

SECTION '2' – Applications meriting special consideration

Application No : 18/01766/FULL6

Ward:
Bromley Town

Address : 46 Ravensbourne Avenue Bromley BR2
0BP

OS Grid Ref: E: 539220 N: 169608

Applicant : Mr & Mrs McCrossen

Objections : YES

Description of Development:

Erection of swimming pool/gym and 3 no outbuildings (comprising storage container, storage shed and greenhouse) in rear garden of no. 46 Ravensbourne Avenue (Amendment to previous application 16/04706/FULL6).

Key designations:

Biggin Hill Safeguarding Area
Flood Zone 2
Green Chain
London City Airport Safeguarding
Metropolitan Open Land
Open Space Deficiency
Sites of Interest for Nat. Conservation
Smoke Control SCA 3

Proposal

The application currently before the Council is to regularise changes that have occurred during the building process of the originally approved application because of variations in ground levels and because of stipulations required by the Environment Agency.

Under planning application reference: 16/04706/FULL6 planning permission was granted on 09.01.2017 for the erection of swimming pool/gym and 3 no outbuildings (comprising storage container, storage shed and greenhouse) in rear garden of no. 46 Ravensbourne Avenue.

Owing to changes in ground levels at the site the swimming pool building has been built higher than the approved plans. Planning permission is sought to agree the changes in height; to the swimming pool and garage as well as erect a 2m high fence and landscaping along the side boundary of the site.

Location

The application site is a detached dwellinghouse located to the west of Shortlands Golf Club and the River Ravensbourne. The existing house lies in Flood zone 2 and part of the garden & garage in Flood Zone 3.

Consultation

Shortlands Residents Association

- These already form a considerable visual obstruction. I will separately request consideration of the dimensions of the extensions already built. So far as the current application is concerned a key issue appears to be the need to raise the levels of the buildings so that they are at the same height as the current main building.
- The combination of both now create a considerable visual barrier to neighbours on Ravensbourne Avenue and detrimental to their amenity. See plan D50 Feb 2018.
- There is a further amendment to the previous approval now to include a 2m high fence along the boundary with neighbours gardens and in addition planting behind the fence. See plans D52 and D53A. The 2m fence is planned to be on the raised ground level, not the existing level, and is therefore likely to cause more of a visual obstruction than anticipated. There is also an issue about what kind of planting with the risk of trees growing too tall where there was no previous obstruction.
- It is not clear that the proposal takes into account ownership of the existing fences on the boundary so is this intended to be a new fence behind the existing fences? At present I cannot see how this will work.
- As I read the plans the proposal for the new fence and planting will affect several neighbours. If you consider the overall new development of this site then, save for a few metres between the extended garage and the front door of the main house, there is now a continuous run of buildings of about 65m. In those circumstances I submit that there should be no increase in the height any building.

Nearby owners/occupiers were notified of the application and several letters of representations were received, which can be summarised as follows:-

- The size of the construction already completed for the swimming pool/gymnasium is far larger than the one imagined.
- Object to the new plans. Concern regards siting and external appearance of the development, which also impacts on privacy and outlook, noise pollution
- The site is being overdeveloped as once designated for 'horticultural use' now assumes numerous buildings. So likely not what the council agreed to and had in mind when approving.
- The original plans have been altered to suit the new ground level which has been raised to satisfy the technical spec. of the swimming pool- which appears was not considered and planned well originally. Now the build from the South elevation is 3.35m high where the original was only 2.7m.

- The ground has been banked up against the southern perimeter fence which will encourage degradation of the panels which may lead to ground movement and collapse into the garden of 58 and 60.
- The proposal of planting trees to conceal the taller wall and roofline could cause damage to the fence as the trees develop and also given the existing attitude of the developers, I am concerned the trees will not be maintained and will still not create the intended outlook.
- The second floor windows on the West elevation now overlook several gardens which raises concerns over privacy.

Consultee comments

Highways comments - no objection.

Environment Agency comments - The requirements are within the Householder and Minor Extensions form which although is EA branded is a form that is issued by the LPA and assessed to determine if the applicants follows it. It's used in place of a full FRA for development that is deemed low risk. FYI the current form is now changed by your policy team to only one option to make it simpler for your team to assess. We wouldn't have any concerns over the raising over the swimming pool and garage as it appears they received consent via our permitting team.

Environmental Health - no objections.

Policy Context

Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:-

- (a) the provisions of the development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

Section 38 (6) of the Planning and Compulsory Purchase Act (2004) makes it clear that any determination under the planning acts must be made in accordance with the development plan unless material considerations indicate otherwise.

According to paragraph 216 of the NPPF decision takers can also give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

The Council is preparing a Local Plan. The submission of the Draft Local Plan was subject to an Examination In Public which commenced on 4th December 2017 and the Inspector's report is awaited. These documents are a material consideration.

The weight attached to the draft policies increases as the Local Plan process advances.

The development plan for Bromley comprises the Bromley UDP (July 2006), the London Plan (March 2016) and the Emerging Local Plan (2016). The NPPF does not change the legal status of the development plan.

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
- ER12 Controlling Development in Flood Risk Areas
- G6 Land Adjoining Metropolitan Open land
- H8 Residential Extensions
- T3 Parking

SPG1: General Design Principles

SPG2: Residential Design Guidance

Draft Policies

- 6 - Residential Extensions
- 37 - General Design of Development
- 115 - Reducing flood risk

London Plan (2016)

- 7.4 Local character
- 7.6 Architecture
- 7.17 Metropolitan Open Land
- 5.12 Flood Risk Management

The National Planning Policy Framework (NPPF) is a consideration.

