

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/23/2037/0F1
2.	Proposed Development:	ERECTION OF A GLASS VERANDA ON REAR OF LOUNGE (RETROSPECTIVE)
3.	Location:	SCALLOW HOUSE, ASBY ROAD, ASBY
4.	Parish:	Arlecdon and Frizington
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 Scallow House, a detached dwelling situated within Asby. The site benefits from a large rear garden and as it is located on a slight hill, it benefits from a large 2.3-metre-high retaining wall along the south-west boundary garden. PROPOSAL Retrospective Planning Permission is sought for the retention of a glass veranda within the rear garden. The glass veranda projects 4.25 metres from the rear elevation of the house and it has a	

width of 5.25 metres. It also projects 1.25 metres from the side of the dwelling to the boundary wall. It includes a lean-to roof with an overall height of 2.95 metres and it has been built out of glass, white UPVC and white steel posts. It also includes a solid white metal side panel along the edge of the veranda, sitting on top of the boundary wall.

RELEVANT PLANNING APPLICATION HISTORY

There have been no previous planning applications at this property.

CONSULTATION RESPONSES

Consultees

Arlecdon and Frizington Parish Council – No comments received.

Public Representations

The application has been advertised by way of neighbour notification letters issued to 2 no. properties.

One objections have been received as a result of this consultation process which raised the following concerns:

- Concerns measurements are not accurate;
- The structure is not as the applicant verbally described to the neighbour and there was no mention of the white side panel resting on the boundary wall;
- Concerns the steel posts holding up on the veranda are up to the boundary retaining wall, have been concreted into the ground on top of the wall foundations and this impact on the boundary wall foundations;
- Building Regulation requirements to ensure foundations for the boundary wall have not been compromised;
- Seeking a reduced proposal, to be pulled back to the gable end, shortened by a panel to remove the structure from the boundary wall;
- Would like the white side panel on the boundary wall to be removed.

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



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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 within Asby and it will provide a covered patio area in the rear 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 proposal is relatively modest in scale and due to the changes in garden levels and the large retaining wall, the proposal is not considered to be excessively prominent within the locality. It is suitably located within the large rear garden and it creates a covered patio area and therefore the design is considered to be suitable for its use.

In addition, under current Permitted Development Rights, a rear extension/veranda could project 4 metres from the rear elevation of the dwelling with an overall height of 4 metres, without the requirement for formal planning permission. This fall-back position is a material consideration in the assessment of this application. As the veranda is not significantly larger than what is possible under permitted development, this proposal is considered to be satisfactory.

Concerns from the regarding the white side panel have been received, although the materials are considered to suitable for its use and are typical in character for a residential garden. The objection also requested that a reduced proposal was sought, however this is not considered to be appropriate in this case, as the scale is considered to be appropriate in accordance with both local and national planning policies.

In addition, concerns regarding the boundary wall are not material planning considerations and therefore cannot be taken into account in the application assessment.

On this basis, the veranda is considered to meet Policies DM10 and DM18(A) from the Local plan and 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.

Whilst residential amenity must be considered, the proposal is considered to be relatively modest in scale and due to the changes in level with the neighbouring property, the overall veranda height is not significantly higher than the existing boundary wall.

The orientation of the existing dwelling and garden to the north-east of the neighbouring property, Dale View also helps mitigate concerns. Although the change in levels is the main aspect that ensures the development does not cause unacceptable overshadowing or



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	<p>overbearing concerns.</p> <p>The site visit confirmed the white side panel does slightly overlap onto the boundary wall but matters relating to boundary walls are a private matter and cannot be taken into account. In addition, the side panel provides additional screening and therefore the proposal reduces overlooking concerns.</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 retention of a rear veranda. The main issues raised by the application were the scale and design.</p> <p>Given what is possible without planning permission, under Permitted Development, the proposal is considered to be acceptable in terms of scale and design and the impacts on neighbouring amenity are not considered to be unacceptable due to the change in levels with the neighbouring property and the orientation. The solid side panel provides additional screening between the two properties and therefore the current proposal is acceptable.</p> <p>Significant concerns have been received regarding the boundary wall, impact on the foundations and the white side panel located on top of the boundary wall. Although this is a private matter and therefore cannot be taken into consideration in the application assessment.</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:</p> <p>Approve (commence within 3 years)</p>
9.	<p>Conditions:</p> <p>1. 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 8th February 2023; Location Plan, scale 1:1250, received 8th February 2023; Block Plan, scale 1:500, received 8th February 2023; Aerial View, drawing 1, received 8th February 2023; Side Elevation, drawing 2, received 8th February 2023; Floor Plan, drawing 3, received 8th February 2023; Roof Plan, drawing 4, received 8th February 2023;</p>

Elevation A, drawing 5, received 8th February 2023;
Elevation B, drawing 6, received 8th February 2023;
Supporting Photographs 1/2, received 8th February 2023;
Supporting Photographs 2/2, received 8th February 2023.

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 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

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 : 05/04/2023

Authorising Officer: N.J. Hayhurst

Date : 05/04/2023

Dedicated responses to:- N/A