



CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/23/2302/0F1
2.	Proposed Development:	PROPOSED BALCONY, RAISE EXISTING PATIO, NEW WINDOW & DOOR OPENINGS & INTERNAL ALTERATIONS
3.	Location:	1 CLIFF VILLAS, BANK YARD ROAD, PARTON
4.	Parish:	Parton
5.	Constraints:	ASC;Adverts - ASC;Adverts, Coal - Standing Advice - Data Subject To Change, Coal - Development Referral Area - Data Subject to Change, Key Species - POTENTIAL AREA for the Small Blue, Key Species - Known Site for the Small Blue
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 the dwelling at 1 Cliff Villas, a semi-detached property located off Bank Yard Road in Parton. The property is accessed from a private driveway which adjoins Bank Yard Road. There is an attached residential dwelling to the north with fields to the north and east and the coast line to the west.</p>

PROPOSAL

Planning Permission is sought for both the erection of a balcony to the rear of the dwelling to serve the bedroom and the raising of the patio to 1.5m in height. It is also proposed to add a window to the south elevation, changing a window to a door to serve the balcony and the addition of bi-fold doors to the east elevation.

The balcony will have a projection of 1.2m from the rear of the dwelling and an overall height of 2m to include an obscure glazed metal frame.

The patio will have a 2m high obscure glazed screen on the northern elevation and steps to the garden area to include a 1.1m high handrail. It will project from the rear of the property by 4.5m.

The exterior of the dwelling will be rendered and new windows and doors will be white UPVC.

RELEVANT PLANNING APPLICATION HISTORY

There have been no previous applications on the site.

CONSULTATION RESPONSES

Parton Parish Council

No response received.

The Coal Authority

No response received.

Public Representations

The application has been advertised by way of a neighbour notification letter issued to 1 no. properties.

One objection has been raised with regards to this proposal raising concerns with the following:

- Blocking of sunlight / UV rays, to the majority of our garden as the new raised patio would be on the south side
- Slow or lack of growth of our grass, plants, vegetables
- Overlooking the majority of our garden and summer house
- Leaving us overlooked from both sides of garden by neighbouring properties
- Our garden would be left in a shadow and feel enclosed
- The view / outlook from the majority of our garden, decking and from our living room window will be substantially compromised by the proposed decking structure.



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- From the proposed decking there is high possibility of neighbour looking straight into our living room through our window
- An 1800mm fence is also so mentioned, this would also block out sun light / UV rays and effect the home grown produce which we grow over the summer
- The 2000mm screening would only give privacy to the immediate left and right of the balcony at a length of 1200mm and would still overlook the majority of our decking, garden and summer house
- We believe it would only be private for the people actually sitting on the balcony not for any one below
- Probability that the balcony will cast a shadow over our living room window, blocking natural light entering our home. As the balcony would on the south side of our property
- Probability that the balcony will cast a shadow over our decked area, blocking natural light as the balcony would on the south side of our property

A second consultation following the receipt of revision of the plans was undertaken and no objections were raised in response to this.

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):

Core Strategy

Policy ST1 – Strategic Development Principles

Policy ST2 – Spatial Development Strategy

Policy ENV1 – Flood Risk and Risk Management

Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place

Policy DM18 – Domestic Extensions and Alterations

Policy DM22 – Accessible Developments

Policy DM24 – Development Proposals and Flood Risk

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.

The Planning Inspector has now issued their post hearing letter, which identifies the next steps for the Examination. This includes proposed modifications to the plan to ensure a sound plan on adoption.

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

Policy CO7PU: Parking Standards and Electric Vehicle Charging Infrastructure

Other Material Planning Considerations

National Planning Policy Framework 2023 (NPPF)

Cumbria Development Design Guide



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ASSESSMENT

The key issues raised by this proposal are the principle of development, its scale and design and the impact on the surrounding residential amenity.

Principle of Development

The proposed application relates to a residential dwelling within Lowca to provide an extended living space for the occupants. Policy DM18 of the CS and H14PU of the ELP support extensions and alterations to residential properties subject to detailed criteria, which are considered below.

On this basis, the proposal is considered to satisfy Policies DM18 of the CS, H14PU of the ELP and the NPPF guidance.

Scale and Design

Policy ST1 of the CS, DS1PU of the ELP and section 12 of the NPPF seek to safeguard good levels of quality and attractiveness. Policy DM10 and DM18 of the CS and H14PU of the ELP 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 patio will add a further projection to the rear of the dwelling with the balcony allowing for wider views from the first floor. The dwelling is sited on a large plot, capable of accommodating an enlargement of this scale comfortably.

