

## COPELAND BOROUGH COUNCIL DELEGATED PLANNING DECISION

1.	<b>Reference No:</b>	4/21/2492/OF1
2.	<b>Proposed Development:</b>	ERECTION OF DECKING (RETROSPECTIVE)
3.	<b>Location:</b>	47 LAUREL BANK, WHITEHAVEN
4.	<b>Parish:</b>	Whitehaven
5.	<b>Constraints:</b>	ASC;Adverts - ASC;Adverts, Coal - Standing Advice - Data Subject To Change
6.	<b>Publicity Representations &amp;Policy</b>	Neighbour Notification Letter: YES  Site Notice: NO  Press Notice: NO  Consultation Responses: See report  Relevant Planning Policies: See report
7.	<b>Report:</b>  <b>SITE AND LOCATION</b>  <p>This application relates to 47 Laurel Bank, a detached property situated on an existing housing estate within Whitehaven. The site is located in the corner of a cul-de-sac and benefits from an existing driveway and large garden to the front of the property with planting.</p> <b>PROPOSAL</b>  <p>Retrospective Planning Permission is sought for the installation of a raised decking within the front garden. The decking projects 4.07 metres from the front elevation of the house and it has an overall width of 4.52 metres. It has an overall height of 0.495 metres and it has been built out of grey composite decking. It also includes a 0.9 metre high smoked safety glass balustrade along the edge of the decking and it is accessed from two steps on the side elevation.</p>	

## **RELEVANT PLANNING APPLICATION HISTORY**

Planning Permission has previously been granted for a double storey extension to the dwelling (application reference 4/09/2118/0).

## **CONSULTATION RESPONSES**

### Whitehaven Town Council

No objections.

### Public Representations

The application has been advertised by way of neighbour notification letters issued to 4 no. properties.

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

- Retrospective application with no consideration for neighbouring properties;
- The close proximity of the platform to neighbouring windows and compromises neighbouring privacy;
- Due to the natural gradient of the garden and the height and length of the decking any persons on the decking look directly into neighbouring window;
- The decking is extremely invasive which is used throughout the full day;
- The decking is visible from neighbouring windows, directly in line of sight and a distraction;
- The Platform is directly below neighbouring bedroom window at the bottom of a quiet cul-de-sac so any noise does cause a disturbance;
- The decking could impact the neighbouring properties value and sale-ability due to overlooking;
- Concerns regarding future use and development including lights, patio heaters, barbecues, hot tubs which are not appropriate in full view of a road and neighbouring windows;
- Allowing this application to proceed could open the floodgate for others in the area to erect decking on the front principal elevation of their properties which isn't courteous.

## **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 DM12 – Standards for New Residential Developments

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 on an existing housing estate within Whitehaven and it will provide a raised decking area in the front 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 decking is located within the front garden, at the corner of a cul-de-sac and it is accessed from the patio doors on the front elevation of the dwelling. Although the site is slightly elevated from the street-scene, it is located behind mature planting and therefore it is not excessively prominent within the locality. On this basis, the location of the decking to the front of the dwelling is acceptable.

In addition, due to the nature of the slightly sloping site, the overall height of the decking is 0.495 metres above ground level. The height is considered to be relatively modest in scale to allow level access from the dwelling and it appears subservient to the main dwelling. In addition, the materials are considered to be suitable for its use and respect the character of the residential garden and surrounding area.

On this basis, the proposed decking is acceptable in terms of scale and design and therefore it is considered to meet Policies DM10 and DM18(A) 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. Policy DM12 requires a separation distance between directly facing habitable room windows of 21 metres to maintain privacy and overlooking standards.

Concerns were raised regarding the elevated position of the application site and the proximity to the neighbouring property. During the site visit, it was noted an element of overlooking might occur, however, due to the significant separation distance between the raised decking and the neighbouring properties habitable room windows being approximately 26 metres, which is in excess of Policy DM12 requirements, the separation distance is considered to be acceptable to mitigate excessive overlooking concerns. On this basis, the potential overlooking and the loss of privacy is not considered to cause an unacceptable level of harm.

Concerns were also raised regarding the potential impact on neighbouring amenity in terms of noise and disturbance when the decking is being used. The separation distance is considered to mitigate against potential concerns and the development is not considered to be unacceptable in terms of potential noise disturbances. It is important to note any future noise concerns could be raised with Environmental Health who could deal with it under their relevant legislation.

Concerns regarding the house price and future sale-ability are not material planning considerations so cannot be considered as part of the application assessment.

On balance, given the separation distance from the neighbouring properties, 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.

#### Planning Balance and Conclusion

This application seeks retrospective planning permission for the installation of a raised decking in the front garden. The main issues raised by the application were the location of the development within the front garden and the potential overlooking from the decking.

The proposal is considered to be acceptable in terms of location, scale, design and the impacts on neighbouring amenity is not considered to be unacceptable due to the separation distances involved and the modest scale of development.

	On this basis, 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.	
8.	<b>Recommendation:</b> Approve (commence within 3 years)	
9.	<b>Condition:</b>  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: -  Site Location Plan, scale 1:1250, received 12 <sup>th</sup> November 2021; Site Block Plan, scale 1:500, received 12 <sup>th</sup> November 2021; Decking Floor Plan and Elevations, scale 1:20, received 12 <sup>th</sup> November 2021; Photograph of Decking, received 12 <sup>th</sup> November 2021.  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.  <b>Informative</b>  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: <a href="http://www.gov.uk/government/organisations/the-coal-authority">www.gov.uk/government/organisations/the-coal-authority</a>  <b>Statement</b>  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 : 14/01/2022
Authorising Officer: N.J. Hayhurst		Date : 14/01/2022
Dedicated responses to:- N/A		

