

<b>Committee Date</b>	05.05.2021	
<b>Address</b>	89 Queen Anne Avenue Shortlands Bromley BR2 0SE	
<b>Application Number</b>	21/00368/FULL6	<b>Officer</b> - Seyi Obaye-daley
<b>Ward</b>	Shortlands	
<b>Proposal</b>	Erection of a tree house RETROSPECTIVE	
<b>Applicant</b>	<b>Agent</b>	
Mr Beau Baptist	N/A	
89 Queen Anne Avenue Shortlands Bromley BR2 0SE	N/A	
<b>Reason for referral to committee</b>	Call-In	<b>Councillor call in</b>  Yes

<b>RECOMMENDATION</b>	Application Permitted
-----------------------	-----------------------

KEY DESIGNATIONS  Biggin Hill Safeguarding Area London City Airport Safeguarding Smoke Control SCA 21
---

<b>Representation summary</b>	Letter to adjoining occupiers
Total number of responses	1
Number in support	0
Number of objections	1

## 1 SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The development would not result in a harmful impact on the character and appearance of the area.
- The development would not adversely affect the amenities of neighbouring residential properties.

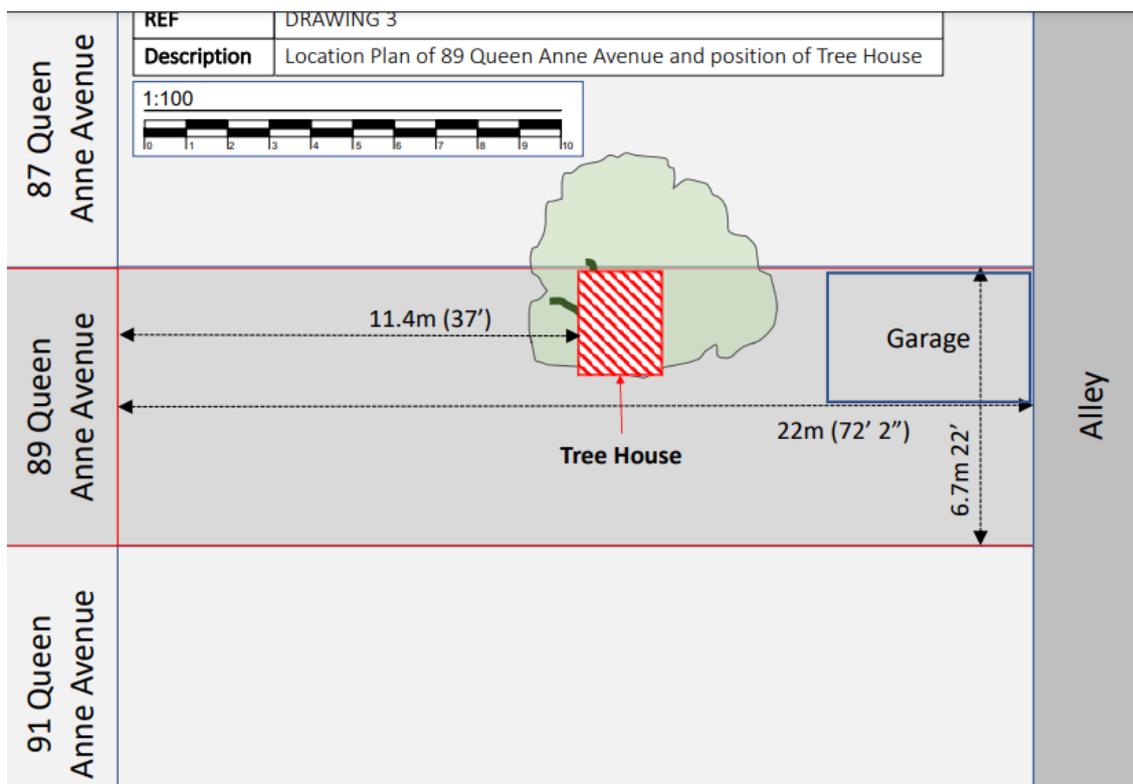
## 2 LOCATION

2.1 The application relates to a two-storey terraced property located on the south-western side of Queen Anne Avenue.

2.2 The area is residential by nature, characterised by two story terraced properties most of which have space for parking within the front curtilages.

