

<b>Committee Date</b>	11.07.2024		
<b>Address</b>	58 Malmaims Way Beckenham BR3 6SB		
<b>Application Number</b>	24/00876/FULL6	<b>Officer</b> - Andrea Templeton	
<b>Ward</b>	Shortlands and Park Langley		
<b>Proposal</b>	Retention of rear patio and patio screening. (RETROSPECTIVE)		
<b>Applicant</b>	<b>Agent</b>		
Mr Robin Snell	Mr David Sullivan		
58 Malmaims Way Beckenham Kent BR3 6SB	Westleigh Design Lantarna The Pinnock Pluckley TN27 0SP		
<b>Reason for referral to committee</b>	<b>Call-In</b>	<b>Councillor call in</b>	
	Call-In	Yes - Cllr Grant. Concern that the rear patio would result in loss of privacy/overlooking to neighbouring properties.	

<b>RECOMMENDATION</b>	Permission
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<p><b>KEY DESIGNATIONS</b></p> <p>Area of Special Residential Character Biggin Hill Safeguarding Area London City Airport Safeguarding Open Space Deficiency Smoke Control SCA 10</p>
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<b>Representation summary</b>	<ul style="list-style-type: none"> <li>• Letters to neighbours were sent out 8 March 2024</li> <li>• Objection from the Park Langley Residents Association included in figures below</li> <li>• 1 neutral response received</li> </ul>
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Total number of responses	4
Number in support	1
Number of objections	2

## 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 ASRC.
- The development would be of an acceptable design and would not harm the visual amenities of the street scene or the area in general.
- The development would not adversely affect the amenities of neighbouring residential properties.

## 2 LOCATION

2.1 The application site lies within the Park Langley Area of Special Residential Character.

2.2 The site is currently occupied by a two-storey detached residential dwelling on the western side of Malmaims Way, Beckenham.

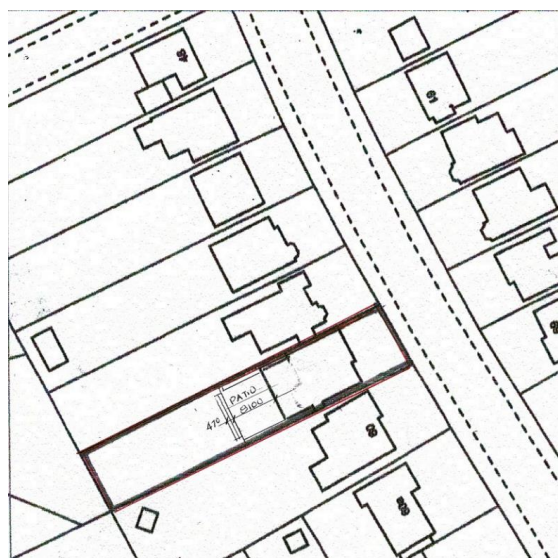


**Figure 1: Site Location Plan**

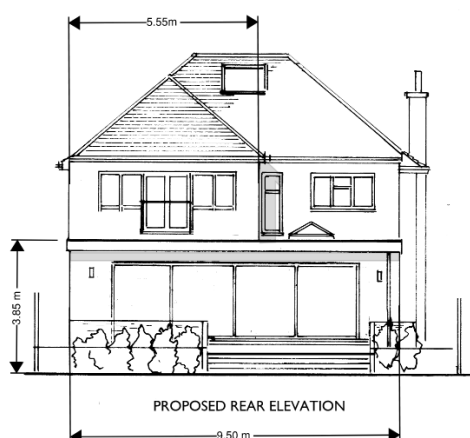
## 3 PROPOSAL

3.1 Planning permission is sought retrospectively for a raised patio and screening.

- 3.2 The hardstanding has been laid to the rear of the property and measures 8.14m in depth (inclusive of the steps), and 11.3m in width (maximum). The plans show that due to the topography of the site, at its maximum height the patio is approximately 0.7m above the height of the garden. There are steps down to the rear garden. There is privacy screening in place with a height of 2m for the full length of the raised patio on the shared boundaries with Nos.56 and 60 Malmaims Way.
- 3.3 The raised patio and screening were included within the previously permitted scheme (ref: 22/03410/FULL6).
- 3.4 The previously permitted raised patio had a depth of 5.1m including the steps and a width of 10.2m and a height of 0.7m (maximum).



