entrance on Quinton Close,
- car parking for two cars is provided on site,
- surface and rainwater is proposed to run to a soakaway in the rear garden of the building and from the front drive into porous areas along the flank boundary, foul water will be connected to existing public drainage system.

Location

The site forms part of the rear garden to the existing dwelling of No.63 Hayes Lane which is located within a predominantly residential area. The area is characterised by large detached two storey properties of varying designs and external materials set within spacious plots. To the northern side of the site however, lies a detached bungalow, Wendene. The area is not located within a Conservation Area or Area of Special Residential Character.

Comments from Local Residents

Numerous letters of objection have been received in relation to the principle of residential development in the back garden of No.63 in that it is contrary to current Government guidance contained in PPS3. In addition, concerns primarily relate to:

- the scheme represents an overdevelopment,
- loss of prospect, privacy and open space,
- the siting of the dwelling is forward of Wendene,

- Quinton Close is a narrow road, without scope for on-street parking which can lead to highway congestion and hinder visibility to other road users,
- the design of the proposed property does not complement the surrounding and local area,
- the submission of the application is out of time and therefore invalid.

Comments from Consultees

No technical objections raised from Thames Water or from a technical Highway or Trees point of view.

With regard to drainage matters, no objections to the principle of a soakaway are raised from Building Control or Drainage, however further information has been requested from the architect regarding soakage test results. At the time of writing this report the requested information had not been received, and therefore any additional comments/information will be reported at the meeting.

Planning Considerations

The proposal falls to be considered primarily with regard to the following policies in the Unitary Development Plan:

BE1 Design of New Development
H7 Housing Density and Design
T3 Parking
T18 Road Safety
NE7 Development and Trees

The London Plan:

3A.1 Increasing London's supply of housing
3A.3 Maximising the potential of sites

PPS3 Housing

Members will note the concerns raised by residents questioning the validity of this application. Condition 2 attached to the Inspectors decision notice states:

'Application for the approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.'

The date of the Inspectors decision notice is 25th June 2007. The application form accompanying this application is dated and was received by the Council on 25th June 2010.

Written correspondence from local residents suggests that the reserved matter details should have been received by the Council, no later than midnight on 24th June 2010 in order to comply with the wording of condition 2. However, for the purposes of the Town and Country Planning Act a year is not defined. The Council must therefore rely on the general rules of construction. Case Law has established that the general rule in cases in which a period is fixed within which a person must act or take consequences, is that day of the act or event from which the period runs should not be counted against him. The date of the permission itself is therefore excluded from the calculation of the year. As such, it is considered that the application for the approval of reserved matters is made in time.

Planning History

The only relevant planning history relating to this site is the grant of outline permission on appeal for a two storey detached dwelling under ref. 06/01883 and an application to extend the time limit for implementation of this permission under ref. 10/01710 which is pending consideration.

Conclusions

The main issue in this case is the acceptability of the details submitted in respect of the external appearance of the building, landscaping, parking and foul/surface water drainage.

Whilst the concerns of local residents are acknowledged, the outline permission granted on appeal under ref. 06/01883 remains extant and it is therefore necessary to consider the appropriateness or otherwise of the submitted details. Members will note that the proposed dwelling respects the siting, layout and scale of the permitted outline application. The Inspectors decision acknowledged that the development would comprise a two storey dwelling and the design as now proposed is traditional in appearance. In respect of landscaping, this is shown to include the retention of existing hedges and fencing with internal hardsurfacing and grassed areas which reflect a standard garden layout.

Adequate, car parking provision for 2 cars will be provided on site to accord with the Inspectors requirements and no technical highway objections are raised to the layout.

Subject to the acceptability of the soakage test results, (to be reported verbally at the meeting) the use of a soakaway on site would be a satisfactory form of drainage for the site.

On balance, and given the terms of the outline permission granted at appeal, the reserved matters and details of parking pursuant to conditions 1, 2, 4 and 5 are considered acceptable to follow the Inspector's reasoning in this case.

Background papers referred to during production of this report comprise all correspondence on files refs. 06/01883, 10/01710 and 10/01908, excluding exempt information.

RECOMMENDATION: APPROVAL

subject to the following conditions:

- 1 The landscaping scheme as shown on the submitted drawings (to include the retention of existing hedges and fencing on site) shall be implemented in the first planting season following the first occupation of the buildings or the substantial completion of the development whichever is the sooner. Any trees, hedging or plants which within a period of 5 years from the substantial completion of the development die are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species to those originally planted.

