

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

**Application No :** 19/02304/FULL6

**Ward:**  
**Shortlands**

**Address :** 28 Wickham Way Beckenham BR3 3AF      **Objections:** No

**OS Grid Ref:** E: 538108 N: 168308

**Applicant :** Mr & Mrs D & A AMSBURY

### **Description of Development:**

Modifications to front boundary wall

### **Key designations:**

Conservation Area: Park Langley  
Biggin Hill Safeguarding Area  
London City Airport Safeguarding  
Smoke Control SCA 21  
Smoke Control SCA 9  
Urban Open Space

### **Proposal**

The application seeks planning permission for modifications to the front boundary wall.

A brick built wall with piers and two vehicular and one pedestrian metal railing gates has been constructed along the front boundary of the application site without planning permission. The gates and piers exceed 1m in height and therefore an enforcement notice was issued by the Council on 25 April 2018 under ref: 17/00521 requiring the Applicant to (1) remove the gates and piers, (2) remove all materials associated with these gates and piers from the Land, and (3) to leave the Land in a clean and tidy condition.

The Applicant subsequently appealed the enforcement notice. In determining the Appeal, the Appeal Inspector concluded to vary the enforcement notice to require the Applicant to (1) remove the gates and piers or reduce the height of the gates and piers so that no part of them exceeds one metre above ground level, and (2) remove all materials associated with these gates and piers from the Land. Requirement (3) of the original enforcement notice was removed in its entirety.

The applicant also sought approval of the existing front boundary treatment through planning application ref: 17/03805/RECON. This application was refused by the Council and subsequently dismissed at appeal.

This current application seeks the following modifications to this existing front boundary wall as proposed by amended plans received 15.08.19;

- Reduction in the heights of the piers for each gate from 1.8m to 1.35m;
- Reduction in the heights of the end and middle piers from 1.43m to 1.15m and alterations to their design;
- Reduction in the height of the vehicular gates from 1.5m at the edges and 2m in the centre to 0.92m at the edges and 1.35m at the centre; and
- Reduction in the height of the pedestrian gate from 1.5m at the edges and 1.7m in the centre to 0.81m at the edges and 1.2m at the centre.

### **Location and Key Constraints**

The application site hosts a large two storey detached dwellinghouse set within a wide plot located on the western side of Wickham Way, Beckenham. The property was constructed following the grant of planning permission under ref: 16/01530/FULL1.

The property lies within the Park Langley Conservation Area which is characterised by spaciouly laid out detached residential houses. The public areas include features typical of a Garden City such as long curving roads and a lot of landscaping.

This section of Wickham Way is characterised by substantial two storey dwellings of individual design, the majority of which sit in a spacious landscaped settings behind a variety of low boundary treatments.

The front building line is fairly consistent and in most cases, generous spaces remain between buildings with trees, shrubs and hedges having a strong visual presence.

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

Nearby owners/occupiers were notified of the application and no representations were received.

Any further comments received will be reported verbally at the committee.

### **Comments from Consultees**

Highways: Please consult LBB Arboricultural Manager with regards to the street tree if not already consulted for this or the last application. Please include conditions on any approval with regards to satisfactory parking, turning areas, pedestrian visibility, hardstanding, and highway drainage.

In response to the revised drawing received 15.08.19 the Highways Officer advised that the height of the gates and piers in this location are acceptable.

Trees: The proposed modifications refer to landscaping previously agreed to and the scheme as set out is supported. A condition requiring compliance with the landscaping indicated on the submitted drawing is recommended on any approval.

Conservation Officer: This site is in the conservation area and is significant for that reason. In the April 2018 decision letter the Inspector said that in the context of this site local character would be best respected by lower boundary features and that the less than substantial harm is compounded by the height.

The wall, piers and gates have now been reduced and it is now all mainly 1m high with some elements slightly above 1m. As suggested by the Inspector, some landscaping features have been introduced behind the wall and this will help to soften the frontage.

