

COPELAND BOROUGH COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/22/2190/OF1
2.	Proposed Development:	CHANGE OF USE OF VACANT LAND TO THE REAR OF 6 JULIA DRIVE INTO DOMESTIC USE (GARDEN) AND ERECTION OF SUMMER HOUSE AND DECKING TO AREA, WITH BOUNDARIES DEFINED WITH TIMBER FENCING
3.	Location:	6 JULIA DRIVE, SANDWITH
4.	Parish:	Whitehaven
5.	Constraints:	ASC;Adverts - ASC;Adverts, Safeguard Zone - Safeguard Zone, Coal - Standing Advice - Data Subject To Change
6.	Publicity Representations & Policy	Neighbour Notification Letter: YES Site Notice: YES Press Notice: NO Consultation Responses: See report Relevant Planning Policies: See report
7.	Report: SITE AND LOCATION This application relates to the land to the rear of 6 Julia Drive. The land was previously vacant and is bound by residential gardens to the south, vacant land to the east, agricultural fields to the west and an access road to the north. There is a small parcel of land to the north that has planning permission for a single dwelling. PROPOSAL Retrospective planning permission is sought for the use of the land as garden land and for the retention of a summer house and decking which have been erected on the site. The summer house is 6.9m in length x 3.5m in width, 2.9m in overall height and 2.2m to the eaves. There is a further projection to the front for covered decking that is 4.1m in length and 3.6m in width.	

The decking is raised 0.1m from the ground level.

The summer house is constructed from timber and has a felt roof. The extra garden land has been bound by a timber fence.

RELEVANT PLANNING APPLICATION HISTORY

There have been no previous planning applications on the site.

CONSULTATION RESPONSES

Whitehaven Town Council

No objections.

Rights of Way Officer

No response received.

Public Representation

The application has been advertised by way of a site notice and neighbour notification letters issued to 3 no. properties.

One neutral letter has been received from a neighbour raising concerns with the following:

- Potential noise from the summerhouse;
- The height of the decking;
- The height of the fence;
- The erection and siting of the gate has caused issues with turning for large vehicles.

One letter of objection has been received from a neighbour raising concerns with the following:

- The neighbour has been anti-social and aggressive and planning permission for this garden may make this worse;
- The land has Japanese knotweed on it and the Applicant has no intentions to remove it;
- The summerhouse is oversized and there are concerns that it will become a hub for anti-social behaviour;
- The Applicant had no intention of applying for planning permission;
- The approval would detriment mental health and the quality of life for the neighbours.

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

Policy ENV5 – Protecting and Enhancing the Borough's Landscapes

Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place

Policy DM12 – Standards for New Residential Development

Policy DM18 – Domestic Extensions and Alterations

Other Material Planning Considerations

National Planning Policy Framework 2021 (NPPF)

Emerging Copeland Local Plan (ELP):

The emerging Copeland Local Plan 2017-2035 has recently been the subject of a Publication Draft Consultation. The Publication Draft Consultation builds upon the previously completed Issues and Options and Preferred Options consultations. Given the stage of preparation of the Copeland Local Plan 2017-2035 some weight can be attached to policies within the Publication Draft where no objections have been received. The Publication Draft 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 National Planning Policy Framework

Strategic Policy DS1PU: Presumption in favour of Sustainable Development

Strategic Policy DS3PU: Settlement Hierarchy

Policy DS6PU: Design and Development Standards

Policy DS7PU: Hard and Soft Landscaping

ASSESSMENT

Principle of the development

Policy DM18 of the Copeland Local Plan seeks to allow domestic alterations and the erection of domestic extensions provided that they meet a number of criteria. The change of use of the land to garden is acceptable in principle as it is physically joined to the existing garden of 6 Julia Drive. The

creation of the garden has not created any overlooking, security or privacy issues for the neighbours and has been bound with a high timber fence in order to reduce any impact on neighbouring properties. The additional garden area does not materially change the situation for the neighbouring properties, where they were previously bound by residential gardens on either side.

With regards to the principle of the building on the site, it is considered to be acceptable as the summerhouse is utilized in conjunction with the main dwelling. Furthermore, with the extension of the garden area, the summerhouse does not result in the loss of 50% or more of the undeveloped curtilage of the parent dwelling, leaving a large garden to the front, rear and side of 6 Julia Drive.

