

**COPELAND BOROUGH COUNCIL
DELEGATED PLANNING DECISION**

1.	Reference No:	4/22/2317/OF1
2.	Proposed Development:	ERECT A GARAGE AT THE REAR OF THE PROPERTY (RETROSPECTIVE); LEAN-TO ON SIDE OF GARAGE AND ERECT A NEW CARPORT TO THE SIDE OF THE PROPERTY
3.	Location:	23 SMITHFIELD ROAD, EGREMONT
4.	Parish:	Egremont
5.	Constraints:	ASC;Adverts - ASC;Adverts, Coal - Standing Advice - Data Subject To Change, Outer Consultation Zone - Sellafield 10KM
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 This application relates to 23 Smithfield Road, a semi-detached dwelling situated on an existing housing estate within Egremont. The site benefits from a large garden and an existing driveway to the side and front of the property. PROPOSAL Retrospective Planning Permission is sought for the erection of a detached garage and Planning Permission is sought for the erection of a lean-to covered area adjacent to the garage and a side extension car-port to the main dwelling. The detached garage measures 3.05 metres in width and 7.3 metres in depth. It has been designed to include a mono-pitched roof with a height of 3 metres along the front elevation and a height of 2.3	

metres along the rear elevation. The front elevation includes a double access door and the side elevation facing the garden will include an access door. The side and rear elevation facing the boundary will be blank. It has been constructed out of corrugated concrete sheet roofing, wooden doors and concrete blocks painted to match the existing house.

The covered lean-to adjacent to the garage will measure 2.3 metres in width and the depth will match the garage. The roof will also match the garage design and height and it will be constructed out of 3 steel supports and a corrugated concrete sheet roof. Each elevation will be open.

The car-port will project 3.6 metres from the side elevation of the dwelling and it will have a depth of 8 metres. It has been designed to include a lean-to roof with an overall height of 3 metres and an eaves height of 2.8 metres. It will be constructed out of plastic roofing sheets and 4 timber supports to be painted to match the existing house.

RELEVANT PLANNING APPLICATION HISTORY

There have been two previous applications for this property:

- Prior Notification for a rear single storey extension (ref: 4/14/2235/HPAE);
- Prior Notification for a rear single storey extension (ref: 4/16/2109/HPAE).

CONSULTATION RESPONSES

Egremont Town Council

No objection.

Highway Authority

Standing advice.

Lead Local Flood Authority

Standing advice.

Public Representations

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

No formal letters of objections have been received as a result of this consultation process, although one neighbour raised the following queries:

- Drainage and flood risk;
- Height of the garage;
- Timeframe of development and replacement of the fence to ensure garden remains secure

and good fence panels to be re-located.

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)

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 DS8PU – Reducing Flood Risk

Policy DS9PU – Sustainable Drainage

Policy H14PU – Domestic Extensions and Alterations

Policy CO7PU – Parking Standards and Electric Vehicle Charging Infrastructure

ASSESSMENT

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

Principle of Development

The proposed application relates to a residential dwelling within Egremont and it will provide a detached garage, lean-to covered area adjacent to the garage and a side extension car-port. 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 of the Local Plan 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 side car-port extension and detached garage with lean-to covered area are considered to be relatively modest in scale and appropriately sited within the garden. The car port will be stepped back from the principal elevation of the dwelling and behind the existing front gates. The proposals will therefore not be excessively prominent in the street scene. In addition, the choice of materials are acceptable and the painted timber will match the existing dwelling colour.

On this basis, the proposal is considered to meet Policy 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 both the parent property and adjacent dwellings.

Whilst amenity issues between the proposed car-port extension, detached garage with covered lean-to area and the neighbouring properties were considered, the proposals are considered to be suitably located within the site.

The height of the garage was questioned by the neighbour, although following a site visit, the ground level within the application site is slightly higher than the adjacent neighbour and therefore the garage appears taller than the proposed plans from the neighbouring garden.

Under current permitted development rights, a rear outbuilding could be erected up to 2.5 metres in height within this location 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 3 metres is not significantly larger than what is possible under permitted development, the proposed garage is considered to be satisfactory. The proposed side car-port is also not significantly larger than what is possible under Permitted Development and therefore the proposal is considered to be acceptable. It is therefore considered that the proposals will not cause significant loss of light or dominance on the neighbouring properties. The proposals will also be located to the west of the neighbouring property, no. 24 Smithfield Road, reducing potential overshadowing concerns further.

