Lake District National Park

11

Report from the Head of Development Management to the Development Control Committee

Application number:	**7/2024/5605**
Application type:	Full Planning application
Applicant:	Mrs Lucy Meardon
Location:	7, Collingwood Close, Coniston, LA21 8DZ
Grid reference:	330338 497788
Proposal:	To create a level access from the sun room with a raised patio/decking, a new 1.1m balustrade will be provided at the edge and to raise the height of the fence to approximately 2m above the new patio/decked area
Report prepared by:	Emma Kearsey, Planner
Report agreed by:	Kevin Richards, Planning Manager
Recommendation:	APPROVE with conditions

1 About this report

1.1 The case planner has prepared this report, assessment and recommendation taking into account our policies (known as the Development Plan), written representations we have received, and any other material considerations.

1.2 Material considerations are things that are relevant to our decision making and which we are able to take into account – for example site specific factors, or Government planning policy (the National Planning Policy Framework) and Government planning guidance (the National Planning Practice Guidance).

1.3 The Development Control Committee will determine the application at its meeting having regard to the provisions of the Development Plan, representations we have received, and all other material considerations,

following a verbal and visual summary of the application by the case planner and, where applicable, after hearing any verbal representations made in accordance with our Policy for Public Speaking at Meetings.

1.4 Most applications are decided under powers delegated to the Head of Development Management. A small number of significant or more contentious applications are considered by our Development Control Committee as set out in our Scheme of Delegation.

2 Background and proposals

2.1 7 Collingwood Close is a semi-detached bungalow located on the corner of Little Moss and Collingwood Close, within a modern housing estate in Coniston.

2.2 Planning permission was granted in September 2024 for extensions and alterations to the dwelling (application refence 7/2024/54160).

2.3 Planning permission is sought for the creation of a raised patio/decking to the rear of the dwelling extending across the width of the garden with both steps and a sloped access to the grassed garden. The patio/decking would measure 0.8 metres high from the existing garden level, surrounded by a 1.1m glass balustrade with a 2-metre-high fence on the eastern boundary as measured from the patio/decking.

3 Representations

3.1 Coniston Parish Council object on the following grounds:
- Intrusive to the neighbouring dwellings
- Not in keeping with the rest of the housing development
- Inadequate and ambiguous drawings

3.2 The Local Highway Authority and Lead Local Flood Authority (LLFA) have no objection to the proposed development as it is considered that it will not have a material effect on existing highway conditions, nor will it increase the flood risk on the site or elsewhere. The LLFA advises that the Environment Agency should be consulted as the Flood Zone 2 is related to a main river.

3.3 We have received one letter of objection from the adjoining neighbour, 9 Collingwood Close, which can be summarised as follows:
- Inaccurate drawings
- Restriction of views from their garden to the Coniston fells
- Noise from the higher-level decking area impacting privacy

3.4 The applicant submitted clearer amended drawings in response to the objections received by Coniston Parish Council and the neighbour. The drawings included repositioning the steps to the eastern side of the patio/decking to reduce the usable space at the side closest to the neighbour. The neighbour maintains their objections. Coniston Parish Council have not provided a response to date.

4 Development plan policies and other relevant guidance

4.1 The relevant Development Plan comprises:

- The Lake District National Park Local Plan 2020-2035

4.2 The following Lake District National Park Local Plan policies are relevant to this application:

- Policy 01: National and international significance of the Lake District
- Policy 02: Spatial strategy
- Policy 03: Development and flooding
- Policy 06: Design and development
- Design Code Supplementary Planning Document

4.3 The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. It is a material consideration in the determination of planning applications.

4.4 There is no community plan in this area.

5 Main issues and assessment

5.1 The proposals are in accordance with the spatial strategy set out in Policy 02 and are acceptable in principle. The main issues are:

- Impact on the amenity of neighbours
- Impact on the character and appearance of the area

Impact on the amenity of neighbours

5.2 The nearest dwelling is the adjoining semi-detached dwelling to the east, 9 Collingwood Close. The garden of 9 Collingwood Close extends to the north alongside 7 Collingwood Close. There is a patio to the rear of 9 Collingwood which is at a higher level than the existing patio at 7 Collingwood.

5.3 The proposed patio/decking would increase the level of part of the garden to a similar height to the patio at 9 Collingwood Close.

