

COPELAND BOROUGH COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/21/2153/OF1
2.	Proposed Development:	KITCHEN EXTENSION AND CREATION OF FIRST FLOOR ROOF DECK TO THE REAR OF THE PROPERTY
3.	Location:	221 FRIZINGTON ROAD, FRIZINGTON
4.	Parish:	Arlecdon and Frizington
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 221 Frizington Road, a terraced property located within Frizington. The property fronts onto the A5086 and it benefits from a rear small garden, which backs on to St. Paul's Church and graveyard. Proposal This application seeks planning permission for the erection of a single-storey rear extension with a first floor roof deck above. The proposed extension will project 2.7 metres from the rear elevation of the dwelling and will extend along this elevation by 4.2 metres. The development will benefit from a flat roof with an overall height of 2.7 metres. The proposed extension will create an enlarged kitchen and it will include a patio door and high-level kitchen window on the rear elevation. The side elevations will be	

blank and it will also be lit by a skylight. Externally the proposed extension will be finished with render, roof tiles and UPVC windows and doors to match the existing property.

The proposal will also create a raised deck at first floor level, which will be accessed from a door in the bedroom. The amended proposal includes a 1.8 metre high close board timber fence along the side elevations and a glazed balustrades to a height of 1.1 metre along the rear elevation. The deck will be stepped off the boundary by 0.9 metres adjacent to the neighbouring property, no. 220 Frizington Road.

Consultation Responses

Parish Council

No comments received.

Environmental Health

The Environmental Health Team at Copeland Borough Council objected to the application as the proposed first floor roof deck at the rear of the property is likely to have a detrimental effect on other dwellings in the vicinity, and particularly at properties directly adjacent, due to noise disturbance.

Dwellings on the terrace are in close proximity, with the nearest bedroom at no. 220 Frizington Road being approximately 1 metre away.

Although an acoustic screen has been proposed by the applicant, this will not be effective in preventing or reducing noise transmission from activity on the roof decking, given the lack of distance to the adjacent bedroom at no. 220 Frizington Road. Noise transmission will pass above, around and over the proposed acoustic screen.

The rear of this terrace is also shielded from traffic noise on the A5086 road along Frizington Road and as such is a quieter environment, especially during the evening and night hours.

Noise from people on an elevated and open first floor deck position on the rear of the terrace is therefore likely to be cast along the rear of the terrace and be heard by neighbouring residents.

Public Representation

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

One letter of objection has been received as a result of this consultation which raised the following concerns:

- Privacy issues to the neighbouring bedroom window;
- Privacy issues to the neighbouring rear yard;
- Privacy issues to the living room;

- Noise issues to our bedroom;
- Increase in already documented and actionable noise and nuisance complaints;
- Increase in large gatherings of people and increased noise on the upper proposed deck causing distress, sleeplessness and additional negative and serious health implications;
- Overlooking to the churchyard and graves.

The comments from St. Paul's Church, Frizington included the following concerns:

- The rear of the property at 221, Frizington Road is bounded an historic stone wall which belongs to St. Paul's Church and on no account must the wall be damaged or altered in any way;
- St. Paul's church has a graveyard which is still in use and the Church wardens have a responsibility to the families of those who are interred there;
- On no account must contractor's vehicles park in St. Paul's Church car park as this is provided for church users only;
- Access to the rear of 221 Frizington Road should not be made through the graveyard or the church grounds.

Planning Policy

Planning law requires that 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

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

Policy Context

This application seeks planning permission for the erection of a single-storey rear extension with a first floor roof deck above.

Policies ST1, DM10 and DM18 of the Copeland Local Plan seek to create high quality developments while maintaining good levels of residential amenity. Developments should respond positively to the character of the site and the wider setting. Policy DM18 seeks to ensure domestic alteration area of an appropriate scale and design, which is appropriate to their surroundings and do not adversely affect the amenities of adjacent dwellings.

Paragraph 130 of the NPPF seeks to safeguard high standards of amenity for existing and future users. Developments should add to the overall quality of the area, should be sympathetic to the local character, and should establish and maintain a strong sense of place.

