

**COPELAND BOROUGH COUNCIL
DELEGATED PLANNING DECISION**

1.	Reference No:	4/21/2463/OF1	
2.	Proposed Development:	CONVERSION OF EXISTING FIRST FLOOR BALCONY TO A FIRST FLOOR SUN ROOM AND GROUND FLOOR LOBBY	
3.	Location:	UNDERHILL COTTAGE, THE HILL, MILLOM	
4.	Parish:	Millom Without	
5.	Constraints:	ASC;Adverts - ASC;Adverts, Flood Area - Flood Zone 2, Flood Area - Flood Zone 3, 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 Policies	See Report
7.	Report:		
	Site and Location		
	This application relates to an attached property, known as Underhill Cottage, which is located within a small cluster of houses in the south east of The Hill. The property is attached to three other houses created by way of barn conversions.		
	Relevant Planning History		
	4/14/2470/OF1 – Replace juliet balcony with projecting balcony – Withdrawn.		
	4/16/2052/OF1 – Extend existing balcony – Refused allowed on appeal.		

4/17/2178/0F1 – Alterations to approved balcony: to remove masonry wall, extend balcony towards site boundary & add 1.8m high obscured glass screen – Approved.

Proposal

In 2016 planning permission was granted on appeal to extend the existing balcony to the side/rear of this site. This approved balcony was enlarged further under a subsequent planning approval which included the erection of a 1.8m obscured glazed screen along the northern elevation with the adjacent property, Under Hill Farmhouse. This screen was deemed to be necessary to protect residential amenity.

This current application seeks planning permission to convert this existing balcony to a sunroom at first floor level and a lobby within the ground floor.

This application seeks planning permission to convert the existing first floor balcony to a first floor sun room and ground floor lobby. At first floor level the proposal will enclose the existing footprint of the balcony, measuring 3.05m x 2.45m. The ground floor element of the extension will be slightly smaller, measuring 2.6m x 2.35m. The development will benefit from an eaves height of 5.5m and an overall height of 6.3m.

Externally the development will be finished with a render cavity wall to match the main dwelling and an aluminium powder coated glazed door within the ground floor, and vertical treated cedar boards and powder coated zinc sheets for the roof within the first floor of the development. The first floor sun room will also benefit from a wrap around full height aluminium powder coated window, which is include a 1.8m obscure film fitted within the proposed north elevation of the development.

Consultation Responses

Millom without Parish Council

No comments received.

Public Representation

This application has been advertised by way of neighbour notification letters issued to three properties. No comments have been received in relation to the statutory notification procedure.

Planning Policy

Planning law requires that 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 – Strategic Development Principles

Policy ENV1 – Flood Risk and Risk Management

Policy ENV3 – Biodiversity and Geodiversity

Development Management Policies (DMP)

Policy DM18 – Domestic Extensions and Alterations

Policy DM24 – Development Proposal and Flood Risk

Policy DM25 – Protecting Nature Conservation Sites, Habitats and Species

Other Material Planning Considerations

National Planning Policy Framework (2021)

Emerging Copeland Local Plan (ELP):

The emerging Copeland Local Plan 2017-2035 has recently been the subject of a Publication Draft Consultation. The Publication Draft Consultation builds upon the previously completed Issues and Options and Preferred Options consultations. Given the stage of preparation of the Copeland Local Plan 2017-2035 some weight can be attached to policies within the Publication Draft where no objections have been received. The Publication Draft 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.

Strategic Policy DS1PU: Presumption in favour of Sustainable Development

Strategic Policy DS3PU: Settlement Hierarchy

Strategic Policy DS4PU: Settlement Boundaries

Policy H14PU: Domestic Extensions and Alterations

Assessment

The main issues raised by this application relate to the principle of the development; and scale, design and impact on amenity.

Principle of Development

The proposed application relates to a residential dwelling located to the south east of The Hill and will provide additional living space for the residents. 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, Design and Impact on Amenity

Policy ST1 and section 12 of the NPPF seek to safeguard good levels of residential amenity. Policy DM18 seeks 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 site has previously been granted planning permission for a large side/rear balcony, including the provision of a glazed screen to prevent overlooking of the adjacent neighbouring property. This application seeks to enclose the first floor of the existing balcony and the ground floor under the balcony to create additional living space for the dwelling. The development will utilise the existing footprint of the existing balcony so will retain the same separate with the adjoining property.

