

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

Application No : 17/01264/FULL6

Ward:
Cray Valley East

Address : 13 Riverside Close, Orpington BR5 3HJ

OS Grid Ref: E: 547373 N: 169233

Applicant : Mrs Tina Priestman

Objections : YES

Description of Development:

Detached timber outbuilding

Key designations:

Conservation Area: St Pauls Cray
Areas of Archaeological Significance
Biggin Hill Safeguarding Area
London City Airport Safeguarding
Smoke Control SCA 20
Urban Open Space

Proposal

This application is for a single storey outbuilding located at the rear of the site, on land that adjoins the communal rear car park. The outbuilding will have dimensions of 6.1m by 4.6m at its widest point. The roof will be sloped with a maximum height of 2.9m.

A supporting statement has been submitted by the applicant which is summarised as follows:

Permission was recently granted at appeal (planning reference 16/03633 at No. 8) for a similar single storey timber outbuilding on the mirrored section of fenced in land in the rear car park of Riverside Close. The Planning Inspectorate concluded that the development preserves the character and appearance of the Conservation Area and does not have an adverse effect on the purpose of the Urban Open Space designation. There are several larger single story extensions and outbuildings in the immediate vicinity all which have been granted planning permission.

Location

The application site is a mid-terraced property located on Riverside Close, a row of 18 properties. The site is located within St Paul's Cray Conservation Area and adjacent to a Site of Importance for Nature Conservation (SINC).

Comments from Local Residents

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

- The plans indicate a larger building than the one that has previously been refused.
- Appeal process has been avoided and therefore the proposal should be considered unacceptable.
- The proposed outbuilding will not be incidental to the main dwelling
- Proposed doors to the building will block access way that other houses on Riverside Close have access to.
- The proposal would have a harmful impact on the character of the Conservation Area.
- Several supporting letters have been received stating that the building would have no negative effects to the close, and would mirror the shed at No. 8. As it would be built within a fenced area, it wouldn't be imposing and would enhance the look of the car park area whilst reflecting the existing shed at No. 8.

Consultations

None.

Planning Considerations

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

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

Chapter 12 - Conserving and enhancing the historic environment

The London Plan (2015)

Policy 7.4 Local Character

Policy 7.6 Architecture

Policy 7.8 Heritage Assets

Unitary Development Plan (2006)

BE1 Design of New Development

BE11 Conservation Areas

G8 Urban Open Space

Emerging Local Plan

The Council is preparing a Local Plan and the final consultation on its proposed submission draft of the Local Plan closed on December 31st 2016 (under The Town and Country Planning (Local Planning) (England) Regulations 2012 as amended). The updated Local Development Scheme was submitted to Development Control Committee on November 24th 2016 and Executive Committee on November 30th 2016, and indicated the submission of the draft Local Plan to the Secretary of State in mid-2017. These documents are a material consideration. The weight attached to the draft policies increases as the Local Plan process advances.

Draft Policy 37 – General Design of Development
Draft Policy 41 - Conservation Areas
Draft Policy 55 - Urban Open Space

Other Guidance

Supplementary Planning Guidance 1 - General Design Principles

Planning History

The site has been subject to previous planning applications:

- 86/00020/OUT - Land at Main Road, St Pauls Cray Orpington. Erection of 32 terraced 2 bedroom dwellings with garages, parking spaces and estate road for residential use OUTLINE - Refused 06.03.1986
- 87/01265/FUL - Main Road, St Pauls Cray - 18 terraced one, two and three bedroom houses with parking spaces, estate road and public open space - Permitted 27.08.1987

Planning permission was retrospectively refused under ref. 16/03480 for a 2 metre high fence to enclose owned land. The application was refused at Plans Sub-Committee on the 20th October 2016. The refusal grounds were as follows:

'The fence results in an unsatisfactory departure from the existing open visual qualities of the estate layout, thereby harmful to local character and contrary to Policies BE7 and G8 of the Unitary Development Plan.

The fence by reason of its height and location constitutes an insensitive form of the development, which would fail to preserve or enhance the character and appearance of the St Pauls Cray Conservation Area, and contrary to Policy BE11 of the Unitary Development Plan.'

This application was subsequently allowed at appeal and has been built.

Planning permission was refused under ref. 16/04278 for a detached outbuilding. The refusal grounds were as follows:

'By reason of its size and location and encroachment onto an open grassed area, the development serves to undermine the open visual qualities of the estate layout, is harmful to the Urban Open Space designation and fails to preserve or enhance the character and appearance of the St Paul's Cray Conservation Area, contrary to Policies BE1, G8 and BE11 of the Unitary Development Plan.'

