

Committee Date	20.01.2022	
Address	102 Hayes Lane Beckenham BR3 6SP	
Application Number	21/03314/FULL6	Officer - Susanna Stevenson
Ward	Shortlands	
Proposal	Proposed construction of outbuilding to the rear boundary of the property (Retrospective).	
Applicant	Agent	
Mr. Toby Clarke	Mr Harry Shand	
12 Yarnold Court Campion Square Sevenoaks TN145GR	12 Yarnold Court Campion Square Sevenoaks TN145GR	
Reason for referral to committee	Call-In	Councillor call in Yes

RECOMMENDATION	Application Permitted
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<p>KEY DESIGNATIONS</p> <p>Area of Special Residential Character Biggin Hill Safeguarding Area London City Airport Safeguarding Smoke Control SCA 21 Smoke Control SCA 9</p>
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Land use Details		
	Use Class or Use description	Floor space (GIA SQM)

Existing	Residential garden (C3)	
Proposed	Outbuilding	44.76 sqm (scaled from submitted drawings)

Representation summary	Letters were sent to neighbouring residents on 20/09/2021. Following receipt of additional/revised information further letters were sent on 12/11/2021.	
Total number of responses	3	
Number in support	0	
Number of objections	3 (prior to re-notification)	

1. SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The outbuilding does not have a significant impact on the visual amenities of the area and the special qualities of the Area of Special Residential Character
- Generous rear garden space is retained and the building would be used for purposes incidental to the enjoyment of the dwellinghouse
- The proposal as submitted has no significant impact on neighbouring residential amenity

2. LOCATION



- 2.1 The application site lies on the south western side of Hayes Lane, with the host dwelling fronting Hayes Lane positioned broadly opposite the junction with Kingswood Avenue. The site has a generously deep rear garden, with the end of the garden backing onto Hayes Way and facing Nos. 108/110 Hayes Way.
- 2.2 The site does not lie within a Conservation Area and the dwelling is not statutorily listed. It does however lie within the Park Langley Area of Special Residential Character.
- 2.3 The area is characterised by detached dwellings lying within generously deep plots. To the north of the application site lies a split plot with two dwellings occupying the depth of the host site, with No. 11 Hayes Lane backing onto 139 Hayes Way. The southern neighbouring site contains 1 dwelling fronting Hayes Lane (No. 104) which also benefits from a large detached garage at the rear, fronting Hayes Way, for which planning permission was granted in 2017 for conversion to habitable space incidental to the enjoyment of the host dwelling.

3. PROPOSAL

- 3.1 The application has been submitted retrospectively, following the construction of a detached outbuilding at the rear of the host garden.



Outbuilding positioned behind hedge/trees

- 3.2 The outbuilding as constructed is positioned adjacent to the detached garage serving No. 139 Hayes Way, set behind a row of conifer trees and a close boarded fence at the back edge of the pavement. To the right of the rear elevation of the building is the garage/store lying within the rear garden of No. 104 Hayes Lane.
- 3.3 The building lies approx. 28m from the rear of the host dwelling at its nearest point. It measures 7.3m in width, 6.8m in depth parallel with and 0.82m from the boundary with No. 139 Hayes Way and 5.6m in depth at a distance of 1.2m from the boundary with No. 104 Hayes Lane.



Outbuilding from rear garden. Garage to No. 139 Hayes Way on right.

- 3.3 The building incorporates a flat roof, with overhanging eaves on the garden elevation, with the roof being approx. 2.6m in height. The rear elevation has bi-fold doors facing into the garden. A side door provides rear access into one of the internal rooms.
- 3.4 With regards to the use of the structure, which is internally partitioned to provide two spaces, the agent has confirmed that the space mainly provides home office space, but is used flexibly by the residents for uses including a cinema room/play space/exercise area.
- 3.5 The applicant has installed an air conditioning unit on the rear elevation, between the elevation and the row of trees (which are shown to be retained) and revised drawings were received to show this. The agent has also provided written details of the a/c unit, including make and model.
- 3.6 The building is clad in composite cladding boards which are grey in colour and the roof is finished in black roofing felt.

4. RELEVANT PLANNING HISTORY

- 4.1 Planning permission was granted in 2019 under reference 19/00654/FULL6 for a single storey rear extension with elevational/internal alterations.

5. CONSULTATION SUMMARY

A) Statutory

NONE

B) Local Groups

NONE

C) Adjoining Occupiers

Impact on visual amenity and ASRC (addressed at paragraph 7.1)

- The outbuilding breaches the Hayes Way property line by 2-3 metres
- Future pressure to remove the existing trees

Impact on air quality (assessed at paragraph 7.2)

- The air conditioning unit pollutes the air quality of pedestrians walking on Hayes Way

6. POLICIES AND GUIDANCE

National Policy Framework 2019

NPPG

The London Plan

- Policy D3 Optimising site potential through the design-led approach
Policy D14 Noise
Policy SI1 Improving air quality

Bromley Local Plan 2019

- Policy 6 Residential Extensions
Policy 37 General Design of Development
Policy 44 Areas of Special Residential Character
Policy 119 Noise Pollution
Policy 120 Air Quality

7. ASSESSMENT

7.1 Design – Layout, scale height and massing Acceptable

7.1.1 Policy 37 of the Bromley Local Plan states that development should be of a high standard of design and layout, complementing the scale, form, proportion and layout of adjacent buildings and areas.