2.3 The building is not listed and is not located in any special designation. It is however located within the following:

- Biggin Hill Safeguarding Area
- London City Safeguarding
- Smoke Control

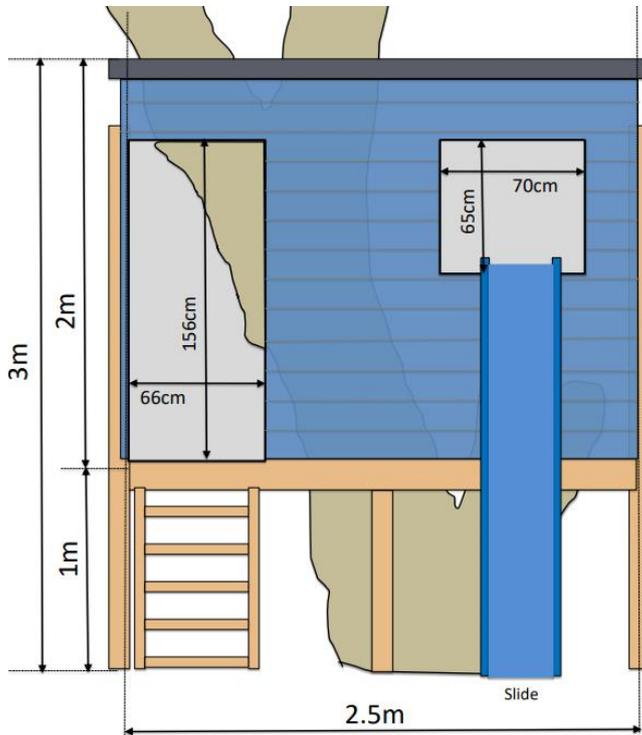






### 3 PROPOSAL

3.1 Retrospective planning permission is sought for the erection of a 2.1m deep (approx.), 2.5m wide and 3m high tree house in the rear garden of the application site.



REF	DRAWING 5
Description	Front view of Tree House with slide



## **4 RELEVANT PLANNING HISTORY**

- 4.1 The relevant planning history relating to the application site is summarised as follows:
- 4.2 Under ref. 19/03700/PLUD a certificate of lawfulness was granted for a proposed loft conversion incorporating rooflights and rear dormer with juliet balcony

## **5 CONSULTATION SUMMARY**

**A) No statutory consultees were contacted for comment on this planning application**

### **C) Adjoining Occupiers**

#### Overlooking and loss of privacy (addressed in para 7.4.1)

- Building has caused catastrophic loss of privacy to the rear of property
- Raised to height such that large windows look down over boundary wall and fully into kitchen and living room/ dining room as well as our patio area and rest of garden
- Roof was built as further platform

#### Outlook (addressed in para 7.4.1)

- Majority of tree was removed to make way for structure, devastating our outlook
- Even when not occupied this new building is intrusive and oppressive, it dominates outlook from rear of home and looks back at us
- If playhouse were just lowered by couple of feet, the problems we experience could be substantially mitigated

## **6 POLICIES AND GUIDANCE**

6.1 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.

6.2 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.

6.3 The development plan for Bromley comprises the Bromley Local Plan (Jan 2019) and the London Plan (2021). The NPPF does not change the legal status of the development plan.

6.4 The application falls to be determined in accordance with the following policies:-

#### 6.5 **National Policy Framework 2019**

#### 6.6 **The London Plan**

D1 London's form and characteristics

D4 Delivering good design

D5 Inclusive design

#### 6.7 **Bromley Local Plan 2019**

37 General Design of Development

73 Development and Trees

#### 6.8 **Bromley Supplementary Guidance**

Supplementary Planning Guidance 1 - General Design Principles

Supplementary Planning Guidance 2 - Residential Design Guidance

## **7 ASSESSMENT**

### 7.1 Design – Layout, scale – Acceptable

7.1.1 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.

