

COPELAND BOROUGH COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/21/2478/OF1
2.	Proposed Development:	SUMMER HOUSE WITH COVERED HOT TUB AREA (RETROSPECTIVE)
3.	Location:	3 CENTRAL AVENUE, EGREMONT
4.	Parish:	Egremont
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: SITE AND LOCATION This application relates to 3 Central Avenue, a semi-detached property situated on an existing housing estate within Egremont. The site benefits from an existing driveway, detached garage and 1.8 metre high boundary fence. PROPOSAL Retrospective Planning Permission is sought for the retention of a garden summerhouse with a covered hot tub area. The outbuilding has an overall width of 10 metres and a depth of 4.6 metres. It includes a mono-pitched roof with an eaves height of 2.35 metres and an overall height of 2.65 metres. The design includes an access door, a window and an open-covered area for the hot-tub on the front elevation facing the garden and the rear and two side elevations along the boundary are blank. The front elevation is finished in wood and the two side and rear elevations are finished in	

grey/white metal cladding. The roof is also covered with grey metal cladding and the windows and doors are rosewood coloured UPVC.

RELEVANT PLANNING APPLICATION HISTORY

There have been no previous planning applications at this property.

CONSULTATION RESPONSES

Consultees

Egremont Town Council – No comments received.

Public Representation

The application has been advertised by way of neighbour notification letters issued to 5 no. properties.

One anonymous objection has been received as a result of this consultation which raised the following concerns:

- Building is too high;
- Worried it is going to impact neighbouring amenity in terms of noise.

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 Egremont 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 is relatively modest in scale and appropriately sited within the rear garden, adjacent to the existing garage and boundary fence. It is not excessively prominent within the locality or overbearing for the neighbouring properties. In addition, the design of outbuilding 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 proposal 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.

Concerns were raised regarding the scale of the outbuilding with the height being too high. Although it is considered that the proposal is appropriately located within the rear garden and it is modest in height with a maximum height of 2.65 metres, 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 under current permitted development rights. This fall-back position is a material

	<p>consideration in the assessment of this application. As the overall height of the proposal is not significantly larger than what is possible under permitted development, the proposed outbuilding is considered to be satisfactory and therefore does not have a significant impact on the neighbouring amenity in terms of the loss of light.</p> <p>In addition, there are no windows included on the side and rear elevations along the boundary and therefore the design is considered to mitigate potential overlooking issues.</p> <p>Concerns were also raised regarding the potential impact on neighbouring amenity in terms of noise when the outbuilding is being used. Although these concerns are noted the solid structure and existing boundary treatments are considered to mitigate these potential concerns and therefore the development is not considered to be unacceptable in terms of potential noise disturbances. It is important to note any future noise concerns can be dealt with by the Council's Environmental Health team.</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 outbuilding is of an appropriate scale and design and is unlikely to 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>Recommendation:</p> <p>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>Site Location Plan, scale 1:1250, received 3rd November 2021; Existing Site Plan, scale 1:500, received 3rd November 2021; Proposed Site Plan, scale 1:500, received 3rd November 2021; Proposed Floor Plan, scale 1:50, received 3rd November 2021; Proposed Side Elevations, scale 1:50, received 3rd November 2021; Proposed Front and Rear Elevations, scale 1:50, received 3rd 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>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 : 20/12/2021
Authorising Officer: N.J. Hayhurst	Date : 20/12/2021
Dedicated responses to:- N/A	