

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

Application No : 18/01004/FULL6

Ward:
Kelsey And Eden Park

Address : 59 Manor Way Beckenham BR3 3LN

OS Grid Ref: E: 537609 N: 168517

Applicant : Mr & Mrs McCarthy

Objections : YES

Description of Development:

The erection of an outdoor swimming pool & raised terrace

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

The application seeks consent for the construction of an extended raised terrace and a swimming pool within the rear garden.

Location and Key Constraints

The application relates to a two-storey detached dwelling, which is located on the east side of Manor Way. It is set back from the road and benefits from off-street parking and verdant front garden. The property has been extended by way of a large single-storey rear extension. The land slope downwards gently downwards towards the rear of the site.

The property is located within the Manor Way Conservation Area. The rearmost section of the garden is located within Flood Zone 2 and the area to the rear of the site curtilage is designated as a Site of Nature Conservation Importance.

Comments from Local Residents and Groups

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

- o The extended terrace has already been partly constructed.
- o The total depth of the proposed structure is approximately 20ms, with addition 1.5ms of steps leading down to the garden.

- o The existing terrace is inoffensive wooden decking but the proposed extended terrace will be approximately 6m in depth. This then leads down to the pool and footpath around.
- o No screening is proposed
- o Not accompanied by a topographical survey so the levels can only be taken at face value.
- o The terrace will be only 1m from the boundary and will dominate the neighbouring property.
- o Overlooking, loss of privacy from a 6.5m deep platform. There is also a raised footpath around the swimming pool.
- o Harm neighbouring enjoyment of their garden.
- o Decision makers should make consistent decisions.
- o The proposed patio and swimming pool surround would not complement the host property and would appear out of character with surrounding development and the area generally. Contrary to NPPF, policies H8, BE1 and SPGs.
- o Works fail to preserve the character of the Conservation Area by the sheer scale of the works and the amount of the garden which will be concreted over. Contrary to Policy BE11.
- o Increased noise and disturbance.
- o Incorrect block plan.
- o Request of condition to ensure boundary screening remains in place.

Comments from Consultees

Conservation Officer: No objections.

Tree Officer - The application follows application ref: (17/04303/FULL) which included a swimming pool, positioned in close proximity to the northern boundary of the property but this element was subsequently withdrawn due to a lack of consideration of the trees on this boundary.

The proposals now show the position of the swimming pool further south, away from the row of subject trees. The proposed pool appears to be outside the root protection areas of these trees, therefore the impact is likely to be limited. To ensure the retention of the trees close to the proposed pool I recommend the following condition.

No storage under tree canopy

No building materials, equipment, vehicles, plant, oil or other petroleum products shall be stored or allowed to stand within the branch spread of the trees to be retained on site, with the exception of existing hard surfaces.

Reason: To ensure that the trees to be retained are adequately protected, in the interests of visual amenity. Policy NE7 of the Bromley Unitary Development Plan (adopted July 2006).

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:

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

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.

Unitary Development Plan

BE1 Design of New Development
BE11 Conservation Areas
BE14 Trees in Conservation Areas.
H8 Residential Extensions

Emerging Local Plan

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

Supplementary Planning Guidance

Supplementary Planning Guidance 1 General Design Principles
Supplementary Planning Guidance 2 Residential Design Guidance

Planning History

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

87/01258/FUL Part one/two storey side extension and front porch detached house. Permission 16.07.1987

87/03282/FUL First floor rear and two storey rear extension detached house Permission 03.12.1987

88/00198/OTH First floor rear and two storey rear extension detached house revision to 873282 - increase of extensions at ground floor level with bays as PER DOCUMENTS RECEIVED 200188. Permission 03.03.1988

93/02248/FUL Single storey side/rear extension and retaining wall. Permission 11.11.1993

93/02249/CON Demolition of existing garage and single storey rear extension conservation area consent. Permission 11.11.1993

94/00184/FUL Single storey side/rear extension. Refused 09.03.1994

94/00709/FUL Single storey side/rear extension Permission 28.04.1994

17/04303/FULL6 - First floor side extension over existing garage, first floor bay window to rear elevation, Lantern lights to existing rear flat roof, alteration of doors to rear elevation. Permission

Considerations

The main issues to be considered in respect of this application are the scale and impact of the proposed works on the character and appearance of the property, area and wider Conservation Area. Consideration should also be given to neighbouring residential amenities and any impact on trees.

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.

Policy BE11 states that new development should respect or complement the layout, scale and form of existing buildings and spaces.

In this case the proposal includes the extension of an existing timber area of decking, together with the erection of a swimming pool within the centre of the garden. This would extend approximately 16.7m into the rear garden.

