

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

Application No : 14/00141/VAR

Ward:
Shortlands

Address : 49 Shortlands Road Shortlands Bromley
BR2 0JJ

OS Grid Ref: E: 539002 N: 168842

Applicant : Jemcap Ltd

Objections : YES

Description of Development:

Variation of Condition 15 of planning permission reference 13/01598 to allow a division of amenity space to the rear garden in order to provide a separate amenity area for each flat

Key designations:

Conservation Area: Shortlands
Biggin Hill Safeguarding Birds
Biggin Hill Safeguarding Area
Biggin Hill Safeguarding Area
London City Airport Safeguarding
London City Airport Safeguarding
London City Airport Safeguarding Birds
Local Distributor Roads
Open Space Deficiency

Proposal

Planning permission was granted under application ref. 13/01598 for a single storey side/rear extension and conversion of lower ground floor flat to provide 1 two bedroom and 1 one bedroom flats. Condition 15 of the planning permission stated that 'The rear garden of the property shall not be subdivided into separate amenity areas for the flats'. The application seeks to vary the wording of this condition to state 'The rear garden of the property shall not be subdivided into separate amenity areas for the flats by the erection of a fence or wall.'

The application is accompanied by a plan which indicates an approx. 12m x 7m part of the approx. 42m x 14m rear garden enclosed by a low level box (buxus sempervirens) hedge to be maintained at a maximum height of approx. 1m.

Location

This large semi-detached property lies on the south-eastern side of Shortlands Road, within Shortlands Conservation Area. To the north and south are similar type properties which have been converted into flats.

Comments from Local Residents

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

- condition was attached to previous permission to maintain the character and appearance of the Shortlands Conservation Area which will be harmed by the proposal
- properties along this part of Shortlands Road are uniform in style, characterised by their long, wide and open character and do not feature sub-divided rear gardens
- harm to outlook from adjacent properties
- previous condition was attached to ensure occupants of upper flats had access to amenity area.

Comments from Consultees

The proposal was not viewed by APCA.

Planning History

Permission was refused in May 2013 (ref. 13/00460) for a larger part one/two storey side/rear extension to provide 2 two bedroom basement flats on the following grounds:

"The proposed two storey side extension, by reason of its size, height and close proximity to the north-eastern flank boundary, would constitute a cramped form of development, out of character with the street scene, conducive to a retrograde lowering of the spatial standards of Shortlands Conservation Area, and contrary to Policies H9, BE1 and BE11 of the Unitary Development Plan."

Planning permission was granted under application ref. 13/01598 for a single storey side/rear extension and conversion of lower ground floor flat to provide 1 two bedroom and 1 one bedroom flats.

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 Development in Conservation Areas

Conclusions

The main issues to be considered in this case are the impact of the proposal on the character and appearance of the Conservation Area and on the on the residential amenities of the occupants of nearby dwellings.

The proposal to amend the wording to condition 15 of planning permission 13/01598 will allow the subdivision of the garden through the use of planting but will restrict the erection of walls or fences. A low level hedge as proposed by the applicant will not be visible from the public realm and there will be no impact on the character and appearance of the Shortlands Conservation Area. It is considered that the proposal will not result in harm to the residential amenities of the occupants of nearby dwellings.

An additional landscaping condition is recommended which will require the applicant to submit details of the size and density of the shrubs to be planted for the Council's approval.

The development approved under application ref. 13/01598 indicated that access to the rear garden would be restricted to the lower ground floor flats and due to the layout of the development the garden will only be accessible from these flats.

Background papers referred to during the production of this report comprise all correspondence and other documents on files refs. 13/01598 and 14/00141, excluding exempt information.

RECOMMENDATION: APPROVAL

subject to the following conditions:

