

**COPELAND BOROUGH COUNCIL
DELEGATED PLANNING DECISION**

1.	Reference No:	4/21/2371/OF1
2.	Proposed Development:	ERECTION OF SINGLE STOREY EXTENSION TO REAR (PART-RETROSPECTIVE)
3.	Location:	23 MOUNTBATTEN WAY, MILLOM
4.	Parish:	Millom
5.	Constraints:	ASC;Adverts - ASC;Adverts, Coal - Off Coalfield - 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>LOCATION</p> <p>This application relates to 23 Mountbatten Way, a terraced property located on an existing housing estate within Millom. The site benefits from both a front and rear garden.</p> <p>PROPOSAL</p> <p>Retrospective Planning Permission is sought for the erection of a single-storey rear extension to provide a ground floor bathroom and utility. The extension projects 4 metres from the rear elevation and it has an overall width of 2.335 metres. It has a mono-pitched roof with an overall height of 3.212 metres and an eaves height of 2.43 metres. Two windows are included on the side elevation facing the neighbouring property, no. 25 Mountbatten Way. The side elevation along the boundary facing no. 21 Mounbatten Way and the rear elevation are blank. The extension will be finished with light coloured render, concrete roof tiles and white UPVC windows to match the existing property.</p>

RELEVANT PLANNING APPLICATION HISTORY

There have been no previous planning applications at this property.

CONSULTATION RESPONSES

Consultees

Millom Town Council – No objection.

Public Representations

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

Two objections have been received as a result of this consultation process which raised the following concerns:

- Retrospective application and the delay of the application submission;
- Lack of consultation with neighbours from the applicant prior to commencing building works;
- Planning Enforcement Officer involved as the extension exceeds Permitted Development requirements ;
- Scale of the rear projection of extension into garden and the height for single storey building;
- Overshadowing, loss of light in excess of 40% and loss of open views in the garden;
- Overbearing scale and design and the proximity of habitable room windows and the boundary;
- The extension includes two windows on the side elevation and therefore it overlooks the neighbouring rear garden and results in a loss of privacy;
- Incomplete extension and window installation, non-frosted bathroom window and currently there is a wooden plyboard blocking the bathroom window, yet the bathroom is now in use;
- Loss of property value;
- Concerns regarding the building and construction standard;
- Siting of the extension over a mains sewer;
- Cracks within the neighbouring property since the building works started;
- Damage to boundary fence during construction;
- The boiler has been moved to the new bathroom, which the applicant moved himself.

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

Principle of Development

The proposed application relates to a residential dwelling within Millom and it will provide a ground floor bathroom and utility. Policy DM18 supports extensions 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.

Significant concerns were raised regarding the scale of the rear extension, which exceeds the 3 metre projection allowed under Permitted Development. The Permitted Development fall-back position is a material consideration in the assessment of this application. As the extra projection of 1 metre is not significantly larger than what is possible under permitted development, this proposal is considered to be acceptable. It is also considered that the extension is appropriately located to the rear of the

property, behind the main element of the existing dwelling. This ensures the extension appears subservient to the main dwelling and it is not be excessively prominent within the locality.

Concerns regarding the proximity to boundary and the overbearing height were also considered, although taking into account the 4 metre overall height which can be erected under Permitted Development without the requirement for formal planning permission, the height of 3.4 metres is not excessive and it will not result in a material level of harm to the adjoining occupier in terms of dominance. The design is also considered to be suitable for the use and it is appropriate to the surroundings.

Externally, the building will be finished in light coloured render, concrete roof tiles and white UPVC windows to match the existing property. These materials are considered to respect the character and appearance of the existing property, although the render has not been finished and the obscure glazing in the bathroom window has not yet been installed. On this basis, in the interest of visual amenity, it is considered appropriate to attach planning conditions to ensure the extension is rendered and obscure glazing is installed within 3 months of the approval.

On this basis, the proposal is considered to meet DM18(A) policy 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.

Two objection letters were received with concerns regarding the single-storey rear extension, the proximity to the shared boundary and the potential overshadowing and overlooking concerns. The concerns were taken into account, although as the extension is considered to be relatively modest in scale.

Taking into account the existing orientation of the terraced row with the rear elevation facing north and the impact this already has on the rear garden and rear elevation windows, the extension is not considered to cause significant overshadowing beyond the current position. In addition, considering what scale of extension is possible under Permitted Development, the extension will not cause an unacceptable loss of light or dominance on the neighbouring property.