It is considered that on balance this is now acceptable from the conservation area point of view.

### **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 24 July 2018 and updated on 19 February 2019.

The development plan for Bromley comprises the Bromley Local Plan (Jan 2019) and the London Plan (March 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
- 7.8 Heritage assets and archaeology
- 7.21 Trees and woodlands

#### Bromley Local Plan

- 32 Road Safety
- 37 General Design of Development
- 41 Conservation Areas

- 43 Trees in Conservation Areas
- 77 Landscape Quality and Character

### Supplementary Planning Guidance

SPG1 – General Design Principles  
SPG2 – Residential Design Guidance  
SPG - Park Langley Conservation Area

### **Planning History**

The application site has a complex planning history. The most recent and relevant history is summarised as follows;

Under ref: 15/04608/FULL1, planning permission was granted for the demolition of existing dwelling and erection of a 5 bed detached house with attached garage.

Under ref: 16/01530/FULL1, planning permission was granted for the demolition of existing dwelling and erection of a 5 bed detached house with attached garage (amended siting of house to previously approved application ref: 15/04608).

Under ref: 17/00677/FULL6, planning permission was granted for alterations to vehicular access and boundary treatment.

Under ref: 17/03805/RECON, planning permission was refused for the variation of condition 2 and 7 of planning permission granted under ref: 16/01530 to amend the front boundary wall and gate and allow the removal of trees identified within the front garden and their replacement as shown on drawing number WW-824-PD-02 Revision C received 29/01/2018. The application was refused for the following reason;

"The proposed gates, piers and boundary wall would be out of character with the area and detrimental to the visual amenities of the street scene and wider Conservation Area generally, contrary to Policies BE1 and BE7 and BE11 of the Unitary Development Plan. and Draft Policy 4 Housing Design, Draft Policy 37 General Design of Development and Draft Policy 41 Conservation Areas of the Emerging Local Plan"

This application was subsequently dismissed at appeal.

There is also a current application pending consideration under ref: 18/01575/RECON for the variation of condition 7 of planning permission granted under ref: 16/01530 to allow the removal of trees identified within the front garden and their replacement as shown on drawing number WW-824-PD-02 Revision G.

### **Considerations**

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

- Design and Impact on Conservation Area
- Neighbouring amenity

- Highway safety
- Trees
- CIL

### Design and Impact on Conservation Area

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.

Policy 37 of the Bromley Local Plan seeks to ensure that all new development is of a high quality design that is compatible with surrounding development and positively contributes to the existing street scene. Policy 41 relates specifically to Conservation Areas and states that proposals for development in Conservation Areas should preserve and enhance its characteristics and appearance by respecting or complementing the layout, scale, form and materials of existing buildings and spaces; respecting and incorporating in the design existing landscape or other features that contribute to the character, appearance or historic value of the area; and using high quality materials.

Paragraphs 3.34 and 3.35 of the Park Langley Conservation Area SPG states that in general, a front boundary should be low (1 meter or thereabouts in height) and that new front boundary walls should be constructed of red brick or mixed brick and rubble stone.

The application follows the appeal of enforcement notice ref: 17/00521 and planning application ref: 17/03805/RECON. The enforcement notice related to a breach of planning control in respect of the construction of gates and piers on the front boundary which exceed 1 metre in height and the planning application sought approval for this existing front boundary treatment. In respect of the planning application ref: 17/03805/RECON, the appeal was dismissed. In respect of the enforcement notice the Appeal Inspector varied the requirements of the notice to seek a reduction in the heights of the gates and piers so that no part of them exceeds one metre above ground level.

During consideration of the previous Appeal, the Appeal Inspector stated that the existing front boundary wall has been well constructed and finished and viewed in isolation, to a degree, complements the rather grand house. However, it was considered that due to their number, prominent siting and height, these existing gates and piers intrude on the street scene to an unacceptable degree and appear somewhat ill-proportioned against the 1m high front boundary wall and features on adjoining frontages. They also appear at odds with the low and unassuming appearance of the front boundaries that characterise the Park Langley Conservation Area more widely.

