

Section '3' - Applications recommended for PERMISSION, APPROVAL or CONSENT

Application No : 13/02377/FULL6

Ward:
West Wickham

Address : 18 The Crescent West Wickham BR4
OHE

OS Grid Ref: E: 539253 N: 167325

Applicant : Mr Kam-Choi Lau

Objections : YES

Description of Development:

Raised timber decking, balustrade and steps to rear

Key designations:

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

Proposal

Members previously deferred this application from Plans Sub Committee on 14th November 2013, without prejudice, to seek the following amendments to the scheme:

- Increased separation of the decking from the side boundary with No.16
- Reduction in the height of the decking

The following amendments have now been made to the scheme:

Increase in the space between shared flank boundary with No.16. from 0.45m to approx. 1.1m. This would be facilitated by the provision of a wooden storage / seating unit facing away from No.16 and acting as a buffer restricting close access to the area closest to the sensitive boundary with this property. The unit would be 1.8m high and would run the full length of the decked area.

The applicant has not reduced the height of the decked area and has set out the following reasons for not doing so:

The height of the highest part of the original stone patio would require substantial demolition work and would effectively if the patio was

lowered would be at the same height as it was previously resulting in an ineffective link from the house to the garden via the decking.

The level of the highest step leading from the patio doors to the decked area cannot be lowered as it would result in an unsafe transition from the house to the first step on the decked area. Defeating the object of providing the decking in the first place which has been designed to take into account the likely decrease in mobility of the applicants in the future.

The previous report is repeated below suitably updated.

The decking is proposed over an area of raised stone patio (approx. 0.55m above ground level) to provide an easier transition from the house to the garden which are on different levels. Windows in the rear elevation have been replaced by patio doors beyond which are 2 steps which lead to a decked area measuring 3.6m (d) x 4.4m (w) x 1.04m (h).

On two sides of the decking there is a balustrade extending to approx. 2.1m above ground level. To the south-western side of the main decked area there are steps down to an area of lower decking and then further steps in to the rear garden.

To the north-eastern boundary with No.16 a trellis has been put up above the height of the fence to provide additional screening to a height of approx. 2.6m 6ft. Beyond this is the wooden storage / seating unit which measures 1.8m (h) x 0.61m (w) x 3.58m (d).

It is noted by the agent within the planning statement that accompanied the current application that there are some inaccuracies in the original drawing owing to the fact that a survey of the rear elevation of the property was not carried out at that time.

Location

The application property is a semi-detached house located towards the northern end of The Crescent. The road is residential in character and made up of mainly semi-detached and to a lesser extent detached houses set back from the road and contained within in long rear gardens.

Comments from Local Residents

Nearby owners/occupiers were notified of the application and one letter of objection was received from the owner of the neighbouring property at No.16 which can be summarised as follows:

- overlooked at close proximity within a previously private area of my home
- 50% of our dining room is on view
- the room which is overlooked is the biggest room in the house and is used for eating, socialising, exercising and accommodating guests

- my daughters first floor room is overlooked from decked area
- noise and disturbance from use of the decked area every day from early till late
- reduced height of decking isn't sufficient to ensure adequate privacy
- the Ivy used to screen the boundary is causing my fence to lean inward
- if fence is made to 2m high with added trellis this would render my window redundant
- safe access to the garden could be achieved without the need for such a large structure
- first floor bedroom window closest to the boundary is vulnerable to being "overly viewed" at close proximity from the decking
- have enjoyed light and views from the windows that are now overlooked so reluctant to make fence any higher

Additional neighbour comments on revised plan:

- due to the overall height and size of decking it is considered that the only way to preserve privacy to an acceptable level would be to reduce the height of the decking and also move the decking a metre away from the boundary
- the storage unit seems like a temporary solution, if the proposal is approved what would prevent the applicants reverting to a simple fence afterwards
- unless a condition is attached to ensure the structure can be permanently maintained I would object to the revised plan

Planning History

Planning permission was previously refused under planning ref. 12/02896 for a similar scheme [albeit on a larger scale] comprising raised timber decking incorporating store room under, balustrade and steps. In this scheme the raised decking measured approx. 3.6m in depth, 5.24m in width and was 1.6m above ground level. This application was retrospective and upon refusal enforcement action was also authorised to secure its removal.

