

SECTION '2' – Applications meriting special consideration

**Application No :** 13/00750/FULL6

**Ward:**  
**Hayes And Coney Hall**

**Address :** 33 Dartmouth Road Hayes Bromley BR2  
7NF

**OS Grid Ref:** E: 540269 N: 166785

**Applicant :** Mrs Andrea Shears

**Objections :** YES

**Description of Development:**

Decking and balustrade to rear  
RETROSPECTIVE

Key designations:

Biggin Hill Safeguarding Birds  
Biggin Hill Safeguarding Area  
Flood Zone 2  
Flood Zone 3  
London City Airport Safeguarding  
Open Space Deficiency  
River Centre Line

**Proposal**

Retrospective planning permission is being sought for a raised timber deck to the rear of the property. The decking will project 2.8m from the rear of the property at a width of 5.6m, before stepping down to 5.1m in width for a further 1.0m.

**Location**

The host dwelling is a semi-detached property situated in a residential street comprising two storey houses, many of which have been extended.

**Comments from Local Residents**

Nearby owners/occupiers were notified of the application and representations were received which can be summarised as follows:

- concerns from No.31 that the decking overlooks and inhibits the use of their garden.
- concerns that the ground level has been raised in the side access between the properties.

## **Comments from Consultees**

No internal consultations were deemed necessary in respect of this application.

## **Planning Considerations**

Policies relevant to the consideration of this application are: BE1 (Design of New Development) of the adopted Unitary Development Plan.

The Council's adopted SPG guidance is also a consideration.

## **Planning History**

A two storey side and rear extension was granted planning permission in 2011 under ref. 11/02205. The Council is currently considering a retrospective application for a front porch under ref. 12/01256.

## **Conclusions**

The main issue relating to the application are the impact that it would have on the amenities of the occupants of surrounding residential properties.

The application property experiences a noticeable change in level at the rear of the property, and the decking has been constructed to allow access to and from the garden at the same height of the rear door of the kitchen. Documentation submitted as part of the application refers to concerns from the neighbouring property (No.31 to the north) regarding potential overlooking into that garden resulting from the height of the decking. It is suggested that the ground level at the host site has been raised as part of the work that has taken place to construct the decking.

It is noted that a fence has been erected by the applicant at the shared boundary which Members may consider to mitigate the impact of the decking to some extent. However, this screening does not form part of this application and is just in excess of the tolerances of Permitted Development by virtue of its height (2.1m from the original ground level when measured from the garden of No.31). As a result, it may be considered appropriate that a suitable condition be added to this consent, should it be granted, requiring the installation of an adequate screen at the boundary as well as its future maintenance. Members may agree that subject to such a condition any actual or perceived overlooking would be minimised.

Due to the topography of the garden, the original ground level is not easily identifiable, and the level changes throughout the garden. At the point nearest the boundary with No.31, the cumulative height of the lower step (0.2m) and the higher tier (an additional 0.43m) results in a maximum height of 0.63m above what is understood to be the original ground level. At the mid-point of the decking this increases due to the slope in the original ground level to a maximum of 0.69m. Taken from the height of the pathway which runs along the boundary and the new deck, the terrace is 0.3m above ground level, however this is not considered to be the original ground level, and had been constructed recently, after the deck itself.

The height above what could be reasonably assumed to be original ground level is around 0.6m. The design of the deck is stepped in order to facilitate access down into the rear garden, whilst overcoming the change in level. Members may take the view that the fence at the boundary with No.31 at a height of 1.81m above the pathway - when measured from the 'new' level at the host site - does reduce the impact of the raised decking to a significant degree.

It is noted that the elevated position of the decking allows wider views of the adjoining gardens; however Members may consider that these views are not dramatically different from the views that are available from the rear garden of the property in general, or its first and second floor windows.

On balance, the decking may not be considered to result in a seriously harmful impact on the neighbouring properties. The raised area closest to neighbouring properties will be a maximum of 0.63m above original ground level and this is not considered to result in an unacceptable degree of overlooking or harm to neighbouring amenities, particularly in light of the provision of a suitable screen at the shared boundary with No.31. The view when standing on the decking facing towards No.31 will allow sight of part of the rear garden of the neighbouring property, however it is considered that this position is not the natural direction to be facing, with users of the terrace likely to be facing south towards the existing conservatory of No.33 or east into the gardens of the application site itself.

The application site was visited by the case officer and the aims and objectives of the above policies, national and regional planning guidance, all other material planning considerations including any objections, other representations and relevant planning history on the site were taken into account in the assessment of the proposal.

Having had regard to the above Members may consider that, on balance, the siting and height of the raised decking is acceptable in that it does not result in a significant loss of amenity to local residents nor impact detrimentally on the character of the area.

Background papers referred to during production of this report comprise all correspondence on file ref. 13/00750, excluding exempt information.

## **RECOMMENDATION: PERMISSION**

Subject to the following conditions:

- 1      ACA01      Commencement of development within 3 yrs  
          ACA01R     A01 Reason 3 years
- 2      ACC04      Matching materials  
          ACC04R     Reason C04
- 3      ACK01      Compliance with submitted plan

**Reason:** In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the visual amenities of the area and the amenities of the nearby residential properties.

- 4 Details of the means of screening at the boundary with No.31 Dartmouth Road, Hayes 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 screening approved 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 treatment forming part of the approved screening which is removed shall be replaced, unless the local planning authority gives written consent to any variation.

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

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"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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