Concerns were originally raised with regard to the overall design of the proposal, in particular the first floor element of the development which proposed a full glazed flat roof sun room. Concerns were raised with regard to the overall appearance of the development and the overlooking this would create for the neighbouring dwelling, particularly as the previously approved balcony included an obscured glazed screen to protect neighbouring amenity. Based on these concerns amended plans were submitted to support this application which ensured that the development included a pitched roof to reflect the main dwelling, alternative modern materials, and a glazed screen within the north elevation window. Although the development still benefits from more modern materials than the main house, these are not considered to adversely affect the overall character of the dwelling given the small scale and siting of the extension. The addition of the obscure glazed screen will also ensure that the development does not adversely impact on the adjoining property and will protect their amenity from overlooking. This screen will be secured and retained by an appropriately worded planning condition.

Based on these amendments, the overall scale and design of the proposed development is therefore considered to be appropriate with regard to the parent property and is unlikely to cause any demonstrable harm to the existing dwelling or the amenity of any neighbouring dwellings. On this basis the development is considered to comply with the requirements of Policy DM18 of the Copeland Local Plan and the provisions of the NPPF.

Flood Risk and Drainage

Policy ST1B(ii) and paragraph 163 of the NPPF seek to focus development on sites that are at least risk of flooding and where development in flood risk is unavoidable, ensure that the risk is minimised or mitigated through appropriate design. Policy ENV1 and DM24 of the Copeland Local Plan reinforces the focus of protecting development against flood risk.

The application site is located within flood zones 2 and 3, however this is a small section of the site along the rear garden boundary. The identified flood zone is located a significant distance from the area subject to the extension and as the development will be located upon an existing hardstanding and balcony structure the development is not considered to increase run off or flood risk in the area. Based on this the application is not supported by a Flood Risk assessment.

On this basis the development is considered to comply with the requirements of the Copeland Local Plan and the provisions of the NPPF.

Ecology

Policies ST1, ENV3 and DM25 of the Copeland Local Plan and section 15 of the NPPF outline how the Council will protect and enhance the biodiversity and geodiversity within the Borough. These policies set out the approach towards managing development proposal that are likely to have an effect on nature conservation sites, habitats and protected species.

The application site is identified as a potential area for natterjack toads. The application is not supported by any ecology details as the site is not located within 200m of a watercourse (as indicated within the ALGE trigger list) and is within a residential area. On this basis it is considered that this is not a habitat that is likely to contain natterjack toads and so it would not be necessary to seek an ecological survey for this minor application. Furthermore the development will be located upon an existing hardstanding and balcony structure and therefore will not disturb any habitats.

It is therefore considered that the development complies with policies ST1, ENV3 and DM25 of the Copeland Local Plan and NPPF.

Planning Balance & Conclusion

The proposed extension is of an appropriate scale and design and will not have any detrimental impact on the amenities of the adjoining properties. The proposal 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.

8. Recommendation:

Approve (commence within 3 years)

9. **Conditions:**

Standard Conditions:

1. The development hereby permitted must be commenced before the expiration of three years from the date of this permission.

Reason

To comply with Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

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:-

- Location Plan, Scale 1:1250, received by the Local Planning Authority on the 20th October 2021.
- Existing Floor Plans and Elevations, & Proposed Site Block Plan, Scale 1:50, 1:100, & 1:250, Drawing No: 568-01, received by the Local Planning Authority on the 20th October 2021.
- Proposed Floor Plans and Elevations (Amended), Scale 1:50 & 1:100, Drawing No 568-02, Rev C, received by the Local Planning Authority on the 13th May 2022.

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.

Prior to Occupation Conditions:

3. Prior to the first occupation of the extension hereby approved, the first floor north facing window must be fitted with grade 5 obscuring glazing in line with the approved plan 'Proposed Floor Plans and Elevations (Amended), Scale 1:50 & 1:100, Drawing No 568-02, Rev C, received by the Local Planning Authority on the 13th May 2022'. Once installed the obscure glazing must be permanently retained at all times thereafter.

Reason

To safeguard the amenities of occupiers of adjoining properties

	<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. Burns	Date : 16.05.2022
Authorising Officer: N.J. Hayhurst	Date : 19.05.2022
Dedicated responses to:-	