A subsequent appeal was dismissed the Inspector considered the main issue to be the effect of the decking upon the living conditions of the existing and future occupants of No.16 The Crescent. Whilst appreciative of the applicants desire to facilitate better access to the garden from the house the Inspector concluded as follows:

"On behalf of the appellant it is suggested that a condition could be imposed to require a trellis fence or planting. At the time of my site visit a trellis was in situ and, as described above, there is some vegetation which provides a partial screen. I also noted, given the form of surrounding development, that it is possible for overlooking of rear gardens to occur from first floor windows.

Notwithstanding these comments the close juxtaposition of the raised decking to the common boundary with no. 16, combined with the unusual fenestration of that property, has created an unsatisfactory relationship between the two.

I therefore find on the main issue that the decking as constructed in terms of its overall width, its height above ground level and its proximity to the common boundary with 16 The Crescent has an unacceptable impact upon the living conditions of existing and future residents of that property contrary to "saved" Policy BE1 (v) of the London Borough of Bromley UDP."

The enforcement action has been held in abeyance pending the outcome of the current application.

Planning Considerations

The current application calls to be determined in accordance with the following policies of the Unitary Development Plan, the London Plan and the National Planning Policy Framework:

BE1 Design of New Development
H8 Residential Extensions

The Council's adopted supplementary planning guidance is also a consideration.

The main differences between the previously refused application and the current application are:

- two steps introduced leading from the patio doors resulting in a reduction of 0.56m in the height of the main decked area from 1.6m to 1.04m
- reduction in the overall extent of decked area by stepping the fence attached to the decking away from the sensitive boundary and introducing a storage / seating unit adjacent beyond this, retaining an overall area of 1.1m between the decked area and the boundary with No.16
- increase in height of fencing to side of decking from 1.8m to 2.6m including trellis

The side window at No.16 that would be most affected by the proposal faces out at an unusual angle towards the decked area. Having viewed from inside the dining room area at No.16 it is clear that there would be some intervisibility between the decked area and the living / dining room. This was to a certain extent screened by the [early October] boundary vegetation. Looking across to the other side at No. 14 where there is an apparently long standing raised patio in place there are also views possible into the kitchen area of No.16. The fencing and trellis proposed on the boundary together would extend to approx. 2.6m in height and this would most likely together with the reduction in the height of the decking significantly reduce the amount of intervisibility possible. However, in attempting to devise a scheme that adequately protects privacy in

this manner the open views and outlook from this secondary living room window inevitably be reduced.

Conclusions

On balance whilst this proposal undoubtedly impacts upon the level of amenity enjoyed by occupants of No.16 prior to the decking being installed. It is considered that the changes proposed would result in a development that would adequately protect residential amenity. Importantly the decking would accord with paragraph 17 of the National Planning Policy Framework which suggests that planning should... "not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives." Furthermore it is considered that the impact of the proposed decking upon residential amenity would not be so harmful as to warrant refusal of the application on this basis.

Background papers referred to during production of this report comprise all correspondence on files refs. 12/02896 and 13/02377, excluding exempt information.

