

**COPELAND BOROUGH COUNCIL  
DELEGATED PLANNING DECISION**

1.	<b>Reference No:</b>	4/21/2292/0F1
2.	<b>Proposed Development:</b>	ERECTION OF GARDEN ROOM ALSO MAKING UP GROUND 600MM TO LEVEL OUT THE SLOPE OF THE GARDEN
3.	<b>Location:</b>	IRRON HOUSE, HARRAS ROAD, WHITEHAVEN
4.	<b>Parish:</b>	Whitehaven
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: YES  Press Notice: NO  Consultation Responses: See report  Relevant Planning Policies: See report
7.	<b>Report:</b>	<p><b>SITE AND LOCATION</b></p> <p>This application relates to Iron House, a semi-detached property located within the Harras Moor area of Whitehaven. The site benefits from a large garden and an existing boundary fence to the rear of the property.</p> <p><b>PROPOSAL</b></p> <p>Planning Permission is sought for the erection of an outbuilding and raised garden level of 0.6 metres to level out the existing slope of the rear garden.</p> <p>The outbuilding will measure 5.44 metres in width and 3.602 metres in depth. It will have a pitched roof with an overall height of 3.73 metres. It has been designed to include patio doors and a window on the front elevation facing the raised garden and the side elevation facing the garden will include a</p>

window. The side and rear elevation facing the boundary will be blank. The outbuilding will be finished in light coloured render on the front and rear elevation and Westmorland green slate on the side elevations. The outbuilding will also be finished with red sandstone quoins and window heads, grey flat concrete roof tiles and black UPVC windows and doors.

### **RELEVANT PLANNING APPLICATION HISTORY**

Planning Permission has previously been granted for a first floor extension over the garage at this property (ref: 4/96/0262/0).

### **CONSULTATION RESPONSES**

#### Consultees

Whitehaven Town Council – No objections.

Highway Authority – Standing advice from Service Level Agreement.

Lead Local Flood Authority – Standing advice from Service Level Agreement.

#### Public Representation

The application has been advertised by way of site notice and neighbour notification letters issued to 2 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 Whitehaven 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 and raised garden level will be relatively modest in scale and suitably located at the end of the rear garden. The proposed raised garden will level out the existing slope of the rear garden and it will replace an existing raised decking area and a wooden shed. The outbuilding will be located adjacent to the boundary wall and therefore it will not be excessively prominent within the locality or overbearing for the neighbouring properties. 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 proposed design is acceptable and it 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

	<p>wall and it will be relatively modest in height. The boundary wall will help screen the outbuilding and there are no windows included on the side and rear elevations facing the boundary. On this basis, the design is therefore considered to mitigate potential overlooking issues.</p> <p>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> <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 and raised garden are of an appropriate scale and 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> Approve (commence within 3 years)</p>
9.	<p><b>Conditions:</b></p> <ol style="list-style-type: none"> <li>1. The development hereby permitted must commence before the expiration of three years from the date of this permission.</li> </ol> <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"> <li>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: -</li> </ol> <p>Location Plan, scale 1:1250, received 23<sup>rd</sup> June 2021;  Block Plan, scale 1:500, received 23<sup>rd</sup> June 2021;  Floor Plan, received 23<sup>rd</sup> June 2021;  North Elevation, received 23<sup>rd</sup> June 2021;  East Elevation, received 23<sup>rd</sup> June 2021;  West Elevation, received 23<sup>rd</sup> June 2021;  South Elevation, received 23<sup>rd</sup> June 2021;  Overall 3D View, received 23<sup>rd</sup> June 2021.</p>

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.

**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: C. Unsworth**

**Date : 17/08/2021**

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

**Date : 18/08/2021**

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