



COPELAND BOROUGH COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/22/2382/OF1
2.	Proposed Development:	EXTENDING THE EXISTING GARAGE BACK FROM 8.53M TO A TOTAL OF 16M (AN EXTENSION OF 7.47M)
3.	Location:	HOLMDALE, RUEBERRY DRIVE, SEASCALE
4.	Parish:	Seascale
5.	Constraints:	ASC;Adverts - ASC;Adverts, Safeguard Zone - Safeguard Zone, Coal - Off Coalfield - Data Subject To Change, Key Species - Known Sites for Natterjack Toads, DEPZ Zone - DEPZ Zone, Outer Consultation Zone - Drigg 3KM, Outer Consultation Zone - Sellafield 10KM
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 This application relates to Holmdale, a detached dwelling situated within Seascale. The site is accessed along Rueberry Drive, an unadopted track to the front of the property and the site is bound by residential properties to the sides and a field to the rear. The site benefits from a large garden with an existing detached garage and front driveway.

PROPOSAL

Planning Permission is sought to erection of an extension to the detached garage which lies to the rear of the dwelling.

The proposed extension will project 7.47 metres from the rear elevation of the existing garage and therefore it will have an overall depth of 16 metres and a width of 6.25 metres to match the existing garage. It will continue the existing flat roofed design with an overall height of 3.1 metres. It has been designed to include a garage door on the front elevation and the side elevation facing the garden will include a window, garage door and a pedestrian access door. The side elevation facing the boundary and the rear elevation will be blank.

It will be finished externally with smooth render, a grey membrane roof covering system, a white/grayscale garage doors and white UPVC windows and doors to reflect the existing property.

RELEVANT PLANNING APPLICATION HISTORY

There have been no previous planning applications at the site.

CONSULTATION RESPONSES

Seascale Parish Council

First Consultation 20th October 2022 - No objections.

Second Consultation 1st February 2023 - No objections.

Third Consultation 1st March 2023 - No objections.

Public Representation

The application has been advertised by way of neighbour notification letters issued to 4 no. properties –

Four objections have been received as a result of the first consultation which raised the following concerns:

- Significant floor area, larger than the dwelling;
- Concerns regarding future use of the garage, possibly as a dwelling;
- Large height of pitched roof design and impact on light and view;
- Construction concerns due to ground conditions, structural surveys and building regulation requirements;
- Concerns regarding proximity to neighbouring boundary and party wall agreement;
- Concerns regarding potential issues during construction;
- Concerns applicant operating a business from the garage as currently the applicant has a large number of cars;
- Noise and disturbance concerns associated with car repair works;

- Mental health impact from the loss of views;
- Impact on the unadopted road with increased traffic and road capacity.

Two objection letters were also received as a result of the second consultation which raised the following concerns:

- Despite the reduction in height, the proposal will still block views;
- Concerns regarding proximity to neighbouring garage and boundary wall issues;
- Concerns regarding drainage and increased surface water run-off into the garden and onto the unadopted access track;
- Construction concerns due to ground conditions, structural surveys and building regulation requirements;
- Stress caused by the development and impact on mental health;
- Concerns garage is for a business and question use;
- Noise concerns during construction.

No further objections were received as a result of the third consultation with the flat roof garage design.

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 ENV1 – Flood Risk and Risk Management

Policy ENV3 – Biodiversity and Geodiversity

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

Policy DM25 – Protecting Nature Conservation Sites, Habitats and Species

Other Material Planning Considerations

National Planning Policy Framework (NPPF)

Cumbria Development Design Guide

Wildlife and Countryside Act 1981

Emerging Copeland Local Plan (ELP):

The emerging Copeland Local Plan 2017-2038 comprising the Publication Draft (January 2022) and Addendum (July 2022) have recently been subject to examination by the Planning Inspector.

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

ASSESSMENT

The key issues raised by this proposal are the principle of development, its scale and design, the potential impacts on residential amenity, highway safety, flood risk and ecology.

Principle of Development

The proposed application relates to a residential dwelling within Seascale and it will provide an enlarged detached domestic garage. Policy DM18 supports 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 of the Local Plan 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.

Significant concerns were raised with the original proposal as the proposed floor area and height of the pitched roof were not considered to respect the character and appearance of the existing bungalow and wider street-scene. The applicant provided additional justification for the detached garage floor area and use, although the height of the proposal has now been reduced to continue the existing flat roof design.

The proposal will provide dry storage for both vehicles and household items. The applicant has confirmed that they currently have 6 vehicles at the property and, being close to the coast, they are vulnerable to rust. The cars are classic Japanese cars and therefore the increased indoor storage will keep the vehicles safe from bad weather. On this basis, the proposed floor area is suitably justified.

It has also been confirmed that the vehicles and garage are purely a hobby held by the residents of the property and they have no intention to run a business from the proposed development.

The amended proposal is therefore considered to be suitably located within the rear garden, behind the existing detached garage. The proposal will be relatively modest in scale and it will not be excessively prominent in the street scene. The flat roofed garage will appear subservient to the main dwelling and it will not appear excessively overbearing for the neighbouring properties.

In addition, the design is considered to be suitable for its use and the choice of materials are considered to respect the existing character and appearance of the existing property and this will ensure the garage will not be excessively prominent within the locality.

On this basis, the proposal is considered to meet Policies DM10 and DM18 of the Local Plan.

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 potential amenity issues between the proposed detached garage and the neighbouring properties were considered, the amended proposal is considered to be suitable in scale and design. It will be appropriately located within the site and the continuation of the existing flat roof design will address the loss of light concerns raised by the neighbour consultation.

