

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

Application No : 18/02990/FULL6

Ward:
Petts Wood And Knoll

Address : 9A Irene Road Orpington BR6 0HA

OS Grid Ref: E: 545914 N: 166614

Applicant : Mr R Akers

Description of Development:

Garden shed RETROSPECTIVE APPLICATION

Key designations:

Biggin Hill Safeguarding Area
London City Airport Safeguarding
Open Space Deficiency
Smoke Control SCA 4

Proposal

The application seeks retrospective planning permission for the erection of a garden shed for the storage of tools, garden equipment and garden furniture.

The shed would measure 2.1m deep and 12m wide, featuring a pitched roof with a maximum height of approx. 2.4m and an eaves height of approx. 2.1m. The shed would be sited to the rear of the existing outbuilding in the garden, though it would be separated by 0.1m.

It is noted that the original plans included a proposed pool house to incorporate a hydro pool, however this element was removed in revised plans submitted on the 14th August and does not form part of this application.

Location and Key Constraints

The application site hosts a two storey detached dwelling located on the western side of Irene Road. The site is located within a residential area, and the property is not listed nor located within a conservation 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

- Garden shed is being used as a residence in breach of the planning conditions.
- Shed is too big in its design and was always intended to be used as a residence.
- Would not objection if used for correct purpose.
- Loss of privacy / looks directly into bedrooms.
- This should be investigated and stopped.
- Owner has previously constructed an extremely large outbuilding without the relevant planning permission first (granted retrospectively).
- Construction of original building caused considerable subsidence damage in the gardens to the rear (14 and 16 Sequoia Gardens).
- Action should be taken to ensure the site is properly restored and stabilised.
- Proposed hydro pool room would blight skyline views from neighbours garden.
- Existing outbuilding is substantial and ugly roof has replaced parkland view - the proposed structure will make this worse.
- Loss of value of properties.
- Reduced light / shadows.
- Loss of outlook.
- Noise and disturbance from the hydro pool.
- Overdevelopment of the land.
- Permitted Development Rights have been removed and therefore no further development should be permitted in the garden.
- Size and scale of structures not appropriate in a garden setting.
- Concerns the additional buildings will be used as an additional residential extension to the existing structure.

The hydro pool and associated pool house building have been removed from the plans by the applicant, and neighbours were reconsulted regarding the amended plans. The following additional comments were received;

- The plan once more fails to include my house (No.5 Novar Close) and extension and does not give a true fair view of the impact.
- The latest proposal to the shed includes a 'slate roof' A material more akin to a fixed property than a temporary shed.
- On the plus point the plans do not include a hydro pool.
- We haven't been consulted by the applicant despite attempts to discuss the proposals.

Comments from Consultees

Comments were received from the Drainage and Environmental Health Officers with regards to the poolhouse. This element has been removed from the current application through the submission of revised plans and the previous comments made are not relevant to the proposed shed.

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 makers 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

7.4 Local character

7.6 Architecture

Unitary Development Plan

H8 Residential extensions

BE1 Design of new development

Draft Local Plan

6 Residential Extensions

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;

- o 17/01038/FULL6 - Outbuilding to rear - Allowed on Appeal.

Considerations

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

- o Design
- o Neighbouring amenity
- o Other Matters
- o 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.

The shed would measure 2.1m deep and 12m wide, featuring a pitched roof with a maximum height of approx. 2.4m and an eaves height of approx. 2.1m.

Whilst the proposed shed would be large in its width, it would match the width of the existing outbuilding to which it would be sited behind. Its maximum height would be lower than the eaves of the existing outbuilding, and it would pitch down to match the height of the existing rear fence. The materials consist of timber cladding to match the existing outbuilding and therefore the design of the shed is considered in keeping with the existing site and the suburban character of its surroundings. Furthermore, given its siting and its height the shed would not be highly visible from the streetscene nor result in any significant impact above that which already exists from the existing approved outbuilding.

Having regard to the form, scale, siting and proposed materials it is considered that the proposed shed would complement the host property and would not appear out of character with surrounding development or the area generally.

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 shed would be sited to the rear of the existing outbuilding, and would not project beyond its flank walls or exceed it in height. It would therefore not be highly visible from the adjacent properties on Irene Road, and given the significant distance from these the shed would not result in any detrimental impact.

In terms of the impact upon No.5 Novar Close, the proposed shed would not project closer to the flank boundary than the existing outbuilding and would provide a distance of approx. 6m to this boundary. Given the modest height of the fence and the separation distance it is not considered that the proposed shed would result in any harm above that which already exists from the existing outbuilding.

The shed abuts the rear boundary of the site, which adjoins the rear boundaries of properties facing onto Sequoia Gardens. The proposed shed would not exceed the height of the existing outbuilding and would pitch down to match the height of the existing fence along the rear boundaries of these properties. Whilst it is noted from visiting the site there is a significant difference in land levels due to the topography of the site with properties on Sequoia Gardens much lower than the proposed shed, given its design it is considered that it would not result in any significant harm above that which already exists from the existing fence and outbuilding.

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

Other Matters

A number of representations have raised concerns regarding the impact and use of the outbuilding for residential accommodation, however these concerns appear to relate predominately to the existing outbuilding granted permission on appeal following the application ref: 17/01038/FULL6. This outbuilding does not form any part of this application and its impact and the matter as to whether this existing outbuilding is being used for residential accommodation would not fall within the scope of this application. Therefore this matter would need to be investigated separately. In any case, the proposed shed which is to be considered under this application is not adjoined to the existing outbuilding (separated by 0.1m) and as such does not provide an extension of the existing outbuilding. When considered on its own merits the proposed shed would not be considered excessive in its size, and its use as a shed for storage is considered acceptable.

Concerns have also been raised regarding damage that works on the site has caused to neighbouring properties, including subsidence damage in the gardens to the rear at Sequoia Gardens. These matters are not considered material planning considerations and would form a private legal matter between the neighbouring properties and the applicants.

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 14.08.2018

RECOMMENDATION: PERMISSION

Subject to the following conditions:

- 1 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.