The existing property has a raised wooden terrace at the rear, which measures approximately 0.8m above the existing ground level. The extended terrace would have a depth of 3m and the total depth, when combined with the original wooden structure, would measure approximately 5.7m.

The proposed swimming pool would be located centrally within the site and at its highest point it would be raised around 0.8m above the existing garden level. It would however be set below the main terrace.

It is noted that permitted development does allow for the construction of a swimming pool within Conservation Areas, whilst this particular example may not be permitted development as a result of the raised platform it adjoins, a swimming pool could potentially be constructed within the rear garden.

The proposed works would be contained to the rear of the application property, which is a large detached dwelling set within a generous sized plot. The site boundary at the rear is surrounded by a layer of trees and shrubs.

The pool would be set well within the confines of the garden, being around 7m from each side boundary. It would be used in relation to the existing residential property and given its size and location it is not considered to be out-of-keeping with the scale or appearance of the host dwelling or character of the area in general. Similarly, given the residential character of the area, location of the development and layer of screening surrounding the property it is not considered that the introduction of a swimming pool, which is used in conjunction with the existing residential property, would be detrimental in character or appearance. It would therefore have a neutral impact on the character or appearance of the Conservation Area. Furthermore no objections have been raised by the Council's Conservation Officer.

Given the above, it is considered that the extended terrace and swimming pool are acceptable and would preserve the character and appearance of the Conservation Area.

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.

The proposed terrace would be extended by around 3m and would span the full width of the dwelling. Cumulatively, this would measure around 5.7m in depth when added to the existing terrace. This would then step down to garden level and swimming pool.

The terrace would be set-back from the common boundary with Number 61 by approximately 0.8m. It would also be set-back from the shared boundary with

Number 57 by around 1.2m. There are various trees and shrubs surrounding the site boundary and this has provided a level of screening.

The swimming pool would be located around 0.8m above garden level at its maximum point, but it would be set-back from each side boundary by around 7m. It would also include a 1m width walkway around it.

Given this set-back, level of boundary screening and limited width of the walkway it is not considered that the swimming pool would result in a loss of privacy or overlooking for neighbouring properties.

The extended terrace would be closer to each side boundary, however the screening provided by the trees and shrubs would help mitigate any significant harm by way of overlooking or loss of privacy. However a condition could be imposed requiring the installation privacy screening along the raised terrace if Members were minded to grant approval.

There is already a raised terrace in existence and whilst this would be extended it is not considered that it would give rise to a significant increase in noise and disturbance. Furthermore a swimming pool could potentially be erected under permitted development and given its use in conjunction with a residential dwelling and the fact the use of the garden by a family may give rise to established level of noise it is not considered the development would result in an unacceptable level of noise and disturbance.

It is considered that the proposal would have an acceptable impact on neighbouring residential amenities.

Trees

Policy BE14 states that development will not be permitted if it will lead to damage or lead to the loss of one or more trees within the Conservation Area unless (i) the removal of the trees is necessary in the interest of good Arboricultural practice or the reason for the development outweighs the amenity of the trees.

It is noted that a swimming pool was previously proposed under ref: 17/04303/FULL6, however this was subsequently withdrawn from the application as a result of its proximity to a number of trees. The current application has revised the location of this swimming pool, which is now located centrally within the garden. There are a significant number of trees and shrubs surrounding the site boundary, however the proposed development is considered to be set-away at a sufficient distance and is likely outside of the root protection area. No objections have been raised by the Council's Arboricultural Officer subject to a condition outlined above. This relates to the storage of materials away from the trees which is considered reasonable for their protection. Accordingly no objections are raised on tree grounds.

CIL

The Mayor of London's CIL is a material consideration. CIL is not payable on this application and the applicant has completed the relevant form.

Conclusion

The development is considered to be acceptable in design terms and would preserve the character and appearance of the Conservation Area. Furthermore it is not considered that the development would have an unacceptable impact on neighbouring residential amenities.

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: To comply with 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 UDP and in the interests of visual and residential amenity.

- 3 No building materials, equipment, vehicles, plant, oil or other petroleum products shall be stored or allowed to stand within the branch spread of the trees to be retained on site, with the exception of existing hard surfaces.**

Reason: To ensure that the trees to be retained are adequately protected, in the interests of visual amenity. Policy NE7 of the Bromley Unitary Development Plan (adopted July 2006).

- 4 Prior to first use, details of the means of privacy screening for the raised terrace shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt this does not relate to the pool surround as shown on drawing C1706854S5. The development shall be carried out in accordance with the approved details and permanently retained as such.**

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.

