

COPELAND BOROUGH COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/22/2397/OB1
2.	Proposed Development:	VARIATION OF CONDITION 2 (PLANS - TO REMOVE DORMER WINDOW & REPLACE WITH MASONRY GABLE) OF PLANNING APPROVAL 4/22/2173/0F1 PROPOSED TWO STOREY EXTENSION TO PROVIDE ADDITIONAL LIVING ACCOMMODATION & GARAGE EXTENSION WITH BALCONY OVER
3.	Location:	8 ASH GROVE, 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 8 Ash Grove, a detached property situated on an existing housing estate within Whitehaven. The site occupies an elevated location and it is bound by two unclassified roads, Ash Grove and Adler Close to the front and rear and a residential dwelling to either side. The site currently benefits from off-street parking to the front of the property and a large garden.</p> PROPOSAL <p>In June 2022, planning permission was granted for the erection of a two-storey rear extension and the erection of a single-storey front garage extension with balcony above (ref: 4/22/2173/0F1). This current application seeks to vary condition 2 relating to the submitted plans for this application, in order to change the roof design on the side (west) elevation from a dormer window to a masonry</p>	

gable.

The masonry gable will have an overall height of 6.5 metres to match the ridge height of the existing dwelling and the eaves height will match the two-storey extension. It will measure 4.1 metres in width and it will not project further than the existing side elevation of the dwelling.

The application also includes the erection of a two-storey extension which will project 5 metres from the rear elevation facing no. 7 Ash Grove and 3.82 metres from the rear elevation facing no. 9 Ash Grove and it will be 6.629 metres in width. It has been designed to include a pitched roof with an overall and an eaves height to match the existing property. It will include patio doors and a floor-to-ceiling window on the ground floor and two first-floor windows on the rear elevation. The side elevation facing no. 7 Ash Grove will include two windows and the side elevation facing no. 9 Ash Grove will also include two windows.

The single-storey front extension will project 2 metres from the front elevation and it will be 3.851 metres in width. It has been designed to include a flat roof with an overall height of 2.9 metres to provide space for the creation of a raised balcony above. It will include a garage door on the front and patio doors on the first floor to provide access onto the balcony. The side elevations will be blank and the balcony will include a 1 metre high obscure glazed (level 3 or greater) smoked glass balustrade.

The extension will be finished in K-render to the main elevations and a natural stone cladding to the garage extension, concrete roof tiles and UPVC windows and doors to match the existing dwelling. The garage door will be a powder coated roller door.

RELEVANT PLANNING APPLICATION HISTORY

Planning Permission has previously been granted for the erection of a two-storey rear extension and the erection of a single-storey front garage extension with balcony above (ref: 4/22/2173/0F1).

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 5 no. properties.

One objection has been received as a result of this consultation which raise the following concerns:

- Questioned precedent of balconies at first floor level on Ash Grove;
- All other properties on Ash Grove have ground floor entrances and questioned their classification as balconies;
- Significant concerns that the construction of a balcony over an extended garage would result in the entire rear gardens along Rannerdale Drive being constantly overlooked;
- Concerns regarding privacy, mental health and wellbeing;
- Concerns regarding the internal change from a bedroom to a snug and the installation of new patio doors on the front elevation;
- Concerns level 3 glazing will not detract from the height of the balcony;
- Disagree with previous planning assessment and believe the development will affect their right to privacy in their own property;
- The proposed balcony would have adverse affects on neighbouring day to day lives along Rannerdale Drive;
- It would look directly into the neighbouring kitchen and bedroom windows;
- It would result in the neighbours keeping their curtains and blinds closed permanently which would restrict their right to natural light;
- Use of the neighbouring garden would be limited as 8 Ash Grove would be using the proposed snug and balcony for social, viewing and observation;
- The balcony would restrict the neighbours hobby (gardening) and leisure time in private.

Neighbour concerns were also raised during a site visit by the Planning Officer to the objectors property. The following concerns were made:

- Noted although no. 9 Ash Grove has a balcony on the front, it is of a lower elevation, has been part of the building from new and the occupiers tend to never use it;
- No previous problems along Rannerdale Drive regarding overlooking, privacy and disturbance as the majority of residents on Ash Grove tend to use their rear garden area for leisure and entertainment;
- Concerns regarding the garden size and amenity space to the rear of the property due to the two-storey rear extension;
- Perception of overlooking from every position in the garden;
- Increase in surface water run-off.

