

London Borough of Bromley

Report No.
DRR/10/00142

PART 1 - PUBLIC

Agenda
Item No.

(A)

Title: **GARAGE CONSTRUCTED WITHIN REAR CURTILAGE OF 92
OXHAWTH CRESCENT, BROMLEY BR2 8BW**

Decision Maker: **Plans Sub-Committee No. 3**

Decision Date:
06 Jan 2011

Decision Type: Non-Urgent Non-Executive Key

Budget/Policy
Framework: Within policy and budget

Chief Officer: Chief Planner

Contact Officer: Tim Bloomfield, Development Control Manager
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Ward: Bromley Common and Keston

1. SUMMARY

- 1.1 A garage has been constructed within the rear garden of a dwelling house for which it is believed planning permission is required. An application has been invited, but none has been received.

2. RECOMMENDATION

- 2.1 No further action be taken.

3. COMMENTARY

- 3.1 The site is a single family residential property in a linked terrace of dwelling houses situated within a residential area of Petts Wood. The properties share a communal private road to the rear, providing access to individual garages belonging to each property.
- 3.2 The current owner took up occupation in August 2005 and demolished an existing garage and commenced building a detached garage to the rear of the property. The new garage was constructed as “permitted development” under the regulations which applied at the time. Building work ceased when the garage had been partially constructed and resumed in 2010 to completion.
- 3.3 A complaint has been received alleging that the garage, as built, does not comply with current “permitted development” rights. The owner was invited to submit an application for a certificate of lawfulness for existing development. It has also been alleged that the garage is being used in connection with the running of a business.
- 3.4 The application was considered by the Council’s Legal Department, which advises that the legality of the completed building should be determined by reference to current “permitted development” rights rather than the regulations which applied when construction commenced.
- 3.5 In this case, that part of the garage completed since 1 October 2008 does not comply with the General Permitted Development Order, under Class E1(d)(ii), because it extends across the entire 7.3m width of the back garden without providing at least 2 metres between the garage and the side boundaries. The overall height of the building measures 3.8 metres and exceeds the height limit of 2.5m set out in the regulations.
- 3.6 The applicant has been invited to submit a planning application to seek retrospective permission for the garage. However no application has been received.
- 3.7 In the absence of an application consideration must be given to whether any further action is required. The garage is considerably higher than the maximum height permitted by the Order. It also occupies the full width of the site right up to the side boundaries. However, as the garage is located at the rear of the property it is not visible from the surrounding roads including Oxhath Crescent and its visual impact is limited. There is a similar garage of comparable size at the adjoining property, although it is of lower height and has a smaller footprint. However, given the location and setting it is concluded that the garage causes no material harm to the amenities of the surrounding area.
- 3.8 With regard to the use of the garage the owner has confirmed that it is used for accommodating his own vehicles and to store household items, gardening tools, etc. It has been alleged that the garage is used in connection with the running of a business but observations have not confirmed this. At present there is considered to be insufficient evidence to support the claim that the garage is being used for non-residential purposes and it would not be appropriate to take enforcement action. However if further evidence is obtained concerning the operation of a business from the property then it may be expedient to review the matter.

3.9 Photographs are available for Members to view.

Non-Applicable Sections:	Financial, Legal and Personnel Implications
Background Documents: (Access via Contact Officer)	Enforcement files contain exempt information, as defined in Schedule 12A of the Local Government (Access to Information) Act 1985, and are therefore not available for public inspection.

Ref: ENF/10/00522