

**LONDON BOROUGH OF BROMLEY**

**TOWN PLANNING  
RENEWAL AND RECREATION DEPARTMENT**

**DELEGATED DECISION on 14th October 2019**

**19/02929/FULL6**     **2 Ullswater Close**  
**Louisa Bruce**     **Bromley**  
                                 **BR1 4JF**

**Description of Development**

Alteration to boundary fence

**Proposal**

Planning permission is sought for alterations to the existing boundary treatment with the removal of two existing fence panels to the side elevation and the erection of 1m high low level railings to the side and front boundaries of the site.

Location and Key Constraints

The application property is an end of terrace three storey townhouse which is located on Ullswater Close, close to the junction with Coniston Road and Ellstree Hill. Given it's corner location, the property benefits from a grassed area to the front and side which separates the property from the footway/highway. The surrounding area is residential in nature with the properties in Ullswater Close and no's 123-137 Coniston Road which lie immediately adjacent to the site being characterised by terraces of three storey townhouses.

Comments from Local Residents and Groups

Nearby owners/occupiers were notified of the application and no letters of representation were received.

Consultee responses

Trees - I am satisfied that the tree can be retained providing the works accord with the Arboricultural submission. No objections subject to that condition.

Highways - The speed of traffic on Elstree Hill and Coniston Road is low; therefore I raise no objection to the proposal.

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.

The development plan for Bromley comprises the London Plan (March 2016) and the Bromley Local Plan (2019). The NPPF does not change the legal status of the development plan.

The application falls to be determined in accordance with the following policies:

#### London Plan Policies

- 7.4 Local character
- 7.6 Architecture

#### Bromley Local Plan

- 6 Residential Extensions
- 37 General Design of Development
- 73 Development and Trees

#### Supplementary Planning Guidance

- SPG1 - General Design Principles
- SPG2 - Residential Design Guidance

#### Planning History

The property was originally constructed as part of a development for 30 townhouses and garages under ref: 70/00936, with subsequent landscaping details allowed under ref: 70/02198.

Under ref: 72/00323 planning permission was refused for the conversion of the existing integral garage to form utility room and erection of substitute attached single garage at side.

Under ref: 72/03223 planning permission was refused for a detached garage.

Under ref: 16/03372 planning permission was refused for boundary fence at side to match existing.

Under ref: 17/02986/TPO permission was granted to fell 4 x sycamore trees.

Under ref: 17/02986/TSPLD permission was refused to fell 1 x sycamore tree.

Under ref: 18/00210/FULL6 planning permission was refused for a two storey side extension. The reasons for refusal read as follows:-

The proposed extension would, by reason of its size, bulk and close proximity to the side boundary, result in a cramped form of development on this prominent corner site, detrimental to the visual amenities of the street scene and the character of the surrounding area, thereby contrary to Policies BE1, H8 & H9 of the Unitary Development Plan and Policies 6 & 37 of the Bromley Draft Unitary Development Plan.

Under ref: 18/02574/FULL6 planning permission was granted for a single storey side extension.

## Considerations

The main issues to be considered in respect of this application are:

- o Resubmission
- o Design
- o Highways
- o Neighbouring amenity
- o CIL

## Resubmission

The application is a resubmission of a similar application for a solid boundary fence at the front, sides and rear of the property. The previous application was submitted to and refused by the Council in 2016 under planning application ref: 16/03372/FULL6. The application was refused for the following reasons:-

"The proposed fence, by reason of its height, siting and solid form would impact on sightlines and visibility splays and would result in conditions prejudicial to the safety of pedestrians and other road users, thereby contrary to Policy T18 of the Unitary Development Plan (2006)".

"The cumulative impact of the height, siting and solid form of the proposed side boundary fence, would result in an overly prominent and visually intrusive enclosure of the site, giving rise to an erosion of the open nature of the area and causing adverse harm to the character and appearance of the streetscene, thereby contrary to Policy BE7 of the Unitary Development Plan (2006)".

The current application is for alterations to the existing boundary fence which currently exists to the sides and rear of the property. The submitted drawings show the existing fence (2m in height x 12.7m in width) to the rear would remain and part of the existing fence to the sides. A proportion of the fence to the side (closest to Coniston Road) would be removed and a lower iron railing would also be erected (1m in height x 7.6m in width) which would span the side and front boundary and abut the existing 2m high fence.

## Design

The new application represents a change from the previously refused application which proposed 2m high timber fence panels to the front, rear and side boundaries. The new application represents a change with lower level railings to part of the side and front boundaries.

The application property is located on the corner of Ullswater Close and Coniston Road, Bromley and benefits from a side extension an area of grass which forms part of the side and front garden of the host dwelling. There are a number of trees located along the edge of the grassed area adjacent to the footway of Coniston Road and the application includes the felling of these trees to facilitate the new fencing. There is a TPO in force on the trees in the side garden which protects the sycamores and elms. The Tree Officer has been consulted and raised no objections to the retention of the fencing and new iron railings. The nearby trees have been assessed as part of historic TPO applications.

Having visited the site it can be seen that other properties within the road do also benefit from front boundary enclosures of varying heights and a mixture of materials (walls, fences and vegetation). Most notably, no. 1 Ullswater Close which lies on the opposite corner of Ullswater Close and Coniston Road benefits from fencing of a similar height and design which is located along the boundary with the footway of Coniston Road. This fencing appears to have been in situ for some time and a number of shrubs and trees help soften its appearance within the street, and helping to maintain the pleasant, green and spacious character of the area.

Taking this into account, the proposed enclosure would not be wholly out of character with the prevailing streetscene. Given the changes made since the previously refused application the front and side boundary facing Ullswater Close and Coniston Road will be broken up with lower level iron railings which would not look overly prominent when viewed as part of the street scene.

On balance, it is not considered that the proposed fencing and railings would not adversely impact on the open character of this part of Ullswater Close or Coniston Road or have a detrimental impact on the streetscene in general. Any impact with regards to the erosion of the openness of the area is not considered to be so substantial as to warrant a refusal of the application.

## Highways

Policy 32 seeks to ensure that road safety is not adversely affected by the design of any development.

From a Highways point of view, as a result of the design the proposed fencing and low level railings are not considered to impact harmfully on the existing sightlines and visibility splays out of Ullswater Close and the proposal is not therefore considered to result in conditions hazardous to highways safety.

Having had regard to the above, it is considered that the proposed boundary fencing and railings are acceptable, in that its siting, height and appearance would not be adversely harmful to the safety of pedestrians and other road users and is overly prominent and visually intrusive and would cause adverse harm to the character and appearance of the streetscene and area in general.

## Neighbouring amenity

Policy 37 of the Bromley Local Plan seeks to protect existing residential occupiers from inappropriate development. Issues to consider are the impact of a development

proposal upon neighbouring properties by way of overshadowing, loss of light, overbearing impact, overlooking, loss of privacy and general noise and disturbance.

No letters of objection have been received from neighbours.

Given the existing fencing is already in-situ the addition of low level railings is not considered to have detrimental impact on neighbouring amenity or the wider streetscene.

CIL

The application is not considered to be CIL liable.

Summary

Having had regard to the above it was considered that the development in the manner proposed is acceptable in that it would not result in a significant loss of amenity to local residents nor impact detrimentally on the character of the area. Additionally, the proposal is not considered to result in a prejudicial impact on road safety.

**Decision**

Application Permitted

**For conditions or grounds of refusal please refer to the Decision Notice**