

COPELAND BOROUGH COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/22/2075/OF1
2.	Proposed Development:	ALTERATIONS TO CREATE A BALCONY AT FIRST FLOOR LEVEL TO THE REAR OF THE PROPERTY
3.	Location:	WATH GROVE, RIVERSIDE GROVE, CLEATOR
4.	Parish:	Cleator Moor
5.	Constraints:	ASC;Adverts - ASC;Adverts, Coal - Standing Advice - Data Subject To Change
6.	Publicity Representations &Policy	<p>Neighbour Notification Letter: YES</p> <p>Site Notice: NO</p> <p>Press Notice: NO</p> <p>Consultation Responses: See report</p> <p>Relevant Planning Policies: See report</p>
7.	<p>Report:</p> <p>Report:</p> <p>SITE AND LOCATION</p> <p>This application relates to Wath Grove, a semi-detached dwelling located off the road leading from Cleator Moor to Wath Brow.</p> <p>PROPOSAL</p> <p>Planning Permission is sought for internal alterations and the alteration of an existing lean to roof on the principal elevation of the property to form a balcony.</p> <p>The proposal will create allow the reconfiguration of the internal space so that the main living areas will be at first floor level and the bedrooms downstairs. The balcony will be created onto of the existing ground floor projection and will be accessed from the open plan living/dining/kitchen.</p>	

CONSULTATION RESPONSES

Consultees

Cleator Moor Town Council – No objections.

Public Representation

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

One letter of objection has been received from the occupiers of a neighbouring property raising the following concerns:

- The proposed balcony would overlook neighbouring outdoor space;
- The proposed balcony would impact privacy of the neighbouring property;
- The Applicants have already reduced the view from the neighbouring dwelling due to a high boundary fence;
- The property is misrepresented in the application - the identified rear elevation is actually used and regarded as the front of the property;
- The intention of the property owners is to install a hot tub on the balcony creating a noise nuisance for neighbouring properties;
- The proposal plus the large fence already erected would have a significant impact on the resale possibility and value of the neighbouring property.

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 – Strategic Development Principles

Development Management Policies (DMP)

Policy DM18 – Domestic Extensions and Alterations

Other Material Planning Considerations

National Planning Policy Framework 2021 (NPPF)

Emerging Copeland Local Plan (ELP)

The emerging Copeland Local Plan 2017-2035 has recently been the subject of a Publication Draft Consultation. The Publication Draft Consultation builds upon the previously completed Issues and Options and Preferred Options consultations. Given the stage of preparation of the Copeland Local Plan 2017-2035 some weight can be attached to policies within the Publication Draft where no objections have been received. The Publication Draft 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

Policy context

This main issues raised by this application relate to the principle of the development and its scale, design and impact on amenity.

Principle of the development

The proposed application relates to a residential dwelling and will provide a balcony area at first floor level. 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, Design and Impact on Amenity

Policy ST1 and section 12 of the NPPF seek to safeguard good levels of residential amenity. Policy DM18 seeks 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 internal alterations submitted do not require planning permission. They involve the removal and re-configuration of internal walls to create an open plan living space on the first floor and bedrooms on the ground floor.

The application seeks approval of a modest balcony at first floor level, on top of the existing single storey protrusion.

The main planning concerns raised by this application relate to the loss of privacy and overlooking concerns for the neighbouring properties. The proposal will allow for viewing from the first floor at a projection beyond what is currently available. A letter has been received from a neighbouring property raising concerns that the balcony will allow overlooking into neighbouring garden areas. Due to the presence of windows already in situ at first floor level, there is already an element of overlooking from Wath Grove to the neighbouring properties. The balcony will not create a worsened situation due to the proposed 1.8 metre high privacy screen on either side of the balcony

	<p>which is to be finished in grade 5 obscure glazing. In order to ensure that the field of vision is contained to the south and not into the neighbouring gardens, a suitably worded planning condition can be added to any planning approval to ensure that the privacy screens are installed and maintained to provide adequate mitigation and protection to amenity for the lifetime of the development.</p> <p>With the addition of the privacy screens on the side of the balcony, the proposal will not worsen the current situation and therefore is considered to comply with Policy DM18 of the Copeland Local Plan and the guidance set out in the NPPF.</p> <p><u>Other Issues Raised</u></p> <p>The letter of objection received raised various other concerns.</p> <p>The boundary fence that has been erected does appear to be higher than 2m in height, which may require Planning Permission. The objector can asked for this matter to be considered by the Planning Enforcement Officer, but does not influence the outcome of this planning application as it is a separate matter.</p> <p>The property includes a pedestrian door on the north elevation, so could be considered to be the front of the property. As the application has benefited from a site visit, the proposal has been considered in full and viewed in context with the elevation to be altered.</p> <p>The installation of a hot tub on the balcony is not a planning consideration and has not been included in the plans submitted. It can therefore not be considered as part of the application and any noise concerns can be raised with Environmental Health and dealt with as a public nuisance, should they arise.</p> <p>The de-valuation of a property is not a material planning consideration and therefore cannot be taken into account as part of this planning application.</p> <p><u>Planning Balance and Conclusion</u></p> <p>On balance, although the balcony will increase the projection on the property at first floor level, this will not worsen the existing situation and privacy will be protected by the use of obscure glazed screens on either end of the balcony.</p> <p>Overall this is considered to be an acceptable form of development which accords with the policies set out in the Local Plan and the guidance in the NPPF.</p>
8.	<p>Recommendation: Approve (commence within 3 years)</p>
9.	<p>Conditions:</p> <p>Conditions:</p>

	<p>1. The development hereby permitted shall be commenced 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>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: -</p> <p>Site Location Plan and Block Plan, scales 1:1250 and 1:500, drawing number RG-AK-003, received 17th February 2022; Proposed Block Plan, floor plans and elevations, scales 1:500, 1:75 and 1:50, drawing number RG-AK-001 , received 17th February 2022; Existing and Proposed Drainage, scales 1:500 and 1:150, drawing number RG-AK-004, received 17th February 2022; Design and Access Statement, drawing number DAS-001, received 17th 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. Prior to the first use of the balcony hereby approved, full details of the privacy glass to be utilised as a balustrade on the balcony including the grade of obscurity must be submitted to and approved in writing by the Local Planning Authority.</p> <p>Reason</p> <p>In order to protect the amenity of the neighbouring properties and in accordance with Policy DM12 of the Copeland Local Plan.</p> <p>4. Prior to the first use of the balcony hereby approved, the balustrade on the balcony must be erected according to the approved details to a height of 1.8 metres and retained as such at all times thereafter.</p> <p>Reason</p> <p>In order to ensure that the amenity of the neighbouring properties is protected in accordance with Policy DM12 of the Copeland Local Plan.</p> <p>Informative</p>
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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 : 05/04/2022

Authorising Officer: N.J. Hayhurst

Date : 08/04/2022

Dedicated responses to:-