

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

**Application No : 18/01244/FULL6**

**Ward:  
Shortlands**

**Address : 14 Tootswood Road Shortlands  
Bromley BR2 0PD**

**OS Grid Ref: E: 539281 N: 167986**

**Applicant : Mr & Mrs Stuart & Sarah Brown**

**Objections : YES**

### **Description of Development:**

Erection of oak gates to the eastern elevation of the property, gravel driveway from house through to end of rear garden and erection of a detached garage/relaxation room.

Key designations:

Biggin Hill Safeguarding Area  
Biggin Hill Safeguarding Area  
London City Airport Safeguarding  
London City Airport Safeguarding  
Sites of Interest for Nat. Conservation  
Smoke Control SCA 21  
Smoke Control SCA 9  
Urban Open Space

### **Proposal**

Planning permission is sought for the erection of new oak treated gates to the side of the property, rear gravel driveway and the erection of a detached garage/relaxation room in the rear garden of the property.

The application is accompanied by a Planning Statement & an Arboricultural Report.

Two oak treated gates are to be introduced in place of the existing fencing to the side of the property. The new gates measure 1.85m in height x 3m in width with two concrete posts either side. The gates would facilitate access to the rear garden and allow vehicular access to the proposed garage to the rear.

To facilitate the gravel driveway a total of 5 trees within the site are proposed to be removed.

The garage/relaxation room measures 5.m in height x 12.7m in depth x 5.5m in width with a sloping roof. The garage has parking for two cars and an internal door which leads to the relaxation room which comprises of one room leading off to two

small rooms. The drawings are not labelled but it is assumed that the small rooms could be a bathroom or storage area.

A revised plan was received by the agent on 13th June 2018 which reduced the height of the garage from 5.4m to 4.65m, a reduction of 75cm.

### **Location and Key Constraints**

The application site is a two storey detached dwellinghouse located on the southern side of Tootswood Rd, Bromley. The site is designated Urban Open Space (UOS) and adjacent to South Hill Wood which is designated as a Site of Nature Conservation (SINC).

To the west and north elevations lie other residential properties.

### **Comments from Local Residents and Groups**

Nearby owners/occupiers were notified of the application and one letter of representation was received which can be summarised as follows:-

- The proposed application site is very close to our boundary. The garage will be constructed adjacent to the rear of our garden where we have a swimming pool of which we enjoy during the summer months. The proposed garage clay roof will be in sight as we use our rear garden and will be unsightly as we use our pool. We are also concerned that the excavation work (being in such close proximity) would have an adverse impact upon the stability of the foundations of our swimming pool.
- The detached garage at 12 Tootswood has always been in situ and is the deeds of the original property so should not be used as a benchmark. This garage is only used for storage and is not used for housing vehicles.
- The size of the proposed application is in our opinion much larger than is required for a garage. One could argue that the application is more akin to a bungalow. Our concern is, further down the line an application would be submitted for change of use to make this a residential dwelling. We would also like noted that in our opinion, there are other options to locate a garage closer to the main house and closer to the public highway.
- Another concern is the level of noise and pollution of the vehicles that will be housed in the garage. The application states that vehicles will only be moved 4/5 times per year, a claim with which we would disagree. Currently one of these vehicles is housed in the attached garage of 14 Tootswood Road. It is not uncommon for us to hear the revving of the engine and smell the subsequent fumes (it is well known that classic cars take a good few minutes to warm up and be ready to drive). On occasions the vehicle is not even moved with the engine fired up and revved in situ whilst the owner admires this car.

- We are also concerned about the environmental impact of this proposal. A number of trees are to be felled to ground which will be detrimental to local wildlife.

### **Comments from Consultees**

Highways: The applicant already has an in and out drive but is applying for gates, gravel driveway from house through to end of rear garden and erection of a detached garage/relaxation room.

I would have no objection to the erection of oak gates to the eastern elevation of the property as it is within site curtilage, gravel driveway from house through to end of rear garden as they already have gravel and erection of a detached garage/relaxation room.

Please include the following with any permission:

Condition

H03 Satisfactory parking

H05 Garage dimensions

Tree Officer: No objections with regard to trees within the application site.

Parks Arboricultural Officer: I am happy that the proposed development using the methodology supplied will not be to the detriment of the publicly owned trees. Therefore I register no objections from our perspective.

I would like to apply one condition that if at any point in the construction they uncover tree roots originating from our trees that are larger than 50mm in diameter which require to be cut that I am contacted directly to advise.

### **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.

The National Planning Policy Framework was published on 24th July 2018. According to paragraph 48 of the NPPF decision takers can also give weight to relevant policies in emerging plans according to:

- a) The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);

- b) 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
- c) The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF.

The Council is preparing a Local Plan. The submission of the Draft Local Plan was subject to Hearings from 4th December 2017 and the Inspectors 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

Policy 7.4 - Local character

Policy 7.18 - Protecting open space and addressing deficiency

Policy 7.19 - Biodiversity and access to nature

#### Unitary Development Plan

Policy BE1 - Design of New Development

Policy G8 - Urban Open Space

Policy NE2 relates to SINCS.

T18 - Highway Safety

#### Emerging Local Plan

Policy 37 - General Design of Development

Policy 55 - Urban Open Space

Policy 73 - Development and Trees

### **Planning History**

Under planning application ref:- 97/02112/FULL6 planning permission was granted for a single storey side and two storey rear extension. PER 24.09.97.

### **Considerations**

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

- Principle
- Design
- Neighbouring amenity
- CIL

## Principle

The main issues relating to the application are the effect that it would have on the character and openness of the Urban Open Space (UOS) and Site of Importance for Nature Conservation (SINC).

