

COPELAND BOROUGH COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/22/2155/OF1
2.	Proposed Development:	SANDSTONE WALL WITH FENCE TO REAR OF PROPERTY AND DECKING TO THE FRONT (RETROSPECTIVE)
3.	Location:	6 INKERMANN TERRACE, WHITEHAVENS
4.	Parish:	Whitehaven
5.	Constraints:	ASC;Adverts - ASC;Adverts, Conservation Area - Conservation Area, Coal - Development Referral Area - Data Subject to Change
6.	Publicity Representations &Policy	Neighbour Notification Letter: YES Site Notice: YES Press Notice: NO Consultation Responses: See report Relevant Planning Policies: See report
7.	Report: SITE AND LOCATION <p>This application relates to 6 Inkerman Terrace, a three-storey Victorian villa-style semi-detached house property situated in an elevated position within Whitehaven. The site is located within Corkickle Conservation Area and is spread across several levels, sloping significantly towards Inkerman Terrace. The site also benefits from a large boundary hedge along the front and side boundary.</p> PROPOSAL <p>Retrospective Planning Permission is sought for the installation of a raised decking within the front garden and a rear boundary wall and fence.</p> <p>The decking measures 7.65 metres in width and 5 metres in depth. It provides a level front garden</p>	

and has an overall height of 1.5 metres. It has been built out of wooden decking and finished with artificial grass. It also includes a 0.9-metre-high timber balustrade along the edge of the decking.

The rear boundary wall and fence has an overall height of 1.85 metres and it runs along the rear boundary, adjacent to the unclassified access road. It is constructed out of red sandstone and timber fencing.

RELEVANT PLANNING APPLICATION HISTORY

There have been no previous planning applications at this property.

CONSULTATION RESPONSES

Whitehaven Town Council

No objections.

Conservation and Design Officer

No objections.

Coal Authority

No objections.

Public Representations

The application has been advertised by way of site notice and neighbour notification letters issued to 4 no. properties.

No formal letter of objection has been received to the proposal, although a few concerns have been raised:

- Retrospective application with date of completion on application questioned;
- The rear access road is not private and provides access to 1-12 Inkerman Terrace, The School House and the block of flats next to the school house which is used frequently;
- The fence causes an obstruction to the highway visibility;
- The original parking space at no. 6 has now been incorporated into the garden;
- The original wall has been increased by two rows of stones and an additional fence has been added, unlike the proposed plans which state the fence was put on the existing wall.

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 ENV4 – Heritage Assets

Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place

Policy DM12 – Standards for New Residential Developments

Policy DM18 – Domestic Extensions and Alterations

Policy DM27 – Built Heritage and Archaeology

Other Material Planning Considerations

National Planning Policy Framework (NPPF)

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.

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, heritage assets, highway safety and the coal advice area.

Principle of Development

The retrospective application relates to a residential dwelling within Whitehaven and it provides a raised decking area within the front garden and a wall and fence along the rear boundary. 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.

Despite the proposed decking being located within the front garden of this elevated site, it will be screened by an existing boundary wall and privet hedge. It is therefore considered to be suitably located and designed to provide a level front garden. It is appropriate in scale and it is not excessively prominent from the street-scene. In addition, the materials are considered to be suitable for its use and respect the character of the residential garden and surrounding area.

The rear wall with a small section of fencing above is also considered to be relatively modest in scale and design, which is finished to a high standard from suitable materials reclaimed from within the site. This ensures the character and appearance of the site is maintained.

On this basis, 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.

Possible amenity issues were considered due to the height of the raised platform from ground level, although, due to its sitting behind the existing privet hedge it is considered to be suitably screened. The applicant added the boundary hedge onto the Block Plan and the maintenance of the boundary hedge can be secured by the use of a planning condition. This will ensure suitable screening is maintained to mitigate possible overlooking concerns.

In addition, the boundary fence is relatively modest in scale and is designed to provide additional privacy to the rear garden. The proposal is considered to reflect the previous character of the site with the lower boundary wall and it is not considered to be overbearing for the two neighbouring properties or within the street-scene.

