

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

Application No : 16/03296/FULL1

Ward:
Shortlands

Address : 143 Westmoreland Road, Bromley
BR2 0TY

OS Grid Ref: E: 539354 N: 167795

Applicant : Mr Abdullah Sarfraz

Objections : YES

Description of Development:

Erection of storage container (RETROSPECTIVE) with associated increase in height of boundary wall to provide screening.

Key designations:

Biggin Hill Safeguarding Area
London City Airport Safeguarding
Smoke Control SCA 2

Proposal

Retrospective permission is sought for a storage container which has been positioned to the side/rear of No. 143 Westmoreland Road.

The structure is fabricated from metal and has the appearance of a shipping container. It measures 6.1m long and 2.4m wide and has a flat roof 2.6m high. Doors are sited in the rear elevation facing into a rear service yard and this elevation incorporates white stencilled print and vertical bars to lock/unlock the container.

The application is supported by a Planning, Design and Access Statement which states that the storage container provides ancillary storage accommodation in connection with the applicant's business operations.

The current application includes the proposed increase in height of the flank boundary wall. An existing brick wall runs along the side of the site is approx. 2.5m high towards the front of the site. Its height decreases towards the rear of the site, taking into account the gradient of the street, with the rearmost part of the wall nearest Woodlea Drive being approx. 1.6m high. It is proposed to increase the height of the wall so that the top of the wall is level rather than incorporating a staggered height, such that at the rear of the site the height above the pavement would be 2.8m. An additional wall would be erected at a right angle to the flank wall to partially enclose the rear yard within which the container is sited.

Location

The application site is situated on the southern side of Westmoreland Road at the junction with Woodlea Drive. The property consists of a ground floor commercial use with residential above. The ground floor commercial use is accessed via a side door which is positioned between the brick walls enclosing the side/rear service yard and Westmoreland Road.

Consultations

The application was advertised by way of a site notice as well as by neighbour notification letters. In response to the notification representations were received which can be summarised as follows:

Local residents

- the increased height boundary wall would have a detrimental impact on the view of the property from Woodlea Drive. This would have a negative impact on the street scene.
- The wall would leave a gap within which rubbish might accumulate
- Children may fall between the wall and the container.
- The container is not an appropriate means for storage in this space
- Once the wall is built the removal of the container would be made more difficult, which undermines the suggestion that the container is temporary
- There are alternative storage facilities in the area which could be used by the applicant
- No business case has been made for the container
- Natural light to the offices will be impacted
- The applicant failed to seek planning permission prior to siting the container on the property despite knowing permission would have been required.
- The wall on the other side of the road is part of a permanent structure and has not been erected to hide an unauthorised development.

Planning Considerations

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.

Unitary Development Plan

Policy BE1 of the Unitary Development Plan is of particular relevance to the proposal, seeking to ensure that development proposals are of a high standard of design and layout and do not detract from the existing landscape nor harm the amenity of occupiers of neighbouring buildings.

Supplementary Planning Guidance 1: General Design Principles is also material to the determination of the application.

National Planning Policy Framework

Significant weight is placed on the need to support economic growth through the planning system, and it is stated at paragraph 18 that the Government is committed to securing economic growth.

Paragraph 56 of the NPPF relates to design and states that the Government attaches great importance to the design of the built environment, is indivisible from good planning and should contribute to making places better for people. Paragraph 60 states that it is appropriate to seek to promote or reinforce local distinctiveness.

The Planning Practice Guidance on the Use of Conditions is of relevance to the assessment of the proposal and the extent to which the use of planning condition(s) would be appropriate to enhance the quality of development and to mitigate any adverse impacts of the development.

London Plan

Policy 7.4 of the London Plan relates to Local Character and states that development should have regard to the form, function and structure of an area, place or street.

Planning History

Planning permission has previously been granted for a first floor rear extension under ref. 01/01140.

Permission was granted under reference 01/02694 for single storey side and part two storey/first floor rear extensions.

Under reference 02/03337 permission was granted for single storey and first floor side and rear extensions.

Permission was refused under reference 02/01525 for part first floor rear and two storey side/rear extensions.

Under reference 10/00512 planning permission was granted for a temporary 2 year period from 17th June 2010 until 17th June 2012 for the retention of a storage container which had been installed on the site of the existing container. The container in that instance was larger than the current container. Permission was granted on a temporary basis in order to allow the situation to be reconsidered in the light of the circumstances at that time, in the interest of the amenities of the area.

Planning permission was refused under reference 16/02177 for the retention of the existing container on the grounds:

The prefabricated and temporary appearance of the storage container has a detrimental impact on the character and appearance of the street scene and the quality and distinctiveness of the surrounding predominantly residential area,

appearing as an unduly conspicuous and incongruous feature, thereby contrary to Policy BE1 of the Unitary Development Plan, Policy 7.4 of the London Plan and the National Planning Policy Framework.

Enforcement action was authorised to secure the removal of the container.

