

**COPELAND BOROUGH COUNCIL
DELEGATED PLANNING DECISION**

1.	Reference No:	4/22/2383/OF1
2.	Proposed Development:	DETACHED TIMBER BUILDING TO PROVIDE A GARDEN ROOM AND HOBBY WORKSHOP/GARDEN STORE
3.	Location:	6 RHEDA TERRACE, CLEATOR MOOR
4.	Parish:	Arlecdon and Frizington
5.	Constraints:	ASC;Adverts - ASC;Adverts, Coal - Standing Advice - Data Subject To Change, 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 Rheda Terrace, a terraced property situated 0.5 miles north of Cleator Moor. The site benefits from a large rear garden which was extended in 2005 and it is bound by the neighbouring garden of no. 4 Rheda Terrace to the south-west, the neighbouring gardens and woodland of no. 8 and 12 Rheda Terrace to the north-east and an agricultural field to the south.</p> PROPOSAL <p>Planning Permission is sought for the erection of a detached timber building for use as a hobby workshop and garden room with a rear deck.</p> <p>The outbuilding will have an overall width of 3.6 metres and a depth of 9 metres. It has been</p>	

designed to include a pitched roof with an overall height of 3.393 metres and an eaves height of 2.501 metres. The north-west elevation will include an access door and window and the south-west elevation will be blank. The north-east facing elevation will include four windows and the south-west elevation will include an access door and window.

The design also includes a 2.4 metre decking along the south-east elevation facing the adjacent field. It will be finished in timber cladding, profiled steel roof sheeting with translucent panels and timber windows and doors.

RELEVANT PLANNING APPLICATION HISTORY

There have been no previous planning applications at this property.

CONSULTATION RESPONSES

Consultees

Arlecdon and Frizington Parish Council – No comments received.

Public Representation

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

Two objections have been received as a result of this consultation process which raised the following concerns:

- Land use restrictions for garden use, woodland and buildings within deeds;
- Ground stability and disused mine shaft;
- Large size and height, beyond a normal household garage size;
- Proximity to boundary and long-term maintenance;
- Landslip risk due to raised ground level and inappropriate retaining wall;
- Drainage issues;
- Obtrusive and overshadowing;
- Impact on surrounding trees/plants in woods;
- Inappropriate location due to native woodland with endangered species;
- Boundary treatments replaced, access gate installation and 'right of way or access';
- Existing structures within the original house garden boundary;
- Removal of hedge and drainage ditch outside of the applicants ownership;
- Potential business workshop use.

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 ENV3 – Biodiversity and Geodiversity

Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place

Policy DM18 – Domestic Extensions and Alterations

Policy DM25 – Protecting Nature Conservation Sites, Habitats and Species

Policy DM28 – Protection of Trees

Other Material Planning Considerations

National Planning Policy Framework (NPPF)

Emerging Copeland Local Plan (ELP):

The emerging Copeland Local Plan 2017-2038 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

ASSESSMENT

The key issues raised by this proposal are the principle of development, its scale and design and the potential impacts on residential amenity, the coal advice area, trees and ecology.

Principle of Development

The proposed application relates to the rear garden of 6 Rheda Terrace and it involves the erection of an outbuilding for use as a domestic workshop and garden room with rear decking. 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 for the log cabin outbuilding is considered to be acceptable and the extension satisfies Policies ST2, DM10 and the NPPF guidance.

Scale and Design

Policy ST1 seeks the creation and retention of quality places is on high quality design. Policy DM10 requires development to respond positively to the character of the site and the wider setting and maintain reasonable standards of general amenity.

Significant concerns were received regarding the size of the proposed outbuilding due to a legal covenant on the land restricting the erection of a garage or dwelling. However only material planning considerations can be taken into account in the application assessment and legal restrictions are not considered to be material. The assessment has to be based on Local and National Planning Policies and on this basis, the proposed siting of the wooden outbuilding and the proposed use as a garden room and hobby workshop with rear decking are considered to be suitable to the rear of the dwelling.

The wider wooded area to the rear of Rheda Terrace benefits from a number of sheds and outbuildings and therefore the timber outbuilding reflects this and is considered to be acceptable within the locality. It will be relatively modest in scale and the design is considered to be suitable for its use. The choice of materials respect the existing character and appearance of the site and the surrounding woodland area.

Concerns regarding the height were also received, although under current Permitted Development Rights, a rear outbuilding within the proposed location could be erected up to 2.5 metres in height without the requirement for formal planning permission. This fall-back position is a material consideration in the assessment of this application. As the proposed height is not significantly larger than what is possible under permitted development, the proposed outbuilding is considered to be satisfactory.

In addition, the outbuilding will be located towards the end of the garden and whilst it might be slightly visible from Birks Road, the significant separation distance across the field to the rear of the site and the use of timber cladding as the external material will ensure it does not appear excessively prominent within the locality.

On this basis, the proposal is considered to meet Policies DM10 and 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 the parent property or adjacent dwellings.

Whilst residential amenity must be taken into account, the proposed outbuilding is considered to be suitable in scale and height and it will not be excessively overbearing for the neighbouring properties.