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 DM12 – Standards for New Residential Developments

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)

National Planning Practice Guidance (NPPG)

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

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 current Section 73 application seeks to vary condition 2 (approved plans) of the original planning approval.

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

Principle of Development

The proposed application relates to a residential dwelling within Whitehaven and it will create a 4-bedroom dwelling with an en-suite, an enlarged kitchen-dining-living room and an additional snug leading onto a raised balcony. 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.

One objection has been received regarding the raised balcony and therefore significant consideration has been given regarding this element of the proposal in terms of scale and design. However, due to the split levels within the property, the proposed snug and balcony would be located at the intermediate floor level, between the ground and first floor level. The balcony is therefore dictated by this snug floor level and could not be lowered.

The precedent of raised balconies has also been set along Ash Grove and the wider housing estate and therefore it is not considered that the proposed design will be unacceptable. The front garage extension and balcony will be appropriately located to the front of the property and it will be set back from the road. This will ensure it will not be excessively prominent in the street scene and it will not be overbearing for the neighbouring properties.

Concerns were also received regarding the scale of the rear extension and the garden size, although the proposed two-storey rear extension is considered to be appropriately located within the large rear garden and it will be relatively modest in scale. The design, roof pitch and eaves height reflect the existing property to ensure that the works appears subservient to the main dwelling. In addition, the proposal will not result in a loss of 50% of the undeveloped curtilage of the parent property and therefore it satisfies Policy DM18(D) requirements.

The masonry gable alteration will also be suitable in scale and design to match the existing ridge height of the dwelling and the eaves height will match the two-storey rear extension. It will be stepped back from the principal elevation and therefore the character of the parent property will be maintained.

In addition, the choice of materials are considered to respect the existing character and appearance of the existing property. Due to the concerns received regarding the balcony, the balustrade material will be obscure glazed to level 3 obscurity or above to reduce privacy concerns. This material is considered to be suitable to help provide privacy for 8 Ash Grove and the properties along Rannerdale Drive. It is also considered to be a more appropriate material compared to the open railings common along the balconies on Ash Grove. This obscure glazed balustrade installation can be secured by the use of a planning condition.

On balance, the proposal is considered of suitable scale and design to meet Policy DM18 requirements and the NPPF guidance.

Impact on 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. Policy DM12 requires a separation distance between directly facing habitable room windows of 21 metres to maintain privacy and overlooking standards.

One objection was received with significant concerns raised regarding overlooking and privacy issues resulting from the proposed front balcony. A site visit was carried out at the application site and the neighbouring garden along Rannerdale Drive to assess the proposal and potential impact.

The precedent of raised balconies is already set along Ash Grove and the wider housing estate and an unclassified road, Ash Grove, is located between the application site and the neighbouring properties along Rannerdale Drive. On this basis, there will be a separation distance of 26 metres to the rear elevation of no. 50 Rannerdale Drive and 28 metres from the rear elevation of no. 48 Rannerdale Drive. These distances far exceed the minimum separation distances set out in Policy DM12 and, therefore, despite the potential for an element of overlooking, it is not considered that overlooking will be materially harmful.

Significant consideration was also given to the height of the proposed balcony, although this is dictated by the internal floor levels of the property and could not be lowered. The proposed balcony balustrade will be obscure glazed which will help to provide some mitigation to overlooking and privacy impacts.

In addition, the separation distance from the balcony to the rear garden boundary fences along Rannerdale Drive will be 12 metres and existing boundary treatments will help reduce the potential impact. It is noted due to the character of the area on a hill, the proposed balcony will be elevated above the properties on Rannerdale Drive. Although this may result in a perception of being overlooked the proposal satisfies Local Plan Policy separation distance requirements, and a suitable

obscure glazed balustrade material has been secured. This will ensure the overlooking issues are not unacceptable. On this basis the proposal is not considered to cause significant harm to neighbouring amenity.

Concerns were also received regarding the change of the bedroom to a snug. The internal use of the room as a snug or bedroom within the dwelling cannot be controlled through the planning legislation.

Concerns were also received regarding the addition of patio doors and balcony for social, viewing and observation. However, under current Permitted Development Rights, a window or patio doors with a Juliet balcony could be installed without planning permission on the front elevation of 8 Ash Grove. This is a fall-back position in the application assessment and therefore given the suitable mitigation has been secured, the proposed balcony is not considered to cause unacceptable overlooking beyond what is possible without planning permission.

