

SECTION '3' – Applications recommended for PERMISSION, APPROVAL or CONSENT

Application No : 10/02985/FULL6

**Ward:
Crystal Palace**

**Address : 24 Versailles Road Penge London SE20
8AX**

OS Grid Ref: E: 534181 N: 170075

Applicant : Mr Gary Pope

Objections : YES

Description of Development:

Detached children's play frame, wendy house and swing
RETROSPECTIVE APPLICATION

Key designations:

Biggin Hill Safeguarding Birds
Biggin Hill Safeguarding Area
London City Airport Safeguarding

Members may recall this retrospective application being deferred without prejudice from Plans Sub Committee on 14th April 2011 for the applicant to make the following amendments to the scheme:

“Remove the stilts from the wendy house structure, and to significantly reduce its overall height”

The applicant considers it premature to commit to making significant changes to the scheme prior to Members giving further consideration to alternative amendments and additional information. The applicant is currently in the process of preparing a statement / landscaping scheme and this information will be dispatched to Members prior to the meeting.

The previous report is repeated with the previous recommendation for permission unchanged.

Proposal

The application site is located mid way along Versailles Road on the western side of the street it comprises a sizeable detached Victorian house set within an average sized rear garden measuring 20m (d) x 9.5m (w). It is bounded to

the north by No.22 which is a detached single dwelling house of a similar design and character and to the south by a pair of semi-detached houses at Nos. 26-28 that have been subdivided into 4 units. To the rear in the west the rear garden is bounded by the railway embankment.

Retrospective permission is sought to retain an existing detached children's play frame, wendy house, swing and slide. The highest part of the play equipment would be the roof apex of the wendy house which extends to 3m. The wendy house is accessed via a ladder on to a platform measuring 0.45m (d) x1.8m (d). The platform is elevated approx.1.05m above ground level.

Location

The play equipment is located at the bottom of the rear garden positioned within 1.3m of the southern boundary with No.26 / 26a.

Comments from Local Residents

Nearby owners/occupiers were notified of the application and 2 representations were received from properties on either side, which can be summarised as follows:

Neighbour at No.26a:

- the structure dominates my garden, particularly in the rear half where the impact of the wendyhouse is akin to a watchtower
- there is a direct line of sight into nearly all of my bedroom and the structure has compromised the use of this room
- if children are standing on the wendy house balcony then their heads are not far from the top of the structure and they can look into my bedroom
- the proposal could be improved if the structure were moved to the middle of the garden or closer to the northern boundary with No.22 and if it were considerably reduced in height

Neighbour at No.22:

- we are happy with the playframe wendy house and swing
- the play equipment has been considerably placed at the end of the garden and has limited visual impact because there are established trees and shrubs along each border, the proposal does not affect our privacy for the same reason
- the neighbours at No. 24 are considerate about noise and don't allow the children to play outside early in the morning

Planning Considerations

In considering the application the most appropriate Policy is BE1 of the Unitary Development Plan.

Policy BE1 requires all development proposals to be of a high standard of design and layout. In particular it sets out a number of criteria that proposals will be expected to meet. Included among those [BE1 (v)] it is stated that:

“ the development should respect the amenity of occupiers of neighbouring buildings and those of future occupants and ensure their environments are not harmed by noise and disturbance or by inadequate daylight , sunlight or privacy or by overshadowing.”

The principal issues in this case are therefore whether the impact of the play equipment is considered to be unduly harmful to the level of amenity that occupants of neighbouring properties might reasonably expect to be able to continue to enjoy with particular reference to loss of privacy and noise / disturbance occasioned by play equipment use.

Having viewed the site from both sides it should be recognised that views to the rear elevation of No.26/a are clearer from a ground level perspective slightly away from the wendy house. Views from the wendy house balcony area which is elevated approx.1.05m above ground level are mostly impeded by the trees/ shrubs on the boundary which act as a screen. The adjoining half of the semi-detached house at no.28 and No.22 are actually the property that can be more clearly seen and for No. 28 at least this is at an oblique angle.

Photograph's on the file have been taken both from an adult and child height perspective and therefore give a broad perspective of the possible views from the wendy house.

The photographs taken from the kitchen, loft area and living room at No.26a of views across to the wendy house play equipment do not indicate that there are any direct views possible. Notwithstanding the above, given the siting of the equipment and the elevated nature of the wendy house, the perception of being overlooked / viewed is considered to be genuine and this would interfere with the level of amenity and privacy you would otherwise experience.

In the rear garden of No.26a the wendy house is more visible and its height in relation to the garden furniture, namely shed and bench does appear as a dominant structure. Actual views into the rear garden of No.26 garden would however be at an oblique angle and would be partially screened by boundary vegetation.

Planning History

No relevant planning history.

Conclusions

No objections have been raised with regards to noise and disturbance however, Policy BE1 requires this aspect to be assessed and on this point it is considered that there would be no undue noise and disturbance over and above that which might otherwise occur if the play equipment were not in situ.

Whilst the concerns expressed are considered to be genuine in relation to the perception of being overlooked. The play equipment in its current location is not considered to give rise to any direct or unobstructed views of No.26a kitchen or living /bedroom. The positioning of the play equipment relatively close to the boundary with its screening is partially the reason for this, in this respect the property at No.22 is more vulnerable to overlooking.

In the rearmost part of the garden at No.26a where there is a seating area and shed the wendy house is visually prominent structure. However, boundary screening in the form of trees / shrubs could be enhanced in this location and this would alleviate any overlooking and the perception thereof. The applicant has indicated a willingness to implement a scheme of boundary screening to this effect.

On balance therefore, having viewed the structure from several vantage points including the neighbouring objectors property and garden, actual visibility into the garden and habitable rooms is limited to oblique views which are for the most part screened by boundary vegetation. It is therefore considered that the impact on the amenity of the neighbouring properties would not be so detrimental as to warrant retrospective refusal on this basis.

Background papers referred to during production of this report comprise all correspondence on file ref. 10/02985, excluding exempt information.

as amended by documents received on 31.03.2011

RECOMMENDATION: PERMISSION

Subject to the following conditions:

- 1 Details of a scheme of boundary screening which should include the size, species and location of the proposed trees / planting shall be submitted within 28 days of the date of the Decision Notice. Any trees or plants which within a five year period become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species to those originally planted. The approved scheme shall be implemented in the first planting season following the grant of permission.

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the amenities of adjacent properties.

- 2 AJ02B Justification UNIQUE reason OTHER apps

Policy (UDP)
BE1 Design of New Development

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