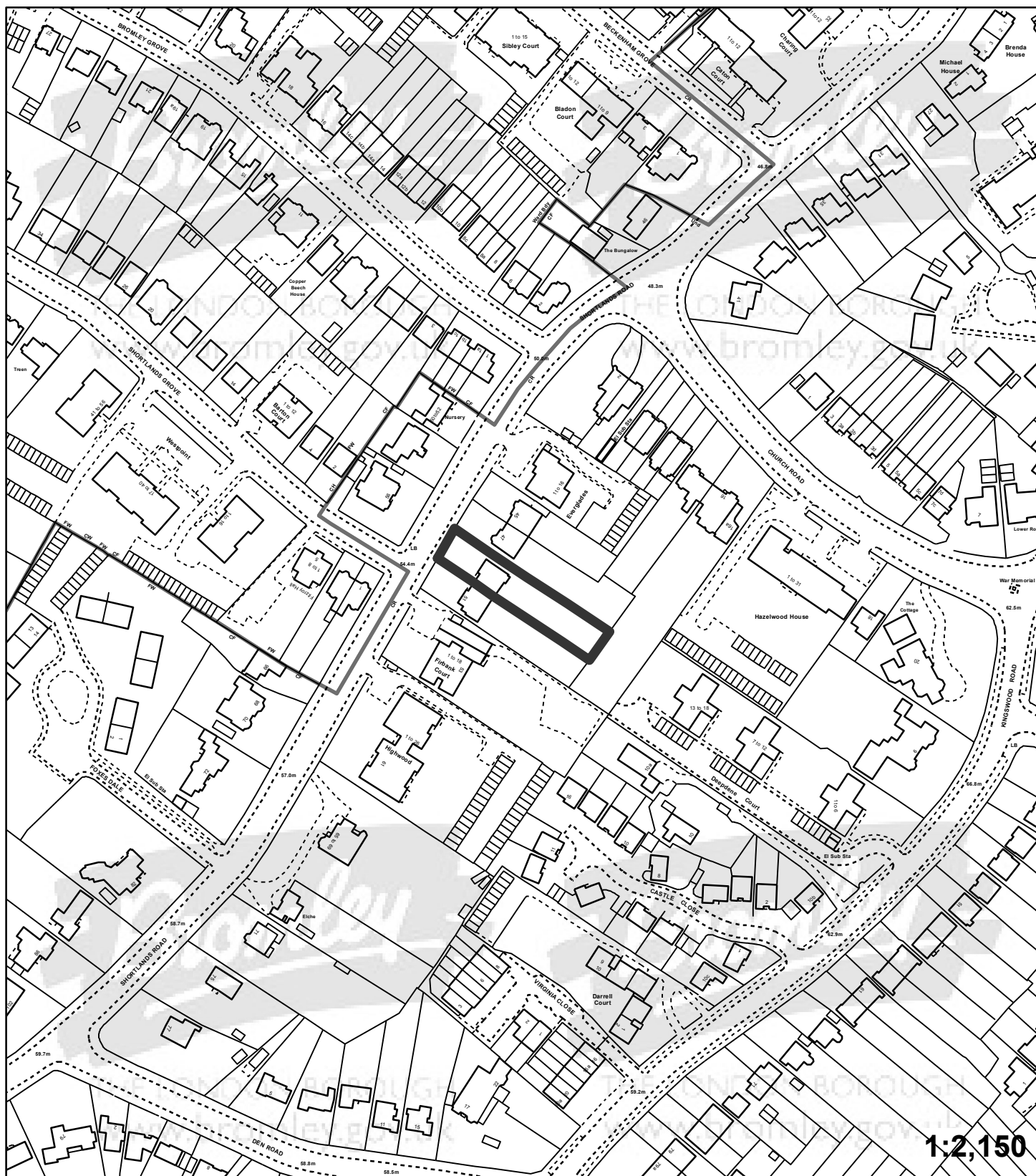
- 1 ACA01 Commencement of development within 3 yrs
 ACA01R A01 Reason 3 years
- 2 ACA04 Landscaping Scheme - full app no details
 ACA04R Reason A04
- 3 ACC04 Matching materials
 ACC04R Reason C04
- 4 ACH03 Satisfactory parking - full application
 ACH03R Reason H03
- 5 ACH16 Hardstanding for wash-down facilities
 ACH16R Reason H16
- 6 The development hereby permitted shall be carried out in accordance with the details of arrangements for storage of refuse and recyclable materials approved under condition 5 of planning permission ref. 13/01598 and 14/00141 unless otherwise agreed in writing by the Local Planning Authority.
 ACH18R Reason H18
- 7 ACH22 Bicycle Parking
 ACH22R Reason H22
- 8 The development hereby permitted shall be carried out in accordance with the Construction Management Plan approved under condition 7 of planning permission ref. 13/01598 unless otherwise agreed in writing by the Local Planning Authority.

- ACH29R Reason H29
- 9 The development hereby permitted shall be carried out in accordance with the details of the surface water drainage system to prevent the discharge of surface water onto the highway approved under condition 8 of planning permission ref. 13/01598 unless otherwise agreed in writing by the Local Planning Authority.
- ADH32R Reason H32
- 10 ACI13 No windows (2 inserts) flank extension
ACI13R I13 reason (1 insert) BE1
- 11 ACI21 Secured By Design
ACI21R I21 reason
- 12 ACK01 Compliance with submitted plan
ACK05R K05 reason
- 13 No loose materials shall be used for the surfacing of the parking and turning area hereby permitted.
- ACH15R Reason H15
- 14 The development hereby permitted shall be carried out in accordance with the details of slab levels approved under condition 13 of planning permission ref. 13/01598 unless otherwise agreed in writing by the Local Planning Authority.
- Reason:** In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the visual and residential amenities of the area.
- 15 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending, revoking and re-enacting this Order) no walls or fences shall be erected within the rear garden of the property to be converted into flats without the prior approval in writing of the Local Planning Authority.
- Reason:** In order to comply with Policy H7 of the Unitary Development Plan and in the interest of visual amenities of the area.
- 16 The rear garden of the property shall not be subdivided into separate amenity areas for the flats by the erection of a fence or wall.
- Reason:** In order to comply with Policy H7 of the Unitary Development Plan and in the interest of visual amenities of the area.

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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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