

COPELAND BOROUGH COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/21/2435/OF1
2.	Proposed Development:	DEMOLISH EXISTING outhouse AND CONSTRUCT NEW EXTENSION TO REAR OF THE PROPERTY
3.	Location:	5 HERBERT HILL, WELLINGTON ROW, WHITEHAVEN
4.	Parish:	Whitehaven
5.	Constraints:	ASC;Adverts - ASC;Adverts, Conservation Area - Conservation Area, 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 5 Herbert Hill, an end of terraced property situated within Whitehaven. The site falls within Whitehaven Conservation Area and is subject to an article 4 direction.e property. PROPOSAL Planning permission is sought for the removal of the existing outhouse and the erection of a new single-storey rear extension to provide an enlarged kitchen. The extension will project 1.2 metres from the rear elevation and will be 3.6 metres in width. It has been designed to match the existing single-storey extension with a mono-pitched roof, with an overall height of 4.5 metres and an eaves height of 2.5 metres. It will include a patio doors on the rear elevation and the side elevations will be blank.	

It will be finished with traditional smooth render, natural riven roof slate and UPVC/aluminium windows to match the existing property.

RELEVANT PLANNING APPLICATION HISTORY

There have been no previous applications for this property.

CONSULTATION RESPONSES

Whitehaven Town Council

No objections.

Conservation Officer

Initial Comments:

- Concerns the map in the Design and Access Statement is out of date;
- Herbert Hill was created in around 1870 so is mid-Victorian and the 1898 OS map shows each with a small rear extension, likely to be a coal store to the rear of the kitchen;
- The loss of the structure would entail some harm to the significance of the building, which should be taken into consideration. It will also harm the balance of the four paired houses in the row;
- The extension will be visible from the outside of the conservation area, due to its elevated position, from within the vicinity of Tesco's carpark and Bransty Road. I would view this as loss of an element that makes a positive contribution to a conservation area, consisting of less-than-substantial harm under NPPF 202, as well as harm to its setting. Note also that policy DM27C, after NPPF 206, restricts the principle of development within conservation areas to that which preserves and enhances their character and appearance;
- Numbers 2-5 Herbert Hill were clearly designed as a single, unified scheme with their massing carefully in balance. Numbers 4 and 5 have already lost a chimney stack from the rear, which has a noticeable impact, and this extension, because of the elevated position and symmetry of the houses, though small, would be widely visible.
- I would view the harm as outweighing the justification, so must on this occasion recommend refusal.

Additional Comments following amended Design and Access Statement and additional justification:

- The D&A statement map has been updated to show the conservation area's current boundary;
- Additional justification has also been provided, showing that the entailed harm is likely to be more minimal than I feared;
- Given the smallness of the proposal and likelihood that the roofscape of the row of houses makes a greater contribution to their appearance, the justification of providing a larger

kitchen would be justifiable;

- I would consider the level of harm to the conservation area to be less-than-substantial, towards the negligible end of the scale, justified by the advantage of providing this house with a larger kitchen. The proposal to match the existing rear outrigger in roofline and materials will minimise any visual intrusion;
- No objections.

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

Policy DM27 – Built Heritage and Archaeology

Other Material Planning Considerations

National Planning Policy Framework (NPPF)

National Planning Policy Guidance (NPPG)

Planning (Listed Building and Conservation Areas) Act 1990 (LBCA)

Conservation Area 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 proposal are the principle of development, its scale and design and the potential impacts on residential amenity and heritage assets.

Principle of Development

The proposed application relates to an unlisted residential dwelling within Whitehaven Conservation Area and it will provide a rear extension to provide an enlarged kitchen. 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 extension will be very modest in scale and appropriately sited within the rear garden. It will replace an existing outhouse and provide an enlarged kitchen and therefore the design is considered to be suitable for its use. It will infill the rear elevation and not project further than the existing rear elevation of the outhouse. The mono-pitched roof design and height will also match the existing extension and therefore it will not be overbearing on both the parent and neighbouring property. In addition, the choice of materials will reflect the existing dwelling.

