

Section '2' – Applications meriting special consideration

Application No: 10/03631/FULL6

**Ward:
West Wickham**

**Address : 98 Copse Avenue West Wickham BR4
9NP**

OS Grid Ref: E: 537746 N: 165010

Applicant : Mr Ray Titchner

Objections : YES

Description of Development:

Raised patio and associated works
RETROSPECTIVE APPLICATION

Key designations:

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

Proposal

This application was deferred without prejudice from Plans-Sub Committee No.1 on 9th June 2011 to allow Members to visit the application site and adjoining neighbours. The site visit has been scheduled to take place on Tuesday 28th June 2011.

The previous report is repeated below:

Retrospective planning permission is sought for a raised garden patio terrace. The hardstanding has been laid to the rear of the property and measures approximately 3.8m in depth and stretches across the width of the property. There are two steps down into the rear garden with a fish pond at the edge of the patio. The plans show that due to the topography of the site, at its maximum height the patio is approximately 0.8m and at its minimum measures 0.2m. A wall measuring a maximum of 1.1m have been erected around the patio and planters containing yew trees that has been constructed closest to No.96.

Location

The application site is on the western side of Copse Avenue. The properties along Copse Avenue date back to the 1930s and are detached. The area is wholly residential.

Comments from Local Residents

There have been local objections (including a letter from the West Wickham Residents' Association) raised in respect of the application which are summarised below:

- Development does not respect amenities of current or future occupier of neighbouring buildings
- Loss of light, privacy and outlook to No.96
- Detrimental to amenity and enjoyment of adjacent property
- Conflicts with UDP Policy BE1(iv) and (v)
- planning permission previously refused for 6m and later 4.5m extensions at rear. Also dismissed on appeal as considered overdevelopment of site and detrimental to light of No.96
- 3.1m extension now restricts view and casts shadow
- Patio is nearly 4m deep and 6 yew trees to preserve privacy of No.98 results in same effect of previous proposal
- No control over eventual height of hedge

Comments from Consultees

No internal or external consultations were made in respect of this application.

Planning Considerations

The main policies relevant to this case are Policies BE1, BE7 and H8 of the Unitary Development Plan, which relate to the design of new development, means of enclosure and residential extensions.

Policy H8 requires that design of residential extensions should be in keeping with the local area in terms of scale, form and materials used. Any development should protect the privacy and amenities of adjoining properties, including daylight and sunlight.

Policy BE1 sets out the design principles that would be applied when considering proposals for new development - development should respect the scale, form and materials of adjacent buildings and should not detract from the attractive townscape that the Council wishes to secure.

Planning History

There is a complex planning history at this property. Most recently, a certificate of lawfulness for a single storey side/rear extension was deemed lawful under Schedule 2, Part 1, Class A of the General Permitted Development Order 1995 under ref. 08/01903. Previous to the Certificate of Lawfulness, planning permission was granted under ref. 07/00533 for a part one/ two storey side/rear extension and a rear dormer extension.

In addition to this application being granted, two similar applications were refused by the Council. Ref. 06/01914 was refused on the grounds of excessive height and rearward projection. This application also included a proposed detached building at the end of the rear garden. Ref. 06/04111 was refused on the grounds of excessive rearward projection. This application relocated the largest section of the rear extension to the south side of the rear elevation. This application was subsequently dismissed at appeal. The Inspector stated:

“Viewed from a patio area adjacent to the rear elevation of 96 Copse Avenue the proposed extension would appear dominant and would conflict with UDP policy BE1(v) in that respect. The position and orientation of the extension would also reduce the sunlight and daylight reaching that area which would make the garden of 96 Copse Avenue less pleasant to use by occupants of that dwelling.”

Conclusions

The main issues in determining this application are the visual impact of the decking on the character and appearance of the area and the impact of the proposal on the residential amenities of the surrounding neighbours.

The applicant has constructed a patio area at the same level as the patio doors of the extension granted under ref. 07/00533 and covers a part of the garden nearest the property. Given the large size of garden, 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.

In term of residential amenity, given the location of the patio close to the house and the height of the extension from ground level, Members may consider that the development in the manner proposed is acceptable in that it does not impact significantly on the adjoining neighbours. It is noted that there have been a number of concerns raised by the adjoining neighbours and their comments have been taken into account whilst assessing the application. There have been concerns raised regarding the height of the yew trees that have been planted within the planters in the patio. Members are advised that planning permission is not required for the planting of these trees nor in controlling their height, but if the trees were to become a concern to the residents then legal advice could be taken under the Anti-Social Behaviour Act.

