

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

Application No : 18/04996/FULL6

Ward:
Hayes And Coney Hall

Address : 172 Pickhurst Lane, Hayes, Bromley
BR2 7JB

Objections: Yes

OS Grid Ref: E: 539632 N: 166568

Applicant : Mr Mark Grieves

Description of Development:

Construction of a decking approx. 0.8 m above ground level to the rear of 172 Pickhurst Lane to include handrail/guarding and steps to garden level, and addition of fence and trellis to flank boundaries to provide privacy screening (PART RETROSPECTIVE APPLICATION)

Key designations:

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

Proposal

The application seeks part retrospective planning permission for the construction of decking with a height of approx. 0.8m above ground level and depth of between 2.5m and 6m. The decking would include balustrading consisting of a handrail/guarding and steps to garden level. The application also includes the addition of a fence and trellis to the flank boundaries of the site to provide privacy screening.

Location and Key Constraints

The application site hosts a two storey detached property located on the eastern side of Pickhurst Lane. The topography of the site is such that the road slopes down from north to south, whilst the garden levels are also set lower than the main dwelling.

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

- Strongly object to the current height as oversees directly into my garden and private property.
- Invasion of privacy.
- Decking oversees entire garden, and allows view into kitchen at ground floor, and bedroom / bathroom at first floor.
- The house is on higher ground than 170 which makes the height noticeably higher.
- Out of sync with adjacent patios heights of respective neighbours.
- Decking should be built compliantly within regulatory standard laws.

Revised plans were received on the 15th January which included the addition of a fence with trellis above to the flank boundaries to provide privacy screening. Neighbours were re-notified of the changes and the following representations received;

Objections

- Objections regarding impact on privacy still stand.
- Adding trellis on top is a temporary measure and not a long term solution.
- Developer has not considered privacy and long term wellbeing of neighbours.
- No guarantee the buyer of 172 would keep the trellis in place and is likely it would be removed.
- Contrary to No.174s acceptance with having a clear window overlooking their space, this would limit the value of the future resale of their property.
- Both neighbours would also be able to have a clear view of No.172 using the decking.

Neutral Comments

- If the decking had been gradually stepped down from the house as our patio has been done, the problem for both immediate neighbours would have been lessened.
- As it is we (No.174) requested a solution from the developer regarding overlooking as all existing trees and shrubbery which previously gave privacy between properties had been removed to facilitate the development.
- Following consultation we agreed to the addition of one close boarded fence panel to extend and match the existing fence and trellis fixed atop the length of this fence would further help mitigate the problem.
- The developer was co-operative and agreed to carry out this work which was completed before Christmas.
- The new fence and trellis does not completely stop any overlooking of our patio, but does help to retain more of our privacy there.

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 development plan for Bromley comprises the London Plan (March 2016) and the Bromley Local Plan (January 2019). 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

Bromley 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;

- 17/05848/FULL6 - Part one/two storey rear extension and conversion of garage to habitable room - Permitted
- 17/05848/AMD - Amendment to 17/05848/FULL6: Removal of existing garage (approved to be converted to study/playroom) and porch, and addition of porch canopy. - Approved.

Considerations

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

- Design
- Neighbouring amenity
- 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 Bromley Local Plan policies further reinforce the principles of the NPPF setting out a clear rationale for high quality design.

The proposed decking would have a maximum height of approx. 0.8m from ground level, and would project approx. 2.5m from the rearmost part of the dwelling, wrapping around where it would then have a total depth of 6m. The proposed decking would feature wooden balustrading to provide a handrail/guarding around its perimeter.

The application also includes the addition of a fence and trellis to the flank boundaries of the site to provide privacy screening. The trellis would consist of three privacy trellis panels measuring 1.8m wide and 0.45m high along the boundary with No.170 above the existing fence, and a more open styled trellis measuring 0.45m above a 1.8m high fence along the boundary of No.174 for the full length of the decking.

The proposed decking would be sited to the rear of the property and would not be visible from the streetscene. Whilst it would be large in its overall height from ground level, this is in part due to the topography of the land which slopes away from the main dwelling. It is noted that the property previously benefited from a raised patio area, though the decking

would also exceed the height of this to match the floor level of the main dwelling. The overall scale of the decking is large, though it is not considered that it would result in any significant harm to the appearance would not appear harmful to the appearance of the host dwelling or the character of the area in general.

