

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

Application No : 18/03233/FULL6

Ward:
Hayes And Coney Hall

Address : 14 Rodney Gardens, West Wickham
BR4 9DD

OS Grid Ref: E: 540351 N: 164929

Applicant : Mr Kowal

Objections: YES

Description of Development:

Steps for access to rear garden and side access of property with decking raised to ground floor level (Retrospective Application)

Key designations:

Biggin Hill Safeguarding Area
London City Airport Safeguarding
Smoke Control SCA 51

Proposal

Retrospective planning permission is sought for raised decking to the rear of the property, balustrading and screening. The planning application form state that works were completed in January 2016.

The raised decked area is L-shaped and measures 8.5m in width x 2.5m in depth northern boundary) and 5.5m (southern boundary) x 80cm in height from ground level. Screening is shown built on the southern boundary to a height of 1.8m x 2.9m. The screening is raised up 80cm from ground level.

Location

The application relates to a two storey semi-detached property located on the north-eastern side of Rodney Gardens, West Wickham. The surrounding area is wholly residential.

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 raised decking will overlook my rear garden, looking straight onto my Patio, which would be an invasion of our privacy.

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

Under planning application ref:- 08/01689 planning permission was granted for a single storey rear extensions to 14 & 16 Rodney Gardens.

Under planning application ref:- 04/03203 planning permission was granted for a first floor side extension.

Considerations

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

- Design
- 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.

In terms of design, the decking, balustrading and screening are already in situ for the past 2years. The steps and decked area's size, scale and bulk would not significantly alter the appearance of the host dwelling. The proposed depth and height of the extension would be subservient to the main dwelling and not overdevelop the site as a whole. The materials would be complementary and compatible with the application site and developments in the surrounding area. The extension would not be visible from the street and so will not harm the character of the area or the streetscene in general.

Having regard to the form, scale, siting and proposed materials it is considered that the raised decking area, balustrading and screening complements 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 terraced area at the rear of the property was built following the building of the rear extension. Whilst the raised decked area does allow for increased overlooking into the neighbouring garden (No.12) a privacy screen has been erected by the applicants to minimise this from happening. On balance, given the modest depth and low height of the terrace it is not considered that the increase would be detrimental enough to warrant a refusal of the application. It is also not considered that the decking area would result in an increased chance of overlooking out of character in terms of that expected within a typical residential layout.

Conclusion

Having had regard to the above it is considered that the development in the manner built is acceptable as it would not result in a significant loss of amenity to local residents with regard to Policy BE1 of the Unitary Development Plan and Policy 37 of the Draft Local Plan.

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