

**COPELAND BOROUGH COUNCIL
DELEGATED PLANNING DECISION**

1.	Reference No:	4/22/2109/OF1
2.	Proposed Development:	INSTALLATION OF DECKING TO THE REAR OF THE PROPERTY (RETROSPECTIVE)
3.	Location:	1 STANDINGS RISE, WHITEHAVEN
4.	Parish:	Whitehaven
5.	Constraints:	ASC;Adverts - ASC;Adverts, 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:	<p>SITE AND LOCATION</p> <p>This application relates to 1 Standings Rise, a detached property situated in the Hillcrest area of Whitehaven. The dwelling is situated within a residential area with properties to the north and south. Standings Rise road fronts the property to the west with further residential properties on the opposite side of the road. The grounds of Johnson House Care Home are to the east of the property behind the garden.</p> <p>In addition, as the Hillcrest area is located on a hill, 1 Standings Rise is elevated above the street level and the neighbouring property to the south of the site, no. 12 Hillcrest Avenue. The site benefits from a large garden which slopes up towards the rear.</p>

PROPOSAL

Retrospective Planning Permission is sought for the installation of a raised decking within the rear garden.

The rear decking has an overall width of 14.97 metres, projecting up to the boundary with the neighbouring property, no. 12 Hillcrest Avenue and it has a depth of 5.147 metres. It has been designed at a continuous height to provide a level disabled access and therefore the decking is dictated by the garden path level along the northern edge of the decking. It has an overall height of 0.85 metres along the front/southern side elevation, which is the highest point.

It has been constructed out of anthracite grey composite decking with a black composite border and it is accessed from two steps on the front/southern side elevation. The northern side elevation also provides a level access from the garden path.

The proposal also includes a raised boundary fence along the edge of the decking on the southern boundary. This will be a solid wooden fence measuring 1.62 metres from the decking level.

RELEVANT PLANNING APPLICATION HISTORY

Planning Permission has previously been granted for:

- INTERNAL ALTERATIONS AND CONSTRUCTION OF DORMER, WINDOW TO FORM BEDROOM (ref 4/93/0600/1);
- ERECTION OF FIRST FLOOR EXTENSION, PITCHED ROOF TO DORMER, NEW WINDOWS AND GREY RENDERING (ref 4/19/2367/0F1).

CONSULTATION RESPONSES

Whitehaven Town Council

No objections.

Public Representations

The application has been advertised by way of neighbour notification letters issued to 2 no. properties.

One letter of objection has been received to the original proposal, which raised the following concerns:

- Retrospective application, upset caused during construction and impact on health;
- Incorrect plans which state a maximum height of 620mm which is 900mm in places;
- The close proximity of the platform to neighbouring windows and compromises neighbouring privacy within back garden and kitchen window;

- Feeling of being overlooked and loss of light from raised fence;
- Design is out of character for the area;
- Concerns regarding pests after seeing both mice and rats scurrying under the decking;
- The side path is now slippery and mouldy which it never has been and causing flooding issues due to materials being left under decking;
- Welcome an alteration to the design and even give suggestions for ramps for access instead of the numerous steps installed for disabled users;
- The decking could impact the neighbouring properties value and sale-ability.

One letter of objection has been received to the re-consultation after the Local Planning Authority received the correct plans, which raised the following concerns:

- Above concerns repeated;
- Main concerns regarding overlooking and the decking providing overpowering vantage points of the decking down into kitchen;
- Impact on property value.

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

Policy DM22 – Accessible Developments

Policy DM24 – Development Proposals and Flood Risk

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 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.

The following policies are relevant to this proposal:

Policy DS1PU – Presumption in favour of Sustainable Development

Policy DS6PU – Design and Development Standards

Policy H14PU – Domestic Extensions and Alterations

ASSESSMENT

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

Principle of Development

The retrospective application relates to a residential dwelling on an existing housing estate within Whitehaven and it provides a raised decking area in 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.

An objection was received as the proposed plans did not reflect the site and retrospective nature of the proposal. On this basis, the correct plans were sought with the raised platform height of 0.85 metres from ground level and the amendments also included a solid screening fence along the southern side of the decking to help screen the development and mitigate overlooking concerns.

A site visit was carried out to the application site and the neighbouring property, no. 12 Hillcrest Avenue to assess the scale and design and the potential impact of the proposal. The decking wraps-around the property and the height is dictated from the garden path level on the northern side.

Despite the objection raising concerns that the decking is too close to the boundary and suggesting that the decking should be pulled away and stepped down, it was considered that the decking is

appropriately located within the rear garden and it would be unreasonable to ask the applicant to re-configure the design. The scale and design are acceptable and the materials are also considered to be suitable for its use. The retrospective decking respects the overall character of the residential garden and surrounding area.

In addition, under current permitted development rights, a raised platform with an overall height of 0.3 metres from ground level could be installed without the requirement for formal planning permission. This fall-back position is a material consideration in the assessment of this application. The decking height is relatively modest in scale with the highest decking area, 0.85 metres above ground level, being located along the front/southern side corner. On this basis, given the existing character of the elevated and sloping site and the height is not significantly larger than what is possible under permitted development, the proposal is considered to be acceptable in terms of scale and design.

On balance, the proposed decking is considered to meet Policies DM10 and DM18(A) from the Local plan and 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.

Amenity issues were considered as part of the assessment of this proposal, given the height of the proposed platform above ground level and the concerns raised regarding the loss of privacy and overlooking for the garden area and kitchen window associated with the neighbouring property.