Conclusions

The main issues in the assessment of the proposal are the impact of the siting of the shipping container on the visual and residential amenities of the area.

The visual impact of the existing container is most pronounced from the side/rear and from either side of Woodlea Drive. Woodlea Drive slopes down from the junction with Westmoreland Road, and the front wall facing Westmoreland Road is effective in screening much of the container from view from the immediate front of the site. However, the internal ground level of the yard is set at a higher level than the adjacent pavement and street in Woodlea Drive and as a consequence of the somewhat elevated position of the container within the yard and the less satisfactory screening to the side/rear the container is clearly appreciable from outside the site.

The current proposal seeks to address the visibility of the container from the street scene by proposing boundary screening to the rear in conjunction with an increase in the height of the flank boundary wall to provide more effective screening.

In view of the provision of an increased height brick wall, previous concerns regarding the paint finish and quasi-industrial appearance of the container are considered to have less weight since the extent to which the container is visible within the street scene is lessened as a consequence of the erection of the screening walls.

In assessing the visual impact of the proposal in its entirety it is necessary to consider what impact the increased height boundary wall and proposed rear wall would themselves have upon the visual amenities of the area. It is noted that opposite the site the rear yard of the corner property is partly occupied by a substantially high brick wall which forms part of a detached commercial building and which immediately abuts the boundary with Lynden, Woodlea Drive. In view of this structure, it is considered that the provision of more imposing boundary screening to the rear and side of the application site would not appear jarring or out of context with the locality. The proposed rear wall would mark the boundary between commercial development fronting Westmoreland Road with rear service yards and the suburban residential environment of Woodlea Gardens. The proposed rear wall would be separated from the nearest residential dwelling at No.2 Woodlea Drive by approx. 10m - a more generous separation than that which exists between the development opposite and Lynden and sufficiently generous as to limit impact on residential amenity including outlook.

It is therefore considered that the proposed wall development would in itself be acceptable in terms of its appearance and welcomed in the extent to which it would screen views of the storage container located within the rear yard of the frontage

premises. It is not considered that adequate grounds exist to refuse planning permission on grounds of impact on visual or residential amenity.

Under section 72 of the Town and Country Planning Act 1990 it is provided that local planning authorities may grant planning permission for a specified temporary period only. It is stated in the Planning Practice Guidance on the use of planning conditions that it will rarely be justifiable to grant a second temporary permission - "further permissions should normally be granted permanently or refused if there is clear justification for doing so." It continues, stating: "there is no presumption that a temporary grant of planning of planning permission should be granted permanently."

It is noted that retrospective planning permission was previously granted by the Plans Sub Committee for a larger container on a temporary basis (personal to the applicant) and that the previous container was longer than that currently installed on the site. That the current container is smaller than that which was granted temporary planning permission under reference 10/00512 is noted. This current application does not seek a renewal of the temporary permission granted under reference 10/00512 (which in any case expired in 2012). It is not considered that the granting of temporary permission for the previous larger container should lead to the presumption that the current proposal should be granted planning permission. The previous consent was limited to a defined time period and particular user to allow the Council to reconsider the situation in the light of contemporary circumstances. The previous container was removed and then the current container subsequently installed some 2 years later.

The shipping container is inherently temporary in its appearance and its lack of physical permanence would to an extent undermine the case that permission for the siting of the container should be granted on a permanent basis. It is a visibly temporary structure which would, however, be surrounded by a permanently increased height flank wall and a new permanent rear wall.

The guidance referred to above discusses the undesirability of granting second or subsequent temporary permissions. On balance, however, in view of the temporary appearance of the container itself, and taking into account the design and access statement's agreement that a temporary permission for the container would be a viable and pragmatic solution to the applicant's storage requirements it is considered that a temporary planning permission would be appropriate, personal to the applicant. This takes into account the fact that this current container is materially different to that which was previously positioned on the site.

If planning permission is granted it is considered appropriate to apply a reasonable time limit for the implementation of the proposed wall development in the interest of the residential and visual amenities of the area. Since it has previously been determined that the retention of the storage container without screening is unacceptable, it is considered imperative that the screening proposed as part of this application be installed promptly. The screening has been proposed by the applicant specifically to address the previous grounds for refusal and as such its provision by way of a planning condition is considered reasonable and appropriate.

RECOMMENDATION: PERMISSION

Subject to the following conditions:

- 1 The development hereby granted planning permission shall be completed within 3 months of the date of this decision.**

Reason: In the interest of the residential and visual amenities of the area and to accord with Policy BE1 of the Unitary Development Plan.

- 2 The storage container hereby permitted shall be removed on or before the 6th October 2019.**

REASON: In order that the situation can be reconsidered in the light of the circumstances at that time in the interest of the amenities of the area and to accord with Policy BE1 of the Unitary Development Plan.

- 3 The storage container shall only be used by Mr Abdullah Sarfraz in conjunction with the commercial use of 143 Westmoreland Road.**

REASON: To enable the Council to reconsider the situation in the event of a change of user in the interest of the amenities of the area.