Overall, given the existing boundary treatments to the front and rear, it is considered that the proposal will not cause a detrimental loss of amenity to the existing property or the surrounding

properties and therefore 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.

Although the new decking will have an outer edge height of approximately 1.5 metres from ground level to the front of the site, due to the roadside wall and the dense planting around the garden boundary the Conservation Officer found the decking to be very well concealed from the adjoining Conservation Area, even when visiting in late November 2021 (at a time when the planting was least dense). The Conservation Officer considered the decking as having had a neutral impact on the Conservation Area. In addition, following a site visit as part of the application assessment in early April, the privet hedge was also considered to suitably screen the decking.

To the rear, the new section of wall has been reinstated where it was removed in previous years to make an opening. The boundary wall has been constructed out of reclaimed stone similar to that which was on the site previously in a matching style. The section of fence at the top is neatly executed. The Conservation Officer advised that the design is not overbearing and the wall could be viewed as having had a positive impact on the Conservation Area and the section of fence at the top could be viewed as entailing a negligible level of harm.

Overall, the Conservation Officer confirmed both proposals in this location appear reasonable and well executed and therefore the retrospective development is considered to meet Policy DM27(A) and DM27(D), thereby satisfying the duties set out in the LBCA.

Highway Safety

Policy DM22 seeks to ensure developments are accessible for all.

One letter of concern received raised the loss of parking and poor visibility onto the rear access road which is frequently used. The access road is unclassified and a 2-metre-high boundary fence along the side elevation with no. 7 and 5 Inkerman Terrace could be erected under current Permitted Development Rights, without the requirement of planning permission. This fall-back position is a material planning consideration and therefore the development is not considered that the 1.85 metre

	<p>overall height will cause unacceptable harm.</p> <p>Despite the loss of off-street parking within the curtilage of 6 Inkerman Terrace, there is adequate parking to the rear of the site and within the garage block located to the rear of the dwelling. It is therefore considered that the loss of parking does not outweigh the clear benefits to the residents of 6 Inkerman Terrace in terms of privacy and the positive impact on the Conservation Area.</p> <p>On balance, the proposal is considered to meet Policy DM22 of the Local Plan.</p> <p><u>Coal Advice Area</u></p> <p>The application site is located within the defined Development High Risk Area and therefore the Coal Authority was consulted. The Coal Authority confirmed the householder development falls within their exemption list and therefore the Coal Authority guidance applies. In addition, the part of the site where the development is proposed lies outside of the defined High Risk Area.</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>This application seeks retrospective planning permission for the retention of a raised platform which has been constructed in the front garden and a boundary wall and fence which has been installed to the rear.</p> <p>The main issues raised by the application was the location of the development within the front garden and the potential impact on both neighbouring amenity and the character and appearance of the Conservation Area.</p> <p>Due to the existing boundary hedge to the front and side boundary the decking will be well screened and the rear wall is considered to have a positive impact on the Conservation Area while providing increased privacy within the rear garden.</p> <p>The proposal is therefore considered to be acceptable in terms of scale and design and its impacts on neighbouring amenity and the Conservation Area. The impacts on highway safety and the coal advice area are also not considered to be unacceptable.</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:</p> <p>Approve (commence within 3 years)</p>
9.	<p>Conditions:</p> <ol style="list-style-type: none"> 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: -

Application Form, received 31st March 2022;
Site Location Plan, scale 1:1250, 31st March 2022;
Site Block Plan, scale 1:200, received 30th April 2022;
Decking Floor Plan and Elevations, plan dated 25/3/22, received 31st March 2022;
Wall and Fence Floor Plans and Elevations, plan dated 25/3/22, received 31st March 2022;
Supporting Photographs, received 31st March 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. The existing boundary privet hedge must be maintained thereafter in accordance with the Block Plan, scale 1:200, received by the Local Planning Authority on 30th April 2022.

Reason

To ensure suitable screening is provided to protect neighbouring 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 : 25/05/2022
Authorising Officer: N.J. Hayhurst	Date : 26/05/2022
Dedicated responses to:- N/A	