

## **SECTION '2' – Applications meriting special consideration**

**Application No :** 15/02783/MATAMD

**Ward:**  
**Plaistow And Sundridge**

**Address :** 49 Park Avenue Bromley BR1 4EG

**OS Grid Ref:** E: 540131 N: 170593

**Applicant :** Mr D Francis

**Objections :** YES

### **Description of Development:**

Demolition of existing dwelling and erection of two/three storey building containing 3 no. 1 bed flats and 5 no. 2 bed flats with associated parking and landscaping. (MINOR MATERIAL AMENDMENT TO PERMISSION REF. 14/02727 GRANTED ON APPEAL TO PERMIT THE INSTALLATION OF ENLARGED BALCONIES TO FIRST AND SECOND FLOOR FLATS AT REAR).

Key designations:

Biggin Hill Safeguarding Birds  
Biggin Hill Safeguarding Area  
Green Chain Walk  
London City Airport Safeguarding  
London City Airport Safeguarding Birds  
Smoke Control SCA 7

### **Proposal**

Planning permission was granted on appeal for the demolition of the existing dwelling and the erection of a two/three storey block of 8 flats under reference 14/02727 (APP/G5180/W/14/3000389).

The development has commenced.

This current application seeks to amend the previous permission by way of a minor material amendment which comprises the installation of enlarged rear-facing balconies to the first and second floor flats.

The permitted scheme incorporated Juliet-style balconies to the first and second floor rear facing windows. The balconies had a limited projection of 0.3m from the rear elevation and fronted wide patio doors positioned between side light windows.

The proposed enlarged balconies would have a depth of 1.5m and would be 3m wide, resulting in an external amenity space for each affected flat (Flats 5 and 6 on the first floor and Flat 7 on the second floor) of 4.5m<sup>2</sup>. The balconies would be enclosed by 1.05m high railings and would not incorporate screening.

## **Location**

The application site lies within an established residential area where the land slopes down to the north. The site lies on the northern side of Park Avenue and is bounded to the north by the rear gardens of No. 14 Quernmore Close and No. 4 Quernmore Road. To the west, the site adjoins the grounds of a nursing home at No. 47 and the rear garden boundary of No. 2 Quernmore Road. To the east of the site is No. 51A Park Avenue.

## **Consultations**

### **Comments from Local Residents**

A number of representations were received from neighbouring residents. The concerns raised may be summarised as follows:

- o The approved Juliet balconies lack sufficient depth for room to step outside and are an architectural feature rather than a utility
- o The proposed balconies would allow outside activity on the balconies including drying laundry, sitting outside and storage
- o The proposal would represent an intrusion upon the privacy and view of neighbouring properties
- o The mature trees along the eastern boundary have died since the development began
- o Increased noise from the property
- o Impact on outlook, view and privacy
- o A garden and storage area at the bottom of the garden means that the additional outside space in the form of balconies would not be warranted
- o Impact on the external appearance of the development
- o Increased overlooking to the nursing home
- o Obscure glazing is required to the side elevations, and therefore granting permission for balconies would be illogical
- o Concern that incremental increases in the development will continue to be made
- o Lack of security measures to protect the property.

### **Comments from consultees**

No objections are raised from an environmental health perspective.

### **Planning Considerations**

The application falls to be determined in accordance with the following policies of the Unitary Development Plan:

BE1 Design of New Development  
H7 Housing Density and Design

The following Council adopted SPG guidance is also a consideration:

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

The above policies are considered consistent with the objectives and principles of the NPPF. Policies within the London Plan are also a consideration, including:

Policy 3.5 Quality and Design of Housing Developments, which requires that housing developments should be "of the highest quality internally, externally and in relation to their context and to the wider environment..."

Policy 7.4 of the London Plan relates to Local Character and states:

"Development should have regard to the form, function, and structure of an area, place or street and the scale, mass and orientation of surrounding buildings."

### **Planning History**

Planning permission was granted on appeal for the development to which the balconies are proposed to be added.

In allowing the appeal, the Inspector noted that a significant row of trees adjacent to the northwest boundary of the site and a few trees close to the eastern boundary of the site would partially screen the building from the adjacent dwellings at 2 Quernmore Road and 14 Quernmore Close.

