

COPELAND BOROUGH COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/21/2162/OF1
2.	Proposed Development:	PART REMOVAL OF EXISTING 500MM HIGH BOUNDARY WALL SPANNING GABLE END OF THE PROPERTY, REPLACED WITH 1.8M HIGH HIT AND MISS PANELLED FENCE. PIN KERB STONES TO BE INSTALLED IN FRONT OF FENCE AGAINST ADJOINING PAVEMENT WHERE EXISTING BRICK WALL IS TO BE REMOVED.
3.	Location:	1 RHEDA CLOSE, 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: YES Press Notice: NO Consultation Responses: See report Relevant Planning Policies: See report
7.	Report: LOCATION <p>This application relates to 1 Rheda Close, a detached property located within Frizington. The site is located at the entrance to the housing estate and it benefits from an existing 1-metre high boundary fence adjacent to the highway.</p> PROPOSAL <p>Planning Permission is sought for the erection of a replacement boundary fence. The fence will be located to the side of the property, at the entrance to the housing estate. It will measure 17 metres in length along the boundary and 5.6 metres from the boundary to the house to enclose the side</p>	

garden. It will have an overall height of 1.8 metres and it will be constructed out of hit and miss wooden fence panels, concrete posts and concrete bottom kick boards.

RELEVANT PLANNING APPLICATION HISTORY

There have been no previous planning applications at this property.

CONSULTATION RESPONSES

Arlecdon and Frizington Parish Council – No objections.

Highway Authority – No objections subject to the inclusion of a planning condition to protect the visibility splays at the adjacent junction.

Lead Local Flood Authority – No objections.

Public Representations

The application has been advertised by way of site notice and neighbour notification letters issued to 4 no. properties - No objections have been received as a result of this consultation process.

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

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 proposed are the principle of development, its scale and design, the potential impacts on residential amenity and highway safety.

Principle of Development

The proposed application relates to a residential dwelling within Frizington and it will provide a replacement fence within the side 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 replacement fence will be appropriately located within the side garden and it will be relatively modest in scale. It will not be overbearing for the neighbouring properties and the design is considered to be suitable for its use. In addition, the design and choice of materials will match the existing fence to the rear of the property.

On this basis, the proposal is considered to meet Policy DM18(A) 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 both the parent property and adjacent dwellings.

The potential impact on neighbouring amenity was considered, although due to the siting to the side of the property, it is not considered that the proposal will cause overshadowing issues. The fence will also provide increased privacy for both the parent property and neighbouring properties and no concerns have been raised as part of the application consultation.

On this basis, it is considered that the proposed fence will not have any adverse impacts on the neighbours and therefore the proposal is considered to meet Policy DM18 and the NPPF guidance.

	<p><u>Highway Safety</u></p> <p>Policy DM22 and the Cumbria Development Design Guide seek to maintain highway safety and seek to encourage innovative approaches to manage vehicular access and parking to avoid vehicles dominating the street scene.</p> <p>As the proposed fence is located at the entrance to the housing estate and it would be adjacent to an existing junction, the Highway Authority requested that the visibility splays be shown on a plan. Following the receipt of the amended plan with the visibility splays indicated, the Highway Authority confirmed they had no objections to the proposed development, subject to the inclusion of a condition for the development to be built in accordance with the proposed plan. The planning condition will ensure the visibility splays are maintained and highway safety is protected.</p> <p>On this basis, the proposal is considered to satisfy Policy DM22 and the standards set out in the Cumbria Development Design Guide.</p> <p><u>Planning Balance and Conclusion</u></p> <p>The proposed fence is of an appropriate design and will not have any detrimental impact on the amenities of the adjoining properties or highway safety. 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>Recommendation:</p> <p>Approve (commence within 3 years)</p>
9.	<p>Conditions:</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>Site Location Plan, scale 1:1250, received 13th April 2021; Proposed Fence Layout and Visibility Splay, scale 1:10, Drawing No 1 Rheda Close Fence Proposal, received 17th May 2021; Proposed Fence Elevation, scale 1:5, Drawing No 1 Rheda Close Fence Proposal, received 17th May 2021;</p>

	<p>Proposed Fence Elevation Visual, Drawing No 1 Rheda Close Fence Proposal, received 17th May 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> <p>3. The proposed fence must be installed in accordance with the details set out in the approved Proposed Fence Layout and Visibility Splay plan received by the Local Planning Authority on 17th May 2021 and the fence must be maintained thereafter. The fence height must not exceed 1.8 metres above the carriageway.</p> <p>Reason</p> <p>To ensure the provision of adequate visibility splays in the interest of highway safety.</p> <p>Informative</p> <p>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.</p> <p>Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority</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>
Case Officer: C. Unsworth	Date : 03/06/2021
Authorising Officer: N.H. Hayhurst	Date : 08/06/2021
Dedicated responses to:-N/A	