

**COPELAND BOROUGH COUNCIL  
DELEGATED PLANNING DECISION**

1.	<b>Reference No:</b>	4/21/2525/OF1
2.	<b>Proposed Development:</b>	ERECTION OF OUTBUILDING IN THE REAR GARDEN
3.	<b>Location:</b>	13 RYDAL STREET, FRIZINGTON
4.	<b>Parish:</b>	Arlecdon and Frizington
5.	<b>Constraints:</b>	ASC;Adverts - ASC;Adverts, Coal - Development Referral Area - Data Subject to Change, 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>  This application relates to 13 Rydal Street, a semi-detached property situated on an existing housing estate within Frizington.  <b>PROPOSAL</b>  Planning Permission is sought for the erection of a garden outbuilding. The outbuilding will have an overall width of 6 metres and a depth of 4.5 metres. It has been designed to include a pitched roof with an eaves height of 2.2 metres and an overall height of 3.3 metres. The design will also include patio doors and two full height windows on the front elevation facing the garden and the rear and two side elevations facing the boundary will be blank. The proposal will be finished in red rustic facing	

brickwork, smooth grey concrete roof tiles and white UPVC windows and doors.

### **RELEVANT PLANNING APPLICATION HISTORY**

There have been no previous planning applications at this property.

### **CONSULTATION RESPONSES**

#### Arelcdon and Frizington Parish Council

No objections.

#### Coal Authority

Application falls within the 'exemption list' so standing advice applies and advised to include the necessary notes/advice on any consent granted.

#### Public Representation

The application has been advertised by way of neighbour notification letters issued to 3 no. properties - No objections have been received as a result of this consultation process.

### **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 and the coal advice area.

### Principle of Development

The proposed application relates to a residential dwelling within Frizington 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 will be relatively modest in scale and appropriately sited within the rear garden, adjacent to the existing boundary fence. Due to the siting, it will not be 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 character and appearance of the existing property and the surrounding residential area.

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.

The proposal will be appropriately located within the rear garden, adjacent to the rear boundary fence and it will be stepped off by boundary by 1 metre. Under current permitted development rights, 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. This fall-back position is a material 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 the loss of light will not have a significant impact on the neighbouring amenity.

	<p>In addition, there are no proposed windows included on the side and rear elevations along the boundary and therefore the design is considered to mitigate potential overlooking issues.</p> <p>On this basis, the proposal is considered to comply with Policy DM18 and the NPPF guidance.</p> <p><u>Coal Advice Area</u></p> <p>Based on the site location plan, the application site is located within the defined Development High Risk Area and therefore the Coal Authority was consulted. The Coal Authority confirmed the consultation falls within their exemption list and therefore the Coal Authority guidance applies.</p> <p>As such, it was not consider that a Coal Mining Risk Assessment is necessary to support the proposal, although an informative note for development within a coal mining area will be included for the applicant's information.</p> <p><u>Planning Balance and Conclusion</u></p> <p>The proposed outbuilding is of an appropriate scale and design and will not have any detrimental impact on the amenities of the adjoining properties or the coal advice area. 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><b>Recommendation:</b></p> <p>Approve (commence within 3 years)</p>
9.	<p><b>Conditions:</b></p> <ol style="list-style-type: none"> <li> <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> </li> <li> <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>Application Form, received 2<sup>nd</sup> December 2021;  Location Plan, scale 1:1250, received 2<sup>nd</sup> December 2021;  Block Plan, scale 1:500, received 2<sup>nd</sup> December 2021;  Proposed Floor Plan and Elevations, scale 1:50, received 2<sup>nd</sup> December 2021;  Email confirming Red Rustic facing brick material, received 26<sup>th</sup> January 2022.</p> </li> </ol>

	<p><b>Reason</b></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><b>Informative</b></p> <p>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.</p> <p>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></p> <p><b>Statement</b></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><b>Case Officer: C. Unsworth</b></p>	<p><b>Date : 26/01/2022</b></p>	
<p><b>Authorising Officer: N.J. Hayhurst</b></p>	<p><b>Date : 26/01/2022</b></p>	
<p><b>Dedicated responses to:- N/A</b></p>		