Reason: To accord with the details in the application and to comply with Policy BE1 of the Unitary Development Plan to secure a visually satisfactory setting for the development.

- 2 AJ02B Justification UNIQUE reason OTHER apps

Policies (UDP)

- BE1 Design of New Development
- H7 Housing Density and Design
- T3 Parking
- T18 Road Safety
- NE7 Development and Trees

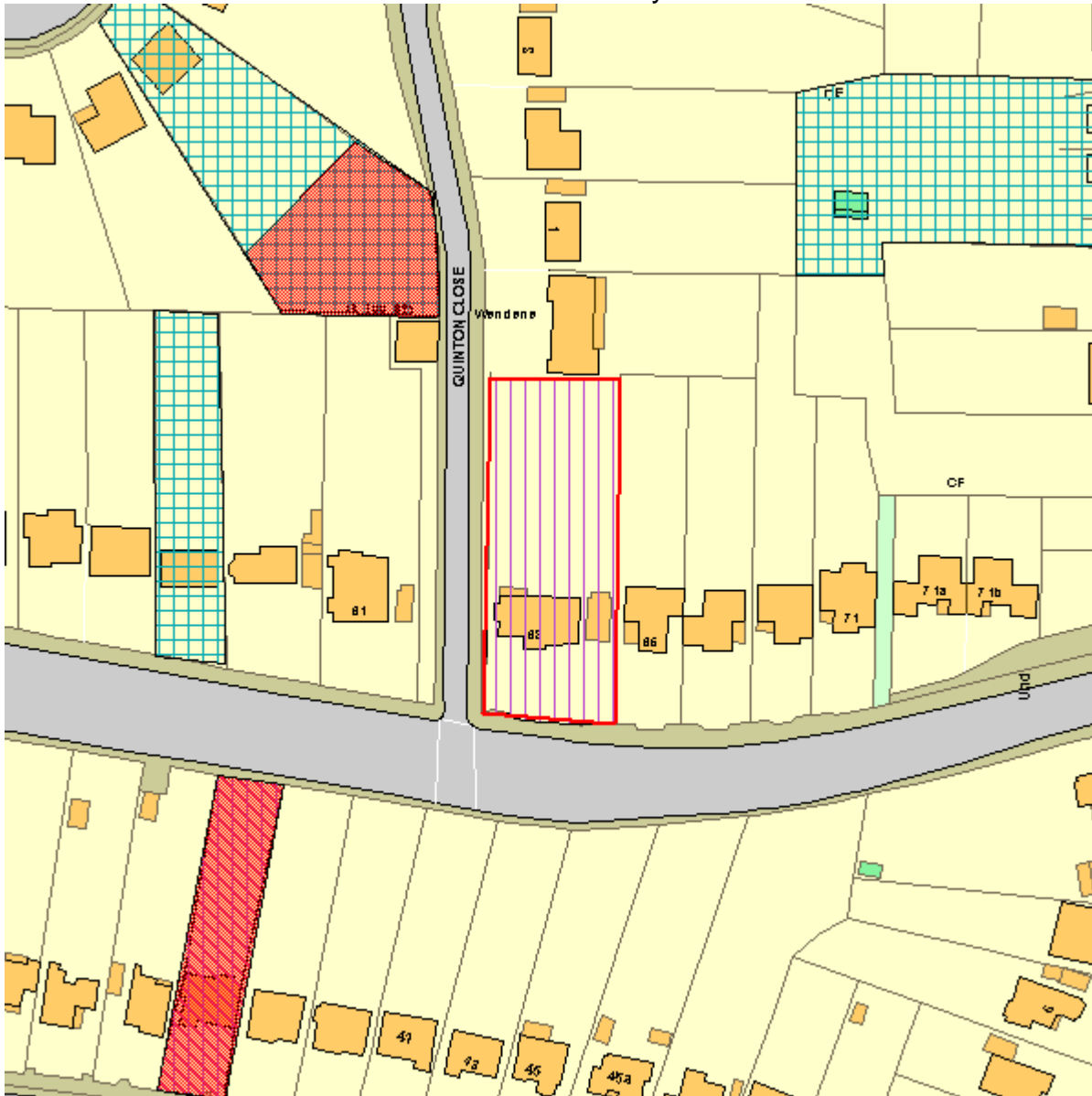
Policies (The London Plan)

- 3A.1 Increasing London's supply of housing
- 3A.3 Maximising the potential of sites

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