

SECTION '2' – Applications meriting special consideration

Application No : 10/03021/FULL6

Ward:
**Bromley Common And
Keston**

Address : 358 Southborough Lane Bromley BR2
8AA

OS Grid Ref: E: 543344 N: 167599

Applicant : Mr Paul James

Objections : YES

Description of Development:

Single storey detached building at rear
RETROSPECTIVE APPLICATION

Key designations:

Biggin Hill Safeguarding Birds
Biggin Hill Safeguarding Area
London City Airport Safeguarding
Local Distributor Roads

Proposal

- The application seeks retrospective permission for a detached single storey located to the rear of the dwellinghouse close to the rear property boundary.
- The flank elevations of the building are located 1.05 metres away from each flank property boundary, and the structure measures 5 metres in depth, 8 metres in width, has an eaves height of approximately 2.35 metres and a maximum ridge height of 3.4 metres.
- There is a separation of approximately 17 metres between the front elevation of the detached building and the rear most part of the host dwelling.

Location

The application site is located on the southern side of Southborough Lane and hosts a two storey semi-detached dwellinghouse, with a single storey rear element projecting further than the main rear elevation of the host dwelling, which appears to be original as the adjoining property also has a matching rear extension, and the host dwellinghouse also has a detached single storey garage located slightly to the side of the main property. There is also a single storey detached structure in the

rear of the back garden which forms the basis of the current retrospective application before Members.

Comments from Local Residents

Nearby owners/occupiers were notified of the application and representations were received from the resident of the adjoining property, Number 360, which can be summarised as follows:

- the application forms provides incorrect information regarding the date that the development was started and completed;
- the application form states there are no trees or hedges on his property or adjoining properties which is incorrect;
- conifers behind the site were pruned before the work was carried out and during construction;
- applicant has not provided information for materials or lighting, despite the building work being finished;
- the building does not conform with Building Regulations;
- structure is too big, too high and too close to the fence and house of adjacent site;
- people inside the building can see into kitchen and dining room of the neighbouring property – it has been built only 15 metres from the patio door into the dining room;
- work on the building has been carried out slowly, even recently steps up to the structure were being built so even though the building is unlawful, the building works still continue.

Full copies of the correspondence can be seen on file, and any further correspondence will be reported verbally at the meeting.

Comments from Consultees

No external consultations were considered necessary in respect of this case.

Planning Considerations

The application falls to be determined in accordance with the following policies of the Unitary Development Plan and the London Plan:

BE1 Design of New Development
H8 Residential Extensions

Planning History

In terms of relevant history at the site, the structure was built without any form of formal determination being sought from the Council. Following an investigation into the structure having been erected, a Certificate of Lawfulness application for a single storey detached building at rear was submitted by the owner and refused by the Local Planning Authority under ref. 10/01786 for the following reason:

The existing development does not comply with Class E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, (as amended).

It was considered the only reason the application did not comply with the 'permitted development' tolerances was due to the height of the structure within 2 metres of the property boundaries.

The applicant was also unable to sufficiently prove that construction of the structure had been substantially completed prior to the amendment to the Town and Country Planning (General Permitted Development) Order 1995 in October 2008.

Conclusions

Members may consider that the main issues relating to the application are the effect that the detached structure in the rear garden has on the character of the area and the impact that it has on the amenities of the occupants of surrounding properties.

The structure is located at the very rear of the back garden of the application site, approximately 17 metres from the rearward most part of the host dwelling, which may be considered to be a substantial degree of separation from not only the host dwelling but also from neighbouring properties.

The dimensions of the structure, in particular the height and the proximity of it to the property boundaries (3.4 metres and 1.05 metres respectively) means that the structure does not fall within 'permitted development' tolerances, however this should not mean that the structure is automatically unacceptable. In this instance, the merits of the scheme and the impact upon the surroundings should be given careful consideration.

According to the applicant, the structure is used for purposes incidental to the enjoyment of the host dwellinghouse. A local resident, however, has raised a number of objections to the structure as highlighted towards the beginning of this report, including that the structure is too close to the neighbouring property and that this causes issues regarding privacy for the resident of this property. However Members may consider that the separation between the structure and the host and neighbouring property is significant enough in order to prevent undue loss of privacy or overlooking.

Another concern raised by the local resident is that the materials used for the structure are not specified within the application forms, however as the structure is already in place, the materials can be seen as timber, with single-glazed timber framed windows.

It would appear that the only reason the structure does not fall within 'permitted development' tolerances is due to the height of the structure within 2 metres of the boundaries, with all other criteria being satisfied. Providing the use of the structure

continues to be as ancillary to the enjoyment of the host dwellinghouse, Members may consider that on balance it is acceptable.

Background papers referred to during production of this report comprise all correspondence on files refs. 10/03021 and 10/01786, excluding exempt information.