In addition, the design does not include any windows on the rear or side elevations facing the neighbouring properties and therefore overlooking concerns are mitigated.

The applicant confirmed that the garage will provide space for the parking of his numerous cars and therefore the proposed scale is justified. However, due to the business use concerns received as part of the consultation, it is appropriate to attach a planning condition to ensure the use of the detached garage remains domestic in nature and that non-conforming uses are not introduced into the area. This will provide suitable control to address the neighbours concerns and any future noise and disturbance concerns associated with the car repair works should be addressed through Environmental

Health.

Concerns regarding ground conditions and structural surveys will be addressed at the Building Regulations stage. Foundations and boundary issues are not material planning considerations and therefore cannot be taken into account in the application assessment. The proposal will be located to the rear of the existing garage and therefore from the planning perspective, the extension is suitably located and the proximity to the boundary wall will not cause harmful neighbouring amenity issues in terms of dominance, loss of light and privacy.

Concerns were received regarding noise and disturbance during the construction, although, due to the nature of the householder development, construction hours would not be reasonable to attach to the approval. Environmental Health will be able to address the noise and disturbance issues under separate legislation.

In addition, concerns relating to the loss of view are not a material planning consideration and therefore cannot be taken into account in the application assessment.

On this basis, it is therefore considered that the garage proposal will have minimal impacts on neighbouring amenity and therefore it complies with Policies DM10, DM18 and the NPPF guidance.

Highway Safety

Policy DM22 encourages innovative approaches to manage vehicular access and parking to avoid vehicles dominating the street scene.

An objection was received regarding the potential impact on the unadopted road with increased traffic and road capacity. The garage extension is not considered to materially increase the existing highway traffic or conditions from the dwelling.

The existing site access will remain unchanged, and the enlarged garage will provide additional off-street parking. It is considered that the driveway and garage will provide adequate off-street parking to meet the needs of the dwelling and the proposal will therefore not have a detrimental effect on the existing highway conditions.

On this basis, the proposal is considered to comply with Policy DM22 and the standards set out in the Cumbria Development Design Guide.

Drainage

Policies ENV1 and DM24 seek to protect development against flood risk.

The site is within Flood Zone 1 with a low to medium risk of flooding by surface water according to the Environment Agency.

Concerns were received regarding drainage and increased surface water run-off into the garden and onto the unadopted access track as a result of this proposal. As the proposal is located within the rear garden, it is not expected that the proposal will increase surface water run off onto the highway. The applicant has confirmed the surface water will be collected into Aco drains.

Due to the nature of this householder application, the drainage is covered by the Building Regulations

	process. On this basis, it is considered that the proposal will not have a detrimental impact on increasing flood risk and therefore, the proposal is considered to meet Policies ENV1, DM24 and the NPPG guidance. <u>Ecology</u> Policy ST1, ENV3 and DM25 and section 15 of the NPPF outline how the Council will protect and enhance the biodiversity and geodiversity within the Borough. These policies set out the approach towards managing development proposals that are likely to have an effect on nature conservation sites, habitats and protected species. The application site is identified as a potential area for natterjack toads. The application is not supported by any ecology details as the site relates to a residential dwelling which is not located within 200m of a watercourse (as indicated within the ALGE trigger list), and is located within a residential area. On this basis, it is considered that this is not a habitat that is likely to contain natterjack toads and so it would not be necessary to seek an ecological survey for this minor householder application. It is therefore considered that the development complies with Policies ST1, EV3 and DM25 of the Copeland Local Plan and the NPPF guidance. <u>Planning Balance and Conclusion</u> The proposed application seeks permission for the erection of an enlarged detached garage. Concerns were originally raised regarding the scale, height and proposed use of the garage and additional justification was provided by the applicant. Amended plans were sought to ensure the garage will not harm the visual amenity of the street-scene. The proposal is therefore considered to be acceptable in terms of scale and design and the flat roof design will not have any detrimental impact on the amenities of the adjoining properties. Additional justification was also provided to justify the need and it will be screened by the existing garage. In addition, the proposal will not affect highway safety, flood risk or protected species. Concerns regarding the domestic use of the garage can be secured by the use of a planning condition. Objections regarding loss of view, ground conditions, structural surveys, foundations and boundary issues are not material planning considerations and therefore cannot be taken into account in the application assessment. Environmental Health will also be able to address the noise and disturbance issues when they arise. On the basis of the above, the proposed extended detached garage represents an acceptable form of development which accords with the policies set out within the adopted Local Plan and the guidance in the NPPF.
8.	Recommendation: Approve (commence within 3 years)

9.	Conditions: 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. 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 20th September 2022; Location Plan, scale 1:1250, received 20th September 2022; Existing and Proposed Site Plan, scale 1:500, drawing no. 00-103-R1, received 21st February 2023; Existing Floor Plan and Elevations, received 20th September 2022; Proposed Floor Plan, scale 1:50, drawing no. 00-102-R1, received 21st February 2023; Proposed Elevations, scale 1:50, drawing no. 00-104-R2, received 8th March 2023; Roofing Product Sheet, received 8th March 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. The garage must be used for the parking of private vehicles and the storage of domestic equipment only in association with the residential property known as Holmdale, Rueberry Drive and for no commercial or business purposes whatsoever. Reason To ensure that non-conforming uses are not introduced into the area in accordance with Policy DM18 of the Copeland Local Plan. 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
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	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 : 21/03/2023
Authorising Officer: N.J. Hayhurst		Date : 22/03/2023
Dedicated responses to:- N/A		