

SECTION '2' – Applications meriting special consideration

Application No : 17/04949/FULL6

Ward:
Kelsey And Eden Park

Address : 63 Manor Way Beckenham BR3 3LN

OS Grid Ref: E: 537620 N: 168485

Applicant : Mr & Mrs Middleton

Objections : YES

Description of Development:

Construction of raised rear patio and glass balustrade
PART RETROSPECTIVE APPLICATION

Key designations:

Conservation Area: Manor Way Beckenham
Biggin Hill Safeguarding Area
London City Airport Safeguarding
Sites of Interest for Nat. Conservation
Smoke Control SCA 18
Urban Open Space

Proposal

Retrospective planning permission is sought for a raised patio and glass balustrade to the rear of the property. Following a visit from the Council's Planning Investigation team it was established that the hardstanding of the raised patio area and steps had been partially built out. The glass balustrading is yet to be fitted.

The existing patio has been removed and raised to a height of 1.5m with steps to the northern and eastern boundaries.

Location and Key Constraints

The application site is a two storey detached dwellinghouse located on the eastern side of Manor Way, Beckenham. The property lies within the Manor Way, Conservation Area. The area is characterised by large detached properties with large rear gardens. The properties are highly individual but are unified by their common age of construction (inter war) and a common reference to neo-vernacular design and materials.

Comments from Local Residents and Groups

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

- The proposed platform is much too high and extends much too far into the rear garden.
- The proposed platform is much too dominant and contravenes Policy BE1 and BE11 of the Bromley UDP.
- People using the platform will be 2m from our own patio and will be visible from our patio, our indoor living area and main bedroom window.
- The proposed platform should be about the same height of the original patio that was 0.3m higher than the side passage level, about the same level as our patio level and extend much less from the rear building line of No.63.
- The glass balustrade is totally unsuitable in a conservation area set in Sylvan setting.

Comments from Consultees

APCA: file not inspected

Conservation Officer: no comment

Policy Context

Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:-

- (a) the provisions of the development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

Section 38 (6) of the Planning and Compulsory Purchase Act (2004) makes it clear that any determination under the planning acts must be made in accordance with the development plan unless material considerations indicate otherwise.

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

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- 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
- The degree of consistency of the relevant policies in the emerging plan to the policies.

The Council is preparing a Local Plan. The submission of the Draft Local Plan was subject to an Examination In Public which commenced on 4th December 2017 and the Inspector's report is awaited. These documents are a material consideration. The weight attached to the draft policies increases as the Local Plan process advances.

The development plan for Bromley comprises the Bromley UDP (July 2006), the London Plan (March 2016) and the Emerging Local Plan (2016). The NPPF does not change the legal status of the development plan. The application falls to be determined in accordance with the following policies:

London Plan Policies

- 7.4 Local character
- 7.6 Architecture
- 7.8 Heritage Assets and Archaeology

Unitary Development Plan

- BE1 Design of new development
- BE7 Railings, boundary walls and other means of enclosure
- BE11 Conservation Areas

Draft Local Plan

- 6 Residential Extensions
- 37 General Design of Development
- 41 Conservation Areas

Supplementary Planning Guidance

- SPG1 - General Design Principles
- SPG2 - Residential Design Guidance

Supplementary Planning Guidance Manor Way, Beckenham Conservation Area

Planning History

Under ref: 15/05196/AMD a non-material amendment was allowed for
AMMENDMENT: Front door style & side windows amended. Side door to utility added. Side window to kids / TV room amended. Rear door to utility omitted, Rear window to utility amended, 2 x velux rooflights added to side of garage roof, double doors omitted to rear of garage.

Under ref: 15/05196/FULL6 planning permission was granted for a single storey front and rear extensions, elevational alterations including bay window, canopy and juliet balconies and a double garage.

Under ref: 15/02134 planning permission was refused for a 'Two storey front and part one/two storey side/rear extensions with bi-folding doors and juliet balconies and elevational alterations. The reason for refusal read as follows:-

"The proposed extensions, due to their siting, scale, bulk and design, would give rise to an overly dominant development which would lack subservience to the main dwelling and result in a cramped overdevelopment of the site which neither preserves nor enhances the character or appearance of the Manor Way, Beckenham Conservation Area contrary to Policies H8, H9, BE1 and BE11 of the Unitary Development Plan".

Under ref: 01/00700/FULL1 planning permission was granted for a 'Two storey rear extension and enlargement of front porch'.