As the application has been made retrospectively, no conditions are suggested. Given the concerns raised by the neighbours the application is presented on List 2 of the agenda. If Members decide to refuse the application then consideration should be given to authorise the appropriate enforcement measures.

Background papers referred to during production of this report comprise all correspondence on file ref. 10/03631 excluding exempt information.

as amended by documents received on 21.04.2011
RECOMMENDATION: PERMISSION

Subject to the following conditions:

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

BE7 Railings, Boundary Walls and other means of enclosure

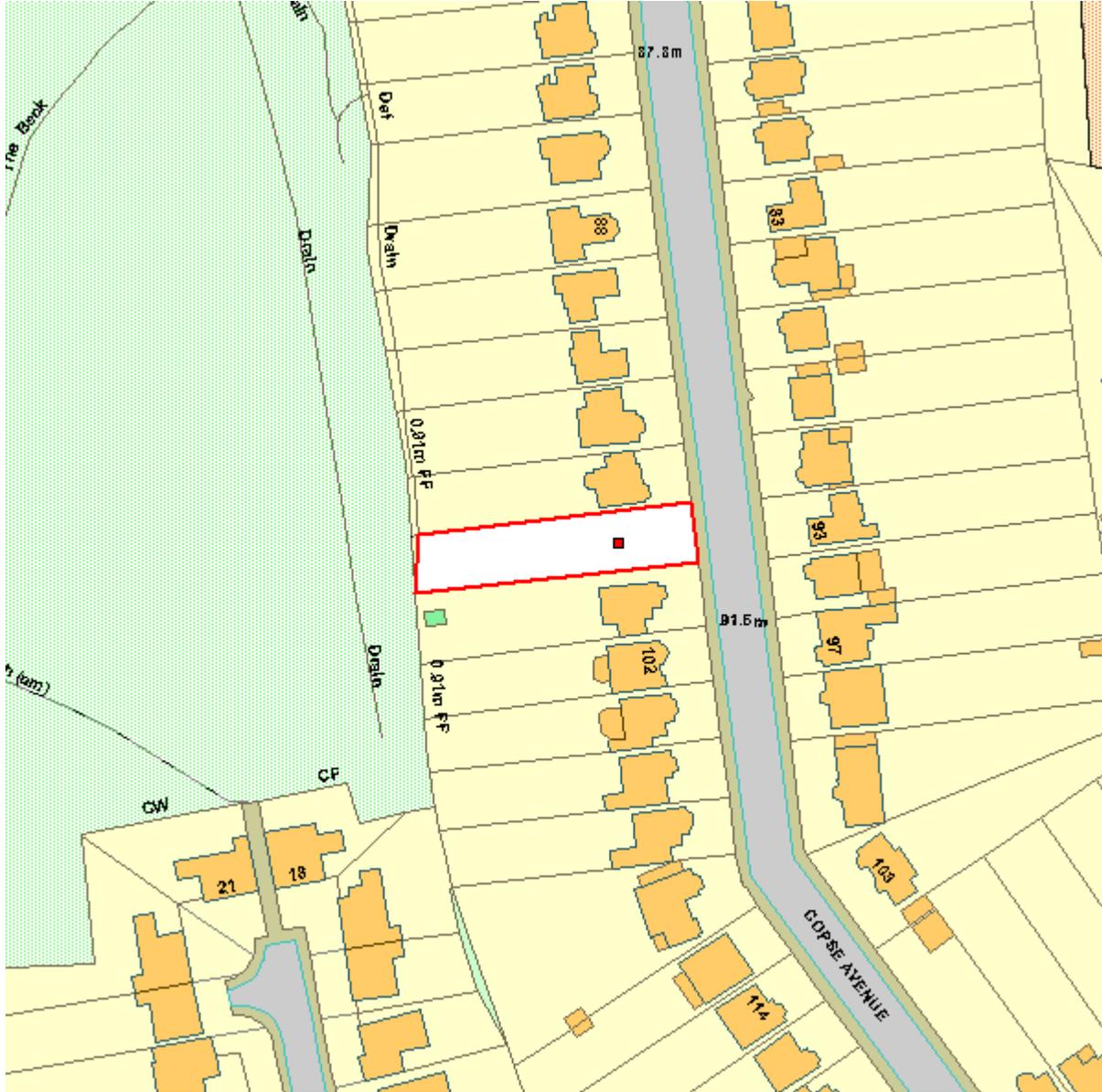
H8 Residential Extensions

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 the development in the surrounding area
- (d) the impact on the amenities of the occupiers of adjacent and nearby properties
- (e) the outlook of occupiers of adjacent and nearby properties
- (f) the privacy of occupiers of adjacent and nearby properties

and having regard to all other matters raised.

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