

SECTION '2' – Applications meriting special consideration

**Application No :** 12/02890/FULL6

**Ward:**  
**Shortlands**

**Address :** 26 Hayes Way Beckenham BR3 6RL

**OS Grid Ref:** E: 538434 N: 168457

**Applicant :** Mrs Terrie Martin

**Objections :** YES

**Description of Development:**

Raised garden terrace at rear with walls and steps. RETROSPECTIVE APPLICATION.

Key designations:

Conservation Area: Park Langley

Biggin Hill Safeguarding Birds

Biggin Hill Safeguarding Area

London City Airport Safeguarding

London City Airport Safeguarding Birds

**Proposal**

This application seeks planning permission for the retention of a garden terrace with walls and steps.

The terrace is 4 metres deep and 9.9 metres wide and raises approximately 0.68 metres above the ground level.

**Location**

The application site is located within the Park Langley Conservation Area and hosts a two storey detached dwelling house.

The application site slopes to the rear by approximately 1.5 metres and is surrounded by 1.8 metres high boarded fence.

There is an ash tree positioned close to the terrace.

**Comments from Local Residents**

Nearby owners/occupiers were notified of the application and a representation was received on the grounds of loss of privacy and noise and can be summarised as follows:

- the platform is at such a height that people standing on it appear at least head and shoulders above the fence;
- the installation of the fence has removed mature planting that provided screening between the property and No. 28 and has created a straight and clear sightline around the perimeter and also into the kitchen and dining room;
- there is no part of the garden at no. 28 that cannot be viewed from the platform;
- the laurel bushes that were planted do not provide significant coverage and could be easily removed by any future owner of the property;
- the hard surfacing and the walls have created an 'amphitheatre' effect on sound, magnifying the music and conversations;

### **Comments from Consultees**

No objection from heritage perspective as there is no adverse impact on the conservation area.

An Arboricultural Officer confirmed that the ash tree has not been affected by the construction works.

### **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  
 BE11 Conservation Areas  
 H8 Residential Extensions  
 NE7 Development and Trees

Supplementary Planning Guidance 1 General Design Guidance  
 Supplementary Planning Guidance 2 Residential Design Principles

### **Planning History**

10/00697/FULL6 - Two storey rear extension, conversion of garage to habitable room with pitched roof over existing and proposed element. Roof alterations – Permission refused on 01.06.2010 for the following reason:

The proposed extensions by reason of their size, height and bulk would appear bulky and over dominant and would be detrimental to the character and appearance of the existing dwelling, the street scene in general and the Park Langley Conservation Area thereby contrary to Policies H8, BE1 and BE11 of the Unitary Development Plan.

10/02821/FULL6 - Two storey rear extension, conversion of garage to habitable room with pitched roof over existing and proposed element. Roof alterations – Permission granted on 28.01.2011.

## **Conclusions**

The main issues relating to the application are the effect that it has on the character of the area and the impact that it has on the amenities of the occupants of surrounding residential properties ((with particular regard to privacy and noise/disturbance).

In this instance it is considered that the terrace is not detrimental to the architectural integrity of the parent dwelling and that the special character and appearance of the surrounding conservation area were not harmed by the proposal, thereby satisfying the requirements of Policies BE1, BE11 and H8 of the UDP.

With regard to the overlooking, it is noted that whilst the elevated position of the terrace allows wider views of the adjoining gardens, these views are not dramatically different from the views which are available from the rear garden of the property or its first and second floor windows. Similarly, although it is possible to obtain oblique views into the rear windows of the neighbouring properties, direct views are not easily accessible. Notwithstanding, it is considered appropriate that a suitable condition be added to this consent, should it be granted, requiring the installation of an adequate planting screen as well as its future maintenance. Members may agree that subject to such a condition any actual or perceived overlooking would be minimised.

The proposed terrace is being used for a purpose incidental to the enjoyment of the dwellinghouse. Whilst the presence of the structure may encourage the occupiers of the application property to utilise the outside amenity space to a greater degree, it can not be demonstrated that the use of the terrace results in a materially different impact than the ordinary use of the garden would. In any case, should any issues arise relating to undue noise or disturbance, these should be reported to the Council's Environmental Health Division.

Having had regard to the above it was considered that any envisaged loss of privacy or increase in noise/disturbance is not significantly harmful to warrant a refusal of planning permission. Members are therefore requested to determine that the proposal is acceptable and worthy of permission being granted.

Background papers referred to during production of this report comprise all correspondence on file ref. 12/02890, excluding exempt information.

## **RECOMMENDATION: PERMISSION**

Subject to the following conditions:

- 1 Notwithstanding the details submitted in plan 12033/003 Rev. P1 full details of the planting screen, including details of the proposed plants shall be submitted to and approved in writing by the Local Planning Authority within 2 months from the date of this decision notice and this condition shall apply notwithstanding any indications as to these matters which have been given in the application. All planting comprised in the approved details of planting

screen shall be carried out not later than the expiration of three months from the date of this decision notice solely in accordance with the approved details and retained for the duration of the permitted use. Any trees, hedgerows or shrubs forming part of the approved planting screen which die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.

**Reason:** To ensure a satisfactory and continuing standard of amenities are provided and maintained and to prevent overlooking and loss of privacy, contrary to Policy BE1 of the Unitary Development Plan.

2 AJ02B Justification UNIQUE reason OTHER apps

Policies (UDP)

BE1 Design of New Development

BE11 Conservation Areas

H8 Residential Extensions

NE7 Development and Trees

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**RETROSPECTIVE APPLICATION.**



"This plan is provided to identify the location of the site and should not be used to identify the extent of the application site"

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