

**COPELAND BOROUGH COUNCIL  
DELEGATED PLANNING DECISION**

1.	<b>Reference No:</b>	4/22/2304/OF1
2.	<b>Proposed Development:</b>	ERECTION OF A CONCRETE AND STEEL GARAGE
3.	<b>Location:</b>	LAND ADJACENT ROSE BANK, EAST ROAD, EGREMONT
4.	<b>Parish:</b>	Egremont
5.	<b>Constraints:</b>	ASC;Adverts - ASC;Adverts, Coal - Off Coalfield - Data Subject To Change, Outer Consultation Zone - Sellafield 10KM
6.	<b>Publicity Representations &amp;Policy</b>	Neighbour Notification Letter: YES  Site Notice: YES  Press Notice: NO  Consultation Responses: See report  Relevant Planning Policies: See report
7.	<b>Report:</b>  <b>SITE AND LOCATION</b>  <p>This application relates to land adjacent to Rose Bank, East Road, a detached dwelling situated within Egremont.</p> <p>The site fronts an access road to the East Road garage and allotment site and it is bound by a hedge to the side facing East Road, a boundary hedge and the Public Right of Way 406002 to the rear and the driveway of Rose Bank to the east. The site benefits from an existing concrete hardstanding currently used for parking.</p> <b>PROPOSAL</b>  <p>Planning Permission is sought to erection of a detached garage. It will be 5.635 metres in width and 5.435 metres in depth. It will have a pitched roof with an overall height of 3.2 metres. It has been</p>	

designed to include two garage doors on the front elevation and the side elevation facing Rose bank will include an access door. Both the side elevation facing East Road and the rear elevation will include a window. It will be constructed out of pre-cast concrete sectional panels, cement fibre roofing and white steel up and over garage doors and white wooden windows and doors.

The proposal also includes an extension of the hard standing by 2.5 metres in width to provide a new parking space.

#### **RELEVANT PLANNING APPLICATION HISTORY**

There have been no previous planning applications at this site.

#### **CONSULTATION RESPONSES**

##### Egremont Town Council

No objections.

##### Highway Authority

Standing advice.

##### Lead Local Flood Authority

Standing advice.

##### Public Representation

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

One objection letter was received as a result of this consultation which raised the following concerns:

- Existing hardstanding has great benefit providing parking for people visiting Rose Bank;
- The development would result in a loss of parking within the site and result of parking on the surrounding roads would be disastrous;
- Existing problems with bin collection and large delivery lorries accessing the road to the surrounding properties;
- Concerns regarding separation distances to closest neighbours, boundary hedge, public right of way, electric cable pole;
- Questioned need for garages and parking spaces.

No objection letters were received as a result of the re-consultation of the amended plans.

## **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 ENV6 – Access to the Countryside

#### Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place

Policy DM22 – Accessible Developments

### **Other Material Planning Considerations**

National Planning Policy Framework (NPPF)

Cumbria Development Design Guide

#### Emerging Copeland Local Plan (ELP):

The emerging Copeland Local Plan 2017-2038 comprising the Publication Draft (January 2022) and Addendum (July 2022) have recently been submitted for examination by the Planning Inspector.

As set out at Paragraph 48 of the National Planning Policy Framework (NPPF), Local Planning Authorities may give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan; the extent to which objections to relevant policies have been resolved; and the degree to which emerging policies are consistent with the NPPF.

Given the stage of preparation of the emerging Copeland Local Plan 2017-2038 some weight can be attached to policies where no objections have been received or objections have been resolved. The Publication Draft (January 2022) and Addendum (July 2022) 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 NPPF.

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**

The key issues raised by this proposal are the principle of development, its scale and design, the potential impacts on residential amenity, highway safety and the public right of way.

### Principle of Development

Policy ST2 seeks to direct development to the most sustainable locations. The proposed application site is located within the settlement boundary of Egremont, adjacent to the entrance of an existing garage and allotment site and the residential garden of 34 East Road, which.

On this basis, the proposal represents an appropriate form of development in this location, consistent in principle with the provisions of Policy ST2 of the Local Plan.

### Scale and Design

Policy ST1 and section 12 of the NPPF seek to promote high quality designs. Policy DM10 seeks to ensure developments are of an appropriate scale and design which is appropriate to their surroundings and do not adversely affect the amenities of adjacent dwellings.

Concerns were originally raised regarding the proposed garage and therefore the applicant provided additional justification for the development. The proposed floor area was also reduced and therefore the proposal, as amended, will be appropriately located within the site and of a suitable scale.

The design and choice of materials will reflect the character of the area at the entrance to the existing garage and allotment site and it will not be excessively prominent within the locality. It will also be screened by an existing boundary hedge, the maintenance of which can be secured by the use of a planning condition.

On this basis, the proposal is considered to meet Policies DM10 of the Local Plan and NPPF guidance.

### Residential Amenity

Policy ST1, Policy DM10 and section 12 of the NPPF seek to safeguard good levels of residential amenity of the parent property or adjacent dwellings.

Whilst potential amenity issues between the proposed detached garage and the neighbouring properties were considered, the proposal is considered to be suitable in scale and design. Due to the siting of the garage and the separation distances across the access track to the closest neighbours, it is considered that the proposal will not cause a significant loss of light or privacy on the neighbouring property. In addition, the garage will be located to the north of the neighbouring garden of no. 34 East Road and therefore given the orientation, the proposal will not cause unacceptable overshadowing.

