

**COPELAND BOROUGH COUNCIL
DELEGATED PLANNING DECISION**

1.	Reference No:	4/20/2520/OF1
2.	Proposed Development:	CONVERSION OF LOWER GROUND FLOOR AND REAR BALCONY
3.	Location:	3 ROSEMARY CLOSE, WHITEHAVEN
4.	Parish:	Whitehaven
5.	Constraints:	ASC;Adverts - ASC;Adverts, Coal - Standing Advice - 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: SITE AND LOCATION This application relates to 3 Rosemary Close, a detached property situated on an existing housing estate within Whitehaven. The property is located on a hill with the living accommodation on the first floor and a garage on the ground floor facing the rear garden. The site also benefits from a detached garage, driveway and a large rear garden. PROPOSAL Planning Permission is sought for the conversion of the ground floor garage into living accommodation and the erection of first floor balcony to the rear of the dwelling. The proposed garage conversion will provide a living room, bedroom and bathroom. The rear elevation will include an additional window and patio doors to replace the existing garage door. The additional windows and doors will be UPVC to match the existing property.	

The proposed balcony will project 1.8 metres from the rear elevation and will be 4 metres in width. It will be accessed from a new first floor patio door and will be 2.8 metres from ground level. It will be built out of galvanized steel, composite plastic decking and a glazed balustrade. The proposal includes a 1.8 metre high level 5 obscure glazed screening wall on the two side elevations and a 1.1 metre high glazed balustrade on the rear elevation.

RELEVANT PLANNING APPLICATION HISTORY

There has been no previous planning applications at this property.

CONSULTATION RESPONSES

Consultees

Whitehaven Town Council – No objections.

Cumbria County Council Highway Authority – No objections.

Lead Local Flood Authority – No objections.

Public Representations

The application has been advertised by way of neighbour notification letters issued to 2 no. properties.

One letter of objection has been received to the proposal which raises the following concerns:

- The proposal will impinge on the neighbours privacy;
- The neighbours will be observed or disturbed;
- Loss of seclusion within the neighbouring property by being constantly overlooked.

PLANNING POLICIES

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

Policy ST1 – Strategic Development Principles

Policy ST2 – Spatial Development Strategy

Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place

Policy DM12 – Standards for New Residential Developments

Policy DM18 – Domestic Extensions and Alterations

Policy DM22 – Accessible Developments

Other Material Planning Considerations

National Planning Policy Framework (NPPF)

Cumbria Development Design Guide

Emerging Copeland Local Plan (ELP):

The emerging Copeland Local Plan 2017-2035 has recently been the subject of a Preferred Options Consultation. The Preferred Options Consultation builds upon the completed Issues and Options Consultation, which finished in January 2020. Given the stage of preparation, the emerging Copeland Local Plan 2017-2035 has only limited weight in decision making, but provides an indication of the direction of travel of the emerging planning policies, which themselves have been developed in accordance with the provisions of the National Planning Policy Framework.

ASSESSMENT

The key issues raised by this proposal are the principle of development, its scale and design and the potential impacts on residential amenity and highway safety.

Principle of Development

The proposed application relates to a residential dwelling on an existing housing estate within Whitehaven and it will provide additional living accommodation on the ground floor and a raised balcony on the first floor, which will be accessed from the living room patio doors. Policy DM18 supports extensions to residential properties subject to detailed criteria, which are considered below.

On this basis, the principle of the development is therefore considered to be acceptable and the extension satisfies Policies ST2, DM18 and the NPPF guidance.

Scale and Design

Policy ST1 and section 12 of the NPPF seek to promote high quality designs. Policy DM10 and DM18 seek to ensure domestic alterations are of an appropriate scale and design which is appropriate to their surroundings and do not adversely affect the amenities of adjacent dwellings.

The proposed alterations and rear balcony are modest in scale and appropriately located within the ground floor garage and rear garden. The design of the garage conversion is considered to reflect the existing property with window banding and matching window materials and therefore it will respect the character and appearance of the existing property. In addition, the balcony design and materials are considered to be suitable for its use.

On this basis, the proposed decking is considered to meet Policies DM10 and DM18(A) from the Local plan and NPPF guidance.

Residential Amenity

Policy ST1, Policy DM18 and section 12 of the NPPF seek to safeguard good levels of residential amenity of the parent property or adjacent dwellings. Policy DM12 requires a separation distance between directly facing habitable room windows of 21 metres to maintain privacy and overlooking standards.