The Appeal Inspector also noted the fallback/alternative option of a 1m high boundary enclosure under permitted development, but stated that the existing gates and piers considerably exceed what is permissible under permitted development rights, and their height along with their number, are out of keeping with the area and fail to preserve or enhance the character or appearance of the Park Langley Conservation Area.

The proposed modifications to the existing front boundary wall would result in the gates and piers still exceeding 1m in height in places. As such, planning permission is required, and through this application is sought, for these modifications. However, whilst the piers and gates would exceed 1m, they would be significantly lower in height than those which are currently in situ and are the subject of the enforcement notice (ref: 17/00521), planning application (ref: 17/03805/RECON) and subsequent appeals.

The piers to the side of the gates have been reduced from 1.8m to only 1.35m. The proposed vehicular gates would be between 0.92m and 1.35m, and the pedestrian gate between 0.81m and 1.2m. Accordingly, the maximum height of any part of the front boundary would be only 0.35m above the permissible 1m. The end and centre piers have been reduced to only 1.15m and the design has also been modified so that they are less visually prominent and merely add relief from what would be an otherwise considerably wide front boundary wall given the width of the site.

Although it is noted that the piers and middle sections of the gates would slightly exceed the recommended 1m height outlined within the Park Langley Conservation Area SPG, their height would be considered appropriate in the context of the site and would appear much more comfortable within the streetscene than that of the excessively high existing front boundary treatment. In addition, as suggested by the Inspector, some landscaping features have been introduced behind the wall and which will help to soften the frontage.

The proposed piers would be constructed of red brick which is considered to be in keeping with the requirements of the Park Langley Conservation Area SPG and the gates would be metal railing styles gates helping to ensure that they retain the openness the site and area generally.

Having regard to the above, it is considered that the proposed modifications to the front boundary wall would respect and complement the host property and would be in keeping with the area and visual amenities of the streetscene. They would also preserve the character and appearance of the Park Langley Conservation Area within which the application site lies.

#### 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 boundary wall, piers and gates are sited along the existing front boundary of the site. Accordingly, given their location in relation to the neighbouring properties, they are not considered to result in any harm to the residential amenities of these neighbouring dwellings in terms of light or outlook.

### Highway safety

Policy 32 (Road Safety) of the Bromley Local Plan states that the Council will consider the potential impact of any development on road safety and will ensure that it is not significantly adversely affected.

The application proposes changes to the front boundary wall and vehicular and pedestrian gates. Following receipt of the revised drawing (drawing number WW-824-PD-W-02 REV A) received 15.08.19, the Council's Highways Officer has advised that the height of the gates and piers in this location are acceptable.

Accordingly, the proposal is not considered to result in any adverse harm to highway safety. The proposal is therefore considered to comply with the aims and objectives of Policies 32 of the Bromley Local Plan.

### Trees

Policy 73 (Development and Trees) states that proposals for new development will be required to take particular account of existing trees on the site and adjoining land, which in the interests of visual amenity and/or wildlife habitat, are considered desirable to be retained. Policy 43 relates specifically to Trees in Conservation Areas.

The proposed drawings also propose hedge/shrub planting behind the existing wall. These landscaping changes are the subject of application ref: 18/01575/RECON which is also under consideration. However, the Council's Tree Officer has advised that the landscaping referred to is supported.

### 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 impact detrimentally on the character of the conservation area within which it lies nor would it result in any significant loss of amenity to local residents. There would also be no significant adverse impact in terms of highway safety.

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 15.08.2019

**RECOMMENDATION: PERMISSION**

**Subject to the following conditions:**

- 1 The development to which this permission relates must be completed within 3 months of the date of this decision notice.**

**Reason: In order to comply with Policies 37 and 41 of the Bromley Local Plan and in the interests of visual and residential amenity.**

- 2 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 37 of the Bromley Local Plan and in the interests of visual and residential amenity.**

- 3 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.**