The main issues raised by this application are the impact of the development on residential amenities of occupiers of the adjoining properties and the impact on the character and appearance of the terrace and the wider impact on visual amenity of the local area.

Impact Of Development On Residential Amenities of Adjoining Properties

The application site relates to a small terraced property, which, due to its narrow plot width lies in close proximity to the adjoining dwellings. The bedroom window of the neighbouring property, no. 220 Frizington Road is approximately 1 metre away from the proposal.

The proposal includes the creation of a roof terraced with associated screen at first floor level. The proposed roof terraced will be located 2.7 metres above the garden ground level and it will include 1.8 metre high close board timber fencing along the side elevations and a glazed balustrades to a height of 1.1 metre along the rear elevation.

Concerns were raised regarding the proximity to the boundary and especially the neighbouring bedroom window at no. 220 Frizington Road. The plans were amended to step the screening wall away from the boundary with no. 220 by 0.9 metres and include a 1.8 metre high solid fence to help reduce noise and overlooking to the side. Despite the changes, the proposal is still considered to have a dominant and overbearing impact on the neighbouring property due to the elevation and siting in close proximity to adjoining windows.

The use of terrace as an amenity area would result in noise and disturbance which is likely to have a

significant impact on the privacy and amenity of adjoining occupiers. The Environmental Health Team at Copeland Borough Council objected to the application as the proposed first floor roof deck at the rear of the property is likely to have a detrimental effect on other dwellings in the vicinity, and particularly at properties directly adjacent, due to noise disturbance. A letter of objection from the neighbouring property has also raised significant concerns in terms of potential noise and the proximity to their bedroom window. It was also considered that a solid acoustic screening wall will not be effective in preventing or reducing noise transmission from activity on the roof terrace, due to the close proximity to the adjacent bedroom window. Noise transmission will pass above, around and over the proposed acoustic screen.

In addition, the rear of this terrace is shielded from traffic noise on the A5086 and as such is a quieter environment, especially during the evening and night hours. Noise and disturbance, from people on an elevated, open first floor deck position on the rear of the terrace, is therefore likely to be cast along the rear of the terrace and be heard by other residents. On this basis, it is considered that the proposal will result in an unacceptable disturbance which will significantly harm residential amenity in terms of noise.

The proposal will also include a 1.1 metre high glazed balustrade along the rear elevation and therefore the proposed raised deck will increase the potential for and perception of overlooking of the adjacent dwelling and the graveyard located to the rear of the garden. One letter from the Church highlighted that St. Paul's Church has a graveyard which is still in use and they have a responsibility to protect the amenity of the users. Due to the close proximity, the development is likely to have a significant detrimental impact on the users of the adjacent church and graveyard. The church grounds are a sensitive environment where people come to enjoy peace and quiet and therefore it is considered that the proposal would result in a significant adverse impact on their amenity in terms of overlooking and loss of privacy.

On this basis, due to the proximity and elevation, a roof terrace would have a detrimental impact on living conditions and privacy of the occupiers of adjoining residential properties. Therefore the proposal would conflict with Policies ST1, DM10, DM18 of the Local Plan and section 12 of the NPPF, which seek to ensure that development safeguard good levels of general and residential amenity, maintain standards for residential development, and would not create potential privacy problems for the residents of adjacent dwellings.

Also due to the sensitive nature of church grounds and graveyard and the concerns that use of roof terrace at first floor level would overlook the sensitive location and spoil the quiet and peaceful enjoyment of the church grounds by visitors, the proposal would not comply with the Local Plan Policies.

The Effect of the Proposed Development on the Character and Appearance of the Area

The area is characterised by small-scale dwellings with narrow plot widths that are arranged in a terraced form. The properties benefit from small rear yards with limited amenity space. The terraced row backs on to the graveyard and grounds associated with St. Paul's Church and therefore the setting is sensitive. In addition, the terrace forms a backdrop to graveyard and it is prominent in views

from the graveyard and the minor road, B5294 to the west.

The proposed extension will include a first floor roof deck and associated screens. It has been designed to include a solid 1.8 metre high timber screening wall on the side elevations and a 1.1 metre high glazed balustrades along the rear elevation.