Significant consideration was given to these impacts. The site visit confirmed that the horizontal hit-and-miss fencing has been raised at the higher level, although concerns were raised due to the nature of the design of this fence and therefore amended plans were sought. A solid boundary fence will be provided along the edge of the decking to screen the development. These measures are considered to be appropriate to mitigate overlooking concerns and the installation and maintenance of the solid 1.62 metre high boundary fence can also be secured by a planning condition. On this basis, due to the measures to mitigate overlooking issues, it is not considered that the proposal will cause an unacceptable level of overlooking or loss of privacy.

During the site visit, it was noted that an element of overlooking might result although this was due to the highest point of 0.85 from ground level and the lower section of the boundary fence. The existing lower fence height was 1.75 metres from the garden level of no. 12 Hillcrest Avenue and a 2 metres high fence was considered to provide more screening. However, this was likely to cause more overshadowing and exacerbate issues relating to the slippy and mouldy path while not provide complete screening from the decking. On this basis, this was omitted. Due to the relationship of the decking with the neighbour's gable with two obscure glazed windows, it is unlikely to cause harmful amenity issues. The siting of the decking with the orientation of the boundary fence, adjacent to the gable of no. 12 Hillcrest Avenue is considered to be acceptable to mitigate excessive overlooking.

concerns.

Overshadowing issues were also considered, although due to the height of the raised fence, 2.5 metres in height from the ground level of no. 12 Hillcrest Avenue and the relationship to the north of no. 12's garden and windows, it is not considered that the proposal will cause significant overshadowing or dominance. 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 decking and boundary fence is not larger than what is possible under permitted development as a garden shed, the proposal is considered to be satisfactory and therefore the loss of light will not have a significant impact on the neighbouring amenity.

Concerns regarding the house price and future sale-ability are not material planning considerations so cannot be considered as part of the application assessment.

Concerns regarding the void underneath the decking and pests are not material planning considerations so cannot be considered as part of the application assessment, but these issues have been passed on to Environmental Health to investigate.

On balance, given the existing elevated and sloping site, what is possible under Permitted Development and the relationship with the gable of no. 12 Hillcrest Avenue with two obscure glazed windows, it is considered that the proposal will not cause a detrimental loss of amenity to the existing property or the surrounding properties. Despite an element of overlooking, the inclusion of a solid fence will provide suitable mitigation. This is secured by the use of a planning condition and therefore the proposal is considered to comply with Policy DM18 and the NPPF guidance.

Accessibility

Policy DM22 requires developments to be accessible to all users.

Due to the change in levels on this sloping site, the front door is accessed from steps and therefore the raised platform will provide a level access into the house.

The objection welcomed an alteration to the design and gave suggestions for a ramp access rather than steps installed for disabled use.

The site visit and additional labels on the Site Plan confirmed the level access is from the northern side and therefore it would have been unreasonable to ask the applicant to re-configure the design. The steps to the southern side are appropriate.

On this basis, the proposal is considered to be accessible for all users and therefore it satisfied Policy DM22 of the Copeland Local Plan.

Flood Risk

Policy DM24 seeks to protect developments against flood risk.

Despite concerns building materials have been washed through the fence, problems arising from the

	<p>construction period are not a material planning consideration so cannot be considered as part of the application assessment.</p> <p>Due to the modest floor area within the large garden and the nature of the development, the proposal is not considered to increase flood risk.</p> <p>Overall, the proposal is not considered to cause unacceptable flood risk in accordance with Policy DM24 of the Copeland Local Plan.</p> <p><u>Planning Balance and Conclusion</u></p> <p>This application seeks retrospective planning permission for the retention of a raised platform in the rear garden. The main issues raised by the application was the scale of the development and the potential residential amenity issues caused.</p> <p>Significant concerns were received regarding the proposal and amended plans were sought to ensure the measurements were correct to fully reflect the retrospective decking. Concerns were still received regarding the amended plans regarding overlooking and impacts on property value.</p> <p>A site visit was carried out to the application site and the neighbouring property, no. 12 Hillcrest Avenue to assess the scale of development and the impact of the proposal. The concerns were noted and despite an element of overlooking, it is not considered to be unacceptable due to the relationship with the existing gable of no. 12 Hillcrest Avenue and the obscure glazed windows. An additional solid fence has been added to the plans to provide suitable mitigation and screening, and the installation and maintenance of the solid fence can be secured by the use of a planning condition.</p> <p>Overall, subject to the inclusion of planning conditions, the retrospective decking is considered to be acceptable in terms of scale and design and will allow the applicant increased accessibility. The impacts on neighbouring amenity and flood risk are not considered to be unacceptable.</p> <p>Concerns regarding the property value, future saleability and issues during the construction are not material planning considerations and so cannot be considered as part of the application assessment.</p> <p>On balance, 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: Approve (commence within 3 years)</p>
9.	<p>Conditions:</p> <p>1. 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 1st March 2022; Site Location Plan, scale 1:1250, received 1st March 2022; Site Plan, scale 1:500, received 4th May 2022;</p>

Fence Elevations, received 30th May 2022;
Decking Elevations, received 30th May 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.

2. Within two months of the date of this permission, the solid 1.62 metre high boundary fence should be installed on the side elevation of the decking in accordance with the approved plan 'Fence Elevation' received by the Local Planning Authority on 30th May 2022. Once the solid fence is installed it must be maintained thereafter in accordance with the approved details.

Reason

To protect residential amenity in accordance with Policy DM18 of the Copeland Local Plan.

Informative Note

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: C. Unsworth

Date : 02/08/2022

Authorising Officer: N.J Hayhurst

Date : 10/08/2022

Dedicated responses to:- Objector