Overlooking issues were considered as part of this proposal given the height of the proposed platform above ground level and the concerns raised regarding the loss of privacy and overlooking for the neighbouring property. The separation distance between the proposed balcony and the neighbouring properties to the rear will be over 35 metres which is far in excess of the minimum standard set out in Policy DM12. In addition, taking into account the 9 metre separation distance from the side of the proposed balcony to the neighbouring boundary and the location of the existing detached garage, potential loss of privacy is considered to be minimal. The balcony also includes 1.8 metre high obscure glazed screening walls on both side elevations and additional details were sought regarding the level of obscurity. The agent confirmed that Level 5 glazing from the Pilkington's range (Reference - Tribal) will be installed and therefore the proposal is considered to protect neighbouring amenity. The installation and maintenance of the 1.8 metre high screening walls and also the level 5 obscure glazing can also be secured by an appropriately worded planning condition. On this basis, due to the separation distances and the measures to mitigate overlooking issues, it is not considered that the proposal will cause an unacceptable level of overlooking or loss of privacy.

Overshadowing issues were also considered, although due to the modest rear projection and the relationship to the neighbouring properties and existing boundary treatments, it is not considered that the proposal will cause significant overshadowing.

In addition, as the proposed ground floor extension could facilitate independent living, the agent has provided confirmation that the extension will remain part of the existing dwelling. The use of the proposed extension can be controlled by means of a planning condition to ensure that it is only used as ancillary accommodation to the principal dwelling. This will also help to minimise impacts on the amenities of the occupiers of surrounding dwellings.

On this basis, it is considered that the proposal will not cause a detrimental loss of amenity to the existing property or the surrounding properties and therefore the proposal is considered to comply with Policies DM12, DM18 and the NPPF guidance.

Highway Safety

Policy DM22 requires developments to be accessible to all users and encourages innovative approaches to manage vehicular access and parking.

The site visit confirmed that the existing off-street parking located to the side of the property will provide adequate parking to serve the needs of the property. In addition, as the site already benefits

	<p>from a detached garage, the ground floor garage conversion is acceptable. The Highway Authority therefore raised no objections as part of the consultation process as the extension will not have a material effect on existing highway conditions. On this basis, the proposal is considered to meet Policy DM22 and standards set out in the Cumbria Development Design Guide.</p> <p><u>Planning Balance and Conclusion</u></p> <p>This application seeks to convert the ground floor garage into living accommodation and erect a first floor rear balcony. The main issues raised by the application were overlooking from the balcony and the use of the ground floor as separate living accommodation.</p> <p>Additional details were sought regarding the proposed use and the specification of the obscure glazing material. The agent confirmed that the ground floor accommodation will remain part of the existing dwelling and that level 5 obscure glazed 1.8 metre high screening walls will be provided to mitigate overlooking concerns.</p> <p>The planning conditions proposed will control the screening wall installation, the level of obscure glazing and the use of the ground floor accommodation.</p> <p>On this basis, subject to the imposition of the planning conditions proposed, the application is considered to be 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 commence 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> <ol style="list-style-type: none"> 2. This permission relates to the following plans and documents as received on the respective dates and development must be carried out in accordance with them: - <p>Location Plan, scale 1:1250, received 23rd December 2020; Block Plan, scale 1:500, received 23rd December 2020; Existing Floor Plans and Elevations, scale 1:100, drawing no 1282-01, received 23rd December 2020; Proposed Floor Plans and Elevations, scale 1:100, drawing no 1282-02A, received 23rd December 2020;</p>

Level 5 Obscure Glazing Tribal Material Specification, received 7th February 2021.

Reason

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.

3. Prior to the first use of the balcony hereby approved 1.8 metre high obscure glazed screens must be erected along the north and south edge of the balcony, in accordance with the approved plan Proposed Floor Plans and Elevations, Scale 1:100, drawing no 1282-02A, received by the Local Planning Authority on the 23rd December 2020. Once installed these screens must be maintained at all times and there after retained in perpetuity.

Reason

To protect the residential amenity of neighbouring dwellings.

4. The 1.8 metre high obscure glazed screens along the north and south edge of the balcony hereby approved must be fitted with Tribal privacy level 5 obscure glazing, in accordance with the approved material specification received by the Local Planning Authority on the 7th February 2021. Once installed the obscure glazing must be maintained at all times and there after retained in perpetuity.

Reason

To protect the residential amenity of neighbouring dwellings.

5. The extension hereby permitted must not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 3 Rosemary Close and must not be let or sold as a separate permanent dwelling.

Reason

The extension is not considered appropriate for use as a separate residential unit.

Informative

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority

Statement

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.

Case Officer: Chloe Unsworth

Date : 17/02/2021

Authorising Officer: N.J. Hayhurst

Date : 17/02/2021

Dedicated responses to:- 1 Neighbour