

**COPELAND BOROUGH COUNCIL
DELEGATED PLANNING DECISION**

1.	Reference No:	4/21/2513/OF1
2.	Proposed Development:	PROPOSED DETACHED GARAGE/HOME OFFICE
3.	Location:	FELLBARROW, ASBY ROAD, ASBY
4.	Parish:	Arlecdon and Frizington
5.	Constraints:	ASC;Adverts - ASC;Adverts, 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 <p>This application relates to Plot 1 on Land at Asby Road. The dwelling was subject to outline planning permission, approved in March 2019 (application reference 4/18/2486/001 relates). A Reserved Matters application was subsequently approved in February 2020 (application reference 4/19/2441/0R1)</p> PROPOSAL <p>This application seeks planning permission for the erection of a detached garage on the land in front of the proposed dwelling, within the garden area.</p> <p>The garage is to be 7.8m x 7.2m, with an eaves height of 2.4m and an overall height of 6m. The roof will be dual pitched with 3 skylights in the east elevation. There will be a pedestrian door also in the east elevation and a roller shutter door in the north elevation. There will be a home office within the</p>	

roof space above the garage.

The garage will be constructed from modern materials to complement the main dwelling, including high density wood composite cladding in Arcadia, dark grey Meta-slate roofing and light grey UPVC windows. The door will be light grey coated and sectional.

RELEVANT PLANNING APPLICATION HISTORY

Outline application for residential development of two detached dwellings plus associated access and landscaping, approved in March 2019 (application reference 4/18/2486/001 relates);
Reserved matters application for erection of two detached dwellings, approved in February 2020 (application reference 4/19/2441/0R1 relates).

CONSULTATION RESPONSES

Arlecdon and Frizington Parish Council

No comments received.

Cumbria County Highways

No objections as there will not be a material effect on the existing highways network.

Local Lead Flood Authority

No objections as there will not be a material effect on the existing situation.

Public Representation

The application has been advertised by way of a site notice and neighbour notification letters issued to 12 no. properties.

Three letters of concern were received from two addresses which raised the following comments:

- The application encroaches onto their land;
- The proposal constitutes overdevelopment of the site;
- The garage will ruin the frontage onto Asby Road;
- The proposal is not in accordance with general policy;
- A separate building is not needed as the house is large enough to incorporate a home office;
- The window on the north elevation will overlook their property;
- The bulk of the building is similar in size to almost half of the main house with a very negative high visual impact;
- Concerns that the building will be used as a business or holiday let in the future;
- The plans have no dimensions on them.

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 Development

Policy DM18 – Domestic Extensions and Alterations

Policy DM22 – Accessible Developments

Other Material Planning Considerations

National Planning Policy Framework 2021 (NPPF)

Emerging Copeland Local Plan

The emerging Copeland Local Plan 2017-2035 was recently 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

Principle of the development

Policy DM18 of the Copeland Local Plan seeks to allow the erection of domestic extensions provided that they meet a number of criteria. With regards to the principle of the building on the site, it is considered to be acceptable as the garage and home office will be utilized in conjunction with the main dwelling. Furthermore, the garage will not result in the loss of 50% or more of the undeveloped curtilage of the parent dwelling, leaving a large garden to the front, rear and side of Fellbarrow.

Effect on the surrounding area

The proposed building is significantly sized, however it has been designed in order to create as little

impact on the surroundings as possible. The garage has been designed with a steeply pitched roof, with a low eaves height but high ridge. The low eaves allows the garage to remain subservient to the surrounding properties and the steep pitch reduces the overall bulk of the building. It has been orientated within the site so that the width is viewed when travelling along Asby Road therefore lessening its visual impact. Furthermore, there is a significant drop in height of 1.5 metres between the road level and the ground level of the site upon which the garage will be built. This will reduce the overall height when viewed from the surrounding area.

The siting of the garage in front of the main dwelling is considered to be appropriate in this location and it will mirror a similar development on the opposite side of the road in this part of the village, which has set a precedent.

