

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/23/2145/0F1
2.	Proposed Development:	ERECTION OF DECKING WITH GLASS BALUSTRADE (RETROSPECTIVE)
3.	Location:	7 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:	<p>SITE AND LOCATION</p> <p>This application relates to 7 Heather Close, a detached bungalow situated on an existing housing estate within Whitehaven. The site is located on a slight hill and benefits from a grassed front garden and front driveway.</p> <p>PROPOSAL</p> <p>Retrospective Planning Permission is sought for the retention of a raised decking area that has been installed within the front garden.</p> <p>The decking projects 3.5 metres from the front elevation of the house and it has a width of 4.6</p>

metres. It has a maximum height of 1 metre from the sloping ground level and it has been built out of grey composite decking. The corners include composite pillars with planters, and 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 by one step.

RELEVANT PLANNING APPLICATION HISTORY

There have been no previous planning applications at this property.

CONSULTATION RESPONSES

Whitehaven Town Council – No objections.

Public Representations

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

One letter of support and one letter of objections have been received as a result of this consultation process.

The objection raised the following concerns:

- The plants that have been planted at the front of the decking will block the view when they are fully grown.

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

On 1st April 2023, Copeland Borough Council ceased to exist and was replaced by Cumberland Council as part of the Local Government Reorganisation of Cumbria.

Cumberland Council inherited the local development plan documents of each of the sovereign Councils including Copeland Borough Council, which combine to form a Consolidated Planning Policy Framework for Cumberland.

The inherited local development plan documents continue to apply to the geographic area of their sovereign Councils only.

The Consolidated Planning Policy Framework for Cumberland comprises the Development Plan for Cumberland Council until replaced by a new Cumberland Local Plan.

Copeland Local Plan 2013 – 2028 (Adopted December 2013):



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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 2021-2038 (ELP):

Cumberland Council are continuing the preparation and progression to adoption of the emerging Copeland Local Plan 2017-2038.

The emerging Copeland Local Plan 2017-2038 comprising the Publication Draft (January 2022) and Addendum (July 2022) have recently been examined by the Planning Inspector and their report on the soundness of the plan currently remains awaited.

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 decking garden and balustrade 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 issues 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 the Irish Sea, raised platforms are a common characteristic of the area and many can be seen from the street-scene.

The proposal is considered to be relatively modest in scale and, due to the siting on a secondary road behind The Highlands and a grassed area, the proposal is not considered to be excessively prominent in the street-scene.

In addition, the materials are considered to be suitable for its use and respect the character of the residential garden and the wider housing estate.

On this basis, the raised platform 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 the platform level is not significantly higher than the existing garden. It provides a level platform and it will be adjacent to the existing 1-metre-high boundary wall.

Due to the orientation and separation distance from the neighbouring windows, the proposal is not considered to cause an unacceptable impact in terms of overlooking or overdominance. It will be approximately 12 metres from the windows of no. 8 Heather Close and it will also be located adjacent to the side elevation of the neighbouring property, no. 6 Heather Close which only includes a front door and no habitable room windows. This elevation is therefore considered to mitigate privacy concerns in this direction.

The site visit confirmed that there was slight overlooking over the driveway of no. 6, but this is not considered to be a habitable or outdoor amenity space. In addition, it has been constructed out of dark privacy glass to provide additional screening. On this basis, potential



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	<p>overlooking is not considered to cause unacceptable harm.</p> <p>Although an objection was received, concerns regarding a loss of view is not a material planning consideration and therefore it cannot be taken into account in the application assessment.</p> <p>On this basis of the above, 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 raised platform which has been installed within the front garden. The main issues raised by the application were the siting 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 impact upon neighbouring amenity is not considered to be unacceptable due to the relationship with the neighbouring properties.</p> <p>In addition, concerns regarding the loss of view are not a material planning consideration.</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 18th May 2023; Location Plan, scale 1:1250, received 18th May 2023; Block Plan, scale 1:500, received 18th May 2023; Proposed Decking Plan, scale 1:75, received 18th May 2023; Proposed Elevation Plan, scale 1:75, received 18th May 2023; Supporting Photographs, received 18th May 2023.</p>

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 : 03/07/2023

Authorising Officer: N.J. Hayhurst

Date : 13/07/2023

Dedicated responses to:- N/A