**Figure 2: Proposed Block Plan**



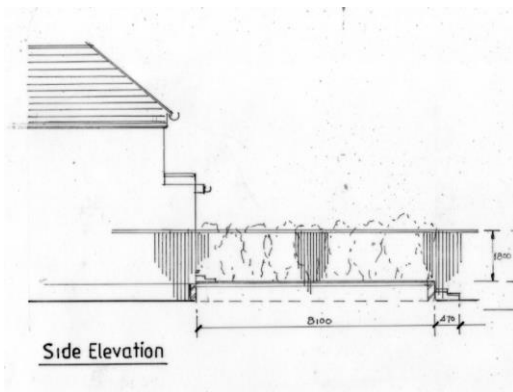
**Figure 3: Permitted Rear Elevation**



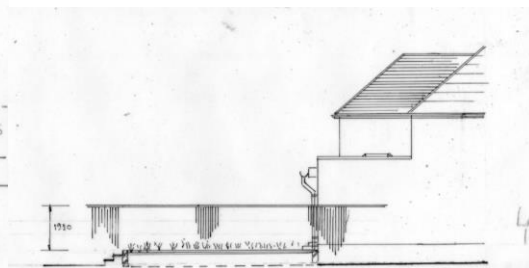
**Existing Rear Elevation**



**Figure 4: Permitted side elevations**



**Figure 5: Existing side elevation with No.60 Malmaims Way**



**Figure 6: Existing side elevation with No.56 Malmaims Way**

**PHOTOS**



**Figure: 7 Rear elevation April 2024**



**Figure 8: Patio with planting June 2024**



**Figure 9: View towards No.56**



**Figure 10: View towards No.60**

## **4 RELEVANT PLANNING HISTORY**

4.1 The relevant planning history relating to the application site is summarised as follows:

- 70/2229 – Bedroom extension – PERMITTED 10.11.1970
- 71/3159 – Single storey extension – PERMITTED 04.01.1972
- 78/0032 – Single storey side and rear extension to garage & kitchen – PERMITTED 16.02.1978
- 83/02645/FUL - 1<sup>st</sup> Floor rear extension - PERMITTED 01.12.1983
- 16/01980/TPO Oak tree - Reduce length of lowest lateral limb by 8m. SUBJECT TO TPO 2181 - COS 17.06.2016
- 21/05764/FULL6 - Part one/two storey side and rear extension, front, flank and rear roof lights together with a raised patio with privacy screening – PERMITTED 16.03.2022
- 22/03410/FULL6 - Part one/two storey side and rear extension, front, flank, rear rooflights together with a raised patio with privacy screening, front canopy, conversion of garage to habitable room; alterations to first floor front elevation and amended fenestration to stairwell window (amendment to extension permitted under ref: 21/05764/FULL6) – PERMITTED 14.12.2022

## **5 CONSULTATION SUMMARY**

### **A) Statutory**

No Statutory Consultations were received.

## **B) Local Groups**

The following comments were received from the Park Langley Residents Association.

1. The side of the patio which has a boundary with No.60 actually meets with the boundary fence. On the side with No.56 there is a one metre gap between the fence and the patio.
2. On the boundary with No.56 the fence height is approximately 2.6m – 2.7m high. There are at least two concrete gravel boards below the wooden fence. The patio is built at a height level with the wooden fence.
3. As the patio height is raised the privacy of neighbouring properties is reduced for the entire length and breadth of patio which extends from the rear of the property at No.58.
4. The original plans for a 4m patio extending from the house would be reasonable, however more than doubling it is unreasonable and excessive.
5. These properties have gardens which slope away from the houses therefore any water running off a tiled patio will pool at the bottom of the gardens and into other neighbouring properties gardens/ houses. Park Langley has underwater springs and gardens are waterlogged at the best of times. The potential to flood other properties including those in Malmaims Close and Brabourne Rise does not bear thinking of.

## **C) Adjoining Occupiers**

- The new patio is very large. At 8.1m it is more than double the length shown in the original plan. It has also been extended to the boundary of the neighbour at No.60 whereas the original plan showed the patio the same width as the house. The height is above 0.6m
- The gardens in this part of Malmaims Way can be very wet especially during the winter. We are concerned that the enlarged patio is making matters worse by reducing the area for water to be absorbed.
- A fence has been erected by the owner at No.58 on the boundary with our property. For many years, we have had privacy in our gardens. They have been separated by a living hedge of trees and mature shrubs most of which have been lost during the development works at No.58. Although the fence is high (2.6 - 2.7m plus a differential in the levels of the gardens), it has restored the lost privacy in the area around the patio.
- We would strongly object if the Council were minded to order its (the fences) removal as a consequence of any decision regarding the patio.
- The patio covers a large area. The gardens are very wet and water needs every opportunity to access the ground. There is no gap between the patio edge and the boundary of neighbour No.60
- A fence has been erected which ensures privacy for both parties. The deeds of Park Langley properties include a covenant stipulating that natural fences in the form of hedges and trees should take the place of fences. This is to ensure the green amenity of Park Langley is preserved and not destroyed. The new fence should remain to maintain privacy.
- Two concrete bases have been laid down very close to the boundary of number 60. Assuming the appropriate height restrictions are observed there will be no objections to future constructions.

