

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

Application No : 19/00406/FULL6

Ward:
Shortlands

Address : 23 Bushey Way Beckenham BR3 6TA

Objections: Yes

OS Grid Ref: E: 538671 N: 167526

Applicant : Mr Craig Travis

Description of Development:

2.24m high garden fence

Key designations:

Area of Special Residential Character
Biggin Hill Safeguarding Area
London City Airport Safeguarding
Open Space Deficiency
Smoke Control SCA 9
Smoke Control SCA 21

Proposal

The application seeks retrospective planning permission for a garden fence with a maximum height of 2.2m along the boundary with neighbouring property, No.21.

Location and Key Constraints

The application site comprises a two storey semi-detached dwellinghouse located on the northern side of Bushey Way, Beckenham. The property is not listed and is located within an Area of Special Residential Character.

Comments from Local Residents and Groups

Nearby owners/occupiers were notified of the application and representations have been received which can be summarised as follows:

- The application is for a 'bulk block' addition to the height of the fence. I object to the fence as it is overbearing.
- The current application does not comply with Bromley Council's Area of Special Residential Character or boundary regulations.
- The application has not been signed by the applicant or his agent on the last page. Therefore there is no declaration.
- Under the description it is stated that the works started 1st June 2018 and ended 1st July 2018. Bromley Council's received date for endorsement was

4th October 2018. Work as clearly being undertaken up to and beyond the 9th October.

Local Groups (Park Langley Residents Association):

- In principle the PLRA opposes any applications for retrospective planning permission.
- All applicants ought to follow the local planning guidance and rules before any form of construction is undertaken.
- The fence in question appears to be of good quality and well-constructed.
- In our opinion it presents an overbearing appearance to the rear of the row of adjacent houses in Bushey Way. The fence is too high.

Local Ward Councillor:

- I see absolutely no justification in any part of this fence being higher than normal, and permitted under PD, ie 2m.
- The fact that the garden slopes away from the house is totally irrelevant and a 2m, only, high fence would be in keeping with the area and protects the sight lines from other nearby properties.
- In addition if this was allowed it would, I fear, open the flood gates to applications for other high fences.

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 (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
44 Areas of Special Residential Character

Supplementary Planning Guidance

SPG1 - General Design Principles
SPG2 - Residential Design Guidance

Planning History

11/02956/FULL6 - Part one/two storey side/rear extension including front dormer and side dormer extension to existing roof slope - Application Refused/Appeal Dismissed.

12/01889/FULL6 - Part one/two storey side/rear extension - Application Permitted.

18/03625/FULL6 - Demolition of existing garage, part one/ two storey rear and two storey side extensions, roof alterations to incorporate rear dormer with Juliet balcony and elevational alterations - Application Refused.

18/04977/FULL6 - Single storey and part two storey rear extension, two storey side extension and loft conversion - Application Refused.

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.

Paragraph 124 of the NPPF (2019) states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Paragraph 127 of the NPPF (2019) requires Local Planning Authorities to ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective

landscaping and are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities). New development shall also establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

London Plan and Bromley Local Plan policies further reinforce the principles of the NPPF setting out a clear rationale for high quality design.

The fence is close boarded and constructed of timber with a concrete gravel board at the base and concrete posts to hold the fence in place. Due to the sloping ground level at the rear of the site the fence increases in height from 1.9m to 2.2m to ensure that it is level along the entire length of the property. The fence is partly visible from Overhill Way due to the slope on which the properties sit. Taking into account the fence's location at the rear of the property and its minimal increase in height towards the rear, over that allowed for under permitted development, it is not considered that it adversely impacts on the open character of Bushey Way or Overhill Way or has a detrimental impact on the streetscene in general or the wider Area of Special Residential Character.

Having regard to the form, scale, siting and materials it is considered that the fence complements the host property and does not result in a detrimental impact upon the spatial standards and visual amenity of the area.

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 fence panels which sit closest to the rear elevation of the neighbouring property, No.21, measure between 1.9m and 2.0m in height. The maximum height of the fence and the increase in height, above what is allowed for under 'permitted development', occurs further towards the rear of the property. Taking this into account it is not considered that the fence results in an unacceptable impact on the amenity of neighbouring properties in terms of overbearing impact, loss of light or increased overshadowing.

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

Representations have been received raising concerns that the application form declaration has not been signed by the applicant or agent. Please note that the declaration has been signed however, due to the application form being published online, the signature has been redacted in line with the General Data Protection Regulations.

CIL

The Mayor of London's CIL is a material consideration. CIL is not payable on this application and the applicant has not 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 23.04.2019

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.