

## **SECTION '2' – Applications meriting special consideration**

**Application No :** 18/01936/FULL6

**Ward:**  
**Shortlands**

**Address :** 43 Tootswood Road Shortlands  
Bromley BR2 0PB

**OS Grid Ref:** E: 539411 N: 168110

**Applicant :** Mr & Mrs Jenkins

**Objections : YES**

### **Description of Development:**

Front boundary gates and wall  
RETROSPECTIVE APPLICATION

Key designations:

Biggin Hill Safeguarding Area  
London City Airport Safeguarding  
Smoke Control SCA 21  
Smoke Control SCA 9

### **Proposal**

Retrospective planning permission is sought for a front boundary wall and gates. The wall has a maximum height of 0.95, with the piers measuring between 1.2m and 1.7m in height. The wall has been rendered and painted white, with the gates solid in design and dark grey in colour.

Additional information was submitted by the Agent in response to the operation of the gates (dated 25th June 2018) which confirms the gates open remotely without blocking the roadway.

### **Location and Key Constraints**

The application site is a detached two storey house located on the northern side of Tootswood Road, opposite the entrance to the park.

### **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

- Tootswood Road is 100% residential
- gate style would suit a commercial/industrial

#### Support

- initial concerns that they would be noisy and unsightly are unfounded
- in-keeping and style with the house
- no other house is similar and hope that Council will consider compatibility with the house as important
- gates are approx. same height as gates and wall opposite No.43
- aesthetically pleasing
- smart
- adds nice symmetry with the gates and railings directly opposite
- compliment the style of the house nicely in design and colour and fit perfectly well in road
- sensible choice for people with small children
- security reasons
- Tootswood Road is a known cut-through road and people often speed past
- up to the property owner

### Comments from Consultees

Highways: No objections on the basis of additional information received.

### 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 makers 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

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

32 Road Safety  
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:

- 13/03629/FULL6 Part one/two storey front/side/rear and single storey side extensions, roof and elevational alterations- PER- 31.01.2014
- 13/03629/CONDIT Details of conditions submitted in relation to planning ref: 13/03629/FULL6 (Condition 2 - External materials - CONSPL 10.07.2014
- 16/00980/FULL6 Single storey side extension- PER 29.04.2016
- 16/00990/FULL6 Replacement driveway- PER 09.05.2016

## **Considerations**

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

- Design
- Highways
- CIL

### 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 BE7 states that the Council will resist the construction or erection 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 existing property has benefitted from previous extensions which have altered the appearance of the original house. The resulting dwelling is white rendered and whilst the wall and piers would be in-keeping with the host dwelling, the area is characterised by low level brick walls along the road, and it is considered that the proposal would be out of character with the wider streetscene. The gates measure 1.5m in height and are of solid construction resulting in a closed appearance and lacking in views into the site.

Having regard to the design, scale and proposed materials, it is considered that the front boundary enclosure and gates would erode the open nature of the area and would be out of character with the streetscene 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.

Additional information was submitted by the Agent to clarify that the gates are operated remotely. There are no objections raised by the Highways engineer in relation to the proposal.

### 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 unacceptable as it would result 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 25.06.2018**  
**RECOMMENDATION: APPLICATION BE REFUSED**

**The reasons for refusal are:**

- 1 The proposed boundary treatment by reason of its height and design would cause significant harm to the open nature of the area and be detrimental to the visual amenities of the streetscene, thereby contrary to Policy BE7 of the Unitary Development Plan and Policy 37 of the Draft Local Plan**