



COPELAND BOROUGH COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/21/2495/OF1
2.	Proposed Development:	CHANGE OF USE OF GARAGE TO LIVING SPACE, ERECTION OF NEW GARAGE ADJACENT AND FIRST FLOOR BALCONY TO REAR
3.	Location:	COCKAN HOUSE, KIRKLAND, FRIZINGTON
4.	Parish:	Lamplugh
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 <p>This application relates to Cockan House, a detached property situated within the open countryside, approximately 0.4 miles north-east of Kirkland. It is bound by neighbouring properties to the east and west and a field to the north and the site benefits from a large garden with a boundary fence.</p> PROPOSAL <p>Planning Permission is sought to change the use of the existing garage into living space and the erection of a single-storey side extension to provide a new garage and a first floor balcony to the rear.</p> <p>The single storey garage extension will project 4 metres and it will match the depth of the existing dwelling. It has been designed to include a lean-to roof with an overall height of 4.5 metres and an eaves height of 2.6 metres. It will include a garage door on the front elevation, a window on the side elevation and an access door on the rear. It will be finished in painted wet dash render, local roof</p>	

slates, a white aluminium garage door and white UPVC windows and doors to match the existing dwelling.

The rear balcony will be located at first floor level and it will project 3 metres from the rear elevation and will measure 3 metres in width. It will be constructed out of a painted steel frame with timber balustrading. It will also include a 1.8 metre high frosted glass panel on the eastern side elevation to provide a privacy screen.

RELEVANT PLANNING APPLICATION HISTORY

Planning Permission has previously been granted for:

- A double storey extension to dwelling (ref: 4/06/2350/0);
- A two storey extension to dwelling and first floor balcony (ref: 4/08/2358/0).

CONSULTATION RESPONSES

Lamplugh Parish Council

No comments received.

Public Representation

The application has been advertised by way of neighbour notification letters issued to 3 no. properties.

Initial consultation:

One objections was received which raised the following concerns:

- Loss of privacy due to the rear balcony;
- Due to the change in levels, the balcony would provide a direct view into the living area and bedroom;
- The property already benefits from a large first floor balcony to the west and therefore there is no reason for an additional balcony.

Second consultation following the receipt of amended plans with 1.8 metre high privacy screen:

One objection letter was also received to the amended plans which raised the following concerns:

- Privacy still remains an issue;
- The screening to one side does not take into account the angle of the balcony relative to the neighbouring frontage;
- Concerns the applicant does not yet know the proposed material to be used for the screen;
- Concerns if the screening was to deteriorate or break, whether it would ever be replaced.

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

Policy DM22 – Accessible Developments

Other Material Planning Considerations

National Planning Policy Framework (NPPF)

Cumbria Development 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, the potential impacts on residential amenity and highway safety.

Principle of Development

The proposed application relates to a residential dwelling and it will provide a new single-storey garage and first floor rear balcony. 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 of the Local Plan 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 garage extension and raised balcony will be appropriately located to the side and rear of the property. They are considered to be relatively modest in scale to ensure that the works appear subservient to the main dwelling. They will not be excessively prominent within the locality and it will not be overbearing for the neighbouring properties due to the existing boundary treatments. The design is considered to be suitable for its use. In addition, 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 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.

Overlooking and overshadowing concerns were considered, especially due to the proposed first floor balcony. An objection letter was also received regarding overlooking and loss of privacy from the balcony and therefore amended plans were sought. The amended plans include a 1.8 metre high privacy screen which will be obscure glazed. This will be located on the east side elevation and it will mitigate overlooking concerns into the neighbouring property.

As the applicant is currently unsure on the proposed obscure glazed privacy screening material, a planning condition is considered to be appropriate to ensure this is submitted to and approved in writing by the Local Planning Authority prior to the erection of the raised balcony. This will satisfy the neighbours concern and Policy DM18 to ensure a suitable screening material is provided.

In addition, I am satisfied that due to the orientation of the balcony within the site and the siting of the neighbouring garage, the 1.8 metre high screen will mitigate overlooking concerns and the installation and maintenance of the screening can be secured through the use of a planning condition. This will also address the concerns regarding the deterioration or damage.

The garage extension will be suitably located adjacent to the existing property and boundary fence and therefore it is not considered that the proposal will cause unacceptable overshadowing on the neighbouring property. In addition, the existing boundary fence will provide suitable screening for the ground floor garage window and therefore overlooking issues are mitigated.

On this basis, subject to the inclusion of the planning conditions, the proposal is not considered to have a detrimental impact on the neighbouring amenity and it is considered to comply with Policies DM10, DM18 and the NPPF guidance.

Highway Safety

	<p>Policy DM22 encourages innovative approaches to manage vehicular access and parking to avoid vehicles dominating the street scene.</p> <p>The proposed new garage will provide a replacement parking space and as the proposal will not increase the number of bedrooms, it is considered that the application site will provide adequate off-street parking to meet the needs of the property.</p> <p>On this basis, the proposal will not have a detrimental effect on the existing highway conditions and therefore it is considered to satisfy Policy DM22 and the Cumbria Development Design Guide standards.</p> <p><u>Planning Balance and Conclusion</u></p> <p>The proposed single-storey side extension and rear balcony are of an appropriate scale and design and subject to the inclusion of planning conditions, it is not considered to have any detrimental impact on the amenities of the adjoining properties. The proposal will also not have a harmful impact on the highway conditions.</p> <p>On this basis, subject to the inclusion of the planning conditions, 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.</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 1:500, drawing ref DWG01, received 12th November 2021; Existing Floor Plan and Elevations, scale 1:50 and 1:100, drawing ref DWG01, received 12th November 2021; Proposed Floor Plan and Elevations, scale 1:50, drawing ref DWG02 Rev C, received 2nd February 2022.</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>3. No superstructure of the rear balcony at first floor level hereby approved shall be erected, until full details and a specification for the obscure glazing privacy screen as illustrated on the approved plan “Proposed Floor Plan and Elevations, scale 1:50, drawing ref DWG02 Rev C” have been submitted to and approved in writing by the Local Planning Authority. Development shall be completed in accordance with the approved details and the 1.8 metre high privacy screen must be permanently maintained at all times thereafter.</p> <p>Reason</p> <p>To safeguard the amenity of nearby residents in respect of overlooking and loss of privacy in accordance with Policies ST1, DM10 and DM18 of the Copeland Local Plan.</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>	
<p>Case Officer: C. Unsworth</p>	<p>Date : 03/03/2022</p>	
<p>Authorising Officer: N.J. Hayhurst</p>	<p>Date : 04/03/2022</p>	
<p>Dedicated responses to:-</p>		