The proposed garage/relaxation room is to be used for the storage of two classic cars and as an area for the occupants of the room ancillary to the main dwellinghouse. The garage would be located 2.5m from the rear (southern) boundary, 8.5m from the flank (eastern boundary) closest to South Hill Woods and 3m from the flank (western) elevation closest to No.12 Tootswood Road.

The proposed garage/relaxation room is modest in scale and given the location within the furthest part of the rear garden which is screened to the rear and eastern elevation as such it may be considered that the scale and siting of the proposed shed would not detrimentally impact on the openness and visual amenity of the UOS or SINC.

## 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.

The NPPF requires Local Planning Authorities to undertake a design critique of planning proposals to ensure that developments would function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. Proposals must establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit; optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses and support local facilities and transport networks. Developments are required to respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation. New development must create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and are visually attractive as a result of good architecture and appropriate landscaping.

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 Unitary Development Plan requires all development proposals, including extensions to existing buildings, will be expected to be of a high standard of design and layout this is supported by London Plan Policies 7.4 and 7.6.

The proposed oak treated gates in place of the existing fence is considered acceptable in design terms with the gates being set back from the property's frontage by approximately 13m. The height and width of the gates is considered

modest and would not look out of keeping in the context of the main dwellinghouse or wider streetscene.

The proposed driveway proposed to the eastern boundary would see the applicants existing rockery and decking removed to facilitate the gravel driveway. The driveway would be approximately 2.4m in width.

The applicants have proposed treated oak boards with yellow stock facing brick with plain clay tiles as the materials of the garage/relaxation room, which is considered acceptable given the location and as such would blend in with the surrounding area and landscape thereby compliant with the above policies.

The agent has submitted a revised drawing during the course of the application following concerns from Officers about the height of the structure in the rear garden. The height of the garage/relaxation room was reduced from 5.4m to 4.65m. Officers had suggested dropping the height to 4m (which would be the same height of an outbuilding that could be allowed under permitted development) but the agent has stated that if the roof pitch was to be lowered any further it would mean changing the proposed roof materials from plain tiles to concrete interlocking tiles. It may be considered given the distances from the boundary, that the height of the structure is acceptable.

### Highways

Policy T18 seeks to consider whether a development is appropriate and would have an impact on road safety.

The property benefits from an existing in and out gravel driveway which allows for off street parking and contains an existing garage to the western boundary of the property.

The erection of the solid gates and rear gravel driveway are not expected to cause any highway safety issues on the basis that the gates are set back from the road side and will open onto the applicants existing driveway before the applicants exit onto the highway therefore visibility or any danger to pedestrians will not be an issue.

### 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.

In terms of the impact on the amenities of nearby properties, the nearest residential properties are No.12 Tootswood Road who are 3m away. The roof of the garage/relaxation room would be visible above the existing hedge which separates the two properties. The neighbour has objected to the garage on the basis that the structure would be unsightly when they use their swimming pool during the summer months. The neighbour also raises concerned that the excavation work

(being in such close proximity) would have an adverse impact upon the stability of the foundations of their swimming pool.

The neighbour also raises concerns to the noise and activity associated with its use. The application states that vehicles will only be moved 4/5 times per year, a claim the neighbour disagrees with. Concern is also raised about the smell and subsequent fumes that would arise from the cars being driven into and out of the site.

The structure, whilst being reduced in height will still be visible above the height of the existing hedgerow which separates the two properties. On balance, it may be considered that the structure is acceptable on the basis that it is only 65cm taller than what could be built under permitted development as an outbuilding. Furthermore, the structure will be set in 3m from the shared boundary, which already contains a mature hedgerow and consequently will screen more than half of the garage, thereby mitigating the visual impact of the structure. The roof of the garage will be built from clay roof tiles which is considered an acceptable material. The neighbour's swimming pool is also set in from the shared boundary therefore the separation between the two is not considered to cause such an overbearing visual impact to unduly affect the neighbouring amenity of No. 12.

There will inevitably be noise associated with cars driving to and from the new garage to the rear. On balance the noise associated with the classic cars is considered to be similar to the noise associated with the cars being driven in and out of the existing garage at the front of the property.

There is also concern that the garage/relaxation room could be changed to become a separate dwelling. A condition can be put in place to ensure that the structure can only be used as a garage/relaxation room and for no other purpose.

### 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

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 13.06.2018**

**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** The garage/relaxation room shall be used only by members of the household occupying the dwelling and shall not be severed to form a separate self-contained unit.

**Reason:** In order to comply with Policy H8 of the Unitary Development Plan, to ensure that the accommodation is not used separately and unassociated with the main dwelling and so as to prevent an unsatisfactory sub-division into two dwellings.

- 5** 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.

- 6** Garages shall have minimum internal dimensions of 2.6m x 6m and there shall be a minimum clear space in front of their doors of 6m (or of 7.5m where the garages are in a compound or opposite a structure or means of enclosure) to allow for manoeuvring and these dimensions shall be permanently retained as such thereafter.

**Reason: In order to comply with Appendix II of the Unitary Development Plan to ensure that adequate on-site parking is provided and in the interest of pedestrian and vehicular safety.**

**You are further informed that :**

- 7 If at any point during the construction period tree roots originating from any trees in South Hill Woods that are larger than 50mm in diameter which are required to be cut then the applicant should contact Hugh Chapman (Arboricultural Officer , Parks, Woodlands, Education, Allotments and Cemeteries) on 0208 464 3333 ext. 3229 for advice.**