

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/24/2156/0F1
2.	Proposed Development:	PROPOSED DETACHED GARAGE
3.	Location:	45 HAIG AVENUE, 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: Site And Location <p>This application relates to 4 Haig Avenue, an end semi-detached property located on an existing residential estate within the Bransty area of Whitehaven. The site benefits from a driveway with offroad parking to the front, and a modest size garden to the rear.</p> Proposal <p>Planning Permission is sought for the construction of a new detached garage within the rear garden area.</p> <p>Externally, the proposed detached garage will be 6 metres in width and 8.2 metres in length from front to rear. It has been designed to include a dual pitched roof with an eaves height of 4 metres.</p>	

The garage will be finished with render walls, grey interlocking concrete roof tiles, a powder coated roller garage door and two upvc windows and one upvc door.

Relevant Planning Application History

There have been no previous applications at this site.

Consultation Responses

Whitehaven Town Council

No comments received.

Local Lead Flood Authority (LLFA) & Local Highway Authority (LHA)

As this falls under our Service Level Agreement (SLA) with your Council, this application does not need to be submitted to the Local Highway Authority or Lead Local Flood Authority; subject to the highway and drainage aspects of such applications being considered in accordance with the Agreement. The highway and drainage implications of this application would therefore have to be decided by the Local Planning Authority.

Public Representations

The application has been advertised by way of neighbour notification letters issued to 4 no. properties. No objections were received in response to this 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 the 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.



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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

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

Other Material Planning considerations:

National Planning Policy Framework (NPPF)

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 semi-detached residential dwelling within the Bransty area of Whitehaven. The proposal will provide a new detached garage.

Policy DM18 and Policy DS6PU 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, Policy DS6PU and the NPPF guidance.

Scale and Design

Policy ST1, Policy DS1PU 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.

Externally, the proposed detached garage will be 6 metres in width and 8.2 metres in length from front to rear. It has been designed to include a dual pitched roof with an eaves height of 4 metres. Whilst the proposal is considered to be large in overall size, its siting along the Northern boundary within the rear garden is considered to be suitably located within the site and acceptable in terms of its scale and design.

The garage will be finished with render walls, grey interlocking concrete roof tiles, a powder coated roller garage door and two upvc windows and one upvc door. The choice of materials proposed are considered suitable for their use and will therefore ensure that the proposed garage is not excessively prominent within the locality and will respect the character and appearance of the existing property and the wider residential area.

On this basis, the proposal is considered to meet Policy DM18, Policy DS1PU and the NPPF guidance.

Residential Amenity

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

Significant consideration was given to the potential dominance and overbearing impacts of the garage due to its size. However, the garage is located within the corner of the Northern boundary of the rear garden, which despite a low 1m high boundary wall, is partially screened by the garage structure already present on the adjacent plot at number 44 Haig Avenue.

A site visit confirmed that there were similar outbuildings/structures present within the gardens of the immediate neighbouring properties, including a large outbuilding in the rear garden of 6 Brayston Road which is directly adjacent to the proposal, and two garages at both number 44 and 46 Haig Avenue which have already set the precedent for this proposal.

The proposed garage contains two window openings on the South West elevation, a roller



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	<p>shutter door and a single upvc door on the North West which overlook the parent property garden. The North East elevation directly adjacent to the boundary of number 44 Haig Avenue will remain blank. The proposal is therefore not considered to create any overbearing impact as a result.</p> <p>Furthermore, as the garage isn't considered to be a habitable room there are no overlooking issues that will arise as a result of the proposal as proposed. However, due to the proximity to the boundary, two planning conditions are proposed to ensure that no new openings are installed on any elevations of the garage and to ensure that the garage remains domestic in use in conjunction with the parent property to ensure that non-conforming uses are not introduced into the area in order to further protect residential amenity.</p> <p>On balance, it is considered that the proposal will have not have a detrimental impact on the immediate residential amenity and therefore it is considered to meet Policy DM18, Policy H14PU and the NPPF guidance.</p> <p><u>Planning Balance and Conclusion</u></p> <p>The application seeks Planning Permission for the construction of a new detached garage within the rear garden of 45 Haig Avenue.</p> <p>The garage is considered to be suitably located within the site and acceptable in terms of its scale and design. Taking into account the proposed siting and orientation, the proposal is not considered to have any detrimental impact on the amenities of the neighbouring properties or the wider residential area.</p> <p>A Planning condition will be imposed to ensure that the garage remains domestic in nature to further protect 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, the Emerging local Plan and the guidance in the NPPF.</p>
8.	<p>Recommendation:</p> <p>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. <p>Reason</p> <p>To comply with Section 91 of the Town and Country Planning Act 1990 as amended</p>

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 9th May 2024;
- Site Location Plan, scale 1:1250, drawing no JF/KT/24/01, received 9th May 2024;
- Site Block Plan, scale 1:500, drawing no JF/KT/24/01, received 9th May 2024;
- Proposed Floor Plan, scale 1:100, drawing no JF/KT/24/01, received 9th May 2024;
- Proposed Elevations, scale 1:100, drawing no JF/KT/24/01, received 9th May 2024;
- Section A-A, scale 1:50, drawing no JF/KT/24/01, received 9th May 2024;

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. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that order with or without modification) no new openings shall be installed on any elevation of the detached garage hereby approved without prior written consent from the Local Planning Authority.

Reason

To protect residential amenity in accordance with Policy DM18 of the Copeland Local Plan.

4. The garage shall be used for the housing / parking of private vehicles and domestic equipment only in association with the residential property known as 45 Haig Avenue and for no commercial or business purposes whatsoever.

Reason

To ensure that non conforming uses are not introduced into the area.



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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: Demi Crawford

Date : 28/06/2024

Authorising Officer: N.J. Hayhurst

Date : 01/07/2024

Dedicated responses to:- N/A