

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

Application No : 14/01194/FULL6

Ward:
Biggin Hill

Address : 28 Sutherland Avenue Biggin Hill TN16
3HE

OS Grid Ref: E: 541956 N: 158589

Applicant : Mr Roy Stacey

Objections : NO

Description of Development:

Timber decking at rear
RETROSPECTIVE APPLICATION

Key designations:

Biggin Hill Safeguarding Birds
Biggin Hill Safeguarding Area
London City Airport Safeguarding
Open Space Deficiency

Proposal

This application was deferred from the meeting on 3rd July in order to seek further information on the enforcement history of the decking including the lower areas of decking at the rear of the garden, which is summarised as follows:

The Enforcement Notice which was issued on 6th August 2012 related to the construction of raised decking on 5 levels of the rear garden that exceeded 0.3m in height, which is the maximum height permitted under the 1995 Town and Country Planning GPDO (as amended). As no appeal was made, the Notice took effect on 6th October 2012.

No steps were taken to comply with the Notice, and the matter was referred to the Council's legal department on 26th February 2013 for prosecution for all the areas of decking.

There appears to be evidence that the area of decking immediately to the rear of the house was built at the same time as the house in 2003/2004 (letters from the developer Lawrie Park Developments Limited and the neighbours at No.30), but it is not clear when the lower levels of decking were constructed.

The earlier report is repeated below, suitably updated.

Permission is sought for the retention of an area of decking immediately to the rear of this property. The area of decking measures 9.4m wide and 3.8m deep, and is 1.2m high with balustrading above.

Location

This detached two storey property is located on the south-western side of Sutherland Avenue, and was built around 10 years ago (under ref.03/03179). This part of Sutherland Avenue has a staggered building line, with No.30 to the south set further back in its plot, whilst No.26 to the north is set further forward.

Comments from Local Residents

Nearby owners/occupiers were notified of the application and representations were received from the adjoining residents at No.30 in support of the application. They state that the decking was built at the same time as the house (10 years ago), and that it has not caused them any problems.

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

An Enforcement Notice was issued requiring the decking which is the subject of the current retrospective application, along with 4 other lower areas of decking in the steeply sloping rear garden to be reduced in height to 0.3m by 6th December 2012. No appeal was lodged and the Notice was not complied with, and the matter was referred to the Council's legal department for prosecution in February 2013.

A Certificate of Lawfulness for the Existing Development was submitted in August 2013 (ref.13/02926) which related only to the top level of decking adjoining the house, but was refused in November 2013 on the grounds that the decking was in contravention of the provisions of an effective Enforcement Notice, along with the other areas of decking in the rear garden.

Conclusions

The main issues in this case are the effect of the top area of decking on the character of the area and on the amenities of the occupants of neighbouring residential properties.

This area of decking is confined to the rear of the property, and does not have a detrimental impact on the character and appearance of the surrounding area.

With regard to the impact on neighbouring properties, the decking is set back 1.8m from the side boundary with No. 26, and 2.15m from the side boundary with No.30, and both boundaries have high fencing including trellising above.

The proposals are not, therefore, considered to result in a significant loss of amenity to local residents nor impact detrimentally on the character of the area.

If Members are minded to grant retrospective permission for the area of decking which immediately adjoins the rear elevation of the dwelling, they are also advised to withdraw the enforcement action against this part of the decking.

Background papers referred to during production of this report comprise all correspondence on the file ref(s) set out in the Planning History section above, excluding exempt information.

RECOMMENDATION: PERMISSION

Subject to the following conditions:

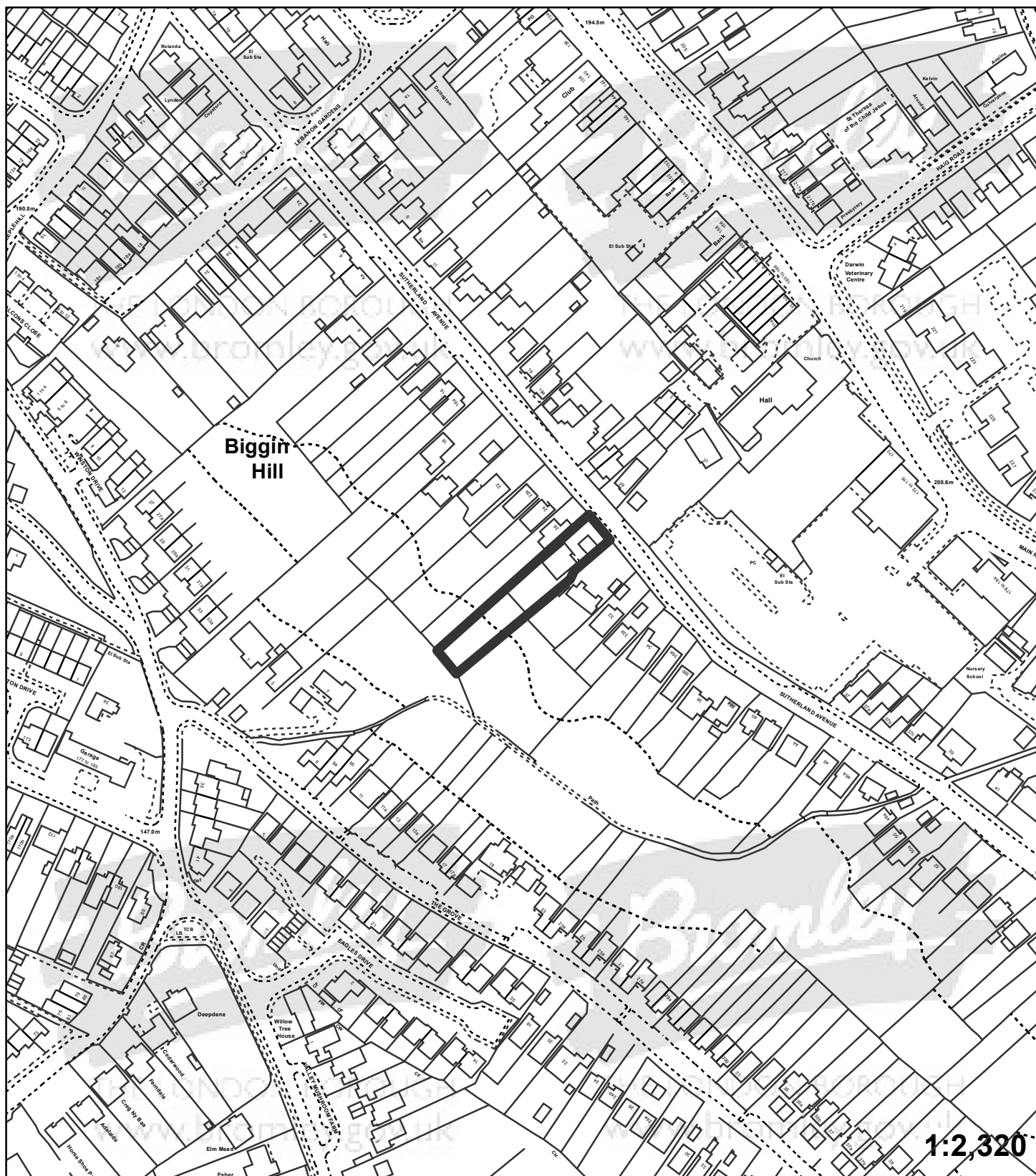
INFORMATIVE(S)

- 1 Further recommendation: Authorisation is sought to withdraw the enforcement action against the top area of decking.

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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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