RECOMMENDATION: PERMISSION

Subject to the following conditions:

1 ACK01 Compliance with submitted plan

Reason: In order to comply with Policies BE1 and H8 of the Unitary Development Plan and to protect the amenities of the residents of nearby properties.

Reasons for granting permission:

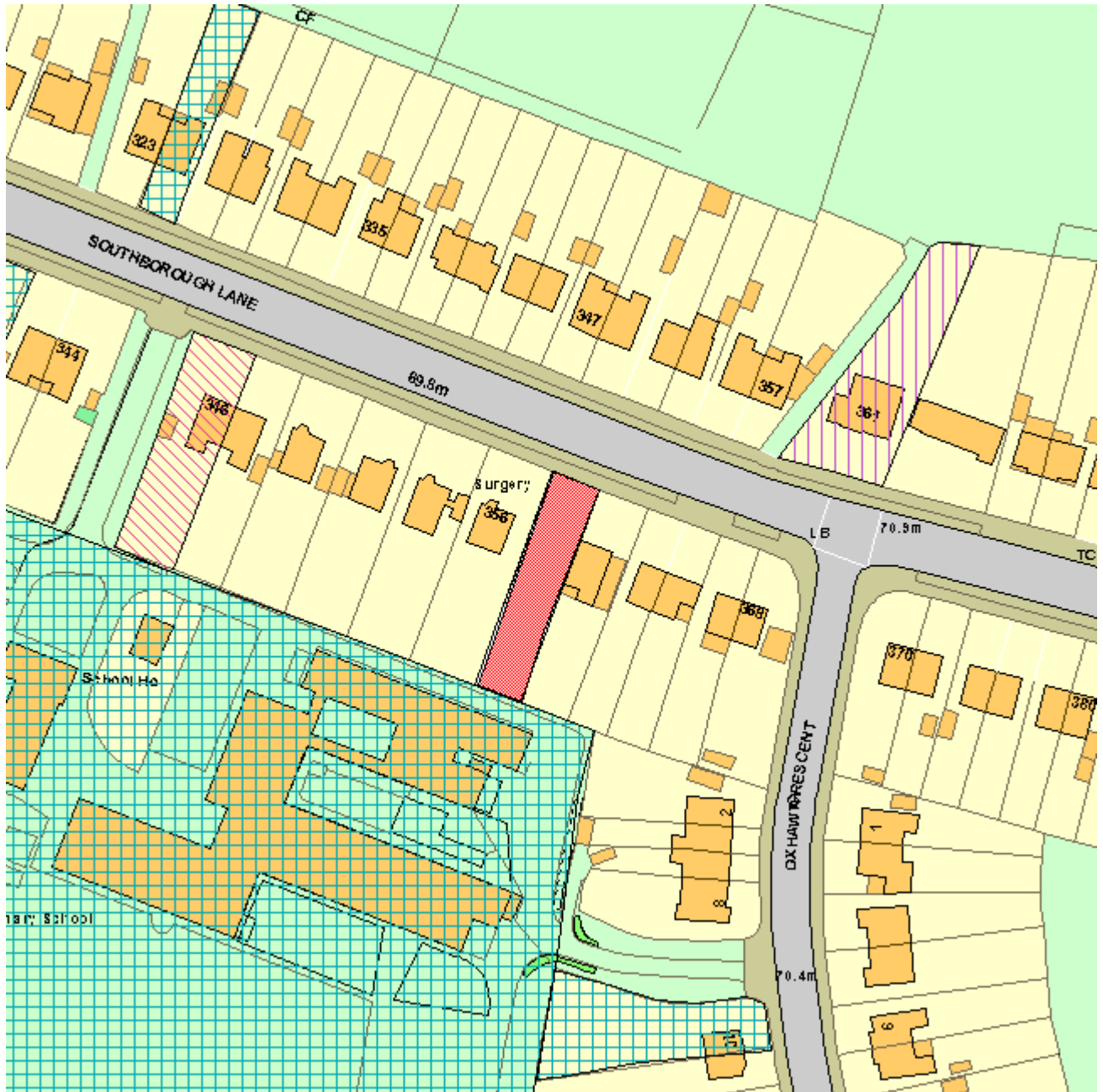
In granting permission the Local Planning Authority had regard to the following policies of the Unitary Development Plan:

BE1 Design of New Development
H8 Residential Extensions

The development is considered to be satisfactory in relation to the following:

- (a) the appearance of the development in the street scene;
- (b) the relationship of the development to the adjacent properties;
- (c) the character of development in the surrounding area;
- (d) the impact on the amenities of the occupiers of adjacent and nearby properties;
- (e) the light and outlook of occupiers of adjacent and nearby properties;
- (f) the privacy of occupiers of adjacent and nearby properties;
- (g) the housing policies of the development plan;
- (h) and having regard to all other matters raised including concerns from neighbours.

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