

## COPELAND BOROUGH COUNCIL DELEGATED PLANNING DECISION

1.	<b>Reference No:</b>	4/23/2033/OF1
2.	<b>Proposed Development:</b>	PROPOSED WORKSHOP/SHED
3.	<b>Location:</b>	41 THE MOUNT, WHITEHAVEN
4.	<b>Parish:</b>	Moresby
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>  <p>This application relates to 41 The Mount, a detached property situated on an existing housing estate within Whitehaven. The site benefits from a large garden which is bound a 1.8-metre-high wooden fence to the front and side. The site is bound by green fields to the south and west and the garden area associated with the neighbouring property, no. 43 The Mount to the north.</p>  <b>PROPOSAL</b>  <p>Planning Permission is sought for the erection of a garden shed/workshop in the side garden. The outbuilding will have an overall width of 4.25 metres and a depth of 5.52 metres. It has been designed to include a pitched roof with an overall height of 2.401 metres and an eaves height of 1.997 metres. The design includes double doors and a window on the front elevation facing the garden and the two side and rear elevations will be blank. It will be finished in spruce interlocking log</p>	

walls, a felt roof covering and wooden windows and doors to reflect a log cabin.

### **RELEVANT PLANNING APPLICATION HISTORY**

There have been no previous planning applications at this property.

### **CONSULTATION RESPONSES**

#### Consultees

Moresby Parish Council – No objections.

#### Public Representation

The application has been advertised by way of neighbour notification letters issued to 4 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

#### 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 the subject of an 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 application relates to a residential dwelling within Whitehaven and it provides an garden shed/workshop within the side 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 proposed garden shed is considered to be modest in scale and appropriately located to the side of the existing property, adjacent to the existing 1.8-metre-high boundary fence. It will replace an existing garden shed and due to the siting, it will not be excessively prominent within the locality or overbearing for the neighbouring properties. In addition, the design of outbuilding is considered to be suitable for its use and the choice of materials are considered to respect the existing character and appearance of the existing property and the surrounding residential area.

On this basis, the proposal is consider 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.

	<p>The proposal is considered to be appropriately located within the side garden and it is modest scale and height, adjacent to an existing 1.8-metre-high boundary fence. It will not project beyond the existing rear elevation of the dwelling and it will be located approximately 26 metres from the closest neighbouring boundary to the side, no. 39 The Mount. This ensures it will not be excessively overbearing or cause a significant loss of light on the surrounding neighbours.</p> <p>In addition, the separation distances and boundary fence are considered to mitigate potential overlooking issues.</p> <p>No concerns were raised as a result of the neighbour consultation process.</p> <p>On this basis, the proposal is considered to comply with Policy DM18 and the NPPF guidance.</p> <p><u>Planning Balance and Conclusion</u></p> <p>The garden outbuilding is of an appropriate scale and design and will not have any detrimental impact on the amenities of the adjoining properties. 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> <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> </li> <li> <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 1<sup>st</sup> February 2023;  Location Plan, scale 1:1250, received 1<sup>st</sup> February 2023;  Site Plan, scale 1:200, received 1<sup>st</sup> February 2023;  Proposed Floor Plan and Elevations, ref. Rhine Log Cabin W4m x D5m, received 1<sup>st</sup> February 2023.</p> <p>Reason</p> </li> </ol>

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 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](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.

**Case Officer: C. Unsworth**

**Date : 22/03/2023**

**Authorising Officer: N.J. Hayhurst**

**Date : 30/03/2023**

**Dedicated responses to:- N/A**