## **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 London Plan (March 2016) and the Bromley Local Plan (2019). 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 Planning Policy Framework 2023**

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

- D1 London's form and characteristics
- D3 Optimising site potential through the design led approach
- D4 Delivering good design

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

- 6 Residential Extensions
- 37 General Design of Development
- 44 Areas of Special Residential Character

### **6.8 Bromley Supplementary Guidance**

Urban Design Supplementary Planning Document (July 2023)

## **7 ASSESSMENT**

### **7.1 Design – 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. 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.

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

- 7.1.3 Policies 6 and 37 of the Bromley Local Plan and the Council's Supplementary Planning Guidance seek to ensure that new development, including residential extensions are of a high-quality design that respect the scale and form of the host dwelling and are compatible with surrounding development.
- 7.1.4 The application site lies within the Park Langley Area of Special Residential Character. Policy 44 requires development to respect, enhance and strengthen the special and distinctive qualities of the designated Areas of Special Residential Character.
- 7.1.5 The application site is located on a sloped gradient which means the garden is sited on lower ground than the dwelling itself. Due to this change in ground level and the rear garden being below the internal floor height, the raised patio area has a height of approximately 0.7m above ground level at its maximum point.
- 7.1.6 The raised patio and screening were included within the previously permitted scheme (ref: 22/03410/FULL6).
- 7.1.7 The patio has been laid to the rear of the property. This is set down from the patio doors within the extension granted under ref: 22/03410/FULL6 and covers a part of the garden nearest the property.
- 7.1.8 With regards to the raised patio with steps down to the garden, this projects 8.14m in depth (inclusive of the steps), 11.3m in width and has a maximum height of 0.7m.
- 7.1.9 Privacy screening is in place along the shared boundaries with Nos. 56 and 60 to a height of 2m for the full depth of the raised patio.
- 7.1.10 Furthermore, even the changes in land level along Malmaims Way, a number of properties have raised patios, it is considered that the raised patio and steps are appropriate in scale and complement the host dwelling and are not out of character with the area.
- 7.1.11 Furthermore, the majority of the garden remains undeveloped and the addition of the patio in this area is not considered to detrimentally impact the character of the area,
- 7.1.12 Having regard to the *form, scale, siting and materials* it is considered that the proposal would be acceptable and would not appear out of character with the host dwelling, surrounding development or the wider Area of Special Residential Character.

## 7.2 **Neighbourhood Amenity – Acceptable**

- 7.2.1 Policy 37 of the BLP 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 It is noted that concerns have been raised and these comments have been taken into account whilst assessing the application.



- 7.2.3 As previously mentioned, the application site is located on a sloped gradient which means the garden is sited on lower ground than the house itself. The rear gardens of the neighbouring properties at Nos. 56 and 60 Malmaims Way also have downwards sloping rear gardens.
- 7.2.4 Furthermore, the host dwelling sits lower in its plot than neighbouring property No.60 and higher in its plot than neighbouring dwelling No.56 Malmaims Way.
- 7.2.5 In terms of the raised patio at the rear, privacy screening has been included along the patio boundary to a height of 2m (maximum). This is considered to be sufficient to maintain the privacy for the occupiers at Nos.56 and 60 Malmaims Way respectively.
- 7.2.6 The sets of steps leading down to the rear garden have been set in 1m and 0.3m respectively from the shared boundary with neighbouring properties No.56 to the south and No.60 to the north to prevent undue overlooking. Furthermore, privacy screening has been erected which can be retained by way of a planning condition.
- 7.2.7 Despite objections received, nearby neighbours would strongly object if the Council were minded to remove the privacy screening as a consequence of any decision regarding the patio.
- 7.2.8 Having regard to the scale and siting of the development, it is not considered that a significant loss of amenity with particular regard to light, outlook, prospect or privacy would arise.

## **8. CONCLUSION**

- 8.1 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 Park Langley Area of Special Residential Character.
- 8.2 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.

## **RECOMMENDATION: PERMISSION**

**Subject to the following conditions:**

- 1. Retain in accordance with the plans**
- 2. Permanently retain boundary screening**

**And delegated authority be given to the Assistant Director: Planning & Building Control to make variations to the conditions and to add any other planning condition(s) as considered necessary.**