Given the siting, scale and design of the raised deck, the development is considered to have a significant detrimental impact on the existing character and appearance of the terraced row. There are no two-storey rear extensions along the terraced row and therefore the first floor roof deck with a solid screening wall and glazed balustrade is considered to be incongruous addition that would have an adverse impact on the character and appearance of the existing terrace.

The proposal is located in a prominent location, slightly elevated above the adjacent graveyard and it will be seen from the B5294 to the west which is lined by a public pavement in addition to the graveyard. It is therefore considered that the roof terrace will be out of keeping with the character and appearance of the terraced property and it will have a detrimental impact on the visual amenity of the wider area including the adjoining graveyard and church grounds.

The proposed close board timber fencing material on the side elevations of the deck will also be inappropriate at first floor level and it will not in keeping with materials of the parent property or the surrounding properties. The development fails to relate in a coherent manner to its surrounds and the use of timber fencing emphasising the prominence when viewed from the adjacent to the graveyard.

On this basis, it is considered that the proposed extension would result in an inappropriate form of development that would have an adverse effect on the character and appearance of the area. This would conflict with Policies ST1, DM10 and DM18 of the Copeland Local Plan 2013-228: Core Strategy and Development Management Policies DPD (the Local Plan). These policies seek to ensure that developments are of an appropriate scale, design and material, which are appropriate to their surroundings and respond positively to the character of the area.

Planning Balance and Conclusion

Section 12 of the National Planning Policy Framework clearly sets out that one of the key principles of the planning system is to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

This aim is reflected in the Copeland Local Plan, particularly within policies ST1 D(i) and D(ii), DM10 and DM18.

Policies DM10 and DM18 set out the criteria on which this proposal has been assessed.

The creation of a roof terraced with associated screen at first floor level will result in an inappropriate form of development that would exert an overbearing and dominant effect on the adjoining properties. Its use would result in noise and disturbances that would have a significant detrimental impact on the privacy of the adjoining occupiers. It would also have an effect on the peaceful

	<p>enjoyment of the church grounds by visitors.</p> <p>The extension and roof terrace would produce an incongruous form of development that would have a detrimental impact on the character and appearance of the terrace and the visual amenity of the wider area including the sensitive church grounds and graveyard.</p> <p>Overall, the proposal is considered to be an inappropriate form of development which is in conflict with Policies ST1, DM10 and DM18 of the adopted Local Plan. The minor benefits that would result from this proposal are not considered to be sufficient to outweigh the significant adverse harm identified to both local residents and the visual amenity of the local area.</p>	
8.	Recommendation: Refuse	
9.	Reasons for Refusal: <div><div>1.</div><div>The creation of a roof terrace and associated screen at first floor level in this constrained location within close proximity to the bedroom windows of the adjoining residential properties would have an overbearing and dominant effect on occupiers of these properties. A roof terrace in this elevated location would also result in noise and disturbance which would have a significant detrimental impact on the privacy of the occupiers of the adjacent properties and harm the peaceful enjoyment of visitors to the adjoining church grounds and graveyard. As a consequence the development would be in conflict with Policies ST1, DM10 and DM18 of the Copeland Local Plan 2013 – 2028, and section 12 of the NPPF which seek to ensure a good standard of amenity for all existing and future occupants of land and buildings.</div></div> <div><div>2.</div><div>The proposed extension, first floor roof deck and associated screen, due to their siting, scale and design would have a significant detrimental impact on the character and appearance of both the terraced row of existing residential properties and the visual amenity of the wider area including the adjoining graveyard and church grounds. This would be in conflict with Policies ST1, DM10 and DM18 of the Copeland Local Plan 2013-2028.</div></div> Statement The Local Planning Authority has acted positively and proactively in accordance with Copeland Local Plan policies and the National Planning Policy Framework in determining this application by identifying matters of concern with the proposal and raising those with the applicant/ agent. However, in this case it has not been possible to arrive at a satisfactory resolution for the reasons set out in the reason for refusal.	
Case Officer: C. Unsworth		Date : 12/08/2021
Authorising Officer: N.J. Hayhurst		Date : 12/08/2021
Dedicated responses to:- 1 objector		