

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

**Application No :** 15/02330/FULL1

**Ward:**  
**Bromley Town**

**Address :** 7 Oaklands Road Bromley BR1 3SJ

**OS Grid Ref:** E: 539535 N: 170122

**Applicant :** London And District Housing LTD

**Objections :** YES

### **Description of Development:**

Retrospective application for retention of decking to rear garden

Key designations:

Biggin Hill Safeguarding Birds  
Biggin Hill Safeguarding Area  
London City Airport Safeguarding  
London City Airport Safeguarding Birds  
Open Space Deficiency  
Smoke Control SCA 3

### **Proposal**

Retrospective planning permission is being sought for retention of decking to the rear garden.

Retrospective planning permission is being sought for a raised timber deck to the rear of the property. The decking has been built to the side of the property and measures 7m (width) x 12m (depth) x 3m (height). The decking was erected in May 2015.

The application site is a three storey semi-detached property located on the southern side of Oaklands Road, Bromley.

### **Consultations**

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

- o The structure results in a grossly elevated structure that over sees our property.
- o It results in privacy issues for No.2 & 4a Bromley Avenue
- o As properties in Bromley Avenue have never previously been overlooked, it is felt that we have a situation where we have no privacy, which is rather unfair that the greed of a developer has potential to reduce our quality of life.

- o Limits our view of the rear of our property
- o The 6ft fence has no effect due to the way that the structure was constructed and elevated
- o The structure should have been erected from the lowest point thus avoiding the privacy of both parties.
- o Request that the structure be removed and re-erected from the lowest point, removing the excess ground that results in an elevated structure.

## **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**

Under planning application reference: 98/01362 planning permission was granted for conversion from multiple occupation into 5 two bedroom and 2 one bedroom flats.

Under planning application reference: 98/00062 planning permission was granted for use of premises at 7 Oakland's Rd, Bromley as eleven bedsit units within Sections 7a and 7b of the property and one flat within Section 7 of the property.

## **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.

The application property experiences a noticeable change in level at the rear of the property, and the decking has been constructed to allow access down from the main house. Photographs submitted by the agent, which form part of the application, show that the height of the decking has been built to a height of 3m.

It is also noted that fencing has been erected by the applicant at the shared boundary to mitigate the impact of the decking to some extent. The fencing does not form part application but may be within the tolerances of Permitted Development by virtue of its height (2m from the original ground level).

Documentation submitted as part of the application refers to concerns from the neighbouring properties (No.2 & 4a Bromley Avenue) regarding potential overlooking into that garden resulting from the height of the decking. It is suggested by the neighbours that the structure should have been erected from the lowest point thus avoiding the privacy of both parties.

Due to the topography of the garden, the original ground level is not easily identifiable, and the level changes throughout the garden. It is noted that the elevated position of the decking allows wider views of the adjoining gardens; however the existing trees do offer considerable screening and are not dramatically different from the views that are available from the rear garden of the property in general, or its first and second floor windows. Furthermore the gardens of No.2 & 4a are quite long (between 24-30m) and the main area that will be effected is confined to the rear part only.

The view when standing on the corner of the decking facing towards No.4 & 4a will allow sight of part of the rear gardens of the neighbouring properties, however it is considered that the users of the terrace are more likely to be interested in utilising the existing seating areas which is located in the middle of the decking. Photographs contained on the file show that only the fencing can be seen when viewed from the rear gardens of Bromley Avenue. The fence is also surrounded by evergreen trees and foliage.

On balance, the decking is not considered to result in a unduly harmful impact on the neighbouring properties. The raised area closest to neighbouring properties is not considered to result in an unacceptable degree of overlooking or harm to neighbouring amenities, particularly in light of the existing tree coverage which exists between No.2 & 4a Bromley Avenue.

Having had regard to the above it was considered that the development in the manner proposed is acceptable in that it would not result in a significant loss of amenity to local residents nor impact detrimentally on the character of the area.

## **RECOMMENDATION: PERMISSION**

### **Subject to the following conditions:**

- 1 Unless otherwise agreed in writing by the Local Planning Authority the materials to be used for the external surfaces of the development hereby permitted shall as far as is practicable match those of the existing building.**

**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.**

- 2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans approved under this planning permission unless previously 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.**