

**COPELAND BOROUGH COUNCIL
DELEGATED PLANNING DECISION**

1.	Reference No:	4/22/2481/OF1
2.	Proposed Development:	INSTALLATION OF DECKING AREA TO FRONT OF PROPERTY (RETROSPECTIVE)
3.	Location:	5 HEATHER CLOSE, 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 This application relates to 5 Heather Close, a detached bungalow situated on the Highlands housing estate within Whitehaven. The site is located on a hill and benefits from a grassed front garden. PROPOSAL Retrospective Planning Permission is sought for the installation of a raised decking within the front garden. The decking projects 3.7 metres from the front elevation of the house and it has a width of 3.25 metres. Due to the sloping nature of the site, it has an overall height of 0.86 metres on the left-hand side and 0.41 metres on the right-hand side and it has been built out of grey composite decking. It also includes a 1-metre-high smoked safety glass balustrade along the edge of the decking and it is accessed on the right-hand side elevation.	

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 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 Principle

Policy ST2 – Spatial Development Strategy

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 and the potential impacts on residential amenity.

Principle of Development

The proposed application relates to a residential dwelling on an existing housing estate within Whitehaven and it will provide a raised garden area in the front 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 main issue raised by the application is the location of the development within the front garden. However, due to the nature of the housing estate on a hill with views across to the Irish Sea, raised platforms are a characteristic of the area and many can be seen from the locality of the application site and the wider street-scene.

The proposal is relatively modest in scale and due to the siting, on a secondary road off the main thoroughfare through the housing estate, the proposal is not considered to be excessively prominent.

In addition, the materials are considered to suitable for its use and respect the character of the residential garden and surrounding area. However, during the site visit, the applicant confirmed the balustrade had been taken down for repair works to be carried out. On this basis, to ensure satisfactory appearance, a planning condition is proposed to secure the reinstatement of the balustrade.

	<p>On this basis, the raised platform is considered to meet Policies DM10 and DM18(A) from the Local plan and 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>Whilst residential amenity must be considered, the proposal is considered to be relatively modest in scale and the platform level is not significantly higher than the existing garden. It provides a level platform from the front patio doors and, due to the siting on the hill, the highest level will be 0.86 metres from ground level.</p> <p>Due to the orientation and separation distance of approximately 10 metres from the neighbouring windows, the proposal is not considered to cause unacceptable overlooking. The relationship of the existing house, forward of the principal elevation of the neighbouring property, no. 4 Heather Close, mitigates concerns and the platform is positioned away from the neighbouring property, facing the Irish Sea. On this basis, potential overlooking is not considered to cause unacceptable harm.</p> <p>The site visit confirmed that there was slight overlooking across the neighbours driveway, but this is not considered to be a habitable or outdoor amenity space. There is also an existing side boundary fence to screen the development and no concerns were raised as a result of the neighbour consultation and therefore potential amenity concerns to the neighbours are minimal.</p> <p>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.</p> <p><u>Planning Balance and Conclusion</u></p> <p>This application seeks retrospective planning permission for the installation of a raised platform in the front garden. The main issues raised by the application are the location of the development within the front garden and the potential overlooking from the decking.</p> <p>The proposal is considered to be acceptable in terms of scale and design and the impacts on neighbouring amenity is not considered to be unacceptable due to the orientation and separation distances with neighbouring windows. However, to ensure the development is finished to a satisfactory standard, a condition is attached to ensure the balustrade is re-installed.</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 (commence within 3 years)</p>

9.	<p>Conditions:</p> <ol style="list-style-type: none"> <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 13th December 2022; Location Plan, scale 1:1250, received 13th December 2022; Block Plan, scale 1:200, received 13th December 2022; Site Plan with Dimensions Labelled, received 13th December 2022; Supporting Photographs 1/2, received 13th December 2022; Supporting Photographs 2/2, received 13th December 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>Within six months of the date of this permission, the balustrade must be re-installed in accordance with the details set out in the Supporting Photographs 2/2, received by the Local Planning Authority on the 13th December 2022.</p> <p>Reason</p> <p>To ensure satisfactory appearance of the development in accordance with Policy DM18 of the Copeland Local Plan.</p> <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>
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Case Officer: C. Unsworth	Date : 02/02/2023
Authorising Officer: N.J. Hayhurst	Date : 03/02/2023
Dedicated responses to:- N/A	