Under ref: 85/02296/FUL planning permission was granted for a 'Single storey front extension and two storey side extension'.

Under ref: 81/00898 OUTLINE planning permission was granted for a detached dwelling to the side of no. 63 Manor Way.

Considerations

The main issues to be considered in respect of this application are:

- Design
- Heritage Impact
- Neighbouring amenity

Design

Design is a key consideration in the planning process. Good design is an important aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. The NPPF states that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.

London Plan and UDP policies further reinforce the principles of the NPPF setting out a clear rationale for high quality design. Policies H8, BE1 and the Council's Supplementary design guidance seek to ensure that new development, including residential extensions are of a high quality design that respect the scale and form of the host dwelling and are 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 loss of outlook or overshadowing.

Policy BE7 seek to ensure the retention of railings, walls, plantings and other means of enclosure where they form an important feature of the streetscape and restrict the construction of high or inappropriate enclosures where such boundary enclosures would erode the open nature of the area or would adversely impact on local townscape character.

The applicants have partially built a raised patio to the rear of their property which extends flush with the existing bi-folding doors located to the rear of the property. The patio extends for the full width of the rear of the property. The patio will be finished with stone paving slabs. The patio measures 5m in depth and extends to approximately 1.5m in height. The proposed glass balustrading extends to 1m in height and is located on the sides and rear of the patio, which leads down towards a lower level patio and grassed garden area.

Having regard to the form, scale, siting and proposed materials it is considered that the proposed raised patio would complement the host property and would not appear out of character with surrounding development or the area generally.

Heritage Assets

The NPPF sets out in section 12 the tests for considering the impact of a development proposal upon designated and non-designated heritage assets. The test is whether the proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset and whether it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits. A range of criteria apply.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a requirement on a local planning authority in relation to development in a Conservation Area, to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

Interpretation of the 1990 Act in law has concluded that preserving the character of the Conservation Area can not only be accomplished through positive contribution but also through development that leaves the character or appearance of the area unharmed.

Policy BE11 seeks to ensure that developments within conservation areas will preserve or enhance the character and appearance of the conservation area by respecting or complimenting the layout, scale, form and materials of existing buildings.

With regard to the impact to the Conservation Area it is established that the raised patio area is located to the rear of the property and is shielded from the view of neighbouring properties by various methods of screening. Although the neighbour has questioned the appearance and appropriateness of the works in a

Conservation Area it would be difficult to argue that the works fail to preserve its character or appearance under these circumstances, given the light weight nature and modern minimalist design of the patio and balustrading it is considered that on balance the proposal would not impact detrimentally on the character and appearance of the Conservation Area.

The Conservation Officer nor APCA have raised any objections.

Neighbouring amenity

Policy BE1 of the UDP seeks to protect existing residential occupiers from inappropriate development. Issues to consider are the impact of a development proposal upon neighbouring properties by way of overshadowing, loss of light, overbearing impact, overlooking, loss of privacy and general noise and disturbance.

Concerns have been raised over the proposed patio area in terms of its height and depth. The new patio area is of a similar height, however, does project 2.5m beyond the original patio area.

The northern boundary adjacent to No.61 comprises of a mix of brick wall, timber panel fencing as well as mature landscaping which extends to approximately 3m in height and this has been confirmed following a site visit to the property. As such it is considered that the established screening which currently separates the two properties is sufficient to adequately stop any significant overlooking or loss of privacy from occurring.

The southern boundary adjacent to No.63 is also partly screened with fencing and natural screening to prevent overlooking or loss of privacy.

The raised area does result in persons standing on the patio of having an elevated position than was previously the case, however, given the new patio area only projects 2.5m beyond the original patio depth and that screening exists between both boundaries the harm to neighbouring amenity is visibility reduced. Furthermore whilst the patio extends for the full width of the property a gap of 3.5m exists to the northern boundary and 7.5m from the southern boundary which further reduces any visible overlooking into neighbouring gardens.

Given the above it is considered that on balance the proposed raised patio and glass balustrade would not result in any significant loss of privacy.

CIL

The Mayor of London's CIL is a material consideration. CIL is not payable on this application.

Conclusion

Having had regard to the above it is 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 and appearance of the Manor Way Conservation Area.

Background papers referred to during production of this report comprise all correspondence on the files 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 Unless otherwise agreed in writing by the Local Planning Authority the materials to be used for the external surfaces of the development hereby permitted shall as far as is practicable match those of the existing building.**

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.