7.1.2 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.

7.1.3 Paragraph 127 of the NPPF states that planning decisions should ensure that developments function well and add to the overall quality of the area, are not just for the short term but over the lifetime of the development, and are visually attractive and sympathetic to the local character and history, including the surrounding built environment and landscape setting.

7.1.4 It also seeks to ensure that developments 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.

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

- 7.1.6 Similarly, policies 6 and 37 aim to ensure that new developments are of good architectural quality and respect the scale, spaces and form of the host property as well as developments in the wider area.
- 7.1.7 The main considerations for this application with regards to design and scale relates to how the proposed development would impact the character of the property and wider area.
- 7.1.8 The application seeks retrospective planning permission for the erection of a 3m high tree house located in the rear garden of the application site.
- 7.1.9 It is located at the boundary shared with 87 Queen Anne Avenue and includes openings in the front, rear and side elevations. Whilst tree houses do not appear to be a feature of the area, there is photographic evidence which suggests that many properties in the area have garden structures within their rear curtilages.
- 7.1.10 The boundary between 87 Queen Anne Avenue and the application site is predominantly made up of timber fencing with some boundary trees and hedges.
- 7.1.11 Whilst the tree house is higher than the existing boundary treatment, the dimensions of the 3m high tree house is not considered to be excessive.
- 7.1.12 In addition, the dimensions are not considered to be wholly out of keeping with structures that are typically found in residential gardens.
- 7.1.13 The tree house is finished with blue, horizontal timber boards which are considered to appear out of keeping with the verdant nature of the rear garden.
- 7.1.14 However, a condition can be implemented stipulating that the tree house is painted in a colour that is more in keeping with the garden surrounds.
- 7.1.15 Subject to the implementation of such a condition, and having regard to the form, scale and siting, it is considered that the tree house would not appear out of character with surrounding development or the area generally.

## 7.2 Residential Amenity – Acceptable

- 7.2.1 Policy 37 of the Bromley Local Plan seeks to protect existing residential occupiers from inappropriate development.
- 7.2.2 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.
- 7.2.3 The tree house maintains some distance from the boundary shared with 91 Queen Anne Avenue and is considered unlikely to substantially impact the amenities of this property as a result.

- 7.2.4 With regards to 87 Queen Anne Avenue, the tree house abuts the party boundary and is shown to have a height of approx. 3m.
- 7.2.5 It is also sited on a 1m high platform which may provide increased opportunities to overlook land owned by no.87.
- 7.2.6 However, the tree house is sited a notable distance of approx. 11.4m from the rear windows of this neighbour.
- 7.2.7 Children's play structures are commonly found in residential gardens and are considered unlikely to cause any noise and disturbance over and beyond what would be expected in a residential setting.
- 7.2.8 Whilst the materials used may appear uncharacteristic, causing some loss of prospect, the implementation of a condition requiring the tree house to be painted in a colour more compatible with the surroundings should mitigate any impact in this regard.
- 7.2.9 Therefore, having regard to the scale, siting, separation distance, orientation, existing boundary treatment of the development, it is considered that a significant loss of amenity with particular regard to light, outlook, prospect and privacy would not arise.

## **8 CONCLUSION**

- 8.1 Having regard to the above, the development in the manner proposed is acceptable in that it would preserve the character and appearance of the area and not harm the amenities of neighbouring residential properties.

**RECOMMENDATION:** Application Permitted

**Subject to the following conditions:**

- 1. The development shall be retained strictly in accordance with the application plans, drawings and documents hereby approved.**
- 2. (a) Details of the colour of the external surfaces of the tree house shall be submitted and approved within 3 months of the decision notice. (b) The approved colour should be implemented within 3 months of the date of the discharge of conditions approval.**

**Any other planning condition(s) considered necessary by the Assistant Director of Planning.**