



COPELAND BOROUGH COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/22/2077/OF1
2.	Proposed Development:	ERECTION OF A DETACHED GARDEN SUMMER ROOM (RETROSPECTIVE)
3.	Location:	RAEBURN GROVE, VICTORIA TERRACE, WHITEHAVEN
4.	Parish:	Whitehaven
5.	Constraints:	ASC;Adverts - ASC;Adverts, Conservation Area - Conservation Area, TPO - TPO, Coal - Development Referral Area - Data Subject to Change, 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 Raeburn Grove, a detached property situated on Victoria Terrace, Whitehaven. The site benefits from a large garden which is spread across two levels, sloping towards the rear. The property also benefits from an existing raised platform to the side and rear of the dwelling and part of the site lies within Whitehaven Corkickle Conservation Area.</p> PROPOSAL <p>Retrospective Planning Permission is sought for the erection of a garden summer room.</p>	

The outbuilding has a width of 5.7 metres and a depth of 4.27 metres. It has been designed to include a mono-pitched roof with an eaves height of 2.7 metres and an overall height of 2.9 metres. The design includes a patio door and two full height windows on the front elevation facing the garden, the rear and side elevations facing the boundary will be blank and the side elevation facing the dwelling will include a glazed access door.

The proposal is finished in T&G timber wood stained brown, black rubber roofing membrane and grey UPVC windows and doors. The veranda and balustrade will be constructed out of grey composite decking.

RELEVANT PLANNING APPLICATION HISTORY

There have been no previous planning applications at this property.

CONSULTATION RESPONSES

Whitehaven Town Council

No objections.

Conservation Officer

No objections.

Public Representation

The application has been advertised by way of neighbour notification letters issued to 5 no. properties.

One objections has been received as a result of this consultation process which raised the following concerns:

- Flooding issues since the property has been built;
- Any increase to impermeable surface will only exacerbate this further;
- Due to garden topography all excess rainfall runs down into the adjoining garden and sand bags are used on top of the sewer drain as this lifts in heavy downpours.

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

Policy ENV1 – Flood Risk and Risk Management

Policy ENV4 – Heritage Assets

Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place

Policy DM18 – Domestic Extensions and Alterations

Policy DM24 – Development Proposals and Flood Risk

Policy DM27 – Built Heritage and Archaeology

Other Material Planning Considerations

National Planning Policy Framework (NPPF)

National Planning Policy Guidance (NPPG)

Planning (Listed Building and Conservation Areas) Act 1990 (LBCA)

Conservation Area Design Guide

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

The key issues raised by this proposal are the principle of development, its scale and design and the potential impacts on residential amenity, heritage assets and flood risk.

Principle of Development

The proposed application relates to a residential dwelling within Whitehaven and the reason the proposal requires retrospective planning permission is because the outbuilding is located within the front/side garden, forward of the principal elevation of the dwellinghouse. 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 is modest in scale and appropriately sited within the front/side garden. The scale and design reflects other outbuildings within the surrounding area along Victoria Terrace and, due to the character of the site and the siting away from the boundary, it will not be excessively prominent within the locality or excessively overbearing for the neighbouring properties.

The design of outbuilding is considered to be suitable for its use and the choice of materials are considered to respect the existing 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 existing dwelling benefits from a large front and side garden and therefore, due to the character of the site, the proposal will be appropriately located within the garden. It will be stepped off the side boundary by approximately 5.5 metres and therefore it is not considered to be excessively overbearing or cause a significant loss of light on the surrounding neighbours.

In addition, there are no proposed windows included on the side facing the boundary which helps reduce potential overlooking issues. The potential impact from the front elevation windows and veranda were considered, although due to the separation distance of approximately 13 metres with the boundary hedge and the existing elevated position of the site, it is not considered that the proposal will cause unacceptable harm in terms of overlooking and loss of privacy.

No neighbour objections have been received in terms of overlooking and it should be noted that the neighbour could erect a 2-metre high fence to maintain greater privacy in the future without the need for planning permission.

On balance, the proposal is considered to comply with Policy DM18 and the NPPF guidance.