Impact on the Surrounding Area and Residential Amenity

The summerhouse is relatively large in scale, however it has been designed with a low eaves and ridge height. The low eaves allows the summerhouse to remain subservient to the surrounding properties and the pitch reduces the overall bulk of the building. The decking is low level at only 0.1m from the ground level – permitted development would allow decking without permission up to 0.3m therefore the decking applied for is considered to be modest.

The summerhouse is situated 22m from 8 Julia Drive and 22m from Pool Cottage. Policy DM12 of the Copeland Local Plan sets out the minimum acceptable separation distances for new residential development. Although the summerhouse will not be used for habitable accommodation, the minimum distances specified act as a guide for acceptable standards to protect amenity. As the summerhouse is in excess of the 21m specified for directly facing habitable rooms, it is considered that there is unlikely to be an effect on the neighbours, despite the significant level changes between the garden area and Pool Cottage.

The change in levels also mean that the development and fencing are located significantly higher than Pool Cottage, meaning that the fencing appears very high when viewed from the north and east. Although this is the case, the fencing is situated next to a high hedge and therefore the impact is lessened. The residents of Pool Cottage are satisfied with the fencing and, due to the separation distances, there is no loss of light for the property.

One neutral letter and one letter of objection has been received raising concerns with regards to anti-social behaviour and noise. It is considered that noise could result from any residential garden and that if issues arise between neighbours, this should be reported to Environmental Health to be dealt with under the relevant legislation. Furthermore, the positioning of the summerhouse results in it being further away from 8 Julia Drive and Pool Cottage than if it were to have been erected in the original garden for 6 Julia Drive. A condition is proposed to remove permitted development rights from the land for further outbuildings in order to retain control over the nature of any future outbuildings in the interests of residential amenity.

On this basis, the garden extension and summerhouse is considered to be compliant to policies DM12 and DM18 of the Copeland Local Plan and is unlikely to create an effect on the neighbouring

	properties. <u>Access and Public Rights of Way</u> The proposal will not have an affect on access to either the parent property or the surrounding neighbours. Public Right of Way (PROW) 431036 runs north of the site and towards the coastline linking Sandwith with Whitehaven. The development will not have any effect on the public right of way but the Applicant is advised to ensure that the PROW is kept clear at all times for use by the public. This can be included as an informative on the decision notice. One letter of concern detailed that the Applicants gate to the north of the site will preclude large vehicles turning on the narrow access road that it meets. As the gate is sited on the Applicant's private land there is no expectation for a turning area for other traffic to be maintained. <u>Other Concerns Raised</u> One letter of objection and one neutral letter have been received raising concerns relating to the anti-social behaviour of the neighbour and the possibility of this worsening should planning permission be granted. As this is not a material planning consideration, it cannot be taken into consideration during the application process and any neighbour disputes are considered to be a civil matter. <u>Planning Balance and Conclusion</u> On balance, although the summerhouse is large in scale, due to the separation distances involved it is unlikely to create any significant adverse effects on the neighbouring properties. All considerations relating to scale, design and effect on neighbouring amenity are considered to comply with planning policy. There are no planning reasons to refuse this retrospective proposal. Overall this is considered to be an acceptable form of development which accords with the guidance set out in the NPPF and the policies within the adopted Local Plan.
8.	Recommendation: Approve
9.	Conditions: 1. 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: - Site Location Plan, scale 1:1250, received 3rd May 2022; Hansa Corner Delux Sunroom details, profile 7x13.5, received 3rd May 2022; Outbuilding Plan and Elevations, scale 1:50, received 3rd May 2022.

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.

2. The boundary fence erected around the garden approved by this application must be maintained at a height of at least 1.8m for the lifetime of the development.

Reason

In order to ensure privacy and dampen noise for the neighbouring properties and in accordance with Policies ST1 and DM18 of the Copeland Local Plan.

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 detached building, enclosure, domestic fuel containers, pool or hardstandings shall be constructed within the curtilage as defined by the red line plan other than those expressly authorised by this permission.

Reason

To safeguard the character and appearance of the development in the interests of visual amenity and in accordance with Policies ST1 and 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 : 30/06/2022
Authorising Officer: N.J. Hayhurst	Date : 30/06/2022
Dedicated responses to:-	