

SECTION '2' – Applications meriting special consideration

Application No : 16/03392/FULL6

Ward:
Kelsey And Eden Park

Address : 25 Bucknall Way Beckenham BR3 3XL

OS Grid Ref: E: 538215 N: 167851

Applicant : Mr L MEDDICK

Objections : YES

Description of Development:

Erection of garden room

Key designations:

Biggin Hill Safeguarding Area
London City Airport Safeguarding
Open Space Deficiency
Smoke Control SCA 21
Smoke Control SCA 9

Proposal

The application site is a two storey detached dwelling located on the east side of Bucknall Way and adjacent to an Area of Special Residential Character (ASRC), a Site of Interest for Nature conservation (SINC) and Metropolitan Open Land (MOL). This application proposes the erection of a garden room. Submitted plans, scaled, indicate 8m width x 5.2m depth (41.6 sqm). Height to eaves will be 2.45m and to top of ridge 4.3m. Glazed bi-folding doors are indicated to the north elevation (glazing c 4.2m wide) and a window, 1.9m high x 1.3m wide to the west elevation. The building will be sited to the south-east corner of the garden.

Materials proposed include larch shingles and timber cladding.

The supporting Design and Access Statement advises that the proposed garden room will provide storage and ancillary residential space for the occupants of the main property. It also states that the site is well screened by trees which are not protected by a TPO but that the applicant is willing to accept any conditions for foundation design which preserve the trees if the Council consider this necessary.

Consultations

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

- Out of character
- Cumulative effect of overdevelopment
- Overlooking and loss of privacy

- Impact on daylight and sunlight particularly in winter months
- Artificial light pollution - large window/door area has potential to create a significant amount of light pollution from what was once a dark wooded area (rear of garden in Wickham Way). Light will also shine into bedroom windows
- Noise/smell disturbance - from 'American' kitchen , games, music tv etc
- Impact on peace and tranquillity of adjacent pond/wildlife area available to many residents
- Unacceptably dominant and overbearing- to be built on a raised area (in extended garden area)
- Soundproofing required as it to be a games room
- Been assured that the trees will remain which will help to mask the building and Jacuzzi that is being located adjacent to it. The retention of trees may help prevent overlooking into bedroom
- (applicants) have offered to put bamboo planting along the fence to soften the view from our side
- Already had large extension - this building at a raised level could create a feeling of overshadowing by tall buildings
- What is the Council's, and legal position, as this piece of garden area used to be belong to garden in Wickham Way which is in conservation Area
- Concern with loss of trees including impact on the character and part of the woodland feel of Langley Park and the communal area
- Concern with visual impact on adjacent communal area
- Concern with future plans for the outbuilding - games room, hot tub, tv area, American kitchen, running water, toilet facilities

Comments from the Council's Tree Officer note that the design and access statement indicates the intention to retain existing trees in the vicinity of the proposed outbuilding. Looking at the design of the building, it would appear that there will be conflict with trees at some point during construction or post completion. The statement also mentions the use of planning conditions to secure details of specialised foundations.

The four horse chestnut trees are considered the most significant feature of the plot and are cohesive with trees situated on neighbouring land. The cypress trees located beyond that have been planted to serve a purpose most likely for screening.

The below ground impact can be addressed through the adoption of non-invasive foundations. Pruning pressures are likely to be created as a result of the development, however, temporary protection can be offered by way of condition. Conditions are suggested in the event planning permission is granted.

Planning Considerations

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

BE1 Design of New Development

H8 Residential Extensions
NE2 Development and Nature Conservation Sites
NE7 Development and Trees

Draft Policy 37 General Design of Development
Draft Policy 6 Residential Extensions
Draft Policy 73 Development and Trees

Policy 7.4 London Plan

The planning history reveals planning permission 97/02062, for the original housing development. Condition 19 of this permission restricts permitted development rights. Application reference 14/04725 was granted permission for a single storey rear extension.

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.

Policy BE1 states that development should respect the amenity of occupiers of neighbouring buildings 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 and that development should not detract from the existing street scene and/or landscape.