In considering the impact of the development on residential amenity, the Inspector stated that the rear windows and gardens to Nos, 2 and 4 Quernmore Road would be largely screened from the development by existing trees. He continued, in assessing the impact on No. 14 Quernmore Close, to state:

"The proposed building would be at right angles and more than 14 metres from the boundary with 14 Quernmore Close (No. 14). The proposed upper floor windows and doors would be even further away and the main aspect from the rooms they serve would be over the wide rear garden. The Juliet balconies would be approximately 1m in depth and would not lend themselves to sitting out and the existing and proposed soft planting along the eastern boundary would provide a reasonable level of screening. For these reasons the scheme would not result in a material loss of privacy for the occupants of No. 14."

As previously stated, the permitted scheme incorporated Juliet balconies with a very limited depth of approx. 0.3m rather than the 1m referred to above. In any case, the permitted balconies were a decorative feature and would not serve a utility in providing amenity space for occupants.

### **Conclusions**

The main issues relating to the proposal are the effect that the addition of balconies to the permitted scheme would have on the appearance of the development and the impact that they would have on the amenities of the occupants of surrounding residential properties.

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.

In respect of the appearance of the balconies, it is considered that they would not have a detrimental impact on the visual appearance of the development. In essence, the proposal comprises the increase in the depth of the balconies, while retaining a similar design and appearance, which is not considered to compromise the design and appearance of the building.

In considering the impact of the proposal on the residential amenities of neighbouring properties, the main impacts would result from loss of privacy.

The drawings show the retention of landscaping screening along the flank boundary of the site with No. 51a although a site visit (photographs on file) to view the site from No. 14 Quernmore Close indicates that the screening is more sparse than would appear to be indicated on the plans. The block of flats would be set slightly deeper into the site than the existing dwelling at No. 51 and the balconies themselves would project deeper into the site again, being sited approx. 15m from the boundary of the site with No. 14 Quernmore Close.

The garden at No. 14 Quernmore Close wraps around the north-eastern corner of the application site and is relatively shallow in the context of the prevailing pattern of development in the locality, with a minimum distance of 8m retained between the angled rear elevation of the dwelling and the corner of the site.

While the proposed balconies are reasonably modest in scale, it is not unreasonable to expect that they would serve an amenity function for occupants of the flats. On balance it is considered that the benefit afforded to prospective occupants in the form of private amenity space would be at the expense of the privacy of neighbouring residential dwellings, including No. 14 Quernmore Close and No. 51a Park Avenue, both of which have reasonably short rear gardens.

It is considered that the proposed balconies would have a more significant detrimental impact on the privacy of the occupants of No. 14 resulting in a perceived sense of overlooking and of surveillance to the clear glazed rear windows and truncated rear garden that would not result from the openable patio windows set behind the modest Juliet balconies granted permission on appeal.

While the distance between the rear windows of the neighbouring property and the proposed balconies would be a little over 20m, the orientation of the buildings in relation to each other and the limited depth of garden at No. 14 should be carefully considered. Members may consider that the impact of a balcony in terms of overlooking and loss of privacy is inherently greater than windows since the purpose of a usable balcony is to provide meaningful space for sitting out. It is not unreasonable to anticipate that the use of the balconies would result in occupants

of the flats being afforded a wider and more intensively used view of neighbouring property.

The projection of the balconies would afford views to either side of the site and with a more extensive field of vision than the ornamental Juliet balconies previously granted planning permission. As such, the balconies would be likely to result in a loss of privacy to the rear garden of No. 51a, with the nearest first floor balcony being set approx. 6m from the site's boundary with that property and approx. 3 - 4.5m deeper into the site than the neighbouring rear elevation. Policy BE1(v) specifically requires that development should respect the amenity of neighbouring occupants, including privacy. On balance, it is considered that the proposed balconies introduce a level of loss of privacy that was not afforded by the permitted scheme, taking into account the use, elevated position and projection of the balconies in the context of the screening available to the boundaries of the site.

Background papers referred to during production of this report comprise all correspondence on the file ref(s) 14/02727 set out in the Planning History section above, excluding exempt information.

#### **RECOMMENDATION: APPLICATION BE REFUSED**

**The reasons for refusal are:**

- 1 The proposed balconies by reason of their elevated position and relationship with neighbouring properties would give rise to an unacceptable loss of privacy and a sense of overlooking which would be detrimental to the residential amenities that the occupiers of neighbouring properties might reasonably expect to continue to enjoy, thereby contrary to Policy BE1 of the Unitary Development Plan and Supplementary Planning Guidance.**