In addition, due to the existing orientation of the dwelling within the site and the siting of the two-storey rear and single-storey front extension, stepped away from the boundary, it is not considered that the proposal will cause significant overshadowing.

On balance, the proposal will not have a significant adverse impact on the amenities of the occupiers of the neighbouring properties and it is considered to comply with Policies DM12, 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 proposed block plan confirms the extension will not interfere with the existing off-street parking provision for two vehicles at the front of the property. It is therefore considered that the existing driveway will provide adequate off-street parking to meet the needs of the 4-bedroom property and the proposal will not have a detrimental effect on the existing highway conditions.

On this basis, the proposal is considered to meet Policy DM22 and the Cumbria Development Design Guide standards.

Drainage and Flood Risk

Policy DM24 seeks to protect developments against risks of flooding and ensure developments will not increase the risk of flooding elsewhere.

The Site is located within Flood Zone 1 and the proposed extended floor area is relatively modest in scale. The proposal will therefore not significantly increase the surface water run-off and therefore the proposal will not increase flood risk on the site or elsewhere.

Concerns were noted during a site visit, although as this is a householder planning application, the drainage is covered by the Building Regulations process.

On this basis, the development accords with Policy DM24 of the Copeland Local Plan.

	<p><u>Planning Balance and Conclusion</u></p> <p>The current Section 73 application seeks to vary condition 2 of the original planning approval.</p> <p>The alterations relate to the roof design which will include a masonry gable, rather than a dormer window. It will be relatively modest in scale, stepped back from the principal elevation of the dwelling. It will not be excessively prominent within the street-scene and therefore the amendment is acceptable.</p> <p>The application also repeats the previous proposal which seeks to erect two-storey rear extension and a single-storey front extension with balcony above. The main issue raised by the development was the potential residential amenity issues from the extension and balcony. One objection was received regarding the overlooking and loss of privacy.</p> <p>There is an existing precedent of raised balconies along Ash Grove and the wider housing estate and there is an unclassified road located between the application site and the neighbouring properties along Rannerdale Drive. As a result, the separation distance between the balcony and the neighbouring properties exceeds the minimum separation distances set out in Policy DM12 and the use of obscure glazing within the balustrade will help to reduce any harmful impacts.</p> <p>On this basis of the above, despite concerns raised in opposition to the proposal, the overlooking and privacy issues from the raised platform are not considered to cause unacceptable harm. The proposal is therefore considered to be acceptable in terms of scale and design and it will not have any significant detrimental impacts on the amenities of the adjoining properties, highway safety or flood risk.</p> <p>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. On this basis, it is necessary to include the three-year commencement condition from the date of the original approval and the other condition (3) attached to the previous permission (4/22/2173/0F1), in order to ensure the development is carried out as per the approved detail.</p> <p>The revised information which seeks to amend the originally approved plans condition (condition 2) satisfies the policy criteria and is considered to be in keeping with the surrounding properties.</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 amendment of condition</p>

9.	<p>Conditions:</p> <p>1. The development hereby permitted must commence before 27th June 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>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> <p>Application Form, received 29th September 2022; Location Plan, scale 1:1250, drawing ref MM/KT/22/02A, received 29th September 2022; Block Plan, scale 1:500, drawing ref MM/KT/22/02A, received 29th September 2022; Proposed Floor Plans, scale 1:100, drawing ref MM/KT/22/03, received 29th September 2022; Proposed Elevations, scale 1:100, drawing ref MM/KT/22/02A, received 29th September 2022; Email from agent confirming Stone Sample, received 10th November 2022; Email from agent confirming the obscure glazed balustrade material, received 3rd November 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>3. Prior to the first use of the balcony hereby approved, the 1-metre-high smoked glass obscure glazed balustrade must be erected in accordance with the approved plan Proposed Elevations, Scale 1:100, drawing ref MM/KT/22/02A, received by the Local Planning Authority on the 29th September 2022 and the email from the agent confirming the level 3 or above obscurity material received on the 3rd November 2022. The balustrade must be maintained at all times and there after retained in perpetuity.</p> <p>Reason</p> <p>To protect the residential amenity of neighbouring dwellings in accordance with Policy DM18 of the Copeland Local Plan 2013-2028.</p>
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	<p>Informative Note</p> <p>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.</p> <p>Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority</p> <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 : 18/11/2022</p>
<p>Authorising Officer: N.J. Hayhurst</p>	<p>Date : 18/11/2022</p>
<p>Dedicated responses to:- N/A</p>	