Despite the proposal including a window on the side and rear elevation, the garage is not considered to be a habitable room and therefore overlooking concerns are mitigated. The existing boundary hedge will provide suitable screening.

In the interest of protecting residential amenity and to ensure that non-conforming uses are not introduced into the area, it is appropriate to attach a planning condition to ensure the detached

garage remains domestic in nature.

On this basis, it is therefore considered that the garage proposal will not have a significant impact on neighbouring amenity and therefore it complies with Policies DM10, DM18 and the NPPF guidance.

#### Highway Safety

Policy DM22 encourages innovative approaches to manage vehicular access and parking to avoid vehicles dominating the street scene.

Concerns were raised with the applicant regarding the existing hard standing which is currently used for parking and the potential impacts of the development. The amended plans submitted have resulted in the reduction in the length of the garage to ensure suitable access and turning can be secured. The proposal also includes the creation of an additional parking space to the east of the existing hard standing to ensure suitable off-street parking is maintained. This is considered to address parking concerns and it can be secured by the use of a planning condition.

Overall, it is considered that the widened driveway and garage will provide adequate off-street parking to meet the needs of the dwelling and the proposal will therefore not have a detrimental effect on the existing highway conditions.

On this basis, the proposal is considered to comply with Policy DM22 and the standards set out in the Cumbria Development Design Guide.

#### Public Right of Way

The site visit confirmed the PROW runs along a path to the rear of the proposed garage and although the proposed extension might be visible from a small section of the Public Right of Way 406002, it will be modest in scale and it will be viewed in the context of the existing residential area. The existing boundary hedge will provide screening and a planning condition is included to ensure this is maintained.

As such, the detached garage will not have a detrimental impact on the Public Right of Way. The proposal will not harm the physical footpath or the amenity of the user on it. An informative note can be attached to the decision notice to ensure the right of way remains open and un-obstructed as a result of the development.

Overall, the proposal is considered to satisfy Policies ENV6, DM10 and the NPPF guidance.

#### Planning Balance and Conclusion

The proposed application seeks permission for the erection of a detached garage. Concerns were received regarding the siting of the garage and the loss of parking and the potential impact on the closest neighbours, the boundary hedge, the public right of way, the electric cable pole.

Amended plans were secured to ensure that the garage was of an appropriate scale for the site and to provide additional parking. The amended proposal is considered to be suitably located and acceptable in terms of scale and design. Given the separation distances and orientation of the garage, it will not have a detrimental impact on the amenities of the adjoining properties. Additional

	<p>justification was also provided to set out the need for the garage. It will be screened by an existing boundary hedge. In addition, the proposal will not affect highway safety or the public right of way.</p> <p>Planning conditions are proposed to ensure the additional parking is installed, the boundary fence is maintained, and the garage remains domestic in use.</p> <p>On the basis of the above, the proposed detached garage 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><b>Recommendation:</b></p> <p>Approve (commence within 3 years)</p>
9.	<p><b>Conditions:</b></p> <ol style="list-style-type: none"> <li> <p>The development hereby permitted must commence 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> </li> <li> <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 14<sup>th</sup> July 2022;  Location Plan, scale 1:1250, Rev B, received 24<sup>th</sup> October 2022;  Block Plan, scale 1:500, Rev B, received 24<sup>th</sup> October 2022;  Plan at Ground Level as Existing, scale 1:50, Rev B, received 24<sup>th</sup> October 2022;  Plan at Ground Level as Proposed, scale 1:50, Rev B, received 24<sup>th</sup> October 2022;  Plan at Roof Level as Proposed, scale 1:50, Rev B, received 24<sup>th</sup> October 2022  Proposed Elevations, scale 1:50, Rev B, received 24<sup>th</sup> October 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> </li> <li> <p>Prior to the first use of the garage, the additional parking space must be installed in accordance with the approved 'Plan at Ground Level as Proposed', scale 1:50, Rev B, received by the Local Planning Authority on 24<sup>th</sup> October 2022. The parking must be retained in perpetuity thereafter.</p> </li> </ol>

	<p>Reason</p> <p>To ensure adequate off-street parking is provided in accordance with Policy DM22 of the Copeland Local Plan.</p> <p>4. The existing boundary hedge must be maintained thereafter in accordance with the 'Plan at Ground Level as Proposed', scale 1:50, Rev B, received by the Local Planning Authority on 24<sup>th</sup> October 2022.</p> <p>Reason</p> <p>To ensure suitable screening is provided to protect neighbouring amenity in accordance with Policy DM18 of the Copeland Local Plan.</p> <p>5. The garage must be used for the parking of private vehicles and the storage of domestic equipment only in association with the residential property known as Rose Bank, East Road and for no commercial or business purposes whatsoever.</p> <p>Reason</p> <p>To ensure that non-conforming uses are not introduced into the area in accordance with Policy DM18 of the Copeland Local Plan.</p> <p><b>Informative Note</b> A PROW (public footpath) number 406002 lies adjacent to the site, the Applicant must ensure that no obstruction to the footpath occurs during, or after the completion of the site works.</p> <p><b>Statement</b> 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 : 18/11/2022
Authorising Officer: N.J. Hayhurst	Date : 21/11/2022
Dedicated responses to:- N/A	