



## CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	<b>Reference No:</b>	4/24/2077/0F1
2.	<b>Proposed Development:</b>	FRONT BOUNDARY FENCING
3.	<b>Location:</b>	21 COPELAND AVENUE, EGREMONT
4.	<b>Parish:</b>	Egremont
5.	<b>Constraints:</b>	ASC;Adverts - ASC;Adverts, Coal - Standing Advice - Data Subject To Change, 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>	<p><b>LOCATION</b></p> <p>This application relates 21 Copeland Avenue, a semi-detached property located on a large cul-de-sac within Egremont. The property benefits from a combination of both a wall and fence along the front boundary.</p> <p><b>PROPOSAL</b></p> <p>This application seeks planning permission for the erection of a new front 1.5 metre high close boarded timber fence. The fence will be attached to the existing wall with brackets and where there is no wall to fix to, concrete posts will be set into the ground.</p>

## **RELEVANT PLANNING APPLICATION HISTORY**

There have been no previous applications for this property.

## **CONSULTATION RESPONSES**

### Consultees

Egremont Town Council – No objections.

### Public Representations

The application has been advertised by way of neighbour notification letters issued to 5 no. properties – No comments have been received as part of the consultation.

## **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

#### Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place

Policy DM18 – Domestic Extensions and Alterations



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### **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 ELP.

The Local Plan Examination Hearing Sessions were completed in March 2023.

The appointed Planning Inspector issued their post hearing letter in June 2023, which identified the next steps for the examination.

The appointed Planning Inspector has now considered all representations and the discussions that took place during the Local Plan Examination Hearing Sessions in 2023 and has identified a number of amendments or 'modifications' that are required in order to ensure the ELP is sound i.e. positively prepared, justified, effective and consistent with national planning policy.

A six-week public consultation seeking views on the proposed modifications to the ELP commenced on Wednesday 14th February 2024 and will close on the 28<sup>th</sup> March 2024.

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 advanced stage of preparation of the ELP full weight can be attached to policies where no objections have been received or objections have been resolved. Once the consultation on the main modifications to the ELP is complete significant weight can be afforded to the policies of the ELP where modifications are proposed.

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 dwelling within Egremont and it will provide a new front boundary fence. Policy DM18 and H14PU support extensions 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.

Policy H14PU also supports house extensions where the scale, design and materials of the proposed development would not adversely alter the character or appearance of the existing building, street scene or wider surrounding area.

The proposed fence will provide privacy and a quiet outdoor play area to meet the applicant's requirements and therefore it is considered to be suitable in scale and design.

The site visit confirmed the cul-de-sac has a variety of front boundary treatments and heights and therefore the 1.5 metre high fence is not considered to be harmful or out of character with the wider street-scene and residential area.

The design is considered to be suitable for its use and the choice of materials will match the existing dwelling. It is therefore considered to reflect the character and appearance of the existing dwelling.

On this basis, the proposal is considered to comply with Policy DM18, H14PU and the NPPF guidance.

### Residential Amenity

Policies ST1, DM18, H14PU 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 have been considered, the proposed front fence is considered to be suitable in scale. Given a 1-metre-high fence can be installed under current Permitted Development regulations, the additional 0.5 metre fence is not considered to be significantly harmful on residential amenity. It will not appear overbearing to the neighbouring properties or on the street-scene or cause adverse overshadowing issues.

The Permitted Development fall-back position is a material consideration in the assessment



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	<p>of this application. As the fence height is not significantly larger than what is possible under permitted development, this proposal is considered to be satisfactory and therefore the proposal will not have a detrimental impact on the neighbouring amenity.</p> <p>On the basis of the above, the proposal is considered to satisfy Policy DM18, H14PU and the NPPF guidance.</p> <p><u>Planning Balance and Conclusion</u></p> <p>Overall, the proposed front fence is considered to be an acceptable form of development. It will be of an appropriate scale and design to meet the applicant's requirements for a private, quiet front garden and it will not have an adverse impact on neighbouring amenity. It reflects other fences within the locality.</p> <p>On this basis, the development accords with the policies set out within the adopted Local Plan and the guidance in the NPPF.</p>
8.	<p><b>Recommendation:</b> 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.  Reason  To comply with Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.</li><li>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 5<sup>th</sup> March 2024; Location Plan, scale 1:1250, received 5<sup>th</sup> March 2024; Existing Site Plan and Elevations, scale 1:50 and 1:100, drawing no. 1, received 5<sup>th</sup> March 2024; Proposed Site Plan and Elevations, scale 1:50 and 1:100, drawing no. 2, received 5<sup>th</sup> March 2024.  Reason</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. Wootton**

**Date : 12/04/2024**

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

**Date : 12/04/2024**

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