

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

**Application No :** 16/02113/FULL6

**Ward:**  
**Farnborough And Crofton**

**Address :** 63 Newstead Avenue Orpington BR6  
9RW

**OS Grid Ref:** E: 544944 N: 165391

**Applicant :** Mr Andrew Yuill

**Objections :** YES

### **Description of Development:**

Installation of raised rear decking with steps.

### **Key designations:**

Smoke Control SCA 14

### **Proposal**

The application property is a semi-detached two storey property located on the southern side of Newstead Avenue. The property is not in a Conservation Area and is not a Listed Building. The surrounding area is mainly residential in nature.

Planning permission is sought for the installation of raised rear decking with steps. The proposed decking area would be 4.965 m wide and project 1m with 1.1m high balustrading with a central staircase leading to the garden. A 1.8m high privacy screen is proposed located at the western end of the decking.

### **Consultations**

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

- not in-keeping with the house
- decking area is larger than original steps
- loss of privacy to garden, patio, lounge and kitchen
- 1.8m high fence offers no privacy to overlooking into garden through the slated wooden screen
- height of proposed fence is not sufficient to prevent overlooking
- The option of an opaque screen would create overbearing silhouettes
- new fence could be removed at a later date
- decking and fence results in a height of 2.8m which would be excessive
- impact on light and views

### **Planning Considerations**

The application falls to be determined in accordance with the following policies:

National Planning Policy Framework (NPPF) (2012)

The NPPF confirms that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.

## Chapter 7 - Requiring Good Design

### The London Plan (2015)

Policy 7.4 Local Character

Policy 7.6 Architecture

### Unitary Development Plan (2006)

BE1 Design of New Development

H8 Residential Extensions

### Other Guidance

Supplementary Planning Guidance 1 - General Design Principles

Supplementary Planning Guidance 2 - Residential Design Guidance

## **Planning History**

Planning permission was granted under ref. 99/03655 for a single storey front extension for entrance porch.

In 2015 under planning ref: 15/00250/FULL6 planning permission was sought for raised decking, steps, fence and balustrade at rear. The decking is set 1m above the existing ground level and has a 1.1m high balustrade around the edge and 5.510m wide. Proposed steps were to be constructed adjacent to the adjoining semi-detached property at No. 65. This application was refused for the following reason:

*“The proposal is seriously detrimental to the prospect and amenities enjoyed by the occupants of adjoining properties by reason of overlooking, loss of privacy and visual impact, thereby contrary to Policy BE1 of the Unitary Development Plan.”*

The application was subsequently dismissed at appeal (18/11/2015) the inspector stated that *“from my observations, the proposal would result in the occupiers of 61 Newstead Avenue experiencing unacceptable overlooking and loss of privacy when using their rear patio, which is their main sitting out area. To prevent such overlooking would require additional screening, which in itself could appear oppressive.*

*The proposed side boundary fence adjoining 65 Newstead Avenue would prevent a considerable amount of overlooking. However, due to the difference in levels between these two properties, I consider that the fence at the proposed height would unacceptably dominate outlook from the rear glazed doors in the main living area at No. 65 and from the rear patio. In addition, I consider that the use of the decking at a significantly higher level than the patio area at No. 65 would give rise to a loss of privacy for occupiers of No. 65, making their rear patio area a less pleasant place to use”.*

## Conclusions

It is considered the planning issues and considerations relate to:

- o Design and bulk; and
- o Neighbouring amenity

### Design and Bulk:

London Plan Policy 7.4 requires developments to have regard to the form, function, and structure of an area. Policy BE1 states that all development proposals, including extensions to existing buildings, will be expected to be of a high standard of design and layout. Policy H8 states that the design and layout of proposals for the alteration or enlargement of residential properties will be required to *(i) the scale, form and materials of construction should respect or complement those of the host dwelling and be compatible with development in the surrounding area.*

The design of the decking is similar to other examples within borough and proposed the use of cladding (similar to the decking) to the front of structure to create a cohesive development. The scale in terms of its depth and width has been reduced since the previous refusal and for these reasons; it is considered that the proposed development complies with policy on design.

### Neighbouring Amenity:

Policy BE1 (v) states that the development should respect the amenity of occupiers of neighbouring building and those of future occupants and ensure their environments are not harmed by noise and disturbance or by inadequate daylight, sunlight or privacy or by overshadowing. This is supported within Policy 7.6 of the London Plan.

To address the previous refusal the projection of the decking has been reduced by 1m and now proposed to be located 0.5m from the western boundary with No. 65. The location of the steps have also been altered from adjacent western boundary to the centre which bring users to the middle of the decking area and down to the garden providing safe entree/egress between the house and garden.

The Inspector when considering ref: 15/00250/FULL6 considered that “the use of the decking at a significantly higher level than the patio area at No. 65 would give rise to a loss of privacy for occupiers of No. 65, making their rear patio area a less pleasant place to use”. To prevent overlooking the proposal also includes a privacy screen, this is to be located 0.5m from the western boundary and attached to the decking structure rather than the previous arrangement under ref: 15/00250/FULL6 where a 1.8m timber fence was proposed above the decking behind the balustrading along the western boundary, the Inspector considered this and stated that “the fence at the proposed height (1.8m above decking area) would unacceptably dominate outlook from the rear glazed doors in the main living area at No. 65 and from the rear patio”. Whilst the height would be the same at 2.8m above ground level the new design arrangement of a privacy screen rather than the timber fence together with the new location of the screen 0.5m from the boundary it is considered that the proposal has addressed the previous reasons for refusal and the Inspectors concerns. As such would not result significantly on neighbouring amenities in terms of neither overbearing nor result or dominate

outlook from the rear glazed doors in the main living area at No. 65 and patio area.

Summary:

Having had regard to the above, Members are asked to consider if the proposed revisions to previous application (ref: 15/00250/FULL6) to the rear decking as detailed in the report has been carefully and sympathetically designed to ensure that the proposal would not result in amenity implications that would harm the quality of life of the neighbouring occupiers.

Accordingly, and taking all the above into account, it is recommended that planning permission be granted in line with the conditions contained within this report.

Background papers referred to during production of this report comprise all correspondence on the file ref: 16/03334/FULL6 set out in the Planning History section above, excluding exempt information.

**RECOMMENDATION: PERMISSION**

**Subject to the following conditions:**

**1. The development to which this permission relates must be begun not later than the expiration of 3 years, beginning with the date of this decision notice.**

**REASON: Section 91, Town and Country Planning Act 1990.**

**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 7.6 of the London Plan and in the interest of the visual and residential amenities of the area.**

**3. Prior to commencement of the development details of the privacy screen shall be submitted to and approved in writing by the Local Planning Authority and shall subsequently be permanently retained thereafter.**

**REASON: In order to comply with Policy BE1 of the Unitary Development Plan and 7.6 of the London Plan and in the interest of the amenities of the adjacent properties.**