

PART 1 - PUBLIC

Decision Maker: Plans Sub Committee 1

Date: 14.04.2011

Decision Type: Non-Urgent Non-Executive Non-Key

Title: 27 EDGEBOROUGH WAY, BROMLEY, BR1 2UA
SITING OF AIR CONDITIONING UNITS ON FLANK WALL

Contact Officer: Tim Bloomfield, Development Control Manager
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Chief Officer: Chief Planner

Ward: Bickley

1. Reason for report

Air conditioning units have been installed on the flank wall of this dwelling which has given rise to complaints from a local resident regarding their prominent appearance and noise nuisance. The matter was reported to PSC on 17-2-11 when it was resolved to take no further action. The complainant has since referred to a condition on the original permission granted in 1975 which removed permitted development rights for any development within the curtilages of the dwellings.

2. **RECOMMENDATION**

No further action be taken.

3. COMMENTARY

- 3.1 27 Edgeborough Way is a detached dwelling in a residential estate which was granted permission in 1975 (DC/74/02790). Condition (vii) of the permission removes permitted development rights within the curtilages of all 73 dwellings on the estate.
- 3.2 A communal footpath runs along the southern boundary of no.27, separating it from nos.19 and 21.
- 3.3 In 2009, permission was granted for a first floor side and rear single storey rear extension and rear dormer (DC/09/02899). Condition 3 required windows in the first floor of the side extension to be obscure glazed.
- 3.4 A complaint has been received that the windows in the side wall of the extension are clear glazed and that air conditioning units have been installed on the flank wall which were not shown on the approved plans.
- 3.5 A site visit confirmed the first floor flank windows were clear glazed resulting in overlooking and loss of privacy to the patio at no.19 in breach of condition 3.
- 3.6 The owner was requested to submit an application for the variation of condition 3. However no response was received and enforcement action has been authorised under delegated authority to issue a breach of condition notice.
- 3.7 Air conditioning units at residential properties are normally permitted development and do not require planning permission. However, in this case they require permission because of a condition removing permitted development rights in 1975. The units are situated on the flank wall approx. 4m above ground level and are painted white and can be seen from the adjoining pedestrian right of way and from adjoining properties to the south.
- 3.8 The owner has been requested to re-site the units in a less conspicuous position, ideally at ground level or at the rear of the property where their visual impact would be reduced. However the cooperation of the owner has not been forthcoming and the units remain in their original position.
- 3.9 The air conditioning units are clearly visible on the flank wall of the dwelling but do not materially detract from the appearance of the surrounding area to the extent that enforcement action is expedient. Ideally they should be relocated either at ground or at the rear of the property where they would be less conspicuous. However, on balance it is considered that enforcement action to remove the units would not be appropriate. The complaint regarding noise nuisance is being investigated by Environmental Health.

Enforcement ref: ENF/DM/10/00629