The patio extension will match the neighbouring projection therefore providing uniformity on the rear elevation. The balcony to the first floor is modest, projecting 1.2m, to allow for a small table and chairs.

The proposals will not be seen from any surrounding viewpoints as there are no public highways to the rear of the property. Whilst they will be seen from the neighbouring property, the design is considered to be consistent with the neighbouring property and will look satisfactory and in context with the dwelling.

On this basis, the proposal is considered to meet Policy DM18 of the CS, H14PU of the ELP and the NPPF guidance.

Residential Amenity

Policy ST1 and DM18 of the CS, H14PU of the ELP and section 12 of the NPPF seek to safeguard good levels of residential amenity of the parent property or adjacent dwellings.

The proposal will be located to the rear of the property with the potential to only affect the neighbouring property – 2 Cliff Villas. Concerns were raised by the neighbour with regards to overlooking, loss of light and the proposal being overbearing. The neighbour also considered that the 2m glazed screen for the balcony would not be sufficient to stop overlooking and would also cause loss of light.

As a result of these concerns, a further screen was proposed to the raised patio to provide a

	<p>2m glazed screen between the two properties. A suitably worded planning condition is proposed to ensure that this is undertaken and retained prior to the first use of the patio.</p> <p>Concerns with regards to the balcony were considered, however with a small projection of 1.2m and the distance between the window and the neighbouring windows, it is unlikely that there will be any loss of light or overshadowing. The 2m high obscurely glazed screen will ensure that there are no issues with overlooking and a suitably worded planning condition is proposed to ensure that this is erected prior to the first use of the balcony. The concerns with regards to loss of privacy have been considered, however the balcony will not change the existing situation where the occupants of the dwelling can view the rear garden of 2 Cliff Villas from their existing first floor windows.</p> <p>The raised patio will match the neighbouring situation, bringing the rear gardens to the same level. It is therefore unlikely that there will be overdominance or any loss of light as a result.</p> <p>The proposed new window to the south elevation will not overlook any other properties. All other window and door amendments will not materially change the existing situation.</p> <p>The neighbour raised no further concerns in response to the second consultation, however, the proposal has been assessed in order to consider the impact on the amenity of any future occupants of the dwelling, as well as those present.</p> <p>On this basis, the proposal will not have unacceptable adverse impact on the residential amenity and it is considered to comply with Policy DM18 of the CS, Policy H14PU of the ELP and NPPF guidance.</p> <p><u>Planning Balance and Conclusion</u></p> <p>The application seeks planning permission for a raised patio, first floor balcony and new windows and door openings on the rear elevation.</p> <p>On balance, the proposed alterations are considered to reflect the character and appearance of the existing property and similar situations within the locality. The proposal is of an appropriate scale and design and, further to the submission of amended plans to screen the development, would not have any significant detrimental impact on the amenities of the adjoining properties. Planning conditions have been suggested to ensure this.</p> <p>Overall, it 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>Recommendation: Approve (commence within 3 years)</p>
9.	<p>Conditions:</p> <ol style="list-style-type: none"> 1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.



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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. Permission shall relate to the following plans and documents as received on the respective dates and development shall be carried out in accordance with them: -

Application form, received 30th November 2023;
Site Location Plan and Block Plan, scales 1:1250 and 1:500, drawing number 1CV-EM-005, received 19th October 2023;
Proposed Floor Plans, scale 1:50, drawing number 1CV-EM-002A, received 5th December 2023;
Proposed Elevations, scale 1:50, drawing number 1CV-EM-004A, received 5th December 2023;
Proposed Drainage Plans, scales 1:500 and 1:150, drawing number 1CV-EM-006, received 19th October 2023;
Design and Access Statement, drawing number DAS-001 Rev A, received 30th November 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. Prior to the first use of the raised patio hereby approved, the fully obscured 2m high glazed screen on the boundary between 1 Cliff Villas and 2 Cliff Villas must be erected and made operational in accordance with the approved plans. The screen must be retained as such at all times thereafter.

Reason

In order to ensure that there is no overlooking or privacy issues as a result of the development in accordance with Policy DM18 of the Copeland Local Plan.

4. Prior to the first use of the first floor balcony hereby approved, the fully obscured 2m high glazed screen on the boundary between 1 Cliff Villas and 2 Cliff Villas must be erected and made operational in accordance with the approved plans. The screen must be retained as such at all times thereafter.

Reason

In order to ensure that there is no overlooking or privacy issues as a result of the development in accordance with Policy DM18 of the Copeland Local Plan.

Informative

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: Sarah Papaleo

Date : 23/01/2024

Authorising Officer: N.J. Hayhurst

Date : 26/01/2024

Dedicated responses to:-