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

Neighbouring amenity

Policy 37 of the Bromley Local Plan 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 main consideration for this application is the impact of the raised decking on the privacy of the adjoining properties.

Impact on No.170

With regards to the impact on No.170, the proposed decking would project approx. 2.5m along the boundary from the rear of the extension permitted under ref: 17/05848/FULL6. The existing fence combined with the proposed privacy trellis would have a height of 1.6m from the level of the raised decking. The properties are also separated by an access road, resulting in a separation distance of approx. 5.5m between the two dwellings that would mitigate any impact in terms of direct overlooking. The two properties currently project approximately the same distance to the rear, thus the decking would project approx. 2.5m beyond the rear of the neighbouring dwelling. From visiting the site it is noted that the privacy trellis has not been constructed and that a degree of overlooking would occur, particularly towards the ground floor rear windows given the raised position of the decking and that No.172 is set higher due to the topography of the land.

Whilst this is the case at present, the application includes the addition of privacy screening with an additional height of 0.45m. It is considered that the addition of privacy screening alongside the existing separation distance would be sufficient to prevent any undue level of overlooking towards this neighbour. The concerns raised regarding this being a temporary fix are noted, and it is considered that a condition to ensure that the trellis is permanently retained is appropriate to prevent any future additional harm to the privacy of this neighbour.

Impact on No.174

The decking would project for a depth of approx. 6m beyond the rear of No.174, and would be set approx. 1m from the shared boundary. The neighbouring property at No.174 is sited higher than the application site due to the topography of the land and also benefits from a raised patio area itself.

It is noted from the previous application (ref: 17/05848/FULL6) that there was a degree of mutual overlooking given the raised patios to both properties and the relatively low boundary fence / walls heights. However, the decking proposed within this application would result in an increased impact given its rearward projection at a greater height than the pre-existing patio area and the removal of the vegetation. The applicant has sought to mitigate this somewhat through the addition of a further fence panel and an open-styled trellis above this.

These amendments have followed from direct discussions between the neighbour and developer, as confirmed in writing by the agent and in comments received from the owners of No.174. The fence and trellis have been constructed, and whilst this would mitigate the impact on the privacy of this neighbour it would still result in additional harm above that which previously existed given the depth of the proposed decking allowing for views back towards the neighbouring property. The open style trellis would only have a limited impact in preventing this, though the agent has confirmed that additional screening will be provided by climbing plants at the correct season. This would contribute towards preventing an unacceptable relationship between the two properties in terms of overlooking and can be dealt with by way of condition in order for further details to be provided.

Having given consideration to the pre-existing relationship between the two properties and the comments received by the neighbouring property at No.174, and subject to conditions regarding the retention of the fence and trellis alongside details of a planting scheme to limit the impact on the privacy of the current and future occupiers of No.174, it is considered on balance that any resulting mutual overlooking between the two properties would not be so significant as to warrant a refusal of the application on these grounds.

Summary

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

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 on balance 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 15.01.2019

RECOMMENDATION: PERMISSION

Subject to the following conditions:

- 1 The development shall be retained strictly in accordance with the application plans, drawings and documents hereby approved.**

Reason: To ensure that the development is retained in accordance with the approved documents, plans and drawings submitted with the application in the interest of the appearance of the building and the visual amenities of the area and in order to comply with Policy 37 of the Bromley Local Plan

- 2 The materials to be used for the external surfaces of the building shall be as set out in the planning application forms and / or drawings unless otherwise agreed in writing by the Local Planning Authority.**

Reason: In order to comply with Policy 37 of the Bromley Local Plan and in the interest of the appearance of the building and the visual amenities of the area.

- 3 Details of a scheme of planting along the boundary with No.174 shall be submitted within 3 months of the date of this decision and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in the first planting season following the approval of details. Any trees or plants which within a period of 5 years from the substantial completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species to those originally planted.**

Reason: In order to comply with Policy 37 of the Bromley Local Plan and in the interest of the appearance of the building and the visual amenities of the area.

- 4 The proposed boundary screening including the fence and trellis shall be carried out within 3 months of the date of this decision in accordance with the approved details and permanently retained thereafter.**

Reason: In order to comply with Policy 37 of the Bromley Local Plan and in the interest of the appearance of the building and the visual amenities of the area.