

## CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	<b>Reference No:</b>	4/23/2040/OF1
2.	<b>Proposed Development:</b>	PROPOSED GARAGE EXTENSION, BALCONY, AND STAND ALONE SAUNA & HOBBY ROOM WITHIN THE REAR GARDEN
3.	<b>Location:</b>	BRACKENSIDE, THE BANKS, SEASCALE
4.	<b>Parish:</b>	Seascale
5.	<b>Constraints:</b>	ASC;Adverts - ASC;Adverts, Safeguard Zone - Safeguard Zone, Coal - Off Coalfield - Data Subject To Change, Key Species - Potential areas for Natterjack Toads, DEPZ Zone - DEPZ Zone, Outer Consultation Zone - Sellafield 10KM
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 Brackenside, The Banks, a detached property within Seascale. The sloping site is spread across several levels, and it is bound by residential properties to either side and the highway to the front. The site benefits from a large garden and an existing driveway and off-street parking.</p>

## **PROPOSAL**

Planning Permission is sought for the erection of a garage side extension with a balcony above and the erection of two outbuildings to provide space for a sauna and hobby room within the rear garden.

The garage extension will project 3.3 metres from the side elevation, and it will be 5.25 metres in depth. It will include a garage door on the front elevation and access steps to the left-hand side as it has been designed to include a balcony above. The balcony will include a 1 metre front cantilever and a 1-metre-high glazed balustrade on the front elevation and the side elevation will include a solid 1-metre-high balustrade.

The detached hobby room will be 3.6 metre in width and 6.6 metres in depth. It has been designed with a pitch roof with an overall height of 3 metres and an eaves height of 2.5metres. The front elevation will include a window, the north-west side elevation will include an access door and the rear and south-east side elevation will be blank.

The extension and hobby outbuilding will be finished with render, roof tiles and UPVC windows and doors to match the existing dwelling.

The sauna will be measure 2.2 meters by 2.2 metres and it will have an overall height of 2.1 metres. It will be constructed out of natural timber cladding and it will be located to the side of the dwelling.

## **RELEVANT PLANNING APPLICATION HISTORY**

There have been no previous planning applications at this site.

## **CONSULTATION RESPONSES**

### Seascale Parish Council

No objection.

### Footpath Officer

No comments received.

### Public Representations

The application has been advertised by way of neighbour notification letters issued to 10 no. properties.

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

- Consultation requirements;
- Both the proposed studio outbuilding and the elevated extension, which includes a sitting area, looking directly into our property. The elevated extension has a nominal

height parapet, which offer no screening of the people sitting on this new extension;

- The plans indicate that the proposed extension appears to be right up against our boundary with no space for construction of foundations or future maintenance of the property.
- Construction is likely to damage/destroy the existing trees/shrubs which are growing along the existing boundary.

## **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 subject to 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 proposed application relates to a residential dwelling within Seascale and it will provide an enlarged garage with balcony above and two outbuildings to provide space for a sauna and hobby room. 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 of the Local Plan 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 garage extension, balcony and detached outbuildings are relatively modest in scale and appropriately sited within the large garden. The proposed front first-floor glazed balustrade is in keeping with the existing character of the house which benefits from a first-floor front conservatory. The design therefore respects the character and appearance of the existing property, and the proposals will not be excessively prominent in the street scene, due to the existing boundary wall and planting providing suitable screening. In addition, the choice of materials will match the existing dwelling.

On this basis, the proposal is considered to meet Policy DM18(A) 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 both the parent property and adjacent dwellings.

Whilst amenity issues between the proposals and the neighbouring properties were considered, the proposed side extension, balcony and detached outbuildings are considered to be suitably located within the large site.

	<p>Concerns were received regarding overlooking from the proposed outbuilding and elevated extension with sitting area, including no screening from the 1-metre-high balustrade and these were taken into account. However, the rear garden area will be excavated and levelled to ensure the outbuilding will not be overbearing in height. It will also be screened by the existing boundary wall/fence and it is not significantly larger than a 2.5 metre high outbuilding that could be erected under Permitted Development, without the requirement for formal planning permission. This fall-back position is a material planning consideration in the assessment of this application. As the outbuilding is not significantly larger than what is possible under permitted development, this proposal is considered to be satisfactory.</p> <p>In addition, the balcony will be stepped off the side boundary and will include a solid 1 metre-high balustrade on the side elevation, adjacent to the access steps. On this basis, due to the separation distances of approximately 36 metres to the neighbouring properties habitable windows, it is not considered that the proposals will cause unacceptable harm in terms of overlooking or overdominance.</p> <p>In addition, concerns regarding foundations and the boundary wall are not a material planning consideration and therefore cannot be taken into account in the application assessment.</p> <p>On this basis, the proposal will not have a detrimental impact on the neighbouring amenity and it is considered that the proposal will meet Policy DM18 and the NPPF guidance.</p> <p><u>Planning Balance and Conclusion</u></p> <p>This application seeks to erect a side garage extension with balcony above and a detached garden outbuilding and sauna. The main issues raised by the application were design and the potential amenity issues.</p> <p>The proposal is considered to be suitably located within the side and rear garden and it is acceptable in terms of scale and design. Due to the significant separation distances, the proposal is not considered have any detrimental impact on the amenities of the adjoining properties. Although the planning condition proposed will ensure the detached hobby room and garage remains domestic in use further protecting residential amenity.</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><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>

Reason

To comply with Section 91 of the Town and Country Planning Act 1990 as amended by the 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 10<sup>th</sup> February 2023;

Location Plan, scale 1:1250, drawing no. 22.27.06, received 10<sup>th</sup> February 2023;

Block Plan, scale 1:200, drawing no. 22.27.06, received 10<sup>th</sup> February 2023;

Proposed Elevations – Hobby Room and Sauna, scale 1:50, drawing no. D22.27.06, received 10<sup>th</sup> February 2023;

Existing Floor Plan and Elevations, scale 1:100, drawing no. 22.27.01, received 10<sup>th</sup> February 2023;

Proposed Floor Plan, scale 1:50, drawing no. 22.27.04a, received 10<sup>th</sup> February 2023;

Proposed Elevations, scale 1:50, drawing no. 22.27.05a, received 10<sup>th</sup> 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.

3. The hobby room and garage hereby approved must be used for the parking of private vehicles and the storage of domestic equipment only in association with the residential property known as Brackenside and for no commercial or business purposes whatsoever.

Reason

To ensure that non-conforming uses are not introduced into the area in accordance with Policy DM18 of the Copeland Local Plan.

**Statement**

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning



**Cumberland  
Council**

	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 : 06/04/2023</b>
<b>Authorising Officer: N.J. Hayhurst</b>		<b>Date : 06/04/2023</b>
<b>Dedicated responses to:- N/A</b>		