

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

Application No : 17/05341/FULL6

Ward:
Bickley

Address : 8 The Spinneys Bickley Bromley BR1
2NU

OS Grid Ref: E: 542625 N: 169440

Applicant : Mr & Mrs David and Rula Beggs

Objections : YES

Description of Development:

Single storey rear extension, upgrade of store room to Utility, minor amendment to existing entrance porch, new front gates with brickwork pillars. PART
RETROSPECTIVE

Key designations:

Biggin Hill Safeguarding Area
London City Airport Safeguarding
Open Space Deficiency
Smoke Control SCA 10

Proposal

Permission is sought for a single storey rear extension, alteration to existing porch, internal alterations to the existing utility room and the erection of two new front gates and pillars.

The proposed rear extension will be 3m deep and 3.98m wide. It will have a flat roof that is 2.9m high and will contain a roof lantern.

The proposed front gates are 1m high and the pillars are 1.1m high (revised plans received 11/01/2018). Two entrance gates are proposed to provide an in-and-out drive. The gates are 3m wide and the pedestrian gate is 0.9m wide.

Location and Key Constraints

The site is a two storey detached property located on the southern side of The Spinneys, at the junction with Cedar Copse.

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

- Application states that no work has started however brick pillars were in situ prior to application being submitted
- The pillars are shown as 1.5m high but the lights already installed above significantly exceed this height.
- No mention is made of the loss of lawned area to new driveway
- The second entrance requires the public footpath to be lowered. This has already happened prior to the application and there is no mention of it in the application
- The application makes no mention or shows on the plan the recent addition of a building in the rear garden. This may have been constructed under Permitted Development but neighbours were not consulted.
- The erection of the front gates with brickwork pillars is contrary to the covenant in Schedule 3, Paragraph 2 on the title deeds of all properties in the Bickley Hall Estate, which restricts the height of solid boundaries at the front to 18 inches.
- The front gates and pillars will be unique in The Spinneys and present a very significant change to the designed and protected by covenant, open, spacious character and style of the road.
- If permitted, it will establish a precedent that could lead to a major change to the street scene.
- Out of character
- Road safety issues - the 4 pillars obstruct vision and constitute a road hazard, particularly at night
- The utility room will cause, vibrations, noise and disturbance

Revised plans were received 11/01/2018 and neighbours were re-notified. Representations were received, which can be summarised as follows:

- The application has not substantially changed
- Would still be in breach of the covenants in the title deeds, which were incorporated to create an open environment without fences and gates.
- It will detrimentally change the nature of the landscape
- Will create a precedent
- The front pillars, lights and gates, by reason of their design and size, are incongruous and out of character with the existing houses in this road which are all of a similar type.
- The enclosure of this corner garden with the hedgerows and gates would be harmful to the open aspect of the street
- Out of character
- Detrimental to the visual amenity of the area.
- Road safety issues will be even more pronounced due to the height of the 4 pillars lights now being at eye level when driving onto the road
- The Spinneys and end of St Georges road West are adjacent to the Bickley Park Conservation Area.
- Light pollution
- Contrary to BE1, H9, BE7 and BE13

Comments from Consultees

Highways:

- I have no objection to the proposal.
- Please include the following in any permission. CONDITIONS: H03 - Satisfactory parking

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

Unitary Development Plan

H8 Residential extensions

T3 Parking

T18 Road safety

BE1 Design of new development

BE7 Railings, boundary walls and other means of enclosure

Draft Local Plan

6 Residential Extensions

30 Parking

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

- 99/01669/FULL1 - Side boundary wall - Refused 21.07.1999
- 99/03327/FULL1 - side boundary wall - Permitted 20.07.2000

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.

Policy BE1 of the Bromley UDP states that all development proposals, including extensions to existing buildings, will be expected to be of a high standard of design and layout. Policy H8 of the UDP states that the design and layout of proposals for the alteration or enlargement of residential properties will be required to (i) the scale, form and materials of construction should respect or complement those of the host dwelling and be compatible with development in the surrounding area and (ii) space or gaps between buildings should be respected or maintained where these contribute to the character of the area. This is reiterated in draft Local Plan Policy 6.

