

SECTION '2' – Applications meriting special consideration

Application No : 15/01717/FULL6

Ward:
Hayes And Coney Hall

Address : 16 Cherry Walk Hayes Bromley BR2 7LT

OS Grid Ref: E: 540283 N: 166413

Applicant : Mr J Showell

Objections : YES

Description of Development:

Decking at rear

RETROSPECTIVE APPLICATION

Key designations:

Biggin Hill Safeguarding Birds
Biggin Hill Safeguarding Area
London City Airport Safeguarding
Open Space Deficiency
Smoke Control SCA 51

Proposal

Retrospective planning permission is sought for raised decking at the rear of the property. The decking sits along the rear of the property for a depth of 1.2m and then runs along the northern side of the garden to a large section at the rear of the garden 5.975m wide by 4.996m length. Due to the positioning of the property, the garden is two tiered and originally fell in height to the rear of the garden, as can be seen by the steps that lead down to the rear along the southern boundary of the garden. The rear section of the decking sits on top of an outbuilding and as such is elevated well above this section of the rear garden. The turfed area sits slightly lower than the ground level of the house by approximately 0.5m. The main part of the decking sits at about the same level as the dwelling, approximately 0.5m above this turfed area. The decking has been constructed in timber. A timber fence with trellis has been erected along the northern side boundary to a height of 1.8m above the decking and also encloses the rear section of the decking to the west and south to a height of 1.8m.

Amended plans and an amended statement were received on 28.07.15. The changes are to the labelling of the elevations which were incorrectly labelled in terms of north and south and references in the statement to the southern boundary, which now read the northern boundary.

Location

The application site is a two storey semi-detached property on the western side of Cherry Walk, Hayes. The property is located on a hill and as such the neighbouring

properties to the north sit slightly lower than the host dwelling. To the rear lie the residential properties in Stuart Avenue. These properties also sit lower.

Consultations

Comments from Local Residents

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

- o The application form has the N/A box ticked regarding lighting which is incorrect as there is external light fittings all around the decking area.
- o There is no mention of the outbuilding on the application which is used to elevate the decking area
- o The decking area is a huge invasion on no. 14 and fellow neighbours privacy
- o The view of the decking from no. 14 garden has reprehensively changed the enjoyment once received from the garden.

- o The neighbouring property at no. 18 has written in support of the application on the basis that it has made their garden more secure in the sense of the surrounding fencing and making their garden more private from the rest of the road. They also state that the view from their garden is more appealing on the eye to the previous layout due to the plantation that is being grown around the whole garden.

Any further comments received will be reported verbally at the meeting.

Comments from Consultees

There were no internal or external consultees consulted on this application.

Planning Considerations

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

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

The London Plan and National Planning Policy Framework are also key considerations in determination of this application.

The above policies are considered to be consistent with the principles and objectives of the National Planning Policy Framework.

Planning History

Under ref: 96/00609/FUL planning permission was granted for a single storey front/side/rear extension.

More recently planning permission was refused for 'Alteration to ground floor, first floor side/rear extension including front dormer, alteration to bay window at rear to create pitched roof above, elevational alterations to front and rear and porch canopy', under ref: 15/01015/FULL6.

Conclusions

The main issues relating to the application are the effect that it would have on the character of the area and the impact that it would have on the amenities of the occupants of surrounding residential properties.

From visiting the site, the works shown of the submitted drawings have been undertaken at the site and as such the application is for retrospective planning permission. The property has a two tiered garden and the gradient of the site drops significantly to the rear. The decking has been constructed to bring the rear section of the garden to a similar height as the rest of the garden and the main dwelling. However, due to the location of a property on a hill, the gardens of the neighbouring properties to the north now sit considerably lower than this raised decking area. Furthermore, it is noted that an outbuilding in the rear part of the garden has been used as a base to elevate the decking to this height.

The decking has been constructed along the northern boundary and to the rear of the site, with the fence and trellis which encloses the decking area erected along the northern side boundary, as well as to the west and south of the main section of decking at the rear. Accordingly, the decking and enclosure is clearly visible from the rear of these neighbouring properties to the north, in particular the adjoining semi at no. 14. Given the location of the decking and the relationship to the neighbouring property at no. 18, it is not considered to cause any significant impact on the amenities of this neighbouring property.

Having visited the site and neighbouring property at no. 14, it can be seen that the fencing that originally ran along this northern side boundary was considerably lower than the fencing now proposed. The applicant has submitted a statement in support of the application which states that the low level boundary enclosure to the northern side previously provided no privacy to the neighbours. The statement also provides that a planter has been located at floor level of the decking to provide a green wall to the northern side to the neighbours to obscure the decking from view. Furthermore, as a temporary measure the applicant has installed a strip of garden fabric on the application side of the trellis to provide the neighbours immediate privacy. However, in attempting to devise a scheme that adequately protects privacy in this manner and aims to screen the decking and trellis by way of vegetation, the visual impact of the increased height of the boundary treatment to this southern side has led to a significant visual impact and leads to a sense of enclosure to the garden of no. 14 particularly to the rear of the site, which it is not considered in this instance can be adequately mitigated by way of any

conditions of approval. Furthermore, the increased height of the garden area to the rear provides increased opportunities for overlooking detrimental to the amenities of the neighbouring properties to the north, particularly the adjoining neighbour at no. 14.

Therefore, on balance, whilst the proposed decking has created a more useable garden space for the applicant and measures have been undertaken to try to reduce the impact of this on the neighbouring properties, it is considered that the decking would result in a significant impact on the visual amenities of the neighbouring property at no. 14 leading to an increased sense of enclosure and an increase in the amount of overlooking to the properties to the north, and on this basis, Members may consider that the application should be refused on this basis and enforcement action authorised for the removal of the decking.

Background papers referred to during production of this report comprise all correspondence on the file, excluding exempt information.

RECOMMENDATION REFUSE

- 1 The proposal is seriously detrimental to the prospect and amenities enjoyed by the occupants of the adjoining property at no. 14, by reason of overlooking, loss of privacy and visual impact, thereby contrary to Policy BE1 of the Unitary Development Plan.**

