

Decision Maker: PLANS SUB-COMMITTEE NO. 1

Date: 30th August 2012

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

Title: 14 MORLAND ROAD, PENGE, SE20 7NB

Contact Officer: Tim Bloomfield, Development Control Manager
Tel: 020 8313 4687 e-mail: tim.bloomfield@bromley.gov.uk

Chief Officer: Chief Planner

Ward: Penge and Cator

1. Reason for report

Following a planning application (reference DC/09/01248) being granted at Appeal for three storey block comprising 2 two bedroom flats and 1 one bedroom flat with cycle store at rear, a local resident raised concerns relating to the development in general, the unauthorised roof terrace, the building line, the materials used, the bin store, the cycle store and the roof ridge.

2. **RECOMMENDATION(S)**

No further action be taken

3. COMMENTARY

- 3.1 The site originally hosted three derelict outbuildings which varied between single storey and two storey structures, located on the western side of Morland Road, almost opposite the junction with Somerville Road. The site is situated between a two storey semi detached pair of properties to the north, and a two storey semi detached property which hosts two flats in either half of the semi detached pair. The rear property boundary of the application site adjoins the rear gardens of properties along Victor Road.
- 3.2 Whilst a number of local residents disagree with many of the Appeal Inspector's conclusions in deciding to overrule the Council's decision and grant planning permission, it is nevertheless the case that the applicant is now able to pursue that development and nothing can be done to alter this position.
- 3.3 As the development was being completed, a member of the public lodged a complaint that the roof area was being utilised as a terrace. An investigation was carried out, and in response the developer submitted a formal application in an attempt to rectify the situation prior to any enforcement proceedings from being instigated. Although the formal planning application (reference 12/00551) was refused, an appeal has been lodged with The Inspectorate, and this has not yet been determined. Until the Appeal has been determined, the Council is not able to insist on the removal of that which does not have permission. The fact that the developer has seemingly carried out more work to the terrace area is done so entirely at their own risk.
- 3.4 Should the Appeal be dismissed, the Council will proceed with enforcement action to ensure that the unauthorised roof terrace area, and any other unauthorised development associated with it, is removed from the site. This is on the basis that when the original application (DC/09/01248) was granted at Appeal, a condition was imposed by the Inspector stating in effect that the roof areas of the building shall not be used as a balcony, roof garden or similar amenity area unless otherwise agreed in writing by the Local Planning Authority.
- 3.5 In terms of the building line, this was investigated. Measurements were taken of the site, the resulting building and the neighbouring property of 48/50 Tennyson Road. Whilst the applicants plans approved at Appeal under planning reference DC/09/01248 indicate that the front of the building would be more or less in-line with the front of properties along Tennyson Road, it would appear that the position of 48/50 Tennyson Road on Plan Number 122-09-002-A may have been illustrative rather than definitive. The front elevation of the new building, according to the plans, is 1.8 metres further forward than the front elevation of 12 Morland Road. When the distance was measured, it was found that the physical difference on site between the front of 14 Morland Road and the front of 12 Morland Road was 1.8 metres. As such, the building as constructed is in the position shown on the approved plans.
- 3.6 The materials for the building have been agreed pursuant to Condition 5 of the Appeal decision. The information provided stated that yellow stock brickwork would be used at ground floor level, red brickwork coursing would be used at the base of the rendered panel, rendered finish would be provided at first floor level and above, and the dormers to front and rear would be lead-lined, with grey sheeting to the front and rear mansard roof slopes.
- 3.7 Since the rear elevation of the property in particular does not accord with the agreed details, it is considered necessary for Members to determine whether it would be expedient to take action regarding this matter. Members may consider that whilst the materials that have been used along the rear elevation are not in complete accord with the agreed details, as the entire rear elevation has been rendered and painted to match the upper part of the side and front elevations of the property, this alteration is not considered to be of significant impact to warrant further action.

- 3.8 In terms of the bicycle store and refuse store, a minor amendment application was submitted in order to change the original location of these features of the development; however this application was withdrawn prior to it being determined. The locations of both of these features have now reverted back to the approved layout of the bicycle and refuse stores as originally approved by the Inspector.
- 3.9 The issue of the boundary wall has also been discussed with the developer. The boundary enclosure between the site and the adjacent property at 48/50 Tennyson Road did not initially comply with the boundary treatment details which were agreed by the Council pursuant to Condition 4 of the original grant of permission for the development under ref. 09/01248. Specifically, whilst the approved details show 1.8m high timber fencing to the whole length of this boundary, a short length previously comprised a section of one of the previous buildings on the site. This matter has now been addressed and a close-boarded fence has been installed, in accordance with the details approved under Condition 4 of application 09/01248.
- 3.10 Members will therefore agree that the outstanding matters of the boundary fencing, the cycle store and the refuse store have therefore been dealt with accordingly.
- 3.11 Finally, since the development was completed, an additional roof vent has been added to the top of the building, which has been installed to provide an air vent within the permitted building. Since the complaint was lodged relating to the roof vent, a number of visits to the site have been carried out. On gaining access to the roof on 16th July 2012, it was discovered that the roof vent protrudes 0.7 metres from the flat roof at the rear and 0.32 metres from the roof at the front, and the structure protrudes approximately 0.3 metres above the line of the parapet walls.
- 3.12 Whilst it is noted that the additional roof vent is visible from certain points in the surrounding area, when adjacent to the property the structure is not visible. Whilst the situation should be regularised by a formal process Members may consider that the roof vent has no material impact upon the overall development.
- 3.13 As a result, Members may consider that given the overall size of the approved development has not altered, the roof vent is not visible from the pavement outside the host property and the top of the roof vent is visible only from certain vantage points in the surrounding area, it therefore does not detract from the street scene. In conclusion this alteration may be considered acceptable and it is not expedient to take any further action.

Non-Applicable Sections:	Policy, Financial, Legal and Personnel implications
Background Documents: (Access via Contact Officer)	DC/09/01248