The proposal will be appropriately located at the end of the large garden within a wooded area to the north-east of the closest neighbouring garden, no. 4 Rheda Terrace. Due to the orientation of the site and the relationship to the closest garden, it is not considered to cause significant harm in terms of loss of light and dominance on the surrounding neighbours. The existing 1.8-metre-high boundary fence will also help screen the development.

In addition, as there are no windows proposed on the side elevations along the boundary facing the garden of no. 4 Rheda Terrace, the design is considered to mitigate potential overlooking issues. The north-east facing side elevation will include four windows, although the site visit confirmed that the site is adjacent to a heavily wooded area and therefore this relationship with the woodland will ensure unacceptable overlooking issues are not caused to the neighbouring properties.

The application outlines the proposed outbuilding will provide space for a hobby workshop, although concerns have been received regarding the potential business use. To ensure the timber outbuilding remains domestic in nature, the use can be controlled by means of a suitably worded planning condition. This will help to minimise impact on the amenities of the occupiers of surrounding dwellings.

It was noted at the site visit that the garden levels have been altered with the land raised adjacent to the boundary with no. 4 Rheda Park and lowered towards the north-west end of the proposed outbuilding. Ground stability along the boundary and drainage issues are not material planning considerations and therefore will be picked up at the Building Regulations stage. In addition, concerns regarding rights of way or access, boundary issues and long-term maintenance are private matters and cannot be taken into account in the application assessment.

On this basis, the proposal will not cause significant adverse harm to neighbouring amenity and therefore it is considered to comply with Policy DM18 and the NPPF guidance.

Coal Advice Area

Based on the site location plan, the application site is located within the defined Development High Risk Area and therefore the Coal Authority was consulted. Concerns were received regarding the size of the structure and the proximity to the disused mine shafts as a result of the public consultation.

The Coal Authority confirmed the consultation falls within their exemption list and therefore the Coal Authority guidance applies. As such, it was not considered that a Coal Mining Risk Assessment was necessary to support the proposal, although an informative note for development within a coal mining area will be included for the applicant's information.

Trees

Policy DM28 and section 15 of the NPPF seek to protect and enhance trees and the natural environment.

Concerns were received regarding the application form which notes that there are no trees near the proposed building and the potential overshadowing and the impact on the surrounding trees and plants in the wood. The site visit confirmed that the existing trees are located outside of the proposed floor area of the application.

The proposal will sit below the canopy of any trees on adjacent land and it will not have an unacceptable impact on the plants within the adjacent garden. The agent provided additional justification setting out that the proposal relates to a light-weight timber structure and the site visit also confirmed that the concrete block foundations are designed to sit on top of the consolidated hardcore to ensure the proposal does not directly interfere with the roots or ground.

On balance, the proposal will not cause unacceptable harm to the wooded area and therefore it is considered to satisfy Policy DM28 of the Copeland Local Plan.

Ecology

Policy ST1, ENV3 and DM25 and section 15 of the NPPF outline how the Council will protect and enhance the biodiversity and geodiversity within the Borough. These policies set out the approach towards managing development proposals that are likely to have an effect on nature conservation sites, habitats and protected species.

Despite receiving concerns regarding the inappropriate location of the outbuilding due to native woodland with endangered species, the application site is not identified as a potential area for protected species on the Council's GIS mapping system. Based on the site visit and Natural England's standing advice, it was not necessary to seek an ecological survey for this minor householder application.

On balance, the proposal is acceptable in terms of Policies ENV3 and DM25 of the Copeland Local Plan and the NPPF guidance.

Planning Balance and Conclusion

The wider wooded area to the rear of Rheda Terrace benefits from a number of sheds and outbuildings and therefore the proposed timber outbuilding is acceptable within the locality. Despite concerns received as a result of the consultation period, the proposal is of an appropriate scale and design and it will not have a detrimental impact on the amenities of the adjoining properties.

Only material planning considerations can be taken into account in the application assessment and therefore the legal restrictions, rights of way or access, boundary issues, removal of hedge and drainage ditch outside the applicant's ownership and long-term maintenance are private matters and cannot be taken into account.

The concerns regarding the use can be secured by the use of a planning condition to ensure it remains domestic in nature. In addition, given what is possible under Permitted Development, the

	<p>proposal will have minimal impacts on the coal advice area, the adjacent trees or ecology.</p> <p>Overall, the outbuilding 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>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 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 21st September 2022; Location Plan, scale 1:1250, drawing no. WP/KT/22/01, received 21st September 2022; Block Plan, scale 1:500, drawing no. WP/KT/22/01, received 21st September 2022; Proposed Floor Plan and Elevations, scale 1:100, drawing no. WP/KT/22/01, received 21st September 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>The outbuilding must be used as a garden room and hobby workshop and for the storage of domestic equipment only in association with the residential property known as 6 Rheda Terrace 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>

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 : 15/11/2022

Authorising Officer: N.J. Hayhurst

Date : 16/11/2022

Dedicated responses to:- N/A