5.4 The boundary treatment with 9 Collingwood Close would be strengthened by the erection of a 2m high fence as measured from both the proposed patio/decking and the existing patio to the rear of 9 Collingwood Close. The height of the proposed fence would be at the same height as the top of the windows in the conservatory of 9 Collingwood Close. I consider that there would not be any overlooking to the neighbouring property from the proposed raised patio/decking due to the positioning of the proposed boundary fence.

5.5 The neighbour raises concerns about blocking of views from their conservatory by the erection of the fence. Impacts on private views is not a material planning consideration. I do not consider that the fence would

reduce the light levels entering the property given the large windows serving the conservatory or result in overbearing.

5.6 The neighbour raises concerns about noise arising from the use of the proposed patio/decking. The proposed patio/decking would be over the footprint of an existing level patio area. Despite the proposed patio/decking being higher, I do not consider that the proposal would result in an adverse impact to neighbouring amenity over and above the present domestic garden - the way in which occupants choose to use the garden would be largely unchanged whether the area was a patio or an area of decking. The applicant submitted amended plans which included repositioning the steps to the eastern side of the patio/decking to reduce the usable space at the side closest to the neighbour.

5.7 In view of the above, I consider that the development is acceptable in terms of its impact on amenity and satisfies the requirements of Local Plan Policy 06, the Design Code SPD, and the NPPF.

Impact on the character and appearance of the area

5.8 Local Plan Policy 06 (Design and development) seeks design excellence in all development, which is to be inspired by and contribute to local distinctiveness. Development is required to reinforce the importance of local character by having regard to scale, height, density, layout, appearance, and materials.

5.9 The application site is bound by Collingwood Close (residential road) to the south; boundary hedge and public road, Little Moss (residential road) beyond to the west and north, and boundary timber fence and hedge with residential property, 9 Collingwood Close beyond to the east. Due to the hedgerow boundaries, the rear garden is not visible in public views from the adjacent roads.

5.10 The proposed raised patio/decking would be over the footprint of an existing patio area at the same level as the rest of the rear garden. The level of the proposed patio/decking would be higher than the level of the existing garden, surrounded by a contemporary balustrade and new fence on the eastern boundary. I consider that the proposals are acceptable in respect of the modern dwelling.

5.11 The proposals would be obscured from public views by the site boundary treatment, I am satisfied that the proposed development is acceptable in terms of its impact on the character and appearance of the area and that it satisfies the requirements of Local Plan Policies 01, 02, 06, the Design Code SPD and the NPPF.

Other matters

5.12 Flooding – The application site is located within Flood Zone 2 and therefore a Flood Risk Assessment has been submitted in support of this application. The FRA notes that the house has never flooded in living memory, including during the ‘100 year’ flood events of 2015 and 2019.

5.13 The proposed raised patio/decking would be over the footprint of an existing level patio area. As such, there would be no increase in impermeable surface area. I am therefore satisfied that the proposed development would not be vulnerable to flooding or increase the risk of flooding elsewhere and would therefore accord with the requirements of Local Plan Policy 03 and the NPPF.

5.14 The LLFA advise that a referral should be made to the Environment Agency as the Flood zone 2 is related to a main river. The Environment Agency only wish to be consulted when within 20m of a main river and so we have not consulted them on the application.

6 Conclusion

6.1 Having regard to the provisions of the development plan, in particular Lake District National Park Local Plan Policies 01, 02, 03, and 06, the Design Code SPD, and other material considerations (including the provisions of the NPPF), the development is considered to be acceptable, subject to the conditions recommended.

RECOMMENDATION: APPROVE with conditions

Conditions/Reasons

1 The development hereby permitted shall be commenced before the expiration of THREE years from the date hereof.

REASON: Imposed in accordance with the provisions of Section 91 of the Town and Country Planning Act, 1990.

2 The development hereby permitted shall not be carried out otherwise than in conformity with the following submitted plans and details:
- Drawing titled Location Plan
- Drawing no. P.05.2

REASON: For the avoidance of doubt.

NPPF decision notice requirements

Town and Country Planning (Development Management Procedure) (England) Order 2015 Article 35(2) statement.

The Local Planning Authority have worked with the applicant in a positive and proactive manner by seeking solutions to problems arising in relation to dealing with the application by requesting clearer drawings.

