

SECTION '2' – Applications meriting special consideration

**Application No :** 12/02751/FULL6

**Ward:**  
**Plaistow And Sundridge**

**Address :** 10 Park Grove Bromley BR1 3HR

**OS Grid Ref:** E: 540845 N: 169778

**Applicant :** Mr And Mrs Reid Farah

**Objections :** YES

**Description of Development:**

Single storey detached outbuilding at rear. RETROSPECTIVE APPLICATION.

Key designations:

Biggin Hill Safeguarding Birds  
Biggin Hill Safeguarding Area  
London City Airport Safeguarding  
London City Airport Safeguarding Birds

**Proposal**

- The application seeks retrospective permission for a single storey detached outbuilding at the rear of the garden.
- Permission was previously granted under ref. 12/00142 for part one/part two storey rear extension (amendment to permission ref. 11/02014 granted at appeal to include additional single storey element) and single storey detached outbuilding to rear, however upon commencement of development for the detached outbuilding, discrepancies have come to light between what was approved and what is being built.
- The applicant has stated that the original plans have been deviated from through building error, but that the land level at the rear of the garden has already been reduced by approximately 0.5 metres, and a photograph has been submitted to illustrate the garden prior to commencement of development, so that Members can compare the garden before and after building works started.
- The plans approved under ref. 12/00142 stated that the structure would measure 5.2 metres in width, 4.25 metres in depth, the eaves would measure 2.4 metres from ground level and the overall height would measure 3.6 metres. From the plans, it was stated that the rear and northern elevations of the proposed single storey detached building in the rear garden would be located 1 metre away from the rear and northern property boundaries, and 2.9 metres away from the southern property boundary.

- Due to the discrepancies with the building once it was built, a site visit was carried out by the case officer and a Planning Investigations Officer on 10th October 2012 in order to measure the building as it now appears on site. The measurements were as follows:
  - From top of slab level to top of the ridge, the building measures 4.015 metres;
  - From top of slab level to top of eaves, the building measures 2.57 metres;
  - The front and rear elevations measure 5.41 metres in width;
  - The side elevations (providing the depth of the building) measure 4.6 metres.
  
- The height of the concrete slab that the structure has been built upon varies depending on where the measurements were taken. This is due to the differing land levels on the site. From the front of the building, the slab level measures 150mm from ground level at either end, closest to the property boundaries, and 180mm from ground level in the centre of the building. Along the side elevations, the top of the slab level from ground level along the boundary with No. 8 measures 200mm, and the slab level to the rear along the boundary with No. 8 measures 100mm.
- In terms of the separation between the structure and the property boundaries, the measurements were as follows:
  - distance between the front corner of structure and property boundary shared with No. 8 is 0.82 metres;
  - distance between the rear corner of structure and property boundary shared with No. 8 is 0.58 metres;
  - distance between the front corner of structure and property boundary shared with 17a Freelands Road is 0.98 metres; and
  - distance between the rear corner of structure and property boundary shared with 17a Freelands Road is 0.88 metres.
  
- The applicant showed a copy of the deeds for their property, and stated that they are to employ a surveyor in order to confirm that their rear property boundary has been reduced due to inaccurate siting of boundary fencing. Whilst the applicant accepts that this is a private matter between the parties involved, they have indicated that were the fence in the correct position, there would be a greater degree of separation between the flank elevation of the structure and the property boundary shared with No. 8.

## **Location**

The application site is located on the eastern side of Park Grove, at the end of the road. The northern flank property boundary of the application site is shared with the rear property boundaries of a number of properties along Hansom Terrace, Freelands Grove.

## **Comments from Local Residents**

Nearby owners/occupiers were notified of the application and the following representations were received:

- building now is much bigger than was previously led to believe it would be;
- now appears to be a small dwelling rather than a garden house;
- the building is very visible from other properties along Park Grove, and during winter when leaves have fallen, the building will impose on outlook;
- the building is too large for a family garden;
- the garden house has a window and French doors which feels threatening and will result in overlooking;
- building is out of character in area;
- most gardens have a wooden shed, indeed neighbours shed now looks minute against the newly built garden house;
- structure is surely extravagant for storage purposes, all it would need is water and electricity and it would become liveable accommodation;
- position of window is unacceptable as due to the slab height and height of structure, will result in direct view into garden and house of Number 8;
- there are tall conifers at bottom of garden at Number 8, but regret that the construction of the 'garden house' did in fact involve the prior removal of trees and greenery in the garden of No.10;
- the remaining area of garden at No.10 will be extremely small in comparison to the other properties in Park Grove;
- the garden house as built at present is approximately one fifth of the total garden area;
- if permitted, could set a dangerous precedent that others in the future may take advantage of;
- building clearly not a summer house but an all-year round house which will have all the amenities to be lived in;
- concerns raised relating to rest of the development at the house if the plans for the summer house could not be complied with;
- photograph submitted of structure as built.

