

**COPELAND BOROUGH COUNCIL
DELEGATED PLANNING DECISION**

1.	Reference No:	4/21/2313/OF1
2.	Proposed Development:	ERECTION OF DECKING IN THE REAR GARDEN (PART-RETROSPECTIVE)
3.	Location:	28 WASDALE CLOSE, WHITEHAVEN
4.	Parish:	Whitehaven
5.	Constraints:	ASC;Adverts - ASC;Adverts, Flood Area - Flood Zone 2, 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:	<p>SITE AND LOCATION</p> <p>This application relates to 28 Wasdale Close, a terraced property situated on an existing housing estate within Whitehaven. The property is bound by a 1.8 metre high boundary fence to the north, the railway line to the east and a 1 metre high open wire fence to the south. The site also lies within flood zone 2.</p> <p>PROPOSAL</p> <p>Retrospective Planning Permission is sought for the installation of a raised decking within the rear garden.</p> <p>The decking has a width of 7 metres running along the full width of the garden and it has a depth of 3 metres. It has an overall height of 0.76 metres and it has been built out of wood. It has been designed</p>

to include a 1 metre wooden balustrade along the front elevation and it will be accessed from three steps facing the garden.

It is also proposed to include a 1.8 metre high screening fence along the two side and rear elevations of the raised platform and a 1.8 metre high boundary fence along the south boundary to provide screening.

RELEVANT PLANNING APPLICATION HISTORY

There has been no previous planning applications at this property.

CONSULTATION RESPONSES

Whitehaven Town Council

No objections.

Home Group Estate Liaison Officer

Initial comments:

The application site is owned by Home Group and therefore Home Group are intervening regarding the works as it has been carried out without permission.

Following the amended plans consultation:

No comments received.

Flood Risk Engineer

No objections.

Public Representations

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

Nine letters of support have been received to the proposal.

One letter of objection has been received to the original proposal, which raised the following concerns:

- The submitted plans are not accurate, they do not reflect the actual height of the decking at the locality and the site plan shows measurements of 1 metre either side of the decking which is not correct;
- The applicant has built on the line of the boundary fence by putting the posts for the decking in that line so there is no gap;

- The decking has an impact on privacy and amenity of the surrounding properties;
- As the garden level rises as it goes away from the properties, concerns include the decking height compared to the internal floor levels;
- Concerns regarding a solid fence to give any privacy and the maximum height allowed;
- The void under the decking is a fire hazard and would encourage rodents.

Following the re-consultation, one letter of objection has been received to the amended proposal, which raised the following concerns:

- The decking is still at 76cm high which takes away privacy from neighbouring windows;
- A dividing fence cannot be part of decking structure;
- The previous concerns still apply;
- A very high solid fence would prevent loss of privacy;
- The plans include a lot of measurements and they don't mean anything except to confuse people.

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 DM24 – Development Proposals and Flood Risk

Other Material Planning Considerations

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

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 flood risk.

Principle of Development

The proposed application relates to a residential dwelling on an existing housing estate within Whitehaven and it will provide a raised decking area in 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.

An objection was received as the proposed plans did not reflect the site and retrospective proposal. On this basis, the correct plans were sought and the amendments included both a screening fence along the sides and rear of the decking and a new fence along the boundary to help screen the development and mitigate overlooking concerns.

The objection also raised concerns with the height above ground level. Although under current permitted development rights, a raised platform with an overall height of 0.3 metres from ground level could be installed without the requirement for formal planning permission. This fall-back position is a material consideration in the assessment of this application.

The proposed decking will be appropriately located within the rear garden and it will be relatively modest in scale. Due to the nature of the slightly sloping site, the overall height will be 0.76 metres above ground level. Justification was provided for this height as the decking level was dictated by ground level towards the rear boundary. On this basis, as the height is not significantly larger than what is possible under permitted development, the proposal is considered to be acceptable and the amended design with screening walls will suitably screen the development.

In addition, the materials are considered to suitable for its use and respect the character of the residential garden and surrounding area.

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.

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 properties.