In addition, the two side elevation windows are not considered to be materially different than what could be installed within a 3 metre rear extension and therefore the potential overlooking from the non-habitable utility room is not considered to be significantly harmful. The bathroom window will also be finished with obscure glazing further reducing overlooking concerns and this can be secured by the use of a planning condition.

It should be noted that the neighbour could also erect a 2-metre high fence to maintain greater privacy in the future. In addition, there are no windows included on the side elevations along the boundary facing the adjoining neighbour, no. 21 Mounbatten Way and therefore the design mitigates overlooking and loss of privacy concerns on this side. It is however appropriate to attach a planning

condition to ensure no additional windows are installed to protect residential amenity.

On this basis, the development will not have an unacceptable adverse impacts on the neighbouring amenity and therefore the proposal is considered to meet Policy DM18 and the NPPF guidance.

Planning Balance and Conclusion

The retrospective application seeks permission for the single-storey rear extension which exceeds Permitted Development requirements. Significant concerns were received as part of the neighbour consultation process and they were taken into account in the assessment of the proposal. Concerns from the neighbours due to the delay with the submission and lack of consultation with neighbours from the applicant prior to commencing building works were noted but the application can only assess material planning considerations.

The proposed extension is considered to be suitably located within the rear garden and it is of an appropriate design and will not have any significantly detrimental impact on the amenities of the adjoining properties. The rear projection only exceeds the Permitted Development parameters by 1 metre and the overall height is lower than the 4 metres possible under Permitted Development. On this basis the scale is not excessively dominant.

The proximity to the boundary and neighbouring windows were considered, although taking into account the existing orientation of the terraced row and what is possible under Permitted Development, it is not considered that the extension will cause unacceptable overshadowing or dominance.

In addition, the side elevation windows are not considered to be materially different to the windows which could be installed on a 3 metre rear extension and therefore overlooking and loss of privacy issues are not considered to be unacceptable. Planning conditions are included to ensure obscure glazing within the bathroom window is installed and to restrict the installation of future windows and doors. In addition, in the interest of visual amenity and to ensure the extension is completed to an acceptable standard, a planning condition is attached to ensure the light coloured render is finished within three months of the approval.

The concerns regarding the loss of views and property values are not material planning considerations so could not be taken into account in the application assessment. The construction standards, damage that has occurred and siting over mains sewers are also not planning matters. These concerns have been passed onto the Building Control team to ensure the extension is built to Building Regulation Standards.

On balance, whilst some potential harm is identified, it is not considered to result in an unacceptable material level of harm and demonstrably outweigh the benefits of the development. The extension therefore represents an acceptable form of development which accords with the policies set out within the adopted Local Plan and the guidance in the NPPF, subject to the inclusion of planning conditions.

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, drawing reference 21-41-P-L, received 18th August 2021; Block Plan, scale 1:500, drawing reference 21-41-P-L, received 18th August 2021; Proposed Site Plan, scale 1:100, drawing reference 21-41-P-01, received 18th August 2021; Existing Floor Plan, scale 1:100, drawing reference 21-41-P-02, received 18th August 2021; Existing Elevations, scale 1:100, drawing reference 21-41-P-03, received 18th August 2021; Proposed Floor Plan, scale 1:100, drawing reference 21-41-P-04, received 18th August 2021; Proposed Elevations, scale 1:100, drawing reference 21-41-P-05, received 18th August 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>2. Within three months of the date of this permission all external walls of the extension must be finished with a light coloured render in accordance with the approved plan reference 21-41-P-05. Development must be carried out in accordance with the approved details and must be maintained as such at all times thereafter.</p> <p>Reason</p> <p>To ensure a satisfactory appearance of the building in the interests of visual amenity.</p> <p>3. Within three months of the date of this permission obscure glazing must be installed within the bathroom window on the west facing side elevation. Once installed the obscure glazing must be permanently maintained at all times thereafter.</p> <p>Reason</p> <p>To safeguard the residential amenity.</p>

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that order with or without modification) no additional windows or doors shall be installed within the extension other than those expressly authorised by this permission.

Reason

To safeguard the character and appearance of the development in the interests of visual amenity.

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 : 13/10/2021

Authorising Officer: N.J. Hayhurst

Date : 13/10/2021

**Dedicated responses to:-
2 Objectors**