Policy NE7 advises that proposals for new development will be required to take particular account of existing trees on the site and on adjoining land which in the interest of visual amenity and/or wildlife habitat, are considered desirable to be retained.

As identified above permitted development rights were restricted with the original grant of planning permission. It is understood the garden area, the subject of the application site, has been increased in size by the inclusion of part of a rear garden area previously belonging to No 88 Wickham Way. This extended garden has mature trees within it and is adjacent to a SINC. The land adjacent includes a communal area for (it is understood) the wider residential community to enjoy. A number of neighbour concerns are raised in respect of the impact that this garden building and its use will have on the existing quiet woodland area. The application states that no trees are to be removed as part of the proposed works. The trees within the application site form part of a wider group within the area (outside of the application site) and are considered to add value to the character of the area, adjacent SINC, MOL and ASRC. There will be some visual impact from the proposed building; the trees are to remain and there are no windows or doors facing towards the woodland, factors which are likely to help limit the impact on the character and appearance of the woodland area.

Whilst the trees are not subject to TPO the four horse chestnut trees are considered the most significant feature of the plot and are considered to be

cohesive with trees situated on neighbouring land thus forming a wider amenity value. Pruning pressures are likely to be created as a result of the development. The application advises that no trees are to be removed on site as part of the proposed works. The use of planning conditions may help to preserve the trees which are considered to provide valuable amenity within the area.

Immediate neighbour concerns are raised by the proposed development which are summarised above. A site visit was undertaken from the neighbouring property at No 23. It was noted at the time of the site visit that a fence with trellis had been erected with an overall height of 2.36m. The planning history does not reveal any application for this. A number of other structures were noted, the planning position of which appear to be undocumented. It was advised that a bamboo screening had been planted to the application site in order to help screen the proposed development. It is noted that No 23 lays to the north of the application site.

In respect of the proposed structure the supporting statement advises that "The outbuilding will be used as a garden room and for storage of gardening maintenance equipment. Due to the proposed use and location of the building away from adjoining properties the development will not cause any significant impact in terms of noise and disturbance."

Neighbour concerns are raised however to the potential for disturbance and overlooking that could arise from the proposed outbuilding which will be located on a higher level to immediate garden areas. The nearest bedroom window is c 17m distant from the proposed west facing window

This is a large garden building with a considerable glazed area. Submitted plans do not indicate the split between proposed storage area and garden room. When considered in context and relationship to adjacent development planning concern is raised with the unneighbourly impacts, (such as overbearing impact and loss of privacy) which could arise due to its siting and design (including the raised level and extent and location of glazing).

Neighbour concerns are raised about the future use of the outbuilding. Submitted plans do not indicate that any services such as plumbing for toilet facilities/hot/cold running water will be run to the outbuilding. In the event of a planning permission relevant conditions could be applied.

It has been noted (above) that there are other structures within the curtilage of the application site which do not appear to have a documented planning history and which may call for planning investigation.

A neighbour query was raised as to the designation of the rear garden area. Although it is noted this was previously part of the curtilage belonging to No 88 Wickham Way the rear part of the garden (now part of the application site) is outside of the designated conservation area.

Given the limited size of neighbouring gardens and when viewed in relation to the proposed development (which will sit within an enlarged garden to the original plot)

this is a very finely balanced case and it is for careful consideration as to the impact on neighbouring amenities and the designations of land adjacent to the site.

For the reasons discussed above it is considered that the development in the manner proposed is not acceptable in that it would result in a significant loss of amenity to local residents.

as amended by documents received on 02.12.2016

RECOMMENDATION: APPLICATION BE REFUSED

The reasons for refusal are:

01: The proposal would be overdominant and would be detrimental to the amenities that the occupiers of adjoining properties might reasonably expect to be able continue to enjoy by reason of visual impact, loss of privacy and amenity in view of its size, height, siting and extent of glazing thereby contrary to Policy BE1 of Bromley's Unitary Development Plan.