Consideration was given to these impacts and therefore amended plans were sought. A screening fence around the decking and a boundary fence will be provided to screen the development. These measures are considered to be appropriate to mitigate overlooking concerns and the installation and maintenance of the 1.8 metre high screening fence and boundary fence can also be secured by a planning condition. On this basis, due to the measures to mitigate overlooking issues, it is not considered that the proposal will cause an unacceptable level of overlooking or loss of privacy.

In addition, the current boundary to the south is a 1 metre high open wire fence and therefore this element of existing overlooking is considered. On this basis, the installation of a 6ft fence along the boundary is considered to improve the situation and mitigate the decking.

Overshadowing issues were also considered, although due to the modest projection and the relationship adjacent to the neighbouring outbuilding, it is not considered that the proposal will cause significant overshadowing. Under current 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 the overall height of the decking and screening wall are not significantly larger than what is possible under permitted development, the proposal is considered to be satisfactory and therefore the loss of light will not have a significant impact on the neighbouring amenity.

Concerns regarding the void underneath the decking as a fire hazard and the potential to encourage rodents are not material planning considerations so cannot be considered as part of the application assessment, but if these issues occur Environmental Health should be contacted.

On balance, given the existing situation with the open boundary, 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 Policy DM18 and the NPPF guidance.

Flood Risk

The NPPF and Policy DM24 requires proposed developments in Flood Zones 2 and 3 to be accompanied by a Flood Risk Assessment (FRA). Policy DM24 seeks to protect developments against risks of flooding.

The site falls within flood zone 2 and therefore the applicant provided a Householder Flood Risk Assessment Form to confirm the floor levels will not be set lower than existing levels.

	<p>The Council’s Flood Engineer confirmed, given that the decking is suspended, it shouldn’t reduce the flood storage area and rainfall could well end up beneath the decking and therefore no objections were raised.</p> <p>On this basis, the proposal will not result an increased flood risk on site or elsewhere and therefore it will comply with Policy DM24 and the NPPG guidance.</p> <p><u>Planning Balance and Conclusion</u></p> <p>This application seeks retrospective planning permission for the installation of a raised platform in the rear garden. The main issues raised by the application was the scale of the development and the potential overlooking from the decking. An objection was received for both the original and amended plans.</p> <p>Accurate revised plans were sought and amendments were included with both a 1.8 metre high screening fence along the side and rear of the decking and a new 1.8 metre high fence along the boundary to help screen the development and mitigate overlooking concerns. The amended plans are considered to be acceptable in terms of scale and design and the impacts on neighbouring amenity as the planning conditions proposed will secure the screening wall and boundary fence installation. The screening fences are considered to improve the situation and mitigate the decking.</p> <p>In addition, the proposal will not increase flood risk on site or elsewhere.</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: Approve (commence within 3 years)</p>
9.	<p>Conditions:</p> <p>1. 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 6th July 2021; Block Plan, scale 1:200, received 6th July 2021; Proposed Site Plan, received 9th September 2021; Proposed Rear Elevation, received 9th September 2021; Proposed Left Hand Side Elevation, received 9th September 2021; Proposed Right Hand Side Elevation, received 9th September 2021; Householder Flood Risk Assessment, received 5th August 2021.</p> <p>Reason</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.

2. Within three months of the date of this permission the 1.8 metre high solid screening fence must be erected along the north, east and south edge of the decking, in accordance with the approved plan 'Proposed Site Plan' received by the Local Planning Authority on the 9th September 2021. These screens must be maintained at all times and there after retained in perpetuity.

Reason

To protect the residential amenity of neighbouring dwellings.

3. Within three months of the date of this permission the 1.8 metre high solid boundary fence must be erected along the southern boundary, in accordance with the approved plan 'Proposed Site Plan' received by the Local Planning Authority on the 9th September 2021. The boundary fence must be maintained at all times and there after retained in perpetuity.

Reason

To protect the residential amenity of neighbouring dwellings.

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: C. Unsworth	Date : 29/10/2021
Authorising Officer: N.J. Hayhurst	Date : 29/10/2021
Dedicated responses to:- 1 Objector	