### **Comments from Consultees**

No internal consultations were considered necessary with this application.

### **Planning Considerations**

The application falls to be determined in accordance with the following policies of the Unitary Development Plan and the London Plan:

BE1 Design of New Development  
H8 Residential Extensions

### **Planning History**

In terms of relevant planning history, permission was recently refused under ref. 11/00280 for a part one/two storey side and rear extension for the following reason:

The proposed side and rear extension would, by reason of its proximity to the boundary and excessive rearward projection, have a seriously detrimental effect on the visual impact and daylighting to neighbouring properties, and the prospect which the occupants of these dwellings might reasonably expect to be able to continue to enjoy, contrary to Policies BE1, H9 and H8 of the Unitary Development Plan.

Following this, a further planning application was refused under ref. 11/02014 but allowed at Appeal.

A subsequent application was permitted under ref. 12/00142 for part one/part two storey rear extension (amendment to permission ref. 11/02014 granted at appeal to include additional single storey element) and single storey detached outbuilding to rear.

Most recently, permission was granted under ref. 12/01351 for single storey side and rear extensions.

## **Conclusions**

Members may consider that the main issues relating to the application are the effect that the structure has upon the character of the area, the impact upon the privacy, outlook and visual and residential amenities of the occupiers of neighbouring properties.

Members will be aware that the principle of a single storey detached outbuilding in the rear garden has already been granted under ref. 12/00142. However the plans of the structure that was previously approved differ to the structure that has been built on site.

The main material difference between the previously approved scheme and the current application relate to the dimensions of the structure, however the distance between the structure and the property boundaries also vary when compared to the dimensions stated on the previously approved plans.

The structure now measures 5.41 metres in width along the front and rear elevations, 4.6 metres in depth along the flank elevations (from front to rear), and 4.015 metres in height from the top of the ridge of the roof to the top of the concrete slab level that the structure has been built upon.

When looking at the structure on site, the building appears to be very prominent in the rear garden of the site due to the overall height and size of the structure. In addition, the comparison in size and height between the brick structure at the application site and the wooden shed at No. 8 is significant, and when comparing the height of the brick structure at the site to the property at 17a Frelands Road (directly to the north of the site), it can be seen that the ridge of the roof is at a similar height to the first floor windows in the rear elevation of 17a Frelands Road.

The building is also prominent from the rear garden of the adjacent property, No. 8 Park Grove, as well as when viewed from Frelands Road – from the roadside of

Freelands Road the eaves and roof can clearly be seen above the rear property boundary of the site. Not only have local residents raised concerns relating to the impact of the visually prominent structure due to the height and size, they have also raised concerns that the building could be used for habitable accommodation. However Members should note that the applicant has confirmed by email dated 21st August 2012 that the building will be used for hobbies and storage of garden furniture/tools. Should Members find the application acceptable, a condition can be imposed limiting the use of the structure and should anything deviate in the future in terms of the use of the building, this could be investigated.

Members are therefore asked to consider whether the impact of the structure as built is significant enough warrant refusal of the application and enforcement proceedings being taken to revert back to the originally approved scheme.

Members will need to consider whether the overall increase in height, size and location to the property boundaries when compared with the previously permitted scheme is significant enough to have a seriously detrimental impact upon the visual and residential amenities of the residents of the neighbouring properties by reason of loss of prospect, privacy and visual impact, and whether the structure as built has a detrimental impact upon the continued enjoyment of the properties of nearby occupiers as to warrant refusal of the application and enforcement action being taken to revert back to the originally approved scheme. Members may however consider that on balance the difference between the existing structure on site and the plans previously approved is not significant enough to justify action being taken and permission should be granted.

Background papers referred to during production of this report comprise all correspondence on files refs. 11/00280, 11/02014, 12/00142, 12/01351 and 12/02751, excluding exempt information.

## **RECOMMENDATION: PERMISSION**

Subject to the following conditions:

1 ACK01 Compliance with submitted plan

**Reason:** In order to protect the amenities of the occupiers of adjacent properties and to comply with Policies BE1 and H8 of the Unitary Development Plan.

### **Reasons for granting permission:**

In granting permission the Local Planning Authority had regard to the following policies of the Unitary Development Plan:

BE1 Design of New Development  
H8 Residential Extensions

The development is considered to be satisfactory in relation to the following:

- (a) the appearance of the development in the street scene;
- (b) the appearance of the development in relation to the character of the area;

- (c) the relationship of the development to the adjacent properties;
- (d) the character of development in the surrounding area;
- (e) the impact on the amenities of the occupiers of adjacent and nearby properties;
- (f) the outlook of occupiers of adjacent and nearby properties;
- (g) the privacy of occupiers of adjacent and nearby properties;
- (h) the housing policies of the development plan;
- (i) and having regard to all other matters raised including concerns from neighbours.

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