

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

**Application No :** 17/05432/FULL6

**Ward:**  
Hayes And Coney Hall

**Address :** 23 Kechill Gardens Hayes Bromley BR2  
7NQ

**OS Grid Ref:** E: 540400 N: 166644

**Applicant :** Mr Peter Hamilton

**Objections :** YES

**Description of Development:**

2 metre close boarded and trellis boundary fence adjacent to the highway.

Key designations:

Smoke Control SCA 51

**Proposal**

This scheme proposes the replacement of an existing 2 metre close boarded and trellis boundary fence adjacent to the highway. The application advises the existing 15 fence panels will be replaced with 1.8m x 1.8m feather edge panels, 150mm concrete gravel boards and 2m high concrete posts. The trellis panels will be replaced with two x 1.8m x 1.5m, one x 1.8 x 1.5m and one x 1.8 x 1.2m trellis panels.

**Location and Key Constraints**

The site is a two storey semi-detached dwelling located on a corner plot, ninety degree bend, within Kechill Gardens and within a residential area.

**Comments from Local Residents and Groups**

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

**Objections**

If this is to be a closed fence it will block motorists views round an already dangerous corner. Vehicles regularly park close to the corner and in all honesty, this part of Kechill Gardens should be one way.

**Comments from Consultees**

Highways: The applicant is replacing 4 x trellis infill into existing concrete posts and dwarf wall and replacing 15 timber fences. As it is like for like so I would not

have any objection to the application but the applicant should be advised not to grow any climbing plants on it to keep the visibility clear for road users.

## **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 made to Secretary of State on 11th August 2017 and 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

### Unitary Development Plan

T18 Road safety

BE1 Design of new development

BE7 Railings, boundary walls and other means of enclosure

### Draft Local Plan

37 General Design of Development

### Supplementary Planning Guidance

SPG1 - General Design Principles

SPG2 - Residential Design Guidance

## **Planning History**

The relevant planning history relating to the application site is summarised as follows:

Application Number	Description	Decision
03/04111/FULL6	Single storey rear extension	PER 30.12.2003

## **Considerations**

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

- Design
- Highways
- 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.

The proposal includes for feather edge fencing panels and open trellis panels and replaces similar boundary treatment that appears to have been in-situ for some time. The closed panels reflect the boundary treatment of the house to the rear of the site at number 28 Southbourne and enclose the rear garden area. Given the existing situation, the relationship of the garden area to the public highway, other nearby examples of similar arrangement and that this proposal effectively replaces similar boundary treatment it is considered that the proposal would not appear out of character with surrounding development or the area generally.

### Highways

The NPPF recognises that transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. The NPPF clearly states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

London Plan and UDP Policies encourage sustainable transport modes whilst recognising the need for appropriate parking provision. Car parking standards within the London Plan, UDP and emerging draft Local Plan should be used as a basis for assessment.

Local concerns are raised in the event that closed fencing will block motorist views to the dangerous bend. It is noted that open trellis is proposed to the corner position. No objections are raised from a Highways point of view subject to the trellis be kept free from climbing plants. Members will need to consider if this is necessary.

#### 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.

Having regard to the scale, siting and existing boundary treatment of the proposal, it is not considered that any significant loss to neighbouring amenity would arise.

#### 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 of the area. In respect of highway safety open trellis panels are proposed to the corner area and Members may consider, subject to Highways comments, that the replacement fencing is acceptable.

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 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 appearance of the building and the visual amenities of the area**

- 3 The materials to be used for the development hereby permitted 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.**