



COPELAND BOROUGH COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/20/2352/0F1
2.	Proposed Development:	SINGLE STOREY PITCHED ROOF OUTBUILDING INTERNALLY DIVIDED TO FORM STORE, UTILITY AND HOBBY ROOMS
3.	Location:	10 SHAKESPEARE AVENUE, EGREMONT
4.	Parish:	Egremont
5.	Constraints:	ASC;Adverts - ASC;Adverts, Coal - Off Coalfield - Data Subject To Change
6.	Publicity Representations &Policy	Neighbour Notification Letter: YES Site Notice: NO Press Notice: NO Consultation Responses: See report Relevant Planning Policies: See report
7.	Report:	<p>INTRODUCTION</p> <p>The application site is located within a well-established residential area of Egremont, with the main dwelling house forming that of an end terrace house with gardens to both the front and rear of the property. Off street parking is located to the east of the site within a courtyard of garages.</p> <p>PROPOSAL</p> <p>This application seeks planning permission for the erection of a single storey outbuilding to form a utility and hobby rooms. The building would be located within the rear garden of the host property, would measure 6.5 metres in width, 3.2 metres in depth, and would have an overall height of 3.7 metres. The application form confirms that the materials to be used on the external elevations will match those of the main host dwelling.</p> <p>CONSULTATION RESPONSES</p> <p><u>Egremont Town Council</u></p>

Have confirmed that they have no objection to the proposal as long as there has been a consultation process.

Cumbria Highways

Cumbria Highways have responded to confirm the following:

Cumbria County Council as the Highways Authority and the Lead Local Flood Authority (LLFA) has reviewed the above planning reference and our findings are detailed below:

“I can confirm that the Highway Authority and Lead Local Flood Authority has no objection to the proposed development as it is considered that the proposal does not affect the highway nor does it increase the flood risk on the site or elsewhere”.

Public Representation

The application has been advertised by way of a neighbour notification letters issued to four properties.

No comments have been received as a result of this public consultation process.

PLANNING POLICY

Planning law requires applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

Development Plan

Copeland Local Plan 2013-2028 (Adopted December 2013)

Core Strategy

Copeland Borough Local Plan 2013 – 2028

- Policy ST1 – Strategic Development Principles
- Policy ST2 – Spatial Development Strategy
- Policy ENV1 – Flood Risk and Risk Management

Development Management Policies (DMP)

- Policy DM10 – Achieving Quality Place
- Policy DM11 - Sustainable Development Standards
- Policy DM12 - Standards for New Residential Developments
- Policy DM18 – Domestic Extensions and Alterations

- Policy DM24 - Drainage

Other Material Planning Considerations

NPPF 2019

ASSESSMENT

The Principle of Development

The principle of the development accords in general terms with the aims of Policy ST1 and section 12 of the NPPF, both of which seek to promote high quality designs. Policy DM10 and DM18 seek to ensure domestic alterations are of an appropriate scale and design which are appropriate to their surroundings and do not adversely affect the amenities of adjacent dwellings.

Residential Amenity

Policy ST1, Policy DM18 and section 12 of the NPPF seek to safeguard good levels of residential amenity of the host property or adjacent dwellings.

The proposed building is located within the northern – rear garden of the main host property. Given the overall height of 3.7 metres it is not considered that the development would have an adverse impact upon the adjoining property at No.9 Shakespeare Avenue in terms of loss of sun light or being over bearing.

The application form states within Section 7 – Materials - that a close board fence will be erected upon this shared boundary but the height of this fence has not been confirmed. However, the windows and door proposed within the southern elevation could have the potential to cause some overlooking of both the garden and windows within the rear elevation of the adjoining property at No.9.

Based upon this concern, it is considered to be both proportionate and expedient to attached a condition to the grant of planning permission to require that a 1.8 metre tall close boarded fence shall be erected on the shared boundary between application site and No.9 Shakespeare Avenue prior to the development being brought into use. The fence must thereafter be retained for the lifetime of the development.

In addition to the above, it is considered to be both proportionate and expedient to attached a condition to the grant of planning permission to prohibit any new windows, doors or other form of opening within the southeastern end elevation of the development. This is to protect the amenity of the neighbouring property at No.9 against overlooking and loss of privacy.

	<p>On this basis, the proposal is considered to meet the aims and objectives of DM18 policy and the NPPF guidance.</p> <p><u>Character</u></p> <p>The application site is located within the well-established residential area where there are numerous outbuildings and structure of differing styles and use of materials. The proposed outbuilding is considered to be of a scale and design that is acceptable and in keeping with the local character.</p> <p>The application form confirms that the materials to be used on the external elevation of the outbuilding will match those of the main host property and there are therefore considered to be acceptable.</p> <p>However, three of the four elevations face directly out of the residential garden area onto both public and private land. On that basis, it is considered to be both proportionate and expedient to attached a condition to the grant of planning permission that will require all external elevations to be finished in matching materials to those of the main dwelling house prior to the use of the development being brought into use.</p> <p><u>Drainage</u></p> <p>Policy ENV1 and DM24 seeks to protect developments against risks of flooding and ensure that new developments do not contribute to increased surface water run-off.</p> <p>The Lead Local Flood Authority have confirmed that they have no objection to the proposal in terms of the impact upon flooding.</p> <p><u>Conclusion</u></p> <p>Overall, this is considered to be an acceptable form of development which accords with the policies set out within the adopted Local Plan and the guidance in the NPPF.</p>
8.	<p>Recommendation:</p> <p>Approve (commence within 3 years)</p>
9.	<p>Condition(s):</p> <ol style="list-style-type: none"> 1. The development hereby permitted must be commenced before the expiration of three years from the date of this permission. <p>Reason</p>

	<p>To comply with Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.</p>
2.	<p>Permission shall relate to the following plans and documents as received on the respective dates and development shall be carried out in accordance with them: -</p> <p>Proposed Plans, Section, Elevations, Site & Location Plans received with the application on the 18th September 2020</p> <p>Reason</p> <p>To conform with the requirement of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.</p>
3.	<p>The development hereby approved must not be brought into use until all of the external elevation finishes of the development match in terms of material, colour, style, bonding and texture to those of the main dwelling house.</p> <p>Reason</p> <p>To ensure a satisfactory appearance of the building in the interests of visual amenity.</p>
4.	<p>Prior to the use of the hereby approved Utility and Hobbies room commencing, a 1.8 metre tall close boarded fence must be erected upon the shared boundary of the site with the adjoining neighbour at No.9 Shakespeare Avenue. The fence thereafter must be retained at 1.8 metres in height for the lifetime of the development.</p> <p>Reason</p> <p>In order to safeguard the amenity of the immediate adjoining neighbour</p>
5.	<p>Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that order with or without modification) no new windows, doors or any other form of openings shall be constructed within any elevation of the development hereby permitted, other than those shown on the approved plans within this application, without the prior written permission of the Local Planning Authority.</p>

	<p>Reason</p> <p>To ensure that any external alterations will not adversely impact on the amenities of the surrounding occupiers.</p> <p>6. The Store, Utility and Hobbies building hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as No.10 Shakespeare Avenue and shall not be let or sold as a separate permanent dwelling.</p> <p>Reason</p> <p>In order to safeguard the residential amenity of the local area.</p> <p>Statement</p> <p>The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received, and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development as set out in the National Planning Policy Framework.</p>	
<p>Case Officer: Adrian Adams</p>	<p>Date : 03.11.2020</p>	
<p>Authorising Officer: N.J. Hayhurst</p>	<p>Date : 09/11/2020</p>	
<p>Dedicated responses to:- N/A</p>		