The proposed alteration to the front porch, including brick pillar, is considered in keeping with the character and appearance of the host property. The alterations to the utility room will be internal only, there is no increase in height or footprint. The proposed rear extension will be 3m deep and 3.98m wide. It will have a flat roof that is 2.9m high and will contain a roof lantern. The rear extension will be modest in size and is set in from all boundaries. It is located at the rear of the property therefore it is not considered to impact significantly on the character of the host property or the surrounding area. Furthermore, the size and design is considered to be in-keeping with the host property. As such it is considered that the proposed rear extension will not impact on character of the host property or the surrounding area.

The proposed front gates and hedge are 1m high and the pillars are 1.1m high (1.4m high including the light fixtures). Two entrance gates are proposed to provide an in-and-out drive. The gates are 3m wide and the pedestrian gate is 0.9m wide. The remainder of the front and side boundary would consist of a low hedge.

It was noted on site that a nearby property, 3 Beech Copse has an existing front gate. This site was subject to planning applications (08/01274/FULL1 and 08/02751/FULL6) which were refused due to the height (2m and 1.8m respectively). On site, the existing pillars and gate have been lowered however does not benefit from planning permission.

The area was developed as part of the Bickley Estate is open in nature the application site is situated on a corner plot therefore will be highly visible within the street scene. The proposed front gates and hedge would be 1m high therefore would fall within the scope of Permitted Development. Due to the layout of this estate, rear gardens are often adjacent to the highway. Flank walls and hedges are therefore present in this area, including the property opposite the site, No.7 Beech Copse. Given the modest height, it is therefore considered that the proposed front boundary treatment would not result in a detrimental impact on the character of the area to warrant refusal of the application. It is considered appropriate to include a condition with any permission to ensure that no front gate or hedge will exceed 1m in height.

Concerns have been raised regarding a legal covenant imposed on the property which restricts front boundary treatments however this is a private legal matter and not considered to be a matter covered by planning.

Given the modest height, the proposed gates are not considered to impact significantly on the character of the area or the street scene in general.

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.

The proposal will form an in-out drive with electronic gates. A second vehicular cross over has been constructed. The property is not on a Classified Road therefore this element does not require planning permission.

The proposal is not considered to impact on highway safety. As such, no objection was received from the Councils Highways Officer.

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.

With regards to the neighbouring property to the east, No.10, the proposed rear extension is set approximately 9.5m from the eastern flank boundary. Given the modest size proposed and the separation distance, this element is not considered to impact on the amenities of this neighbouring property. The proposal also includes internal alterations to the utility room which is situated close to this shared boundary. Concerns were raised regarding noise, disturbance and impact on the amenities of this neighbouring property. The height and footprint of the utility room will not change, the works are internal only. As such it is not considered to impact on the amenities of this neighbouring property

The site is a corner plot. The proposed rear extension provides approximately 16m separation to the rear boundary, with No.1 Cedar Copse, as such it is not considered to impact on the amenities of this neighbouring property at the rear.

Concerns have been raised regarding the visual impact of the proposed gates and front boundary treatment. The revised plans indicate the proposed gates and brick pillars will have a maximum height of 1.1m (1.4m high including light fixtures). The remainder of the front and side boundary would consist of a low hedge (1m). It is considered that the use of vegetation softens the visual impact and the modest

height of 1m is not considered to result in a significant impact to warrant refusal of the application.

It should be noted that in most cases, gates up to 1m in height is permitted development, i.e. not requiring planning permission.

Having regard to the scale, siting and separation distance of the development, it is not considered that a significant loss of amenity with particular regard to light, outlook, prospect and privacy 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

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.

as amended by documents received on 11.01.2018

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.

- 4** Before commencement of the use of the land or building hereby permitted parking spaces and/or garages and turning space shall be completed in accordance with the approved details and thereafter shall be kept available for such use and no permitted development whether permitted by the Town and Country Planning (General Permitted Development) Order (England) 2015 (or any Order amending, revoking and re-enacting this Order) or not shall be carried out on the land or garages indicated or in such a position as to preclude vehicular access to the said land or garages.

REASON: In order to comply with Policy T3 of the Unitary Development Plan and to avoid development without adequate parking or garage provision, which is likely to lead to parking inconvenient to other road users and would be detrimental to amenities and prejudicial to road safety.

- 5** No gate or hedge on the front/flank boundary shall exceed 1m in height, and these means of enclosure shall be permanently retained as such

REASON: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of visual amenity and the amenities of adjacent properties.