

Section '4' - Applications recommended for REFUSAL or DISAPPROVAL OF DETAILS

Application No : 17/02050/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:

Outbuilding at rear

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 a mono pitch roof building 5.5m x 6m (33 sqm). The height of the building will be 2.8m increasing to 3.25m. Glazed bi-folding doors are indicated to the north elevation (glazing c 4.2m wide) and the building will be timber clad. The building will be sited to the south-east corner of the garden.

The supporting statement advises that the outbuilding will be used as a garden room and for storage of gardening maintenance equipment. It states that the applicant will accept any reasonable biodiversity enhancement measures to enhance the adjacent SINC as a condition.

The application has been submitted in order to address refusal grounds to a previous scheme.

Consultations

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

- o Too big and out of character with surroundings

- o proposed building is on a raised garden area in direct view of our house. It is not being built as a shed, but as somewhere to spend time, so there will be noise and light coming from it.
- o light and noise pollution
- o dangerous precedent if buildings of this size were permitted on the estate with relatively small back gardens and relatively dense concentration
- o cumulative impact of existing large extension to 25 Bucknall Way and addition of a new building - create feeling of being hemmed in
- o previous shed belonged in other garden and was behind a fence. No. 25 bought the land, and now want to build on it, creating a structure that will be in full view of us and our neighbours.
- o Affect house value and future sale
- o Revised plans do not show an apparent difference in size/ scale
- o Query over retention of conifer trees
- o Clarification re height of the proposed outbuilding in relation to the existing fence - will significantly project over the current rear fence
- o would support an outbuilding of more reasonable proportions
- o structures in place without benefit of planning permission

Tree Officer

Previous 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

The Council is preparing a Local Plan. The submission of the Draft Local Plan was made to Secretary of State on 11th August 2017. These documents are a material consideration. The weight attached to the draft policies increases as the Local Plan process advances. Relevant policies to this application include:

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.

Application ref 16/03392 for the erection of garden room was refused for the following reason:

"The proposal would be overdominant and adversely harmful to the adjacent Metropolitan Open Land and Site of Interest for Nature Conservation, 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 Policies BE1, NE2 and G6 of Bromley's Unitary Development Plan".

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 and whether it has overcome previous reasons for refusal.

This scheme seeks to address refusal grounds and the supporting statement to the application advises that the footprint has been reduced to 33sqm (previously 41.6sqm), that the revised mono-pitch roof design reduces the overall height to a maximum of 3.2m (previously 4.3m to top of ridge) and a window has been removed from the western elevation.

A number of local objections are received to the scheme and include that the reductions of the scheme still result in (given the land levels) a dominant form of development that '...is not being built as a shed, but as somewhere to spend time, so there will be noise and light coming from it...'. Many of the concerns arise from the potential noise and light disturbance that may come from the use of the building.

A window has been removed from the western elevation; the only glazing to the garden room is located to the north elevation and constitutes what appears to be bi-fold glazed doors c 2m in height and extending c 4.2m in width.

The size and siting of the garden room in itself, subject to the retention of the trees, is unlikely to have such an overbearing impact on neighbouring amenity nor on the adjacent SINC as to now raise planning concern. However, the use of the structure as a garden building with the extent of glazing that still remains is likely to result in an un-neighbourly relationship given the context within which it sits. It is located on higher land levels, the adjacent gardens to the north and south are limited in area, and the use of the structure as a garden room is likely to result in a level of use, that given the proximity and relationship to adjacent properties could bring noise and disturbance at times where there may not otherwise be.

There remains uncertainty around the lawfulness of the existing structures within the application site and how these may relate to the proposed development. The extent of glazing and opening to the north elevation has capacity to result in an unacceptable level of sound transference particularly towards the neighbouring property at No 23. There remains a level of oblique overlooking when viewed from the neighbouring property (photos on file).

Neighbouring concerns are raised in respect of the impact on trees and their retention. The application advises that all trees are to remain. The tree officer previously noted that the 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 horse chestnut trees are considered to have a wider amenity value however it is noted that they are not subject to a tree preservation order and planning conditions may offer some temporary protection to them although pruning pressures are likely to be created as a result of the development.

It may be considered that this revised scheme has gone some way to address previous concerns in respect of visual impact however it remains a finely balanced case in respect of the impact of the proposed garden room on adjacent residential amenity. Given the concerns raised above it is considered that the proposed garden room will result in an unacceptable impact on neighbouring amenity.

Background papers referred to during production of this report comprise all correspondence on file references set out in the Planning History section above excluding exempt information.

RECOMMENDATION: APPLICATION BE REFUSED

The reasons for refusal are:

- 01 The proposal would be detrimental to the amenities that the occupiers of adjoining properties might reasonably expect to be able continue to enjoy by reason of loss of privacy and amenity in view of its extent of**

glazing thereby contrary to Policy BE1 of Bromley's Unitary Development Plan.