

SECTION '2' – Applications meriting special consideration

Application No : 16/04250/FULL6

Ward:
Bromley Common And
Keston

Address : 3 Cedar Crescent Bromley BR2 8PX

OS Grid Ref: E: 542208 N: 165223

Applicant : Mr T LATHAM

Objections : YES

Description of Development:

Raised patio with steps to rear (PART RETROSPECTIVE)

Key designations:

Biggin Hill Safeguarding Area
London City Airport Safeguarding
Smoke Control SCA 22

Proposal

The application seeks consent or retrospect permission for the retention of a raised patio and steps within the rear garden. The patio ranges between 5.2m and 3m in depth. It is set 650mm above ground level.

Location

The application relates to a bungalow style property, with accommodation within the roof space. It is located on the north side of Cedar Crescent and has a modest sized rear garden. The surrounding area is residential in character. At the time of the site visit it was noted that the rear patio was substantially completed.

Consultations

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

- o Drawings are incorrect. The drawings show pre-existing elevations and should not therefore be noted as existing. It should not therefore be considered a valid application.
- o Difference in heights of ground levels are due to sloping
- o Raised patio and steps are very intrusive.
- o Overlooking of neighbouring gardens, bedrooms and bathroom.
- o Raised height of the patio is so significant that a boundary fence at the maximum height of 180mm would have a clearance of circa 60cm above the level of the patio at the point the patio joins the steps. Problems of overlooking could be resolved if the steps were to adjoin a small landing on

- o the rear façade, leading to the patio at garden level, rather than the other way round as currently proposed.
- o Patio does not appear to have drainage, to ensure rainwater flows into soak away and not into neighbouring garden.
- o Loss of screening and hedges adjoining boundary fence
- o Noise
- o Loss of privacy

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

SPG 1 General Design Principles
SPG 2 Residential Design Guidance

Emerging Plans

According to paragraph 216 of the NPPF decision takers can also give weight to relevant policies in emerging plans according to:

- o The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- o The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- o The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

As set out in paragraph 216 of the National Planning Policy Framework, emerging plans gain weight as they move through the plan making process.

The following emerging plans are relevant to this application.

Draft Local Plan

The Council is preparing a Local Plan and commenced a period of consultation on its proposed submission draft of the Local Plan on November 14th 2016 which closes on December 31st 2016 (under The Town and Country Planning (Local Planning) (England) Regulations 2012 as amended). It is anticipated that an updated Local Development Scheme will be submitted to Development Control Committee on November 24th 2016 and Executive Committee on November 30th 2016, indicating the submission of the draft Local Plan to the Secretary of State in the early part of 2017.

Relevant policies:

Draft Policy 6 Residential Extensions
Draft Policy 37 General Design of Development

Planning History

10/01955/FULL6 - Single storey side/rear extension, roof alterations including Juliet balcony and front porch. Refused 25.08.2010

10/02876/PLUD - Enlargement and alterations to roof including rear dormer, one rear and two front roof lights, single storey side and rear extensions. Certificate of Lawful Development. Approved 28.01.2011

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 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.

The application relates to a bungalow style property. The application is for the retention of a raised patio and at the time of the site visit it was clear that the development was substantially built. The size and scale of the patio is considered to be on the larger side, however its location at the rear would not result in significant harm to the character and appearance of the area. Patios of this nature do not appear to be a common feature within the locality; however this is not considered sufficient grounds to withhold permission given its location and limited visibility.

In relation to neighbouring amenity the application property benefits from a generous rear garden with an open prospect to the rear. It is however set adjacent to two similar sized bungalows. No 2 Cedar Crescent is located to the south of the application site and is also set slightly forward of the application property. The rear elevations do not therefore sit immediately adjacent to one another. The raised element of the patio has also been set back from this boundary by 1.1m with this neighbour. There appears to be a relatively new fence along this common boundary and the height of this fence, coupled with the layout of the buildings, and setback, would prevent significant and direct overlooking to this neighbouring property and its rear garden.

No 4 is located to the north of the application site and the rear elevation of this neighbour has a similar line to the application property. A number of windows, which appear to serve principle rooms, sit immediately adjacent to this common fence. The patio extends up to this fence line and does not include a setback at

this point. Officers have been on site to observe the impact of this raised patio on neighbouring amenity and it was noted that a temporary fence has been erected along this boundary. There is also a large hedge further along the garden, which provides a degree of screening. In this case, the proposal would result in some overlooking; however on balance, this could be suitably mitigated with screening along this boundary. It is therefore considered reasonable and necessary to condition the submission of this information within 3 months from the date of any permission in order to protect the residential amenities of neighbouring occupiers.

The proposed terrace would likely be used for sitting out, however any noise generated from the space would unlikely be materially worse than noise generated from the existing lower garden level.

Subject to the conditions outlined 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 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 in the interest of the visual and residential amenities of the area.

- 3 Notwithstanding the details hereby approved, details shall be submitted within 3 months of the date of this Decision Notice and approved in writing by the local planning authority showing raised screening to the side boundary of the patio with No 2 & No 4 Cedar Crescent. The development shall be carried out in accordance with the approved details within 2 months of the date of approval and shall be retained thereafter.**

Reason: In order that the local planning authority may be satisfied as to the detailed treatment of the proposal and to comply with Policy BE1 and H8 Unitary Development Plan.