Although the site is elevated it is not widely visible within the immediate locality, with the main distant views being from the Tesco's car park and Bransty Road which sit at a much lower level. As it will not be easily seen from outside the site its visual impact will be minimal.

On this basis, the proposal is considered to satisfy 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 proposed extension will be located in the rear garden, adjacent to the existing boundary fence. On this basis, the existing boundary treatments are considered to mitigate potential overlooking issues for the adjoining properties.

The extension will be also modest in scale and the orientation to the north-east of the adjoined property will reduce potential overshadowing impacts. On this basis, it is not considered that the extension will lead to a significant reduction in daylight for the neighbouring property.

In addition, no neighbours have raised concerns regarding the proposal as a result of the consultation process.

On this basis, the proposal will not have a detrimental impact on the neighbouring amenity and it is therefore considered to comply with Policy DM18 and NPPF guidance.

Heritage Assets

Policy ENV4 and DM27 seek to protect the built heritage and maximise the value. DM27 supports development proposals which protect, conserve and where possible enhance the historic and cultural architectural character of the Borough's historic sites and their settings.

The Listed Building and Conservation Areas Act sets out a clear presumption that gives considerable importance and weight to the desirability of preserving a heritage asset and its setting.

Section 72 of the LBCA requires that in considering whether to grant planning permission for development which affects a conservation area, the Local Planning Authority shall pay "special attention... to the desirability of preserving or enhancing the character of appearance" of the conservation area.

Paragraphs 184 – 202 of the NPPF in respect of heritage include a requirement that when considering the impact of development proposals on designated heritage assets such as a conservation area, great weight should be given to the conservation of the asset's significance; however, less than significant harm should be weighed against the public benefits of a development.

The application site is located within Whitehaven Conservation Area and is subject to an article 4 direction which covers the row of terraced houses. The Conservation Officer originally raised concerns due to the out of date map contained within the submitted Design and Access Statement and the harmful impact the extension would have on the Conservation Area. Following a site visit and additional justification from the agent, it was considered that the entailed harm is likely to be more minimal than was initially feared.

Although the site is elevated, due to the small scale nature of the extension and the distance from any public vantage points the visibility is not significant.

The proposal will match the existing rear extension in terms of its roofline and materials which will minimise any visual intrusion. In addition, it is considered that the roof-scape of the row of houses makes a greater contribution to their appearance and this will be preserved as part of the extension. Consequently the justification of providing a larger kitchen is acceptable.

In accordance with the tests set out in the LBCA and the NPPF, the potential harm of the proposed extension is considered to be less-than-substantial on the Conservation Area, towards the negligible end of the scale, justified by the advantage of providing this house with a larger kitchen.

On this basis, the Conservation Officer raised no objections to the proposal and therefore it is

	<p>considered to meet Policy DM27(A) and DM27(C), thereby satisfying the duties set out in the LBCA.</p> <p><u>Planning Balance and Conclusion</u></p> <p>The proposal is of an appropriate scale and design and it will not have any detrimental impacts on the amenities of the adjoining properties or the character and appearance of this part of the Whitehaven Conservation Area.</p> <p>In overall terms, whilst some harm is identified, in accordance with the tests set out in the LBCA and the NPPF, the slight harm to the Conservation Area is not considered to significantly and demonstrably outweigh the identified benefits of the development.</p> <p>On this basis, it represents an acceptable form of development and it 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"> <p>The development hereby permitted must commence before the expiration of three years from the date of this permission.</p> <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> <p>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 21.32.LOC, received 30th September 2021; Site Layout Plan, drawing reference 21.32.site, received 30th September 2021; Existing Floor Plan and Elevations, scale: 1:100, drawing reference 21.32.01, received 30th September 2021; Proposed Floor Plan and Elevations, scale: 1:100, drawing reference 21.32.02, received 30th September 2021; Design and Access Heritage Statement Rev A, received 19th November 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>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 : 09/12/2021
Authorising Officer: N.J. Hayhurst	Date : 10/12/2021
Dedicated responses to:- N/A	