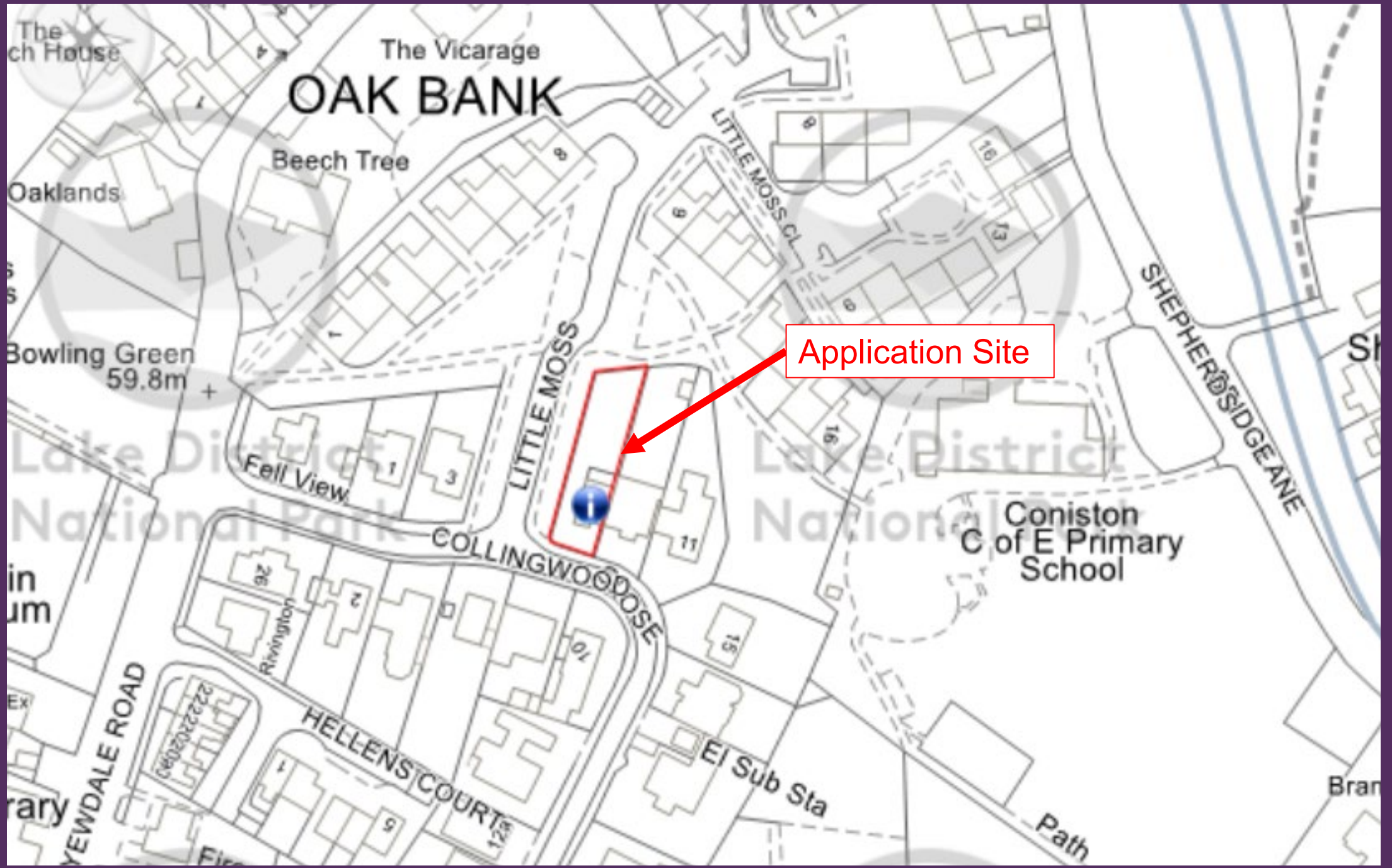
Background papers

Background papers are available for inspection on the planning application file unless otherwise specified on that file as confidential by reasons of financial/personal circumstances in accordance with the Local Government (Access to Information) Act 1985.

