

**COPELAND BOROUGH COUNCIL
DELEGATED PLANNING DECISION**

1.	Reference No:	4/22/2221/OB1
2.	Proposed Development:	APPLICATION TO VARY CONDITION 2 (DESIGN CHANGE TO CHANGE THE ROOF PROFILE & CONSTRUCTION) OF PLANNING APPROVAL 4/22/2013/0F1 - GROUND FLOOR EXTENSION TO BOTH ENDS & REAR OF EXISTING BUNGALOW (PART OF EXTENSION TO REAR IS TWO STOREY)
3.	Location:	BRAKESIDE VILLA, ENNERDALE TERRACE, WHITEHAVEN
4.	Parish:	Whitehaven
5.	Constraints:	ASC;Adverts - ASC;Adverts, 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 Brakeside Villa, a detached property situated on an existing housing estate within Whitehaven.</p> <p>The site is spread across two levels, sloping towards the rear. The site benefits from off-street parking to the front, a detached garage and a large garden bound by a 2-metre-high boundary hedge.</p> PROPOSAL <p>In March 2022, planning permission was granted (ref: 4/22/2013/0F1) for the erection of a two-storey side and rear extension and the erection of a single-storey rear wrap-around extension with internal alterations and a raised terrace at this property. This current application seeks to vary condition 2 relating to the submitted plans, in order to change the roof design to include a pitched</p>	

roof.

RELEVANT PLANNING APPLICATION HISTORY

Planning permission previously granted for the erection of a two-storey side and rear extension and the erection of a single-storey rear wrap-around extension with internal alterations and a raised terrace (ref: 4/22/2013/0F1).

CONSULTATION RESPONSES

Whitehaven Town Council

No objections.

Highway Authority

Standing Advice.

Lead Local Flood Authority

Standing Advice

Public Representation

The application has been advertised by way of neighbour notification letters issued to 4 no. properties. No objections have been received as a result of this consultation.

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

Other Material Planning Considerations

National Planning Policy Framework (NPPF)

Planning Practice Guidance (NPPG)

Cumbria Development 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

Policy CO7PU – Parking Standards and Electric Vehicle Charging Infrastructure

ASSESSMENT

Under Section 73 of the Town and Country Planning Act 1990, an application can be made to vary or remove a condition associated with a permission. The effect of an application under Section 73 is the issue of a new permission sitting alongside the original permission, which remains intact and unamended. The NPPG outlines that to assist with clarity it states that decision notices should also repeat the relevant conditions from the original permission unless they have already been discharged. As a Section 73 application cannot be used to vary the time limit for implementation this condition must remain unchanged from the original permission.

In terms of the conditions attached to the previous decision notice (4/22/2013/0F1), as the development has not commenced on site, it is necessary to repeat condition 1, relating to timescales with three years from the original approval date. The agent also confirmed the weather boarding is still to be selected so it is necessary to repeat condition 3 attached to this permission as this has not yet been discharged.

The current application seeks to vary condition 2 of the original planning approval.

The proposed amendment to this scheme seeks to change the roof profile from a hipped roof to a pitched roof. The proposed alteration will make the construction more practical.

	<p>The proposal is considered to be modest in scale and design. The amended roof design with a pitched roof will reflect the surrounding properties and therefore it will not be excessively prominent within the locality. On this basis, the alteration is not considered to have a detrimental impact on the character of the existing property or the overall street-scene.</p> <p>In addition, due to the existing orientation of the dwelling within the site, stepped away from the neighbouring properties, it is not considered that the pitched roof design will cause significant overshadowing or overdominance. On this basis, the roof alteration is not considered to have a detrimental impact on any residential amenity.</p> <p><u>Planning Balance and Conclusion</u></p> <p>The revised information which seeks to amend the originally approved plans condition, satisfies the policy criteria and is considered to be in keeping with the surrounding properties. Overall, this is considered to be an acceptable form of development which accords with the guidance set out in the NPPG and the policies within the adopted Local Plan.</p>
8.	<p>Recommendation:</p> <p>Approve (commence within 3 years)</p>
9.	<p>Conditions:</p> <ol style="list-style-type: none"> <p>The development hereby permitted must commence by 7th March 2025.</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>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 20th May 2022; Location Plan, scale 1:1250, drawing ref 21/0312/01, received 20th May 2022; Existing Block Plan, scale 1:200, drawing ref 21/0312/01, received 20th May 2022; Existing Floor Plans, scale 1:100, drawing ref 21/0312/02, received 20th May 2022; Existing Front and Rear Elevations, scale 1:100, drawing ref 21/0312/03, received 20th May 2022; Existing Side Elevations, scale 1:100, drawing ref 21/0312/04, received 20th May 2022; Existing Sectional Elevation, scale 1:50, drawing ref 21/0312/05, received 20th May 2022; Proposed Ground Floor Plan, scale 1:100, drawing ref 21/0312/06, received 20th May 2022; Proposed First Floor Plan, scale 1:100, drawing ref 21/0312/07, received 20th May 2022; Proposed Front and Rear Elevations, scale 1:100, drawing ref 21/0312/08, received 20th May</p>

2022;

Proposed Side Elevations, scale 1:100, drawing ref 21/0312/09, received 20th May 2022;

Proposed Section A-A, scale 1:50, drawing ref 21/0312/10, received 20th May 2022;

Existing Section B-B, scale 1:100, drawing ref 21/0312/11, received 20th May 2022;

Proposed Section C-C, scale 1:50, drawing ref 21/0312/12, received 20th May 2022;

Proposed Foundations and Drains, scale 1:100, drawing ref 21/0312/13, received 20th May 2022;

Proposed Block Plan, scale 1:200, drawing ref 21/0312/14, received 20th 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.

3. Prior to the installation, representative samples of the weather boarding material (colour, texture and profile) to be used on the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and so maintained thereafter.

Reason

To ensure a satisfactory appearance of the development in accordance with Policy DM18 of the Copeland Local Plan 2013-2028.

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 : 13/07/2022
Authorising Officer: N.J. Hayhurst	Date : 13/07/2022
Dedicated responses to:- N/A	