Concerns were raised by the occupiers of a neighbouring property with regards to the effect that the building will have on their dwelling. Particular issues raised include overlooking from the window in the north elevation and the bulk of the building which they considered to be excessive. During the application process, the building was moved further into the site, to the north east in order to reduce the bulk of the building when viewed from the surrounding areas. This resiting is also considered to have a positive impact on the north facing window, making the view more parallel with the front of the dwellings. The separation distance from the curtilage of the neighbouring dwelling and the window on the garage is around 15 metres, which is in excess of the 12 metres required by Policy DM12 to ensure privacy of surrounding properties. Furthermore, the window does not directly face any habitable rooms within the neighbouring dwelling, looking only over the front garden and driveway and is therefore no worse than the existing situation of the dwellings being next to each other which allows some overlooking of the front garden area.

On this basis, the garage is considered to be compliant to policies DM12 and DM18 of the Copeland Local Plan and is unlikely to have a significant impact on the residential amenity of the occupiers of the neighbouring properties.

Design

Although large in scale, the building has been well designed to be a modern addition to the site and incorporates a pitched roof and complimentary materials which will be in keeping with the dwelling.

Although concerns have been raised by the neighbouring property with regards to the scale of the building, it is considered that it will be subservient to the parent dwelling due to the low eaves height. There will be planting to the east and south of the building which will help to soften and screen it. This together with the use of wood composite cladding will help to blend the development in with the surroundings on this edge of the village.

Overall, the development is considered to comply with Policies DM10 and DM18 of the Copeland Local Plan with relation to maintaining a good quality of place.

Access and Highway Safety

	<p>The garage is to be sited to the south of the private access road that serves the new dwelling and is therefore unlikely to create a material effect on the existing highway network. Cumbria Highways raised no objections to the proposal and there is ample parking with turning space within the plot to enable vehicles to enter and egress the site in a forward gear.</p> <p>The proposal retains the standard of accessibility, parking and turning approved until the original planning application for the dwelling and is considered to comply with Policy DM22 of the Copeland Local Plan.</p> <p><u>Use of the garage</u></p> <p>Due to the size of the garage, it is reasonable to control the use of the garage to ensure that it is only used for domestic purposes to protect residential amenity within the area.</p> <p><u>Other objections received</u></p> <p>Concerns were raised that the plans submitted encroached into the ownership of the neighbouring dwelling. This was a technical error by the agent in the submission plans and was rectified to the satisfaction of the adjacent landowner.</p> <p>Comments were made with regards to the plans not showing any dimensions of the proposal. The plans were submitted to scale and could therefore be read with a scale rule, however, dimensions were provided for the objector and no further concerns were raised as a result.</p> <p>All other objections have been fully considered as part of this report.</p> <p><u>Planning Balance and Conclusion</u></p> <p>On balance, although the garage is large in scale, it is unlikely to create any significant effect on the neighbouring properties. All considerations relating to scale, design and effect on neighbouring amenity are considered to comply with planning policy and there are therefore no planning reasons to oppose this proposal.</p> <p>Overall this is considered to be an acceptable form of development which accords with the guidance set out in the NPPF and the policies within the adopted Local Plan.</p>
8.	<p>Recommendation:</p> <p>Approve (commence within 3 years)</p>
9.	<p>Conditions:</p> <ol style="list-style-type: none"> 1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission. <p>Reason</p>

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

2. Permission shall relate to the following plans and documents as received on the respective dates and development shall be carried out in accordance with them: -

Site Location Plan, scale 1:2500, drawing number 18/07/936-01, received 24th November 2021;

Plot 1 – Detached Garage/Home Office, scale 1:100, drawing number 18/07/936-20, received 24th November 2021;

Proposed Site Plan, scale 1:500, drawing number 18/07/936-03i), received 18th January 2022;
Site Section through Plot 1 – detached garage/home office, scale 1:200, drawing number 18/07/936-21a), received 18th January 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.

3. The detached garage and home office building hereby approved must only be used in association with and ancillary to the residential property known as Fellbarrow and must not be used for any commercial or business purposes or as a separate residential unit whatsoever.

Reason

To ensure that non conforming uses are not introduced into the area in accordance with Policies ST1 and DM18 of the Copeland Local Plan.

Informative

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:

www.gov.uk/government/organisations/the-coal-authority

Statement

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: Sarah Papaleo		Date : 09/02/2022
Authorising Officer: N.J. Hayhurst		Date : 15/02/2022
Dedicated responses to:-		