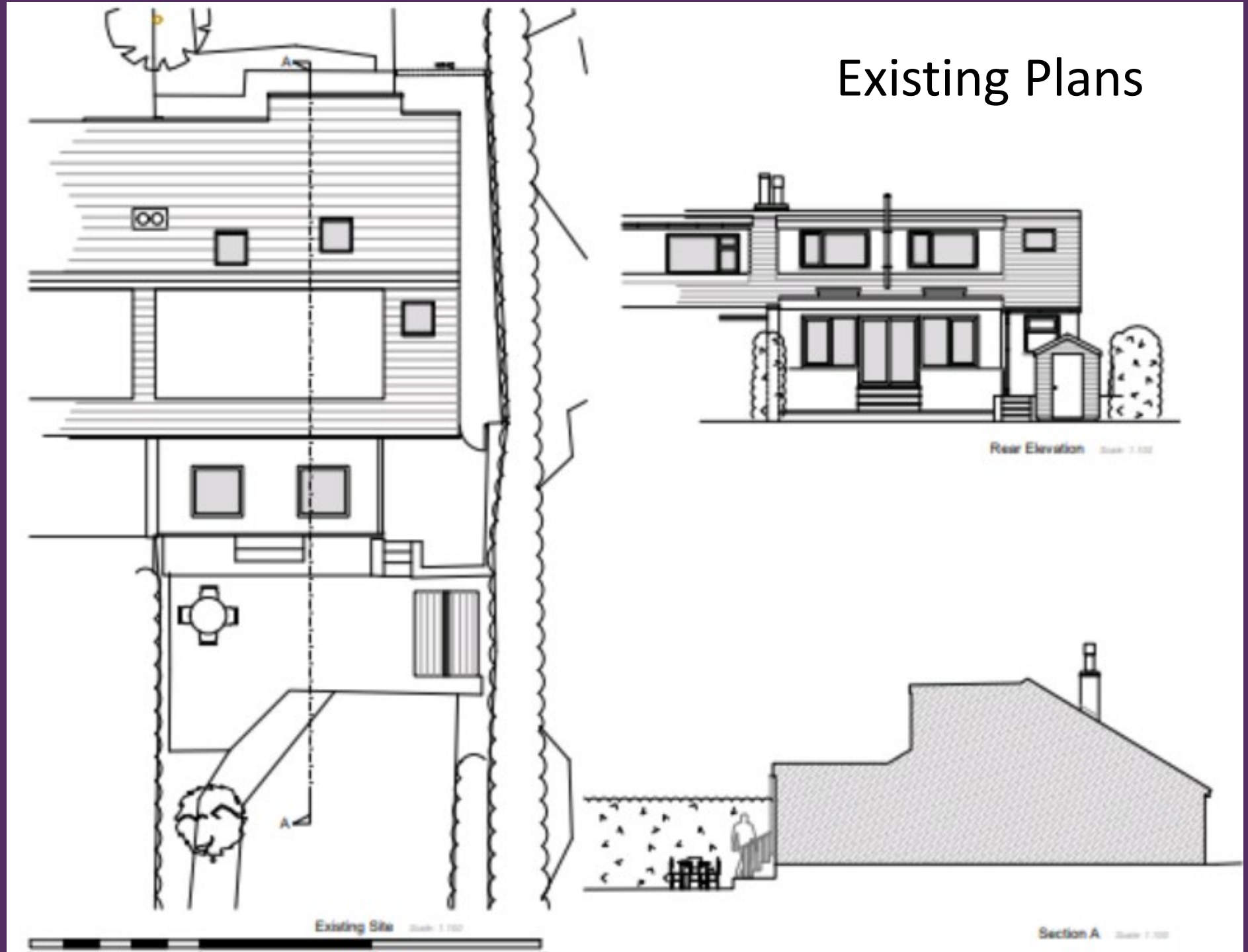
7/2024/5605

7 Collingwood Close, Coniston, LA21 8DZ

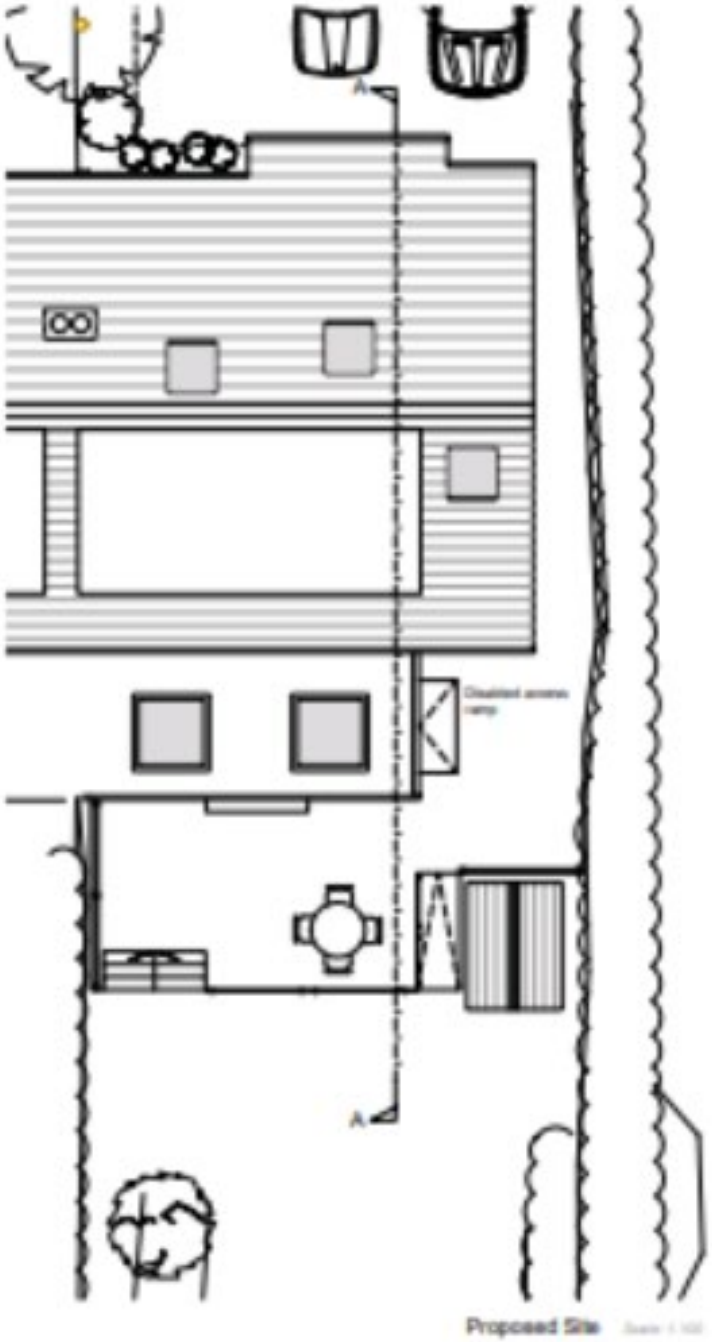
New patio/decking to rear of dwelling together with erection of glazed balustrade and 2m boundary fence


The Vicarage
OAK BANK
Beech Tree