Furthermore, the boundary fence and front gates will help to screen the development and provide suitable mitigation. The proposal includes the replacement of the old fence to match the existing new fence towards the rear of the site and this is considered to be acceptable.

To ensure the garage use will remain domestic in nature, a planning condition is proposed. This will help to minimise impact on the amenities of the occupiers of surrounding dwellings and ensure that non-conforming uses are not introduced into the area.

On balance, taking into account what is possible under Permitted Development, the orientation of the proposal and the boundary fence screening the site, the proposal will not have a detrimental impact on the amenity of the occupiers of the neighbouring properties and it is considered that the proposal will meet the requirements of Policy 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.

The site access and off-street parking will remain unchanged to the front and side of the property. The site visit confirmed that the site benefits from two off-street parking spaces and therefore the existing driveway will provide adequate off-street parking to meet the needs of the property.

On this basis, the car-port, and detached garage with lean-to covered area will not have a detrimental effect on the existing highway conditions and it is considered to comply with Policy DM22 and the standards set out in the Cumbria Development Design Guide.

Drainage and Flood Risk

Policy DM24 seeks to protect developments against risks of flooding.

A query regarding the guttering and drainage was received and therefore additional details were sought. The applicant provided an additional site plan with the drainage and guttering shown in blue. The applicant confirmed that the proposed guttering will run along the length of the car-port and go directly into the existing drain, along a DEK drain along the front gates. The applicant is not proposing to change the driveway or the ground underneath the lean-to and therefore surface water run-off will not significantly increase. The rear garage and lean-to will also include guttering and a rain-water catchment of water butts to enable the water to be used within the garden and for the vegetables in raised beds. The installation of the drainage details can be secured by the use of a planning condition.

In addition, the car-port extension and garage floor area will measure less than what is possible for an

	<p>outbuilding and extension installed under Permitted Development. This fall-back position is a material consideration in the assessment of this application. Given what is possible under permitted development, the proposal is considered to be satisfactory and it will not have a detrimental impact on flood risk within the site or elsewhere.</p> <p>Overall, the proposal will not have a detrimental effect on flood risk on the site or elsewhere and therefore the proposal complies with Policy DM24.</p> <p><u>Planning Balance and Conclusion</u></p> <p>This application seeks to erect a side extension car-port and a detached garage with lean-to covered area.</p> <p>The proposal is considered to be suitably located within the site and it will be acceptable in terms of scale and design. In addition, given what is possible without planning permission, the proposal will not have any detrimental impact on the amenities of the adjoining properties, highway safety or drainage and flood risk.</p> <p>The planning conditions proposed will ensure the detached garage remains domestic in use further protecting residential amenity and the drainage is installed in accordance with the details provided.</p> <p>Concerns regarding the boundary fence and timescales of the development are not material planning considerations so cannot be considered as part of the application assessment. Although the queries have been passed onto the applicant.</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> <ol style="list-style-type: none"> <li data-bbox="180 1360 1508 1640"> <p>1. 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 data-bbox="180 1709 1508 1787"> <p>2. 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>

Application Form, received 20th July 2022;
Site Location Plan, scale 1:1250, received 20th July 2022;
Block Plan, scale 1:500, received 20th July 2022;
Proposed Site Layout Plan with drainage shown in blue, scale 1:200, received 6th September 2022;
Proposed Garage Floor Plan and Elevations, scale 1:50, received 20th July 2022;
Proposed Garage and Lean-To Elevations, scale 1:50, received 20th July 2022;
Proposed Car Port Plans, received 20th July 2022;
Supporting Photographs, received 20th July 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 first use of the side extension car-port hereby approved, the drainage must be installed in accordance with the details provided to the Local Planning Authority on 6th September 2022. Once installed, the drainage must be maintained thereafter.

Reason

To ensure suitable drainage is installed in accordance with Policy DM24 of the Copeland Local Plan.

4. 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 23 Smithfield Road and for no commercial or business purposes whatsoever.

Reason

To ensure that non-conforming uses are not introduced into the area.

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

	<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>
<p>Case Officer: C. Unsworth</p>	<p>Date : 13/09/2022</p>
<p>Authorising Officer: N.J. Hayhurst</p>	<p>Date : 13/09/2022</p>
<p>Dedicated responses to:- N/A</p>	