



COPELAND BOROUGH COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/22/2336/OF1
2.	Proposed Development:	RENEWAL OF DEFECTIVE DECK STRUCTURE WITH BRICK STRUCTURE AND GLASS BALUSTRADING
3.	Location:	24 HOLLINS CLOSE, WHITEHAVEN
4.	Parish:	Whitehaven
5.	Constraints:	ASC;Adverts - ASC;Adverts, TPO - TPO, 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 This application relates to 24 Hollins Close, a detached property situated on an existing housing estate within Whitehaven. The site benefits from a large rear garden which is bound by Kirkstone Road to the rear. The site also houses two large trees at the bottom of the rear garden embankment which are protected by a Tree Preservation Order. PROPOSAL Planning Permission is sought for the renewal of the rear decking structure with brick structure and glass balustrade. The decking will project 4.65 metres from the rear elevation of the dwelling and it will be 8.3 metres	

in width. It will be the same height as the existing decking and it will be constructed out of sandstone paving and brick walls to match the existing house with storage under the decking. It will include access steps along the north-west elevation and a 1.1-metre-high glazed balustrade.

The proposal also includes a steel framed 2.5-metre-high covered pergola adjacent to the existing rear extension.

RELEVANT PLANNING APPLICATION HISTORY

There have been no previous planning applications at this property.

CONSULTATION RESPONSES

Consultees

Whitehaven Town Council – No objections.

Public Representations

The application has been advertised by way of neighbour notification letters issued to 5 no. properties - No objections have been received as a result of this consultation process.

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 Principle

Policy ST2 – Spatial Development Strategy

Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place

Policy DM18 – Domestic Extensions and Alterations

Policy DM28 – Protection of Trees

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 and tree protection.

Principle of Development

The proposed application relates to a residential dwelling on an existing housing estate within Whitehaven and it will replace an existing decking structure within 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.

The proposed replacement decking structure and pergola are appropriately located to the rear of the property and the scale is relatively modest. The design is similar to the existing decking structure and the materials are considered to be more appropriate, matching the existing dwelling. This will ensure to proposal does not appear excessively prominent within the locality and it will reflect the character and appearance of the existing dwelling.

On this basis, the proposal 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.

Whilst amenity concerns must be considered, the proposal is considered to be suitably located and relatively modest in scale. The raised platform level will remain the same as the existing decking, below the internal ground level and therefore the potential overlooking from the decking structure is not considered to be materially different.

Given the separation distances of approximately 22 metres to the rear neighbouring properties and suitable screening from the existing trees, it is not considered that the proposal will result in any harmful amenity issues. In addition, due to the siting of the pergola, adjacent to the existing single-storey extension, the proposal will not be excessively overbearing for the neighbouring properties.

No concerns were raised as a result of the neighbour consultation.

On this basis, 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.

Tree Protection

Policy DM28 and section 15 of the NPPF seek to protect and enhance trees and the natural environment and proposed developments that are likely to affect any trees are required to be accompanied by an Arboricultural Assessment.

The proposed development will be approximately 6 metres away from protected trees at the bottom of the rear garden embankment. The application is accompanied by Tree Protection Plan with a Construction Exclusion Zone. Materials and heavy equipment will be sited away from the trees and their roof systems to prevent damage. Given the nature of the development these measures are considered to be acceptable to protect the trees and can be secured by the use of a planning condition.

On this basis, the proposal is considered to meet Policy DM28 of the Copeland Local Plan.

Planning Balance and Conclusion

This application seeks planning permission for the renewal of the rear decking structure with brick structure, glass balustrade and pergola. The main issues raised by the application were the potential impact on neighbouring amenity and the protected trees.

Due to the siting of the existing raised platform and the separation distances involved the proposal is considered to be acceptable in terms of scale and design and the impacts on neighbouring amenity. In addition, given that the works will be located away from the protected trees and outside the existing trees canopy, the works are acceptable. A planning condition has been included to ensure the tree protection measures are carried out.

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.
8.	Recommendation: Approve (commence within 3 years)
9.	Conditions: <ol style="list-style-type: none"> <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> <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 16th August 2022; Site Location Plan, scale 1:1250, Drawing 001 Rev B, received 16th August 2022; Existing Site Plan, scale 1:500, Drawing 002, received 16th August 2022; Existing Plan and Elevations, scale 1:50 and 1:100, Drawing 003, received 16th August 2022; Proposed Site Plan, scale 1:500, Drawing 004, received 16th August 2022; Proposed Plan, Elevations and Section, scale 1:50 and 1:100, Drawing 005, received 16th August 2022; Tree Protection Plan, scale 1:500, Drawing 03, received 25th 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> <p>Prior to the commencement of development the Tree Protection measures must be carried in accordance with the details set out in the Tree Protection Plan, Drawing 03, received by the Local Planning Authority on 25th October 2022. The Construction Exclusion Zone must be retained until all works relating to the development have been completed.</p> <p>Reason</p> <p>To ensure that the proposed works will have an adverse impact on the Protected Trees in</p>

accordance with Policy DM28 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 : 26/10/2022

Authorising Officer: N.J. Hayhurst

Date : 27/10/2022

Dedicated responses to:- N/A