



## COPELAND BOROUGH COUNCIL DELEGATED PLANNING DECISION

1.	<b>Reference No:</b>	4/22/2453/OF1
2.	<b>Proposed Development:</b>	MODIFICATIONS TO CONSERVATORY
3.	<b>Location:</b>	BELL HOUSE, SANDWITH
4.	<b>Parish:</b>	St. Bees
5.	<b>Constraints:</b>	ASC;Adverts - ASC;Adverts, Coal - Standing Advice - Data Subject To Change
6.	<b>Publicity Representations &amp;Policy</b>	Neighbour Notification Letter: YES  Site Notice: NO  Press Notice: NO  Consultation Responses: See report  Relevant Planning Policies: See report
7.	<b>Report:</b>  <b>SITE AND LOCATION</b>  This application relates to Bell House, a semi-detached property located within the open countryside, near Sandwith. The property is accessed along a track off St Bees Road, which is also a Public Right of Way (422009).  <b>PROPOSAL</b>  Planning Permission is sought to upgrade the existing front conservatory extension. It will replace the existing structure with a warm tile conservatory roof and the windows will be replaced with grey/black framed windows. The works also include the installation of patio doors on the side elevation.	

## **RELEVANT PLANNING APPLICATION HISTORY**

Planning Permission has previously been granted for the erection of a conservatory (ref: 4/01/0594/0).

## **CONSULTATION RESPONSES**

### St Bees Parish Council

No objections.

### Cumbria County Council Footpath Officer

No comments received.

### Public Representations

The application has been advertised by way of neighbour notification letters issued to 2 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 Principles

Policy ST2 – Spatial Development Strategy

Policy ENV6 – Access to the Countryside

### Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place

Policy DM18 – Domestic Extensions and Alterations

### **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, the impacts on residential amenity and the public right of way.

### Principle of Development

The proposed application relates to a residential dwelling and it will alter an existing front conservatory extension. Policy DM18 supports extensions 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 safeguard good levels of quality and attractiveness. 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.

Due to the nature of the site, the garden is located to the front and side of the property and therefore the proposal will be appropriately located within front garden. The proposed conservatory alterations will be very modest in scale and the design will provide a new access with patio doors. The solid roof will create a more solid structure which is suitable for the front elevation and the choice of materials will also complement the existing dwelling. The proposal will therefore not be excessively prominent within the locality.

	<p>On this basis, the proposal will respect the character and appearance of the existing property and therefore it is considered to meet Policy DM18(A) and the NPPF guidance.</p> <p><u>Residential Amenity</u></p> <p>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.</p> <p>The proposed alterations will have little impact on the residential amenity due to its modest scale and siting. The proposed windows and patio doors are not considered to be materially different to the existing structure and therefore potential overlooking issues are considered to be minimal. In addition, overshadowing will not be excessive due to the proposal being stepped away from the neighbouring properties.</p> <p>On this basis, there will be little impact on amenity of occupiers of the adjacent properties and the proposal is considered to comply with Policy DM18(C).</p> <p><u>Public Right of Way</u></p> <p>The site visit confirmed the PROW runs along the access track to the front of the dwelling and although the proposed conservatory might be visible from a small section of the Public Right of Way 422009, it will be modest in scale and it will be viewed in the context of the existing residential dwelling.</p> <p>As such, the conservatory will not have a detrimental impact on the Public Right of Way. The proposal will not harm the physical footpath or the amenity of the user, although an informative note has been attached to ensure the right of way remains open and un-obstructed.</p> <p>Overall, the proposal is considered to satisfy Policies ENV6, DM10 and the NPPF guidance.</p> <p><u>Planning Balance and Conclusion</u></p> <p>The proposed conservatory alterations are of an appropriate scale and design and will not have any detrimental impact on the amenities of the adjoining properties or the public right of way. It therefore 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><b>Recommendation:</b></p> <p>Approve (commence within 3 years)</p>
9.	<p><b>Conditions:</b></p> <ol style="list-style-type: none"> <li>1. The development hereby permitted must commence before the expiration of three years from the date of this permission.</li> </ol> <p>Reason</p> <p>To comply with Section 91 of the Town and Country Planning Act 1990 as amended by the</p>

Planning and Compulsory Purchase Act 2004.

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: -

Application Form, received 18<sup>th</sup> November 2022;

Location Plan, scale 1:1250, drawing no. A3-WL-004-001A, received 18<sup>th</sup> November 2022;

Block Plan, scale 1:500, drawing no. A3-WL-004-002A, received 18<sup>th</sup> November 2022;

Existing Floor Plan and Elevations, scale 1:100, drawing no. A3-WL-004-002A, received 18<sup>th</sup> November 2022;

Proposed Floor Plan and Elevations, scale 1:100, drawing no. A3-WL-004-004A, received 18<sup>th</sup> November 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.

#### **Informative Notes**

1. A PROW (public footpath) number 422009 lies adjacent to the site, the Applicant must ensure that no obstruction to the footpath occurs during, or after the completion of the site works.
2. 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](http://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.

<b>Case Officer: C. Unsworth</b>	<b>Date : 09/01/2023</b>
<b>Authorising Officer: N.J. Hayhurst</b>	<b>Date : 11/01/2023</b>
<b>Dedicated responses to:- N/A</b>	