

## COPELAND BOROUGH COUNCIL DELEGATED PLANNING DECISION

1.	<b>Reference No:</b>	4/21/2080/OF1
2.	<b>Proposed Development:</b>	ERECTION OF BUILDING (TO ENCLOSE HOT TUB)
3.	<b>Location:</b>	41 VALE VIEW, LOWCA
4.	<b>Parish:</b>	Lowca
5.	<b>Constraints:</b>	ASC;Adverts - ASC;Adverts, Coal - Standing Advice - Data Subject To Change
6.	<b>Publicity Representations &amp; Policy</b>	Neighbour Notification Letter: YES  Site Notice: NO  Press Notice: NO  Consultation Responses: See report  Relevant Planning Policies: See report
7.	<b>Report:</b>  <b>SITE AND LOCATION</b>  This application relates to 41 Vale View, a semi-detached property situated on an existing housing estate within Lowca.  <b>PROPOSAL</b>  Planning Permission is sought for the removal of the existing decking and outbuilding within the rear garden and the erection of a larger outbuilding to enclose a hot tub. The width of the structure will be 9 metres along the width of the garden and the depth will be 4 metres. The outbuilding will have a mono-pitched roof, with an overall height of 3 metres and an eaves height of 2.3 metres on the rear elevation. It has been designed to include double patio doors and two windows on the front elevation facing the garden. The side elevation will be blank and the rear elevation will include an access door. The walls will be finished in Grade B Moondust Grey Coastline Cladding and the roof will be covered	

with EPDM rubber and the windows and doors will be UPVC.

### **RELEVANT PLANNING APPLICATION HISTORY**

There have been no previous planning applications at this property.

### **CONSULTATION RESPONSES**

Lowca Parish Council – No objections.

#### Public Representation

The application has been advertised by way of neighbour notification letters issued to 3 no. properties.

No objections have been received as a result of this consultation.

### **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 DM18 – Domestic Extensions and Alterations

#### **Other Material Planning Considerations**

National Planning Policy Framework (NPPF)

#### 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.

### Principle of Development

The proposed application relates to a residential dwelling within Lowca and it will provide an outbuilding within the rear garden. Policy DM18 supports extensions and alterations 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 outbuilding will be relatively modest in scale and appropriately sited within the rear garden. It will replace an existing outbuilding and decking and it will be adjacent to the boundary fence. On this basis, it will not be excessively prominent within the locality or overbearing for the neighbouring properties.

The outbuilding will provide space for a hot tub and therefore the proposed design is considered to be suitable for its use and the choice of materials are considered to respect the existing character and appearance of the existing property. On this basis, the proposal is considered to meet Policies DM10 and DM18 and the 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.

The proposal will be appropriately located within the rear garden, adjacent to the existing boundary fence and it will be modest in height with a maximum height of 3 metres. The boundary fence will help screen the outbuilding and there are no proposed windows included on the side elevations. The design is therefore considered to mitigate potential overlooking issues.

In addition, under permitted development rights, an outbuilding could be erected up to 2.5 metres in height along the boundary in the rear garden without the requirement for formal planning permission. This fall-back position is a material consideration in the assessment of this application. As proposed height is not significantly larger than what is possible under permitted development, the proposed outbuilding is considered to be satisfactory and therefore the loss of light will not have a significant impact on the neighbouring amenity.

	<p>On this basis, the proposal is considered to comply with Policy DM18 and the NPPF guidance.</p> <p><u>Planning Balance and Conclusion</u></p> <p>The proposed outbuilding is of an appropriate design and will not have any detrimental impact on the amenities of the adjoining properties. It represents 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><b>Recommendation:</b></p> <p>Approve (commence within 3 years)</p>
9.	<p><b>Conditions:</b></p> <ol style="list-style-type: none"> <li> <p>The development hereby permitted must commence before the expiration of three years from the date of this permission.</p> <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> </li> <li> <p>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> <p>Location Plan, scale 1:1250, received 23<sup>rd</sup> February 2021;  Site Plan, scale 1:500, received 23<sup>rd</sup> February 2021;  Floor Plan, received 23<sup>rd</sup> February 2021;  Roof Structure and Base Plan, received 23<sup>rd</sup> February 2021;  Front Elevation, received 23<sup>rd</sup> February 2021;  Side Elevation, received 23<sup>rd</sup> February 2021;  Internal Dividing Wall Plan, received 23<sup>rd</sup> February 2021;  Rear Elevation, received 23<sup>rd</sup> February 2021;  Email confirming proposed Grade B Moondust Grey Coastline Cladding, received 9<sup>th</sup> April 2021.</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> </li> </ol>

**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](http://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 : 19/04/2021**

**Authorising Officer: N.J. Hayhurst**

**Date : 19/04/2021**

**Dedicated responses to:- N/A**