Planning History

Under planning application reference: 16/04706/FULL6 planning permission was granted for erection of swimming pool/gym and 3 no outbuildings (comprising storage container, storage shed and greenhouse) in rear garden of no. 46 Ravensbourne Avenue. 09.01.2017

Under planning application reference: 16/00367/FULL6 planning permission was granted for a two storey extension of existing property at front and rear and demolition of existing conservatory and replacement with new conservatory and gym at rear. Demolition of existing garage/carport & replacement with new garage/office. 13.05.2016

The current dwelling was originally approved on the site on 15.04.69 with subsequent applications and designs being considered through to 1971. The Planning History below relates to the rear garden section of the property.

Under planning application reference: 09/01517/OUT planning permission was refused for one detached bungalow at rear of 46 Ravensbourne Avenue.

Under planning application reference: 08/03818/OUT planning permission was refused for one detached dwelling at rear of 46 Ravensbourne Avenue with access drive and associated garages and parking.

Planning Considerations

The main issues relating to the application are the effect that it would have on the character of the area and the impact that it would have on the amenities of the occupants of surrounding residential properties.

Current situation

Under planning application reference 16/04706/FULL6 & 16/00367/FULL6 planning permission was granted for various extensions to the existing property which included the erection of a swimming pool and new garage/office. The site is currently under construction with the house being extended and the swimming pool building partially built. Following complaints from neighbours the site was visited by the Council's Enforcement Officers and the house and swimming pool were measured against the approved drawings. It was concluded that the height of the house had been built in conformity with the approved drawings but that the swimming pool building had not. The swimming pool building was found to measure higher than the approved height of 2.7m. The existing garage has yet to be demolished.

Swimming pool

The proposed swimming pool has been partially built. The approved plans showed a height of 2.7m for the full depth of the swimming pool. Officers have been out on site and measured the height of the swimming pool building which measures between 2.7-3.4m owing to the sloping nature of the site. The drawings currently before the Council show that the rear most part of the garden slopes away and is not consistent with the highest point immediately to the house. As the swimming pool lies adjacent to the River Ravensbourne the Environment Agency permit team required the swimming pool and the garage to be built no lower than existing ground levels. To take account of this coupled with the changing ground levels the builders have built the swimming pool building higher than the Council approved; 3.4m. The Environment Agency have raised no objections to the slight increase in height.

The new office/garage

The new office/garage has yet to be built but like the swimming pool the height of the garage is going to be increased (by 0.4m) from 3.6m to 4m to take account of EA stipulations including flooding. The Environment Agency have raised no objections to the increase in height.

Boundary Fencing/Landscaping

To mitigate against the increase in height of the swimming pool building the applicants are proposing to erect a 2m high fence with boundary screening along the flank boundary of the site to screen the visual impact of the swimming pool building from the neighbours located at 56-66 Ravensbourne Avenue.

The swimming pool building is visible from the rear gardens of neighbouring gardens located in Ravensbourne Avenue. To mitigate the visual impact of the development the applicants are proposing a 2m high fence to run the full width of the flank elevation and to plant a number of trees within the boundary of the site. The swimming pool building is to be rendered white and will be partially seen above the fence line of the new 2m high timber fence along the southern boundary. A landscaping condition can be attached to any grant of planning permission to ensure that the landscaping proposed adequately ensures that neighbours views towards the swimming pool building can be screened to reduce the visual impact of the development.

Impact to neighbouring amenity

Several letters of objection has been received for the reasons set out above in the consultation section above. The main objections relate to the height of the swimming pool which can be viewed from the rear gardens of No. 56-66 Ravensbourne Avenue, located 35m away and the issue this will have from a privacy and overlooking perspective.

The swimming pool building has been built higher than the approved plans and is therefore more visible from neighbouring gardens that back onto the development. A landscaping condition can be agreed to ensure that the landscaping proposed adequately meets the Council's requirements that neighbours views down their gardens can be shielded from the increase in height of the swimming pool building.

The increases in height to the swimming pool building and the new office/garage are considered on balance to represent a small increase to take account of Environment Agency regulations. The 2m high fence and boundary screening will mitigate against some of the visual impact of the development. On balance, taking into account the small increases in height to the approved swimming pool building and the garage to take account of stipulations by the Environment Agency and a correct plan showing the change in ground levels is considered sufficient to allow the changes to be regularised. Neighbouring houses are located approximately 35m away and the 0.7m increase in the swimming pool building is not considered to significant affect neighbours visual enjoyment of their gardens to warrant the refusal of the application.

Having had regard to the above it was considered that the development in the manner proposed is acceptable and that it would not result in a significant loss of amenity to local residents.

RECOMMENDATION: PERMISSION

Subject to the following conditions:

- 1 The development to which this permission relates must be begun not later than 9th January 2020**

Reason: To comply with Section 91, Town and Country Planning Act 1990.

- 2 The landscaping scheme as shown on the submitted drawings shall be implemented in the first planting season following the first occupation of the buildings or the substantial completion of the development whichever is the sooner. Any trees or plants which within a period of 5 years from the substantial completion of the development die, are removed or 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. Furthermore any boundary treatments shall be retained in perpetuity.**

Reason: In order to comply with Policy BE1 of the Unitary Development Plan to secure a visually satisfactory setting for the development and to protect neighbouring amenity.

- 3 The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans approved under this planning permission unless previously agreed in writing by the Local Planning Authority.**

Reason: In order to comply with Policy BE1 of the UDP and in the interests of visual and residential amenity.