RECOMMENDATION: PERMISSION

Subject to the following conditions:

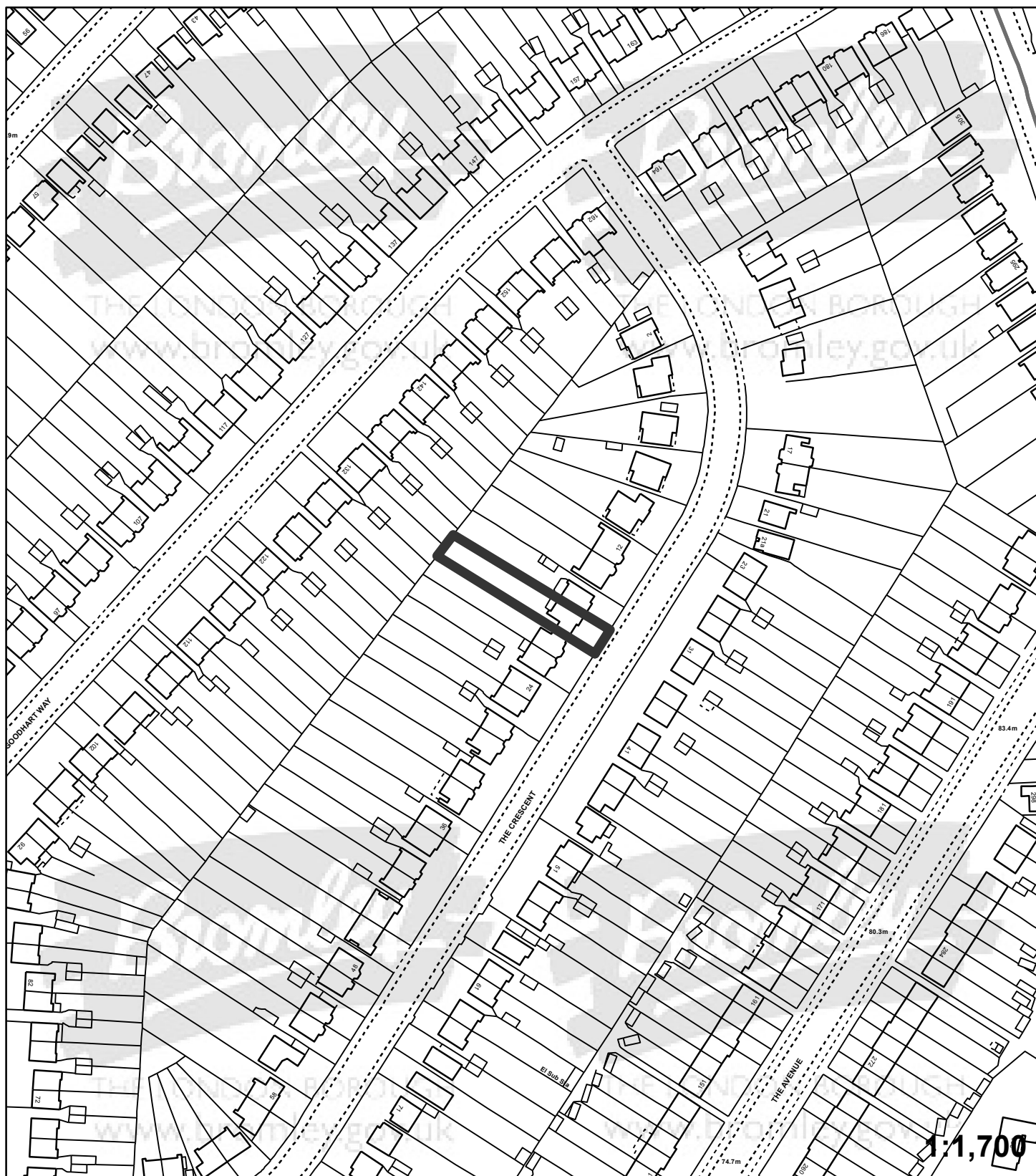
- 1 ACA01 Commencement of development within 3 yrs
 ACA01R A01 Reason 3 years
- 2 ACC04 Matching materials
 ACC04R Reason C04
- 3 ACK01 Compliance with submitted plan

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the appearance of the building and the visual amenities of the area.

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