



COPELAND BOROUGH COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/22/2404/OB1
2.	Proposed Development:	VARIATION OF CONDITION 2 (PLANS - ADDITION OF EXTERNAL DECKING & STEPS) OF PLANNING APPLICATION 4/21/2251/0F1 SINGLE STOREY SIDE EXTENSION
3.	Location:	90 HOLLY BANK, 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 90 Holly Bank, a semi-detached property located on an existing housing estate within Whitehaven. The site benefits from an existing driveway, a large garden which slopes towards the rear and a single-storey rear conservatory.</p> PROPOSAL <p>In July 2021, planning permission was granted under reference 4/21/2251/0F1 for the erection of a single-storey side extension at this property. This current application seeks to vary condition 2 of the permission relating to the submitted plans for this application, in order to include an external decking walkway and steps to provide an access from the side extension and rear conservatory to the lower garden level.</p> <p>The decking walkway will project 1.5 metres from the rear elevation of the side extension, and it will</p>	

have a width of 5.3 metres. The steps will wrap-around the side elevation of the extension with an overall width of 1.2 metres. It will be constructed out of treated timber or composite decking with a clear glazed balustrade.

RELEVANT PLANNING APPLICATION HISTORY

Planning Permission has previously been granted for the erection of a single storey side extension (ref: 4/21/2251/0F1).

CONSULTATION RESPONSES

Consultees

Whitehaven Town Council – No comments received.

Public Representations

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

One letter of concern was received which raised concerns regarding the scale of the plans and potential flood risk. Amended plans were sought and the concerns were satisfied.

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 DM24 – Development Proposals and Flood Risk

Other Material Planning Considerations

National Planning Policy Framework (NPPF)

The Planning Practice Guidance (NPPG)

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

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 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.

In terms of the conditions attached to the previous decision notice (4/21/2251/0F1), development has commenced on site therefore, it is therefore not necessary to repeat the condition relating to timescales.

The current application seeks to vary condition 2 of the original planning approval.

Principle of Development

The proposed amendment to this scheme seeks to include an external decking walkway and steps to provide an access from the side extension and rear conservatory to the lower garden level. 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 decking and steps are considered to be modest in scale and design. Due to the siting within the rear garden, it will not be overbearing for the neighbouring properties and the design is considered to be suitable for its use to provide an access from the side extension and existing conservatory to the rear garden. The materials are also considered to respect the character and appearance of the parent property and on this basis, the alteration is considered to comply with Policies DM10 and DM18 of the Local Plan.

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.

The proposed decking and steps will be located to the rear of the side extension, which is located at an off-set angle within the site and from the neighbouring properties. The orientation reduces potential amenity concerns and the existing boundary treatments also provide suitable mitigation. On this basis, the decking and steps are not considered to have a detrimental impact on any residential amenity and therefore the proposal will satisfy Policy DM18 and the NPPF guidance.

Flood Risk and Drainage

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 raised as part of the neighbour consultation, although as this is a householder planning application, the drainage is covered by the Building Regulations process. These details satisfied the neighbouring concerns.

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

Planning Balance and Conclusion

The revised information which seeks to amend the originally approved plans condition, satisfies the policy criteria and is considered to be in keeping with the surrounding properties. It will not have any adverse impact on residential amenity.

Overall, this is considered to be an acceptable form of development which accords with the guidance

	set out in the NPPG and the policies within the adopted Local Plan.	
8.	Recommendation: Approve amendment of condition	
9.	Conditions: <ol style="list-style-type: none"> 1. - 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 10th October 2022; Location Plan, Scale 1:2500, Ref 1/001B, Received 8th November 2022; Proposed Roof Plan/Site Layout, scale 1:200, Ref 1/002C, received 8th November 2022; Proposed Floor Plan and Elevations, Scale 1:100, Ref 1/002C, Received 8th 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>Informative 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> <p>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.</p> 	
Case Officer: C. Unsworth		Date : 22/11/2022
Authorising Officer: N.J. Hayhurst		Date : 25/11/2022
Dedicated responses to:- N/A		