Planning permission was retrospectively refused at No. 8 Riverside Close under ref. 16/03633 for a detached outbuilding. The application was refused at Plans Sub-Committee on the 20th October 2016. The refusal grounds were as follows:

'By reason of its size and location and encroachment onto an open grassed area, the development serves to undermine the open visual qualities of the estate layout, is harmful to the Urban Open Space designation and fails to preserve or enhance the character and appearance of the St Paul's Cray Conservation Area, contrary to Policies BE1, G8 and BE11 of the Unitary Development Plan.'

This application was subsequently allowed at appeal. The Inspector states:

'This is a small timber garden shed with the appearance of a domestic outbuilding. I have attributed considerable importance and weight to the duty and the presumptive desirability of preserving the character and appearance of the Conservation Area. Due to the small scale and the design of the shed, I consider that it appears as a discrete domestic addition to the rear garden/parking area. As such, it does not have an adverse effect on the significance of the Conservation Area designation. Therefore, I consider that the shed preserves the character and appearance of the Conservation Area.'

Saved UDP Policy G8 restricts development in areas defined as Urban Open Space unless satisfying criteria that includes the development being related to the existing use. Whilst the site was a private open area adjacent to the parking area, in these circumstances, I consider that the shed is related to the domestic use of the property at 8 Riverside Close within the wider residential use of the land at Riverside Close. Due to the scale and position of the shed I do not consider that it impacts significantly on, and does not undermine, the purpose of the Urban Open Space designation.

In reaching my conclusion, I have had regard to all matters raised upon which I have not specifically commented. For the reasons stated above, I conclude that the development preserves the character and appearance of the Conservation Area and does not have an adverse effect on the purpose of the Urban Open Space designation. Thus, the development is in accordance with saved UDP Policies BE1, G8 and BE11.'

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.

This application seeks permission to erect a single storey outbuilding located to the rear of No. 13 Riverside Close. The outbuilding will be constructed on land adjoining the communal car park which is under the ownership of the applicant. Conditions 4 and 30 of permission 87/01265/FUL specifically prohibits permitted development therefore the erection of any outbuilding requires planning permission.

London Plan Policy 7.4 requires developments to have regard to the form, function, and structure of an area. Policy BE1 and the Council's Supplementary Design Guidance seek to ensure that new development is of a high quality design that respects the scale and form of the host dwelling and is compatible with surrounding development. Policy BE1 also seeks to ensure that new development proposals, including residential extensions respect the amenity of occupiers of neighbouring buildings and that their environments are not harmed by noise and disturbance or by inadequate daylight, sunlight or privacy or by overshadowing.

The site lies within the St Pauls Cray Conservation Area; therefore Policy BE11 of the UDP and London Plan Policy 7.8 is relevant to this application. These policies seek to preserve and enhance the character and appearance of Conservation Areas.

A number of objections have been received in relation to the outbuilding setting a precedent for similar developments in the area that would impact harmfully on the character of the area. Several supporting comments have also been received.

It has recently been considered by the Inspector that the outbuilding in existence at No. 8 Riverside Close would not impact harmfully on the character of the Conservation Area or the visual amenities of the Urban Open Space (see planning history above). This view must be considered as a material consideration in the assessment of the current application, which matches that previously refused by Members at Plans Sub-Committee on 17th November 2016.

The outbuilding allowed at appeal at No. 8 has a width of 2.3m and a depth of 4.35m. It has an eaves height 2.15m and a maximum height of 2.65m. The proposed outbuilding at No. 13 will have a length of 6.1m, a width of 4.6m and a maximum height of 2.9m. The proposed outbuilding will therefore exceed the footprint of that allowed at No. 8, however the height, appearance and materials will be similar. The building will also be used for purposes incidental to the main dwelling. The size and scale of the proposed outbuilding is considered to be subservient and acceptable for domestic use within a rear garden environment, bearing in mind the views of the Inspector. In addition, the fencing around the site has been erected and this would largely obscure views of the outbuilding.

On balance it is considered that the addition of a domestic shed in this residential setting would be considered not to impact detrimentally on the character and appearance of this part of the St Pauls Cray Conservation Area and would not impact harmfully on the Urban Open Space setting. The development is therefore considered to comply with the overarching aims and objectives of Policies BE1,

BE11 and G8 of the UDP, Policies 7.4, 7.6 and 7.8 of the London Plan and the NPPF. It is therefore recommended that Members grant planning permission.

Background papers referred to during production of this report comprise all correspondence on file ref(s): 16/03480, 16/03633, 16/04278 and 17/01264 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 materials to be used for the external surfaces of the building shall be as set out in the planning application forms and / or drawings unless otherwise 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 appearance of the building and the visual amenities of the area.

- 3. 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.

- 4. The outbuilding hereby permitted shall be used for purposes incidental to the enjoyment of the main house at No. 13 Riverside Close and for no other purpose without the approval in writing by the Local Planning Authority.**

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in order to prevent the over-intensive use of the site.