Heritage Assets

Policy ENV4 and DM27 seek to protect the built heritage and maximise the value. DM27 supports development proposals which protect, conserve and where possible enhance the historic and cultural architectural character of the Borough's historic sites and their settings.

Section 72 of the LBCA requires that in considering whether to grant planning permission for development which affects a conservation area, the Local Planning Authority shall pay “special attention... to the desirability of preserving or enhancing the character of appearance” of the conservation area.

Section 66.1 of the LBCA requires that in considering whether to grant planning permission for development which affects a listed building or its setting, the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Raeburn Grove is a modern house, set within what was formerly Garlieston House, and was constructed around the time that the boundary of Corkickle Conservation Area was drawn. This has not been revised since, meaning the boundary passes through Raeburn Grove. Although the proposed summer room is located outside the Conservation Area boundary, it is still likely to have an effect on its setting and on the settings of the listed buildings along Victoria Terrace.

The proposal is located towards the north of the site, within close proximity to the garage block on Victoria Terraced. In addition, due to the small scale and modest appearance, is considered that it will have negligible impact on the setting of the Conservation Area, and a less than substantial harm on the settings of 1-3 Victoria Terrace, towards the negligible end of the scale.

The Conservation Officer confirmed this could be viewed as justifiable in the course of increasing the amenity of the property.

On this basis, the proposed outbuilding is considered to meet Policy DM27(A) and DM27(D), thereby satisfying the duties set out in the LBCA.

Drainage and Flood Risk

Policy ENV1 and DM24 seeks to protect developments against risks of flooding and ensure that new developments do not contribute to increased surface water run-off.

One objection has been received as a result of the consultation process, which raised significant concerns with the flooding issues experienced since Raeburn Grove has been built and how the development will exacerbate this further.

The applicant confirmed that the surface water from the summer house roof will drain into water butts and this will be recycled and used as garden water. An additional plan with the water butts has also been provided and the installation can be secured by the use of a planning condition. As a result of this mitigation measure, the summer house is not considered to cause unacceptable flood risk.

In addition, under current Permitted Development Rights, an outbuilding could be erected up to half the 50% of the total area of the domestic curtilage without the requirement for formal planning permission. This fall-back position is a material consideration in the assessment of this application. As the scale of the summerhouse is significantly smaller than what is possible under permitted development rights, the proposal is considered to be satisfactory and it will not have a detrimental impact on flood risk.

	<p>On this basis, the proposal is considered to comply with Policy ENV1 and DM24.</p> <p><u>Planning Balance and Conclusion</u></p> <p>The outbuilding is considered to be of an appropriate scale and design and it will not have any detrimental impact on the amenities of the adjoining properties, the surrounding heritage assets and flood risk.</p> <p>Overall, 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>Recommendation:</p> <p>Approve (commence within 3 years)</p>
9.	<p>Conditions:</p> <ol style="list-style-type: none"> <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 16th February 2022; Location Plan, scale 1:1250, received 16th February 2022; Site Block Plan, scale 1:500, drawing reference 0005, received 16th February 2022; Front Elevations, scale 1:50, drawing reference 0001, received 16th February 2022; Rear Elevation, scale 1:50, drawing reference 0002, received 16th February 2022; Left Side Elevation, scale 1:50, drawing reference 0004, received 16th February 2022; Right Side Elevation, scale 1:50, drawing reference 0003, received 16th February 2022; Site Plan and Elevations with Water Butt Labelled, received 13th April 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>Within two months from the date of this permission the water butts must be installed in accordance with the approved 'Site Plan and Elevations with Water Butt Labelled' received by the Local Planning Authority on 13th April 2022. Once installed, the waterbutts must be maintained thereafter.</p> <p>Reason</p> <p>To ensure suitable surface water drainage is provided and prevent flood risk.</p>

	<p>Informative</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: www.gov.uk/government/organisations/the-coal-authority</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>
Case Officer: C. Unsworth	Date : 20/04/2022
Authorising Officer: N.J. Hayhurst	Date : 20/04/2022
Dedicated responses to:- N/A	