7.1.2 Policy 44 of the BLP relates to Areas of Special Residential Character and states that development proposals within these areas will be required to respect, enhance and strengthen their special and distinctive qualities.

7.1.3 The Park Langley ASRC is described within Appendix 10.6 of the Bromley Local Plan as having the character of a garden estate given by the quality and

appearance of the hedges, walls, fences and front gardens. The area comprises almost exclusively large detached two storey family houses on generous plots.

- 7.1.4 It is noted that with regards to the layout of development within the immediate locality, buildings at the rear of the frontage dwellings facing Hayes Lane are not uncharacteristic. The outbuilding is adjacent to the detached garage associated with the rear portion of the split plot to the north, and to the south is an exposed detached former garage associated with No. 104 Hayes Lane.
- 7.1.5 The site is well screened from the street by the existing close boarded boundary fence, as well as by the conifer trees that are indicated to be retained upon the submitted drawings. As such, the impact of the outbuilding on the visual amenities of the street scene is very limited, in contrast to that of the adjacent development.
- 7.1.6 The outbuilding occupies a sizeable footprint. However it lies within a characteristically deep rear garden and ample space is retained between the outbuilding and the rear of the host dwelling. The proposal provides additional habitable space incidental to the enjoyment of the host dwelling, which is consistent with the granting of planning permission for the conversion of the existing garage at No. 104. If permission is granted it would be appropriate to impose a condition to prevent the use of the outbuilding for purposes other than incidental to the main dwelling.
- 7.1.7 It is considered that the outbuilding as constructed, in view of its siting at the end of a rear garden rather than as frontage development, and its screening, height and position relative to neighbouring structures, would not undermine the special qualities of the ASRC. While the building has been constructed closer to the back edge of the pavement on Hayes Way than the adjacent garages, taking into account the above it is not considered to undermine the quality and appearance of the street scene. Separation to the rear boundary ranges from approx. 2.1m to 3.5m and the space between the rear elevation and the back edge of the footway is screened by the boundary fence and retained conifer trees.

7.2 Neighbourhood Amenity Acceptable

- 7.2.1 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.
- 7.2.2 Detailed comments were sought from the Environmental Health Officer regarding the proposal with regards particularly to the impact of the air conditioning unit which has been installed on the rear elevation of the building.
- 7.2.3 With regards to this part of the proposal, from a technical Environmental Health perspective, there are no objections to the scheme with regards to impacts associated with the a/c unit. The comments received take note of the siting of the unit, the screening of the site and the separation between the unit and residential dwellings. It is noted that the unit is likely to be audible from pedestrians walking

along the street. It is recommended that conditions be imposed to ensure that the A/C unit is maintained/repaired/replaced so as to ensure that noise levels emitted from the unit do not increase due to operational wear over time.

- 7.2.4 It is also recommended that conditions be imposed so as to ensure that the use of the building does not impact adversely on neighbouring amenity, including prohibiting the formation of an opening onto Hayes Way (which would undermine the acoustic mitigation of the existing screening), and ensuring that the use is incidental to the residential use of the host dwelling.
- 7.2.5 Beyond the consideration of the proposal from a technical Environmental Health perspective it falls also to consider the general impact on neighbouring amenity associated with the scale, siting and use of the structure. The building is sited at the rear of a generously deep garden and detached outbuildings at the rear of gardens are not uncommon features in the locality. The use would be for purposes incidental to the enjoyment of the host dwelling. The height and depth of the structure does not undermine the residential amenities of the neighbouring properties, taking into account the separation between the building and the garden boundaries, and its position relative to neighbouring existing structures.
- 7.2.6 Taking the above into account it is not considered that the proposal has a significant impact on neighbouring amenity such that would warrant the refusal of planning permission on this basis. While it is acknowledged that the A/C unit's operation may be audible from the pavement immediately adjacent, on Hayes Street, this does not equate to harm that would impact wider residential amenity. The EHO has considered the separation to nearest residential dwellings in relation to persistent exposure to noise within the nearest habitable rooms and concludes that noise from the operation of the air conditioning unit is unlikely to adversely impact local residential amenity.
- 7.2.7 It is noted that neighbouring residents have referred to pollution from the unit, but there is nothing to indicate that a well-maintained unit would generate fumes or smells that would disperse to a significant degree.

8. CONCLUSION

- 8.1 It is considered that the outbuilding is acceptable with regards to its impact on neighbouring residential amenity as well as the visual amenities of the street scene, the area in general and the surrounding Area of Residential Character.

RECOMMENDATION: Application Permitted

Subject to the following conditions:

1. Retention in accordance with plans, including no access from Hayes Way
2. Use incidental to host dwelling
3. Air conditioning unit to be maintained in good condition

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

Informative

1. Regard to be had for noise associated with amplified sound/mechanical weights