Oaklands
Bowling Green
59.8m
LITTLE MOSS CL
LITTLE MOSS
Application Site
Fell View
COLLINGWOOD CLOSE
Rivington
HELLENS COURT
EWDALE ROAD
El Sub Sta
Path
SHEPHERDSIDGE LANE
Coniston
C of E Primary
School

Existing Plans

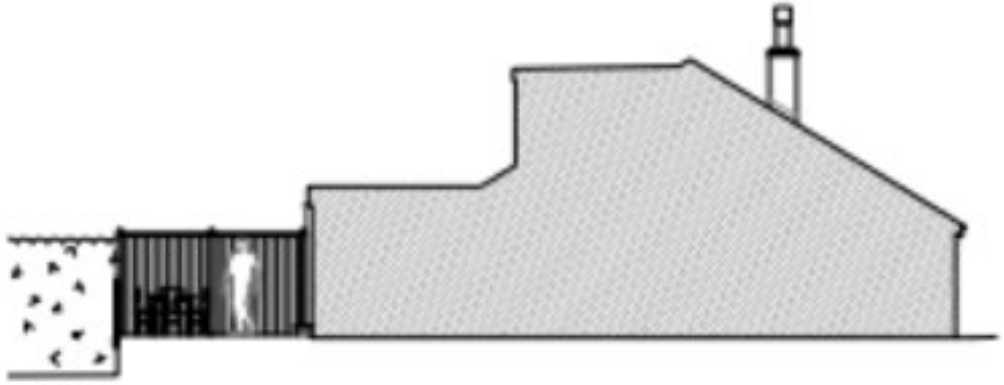


Proposed Plans



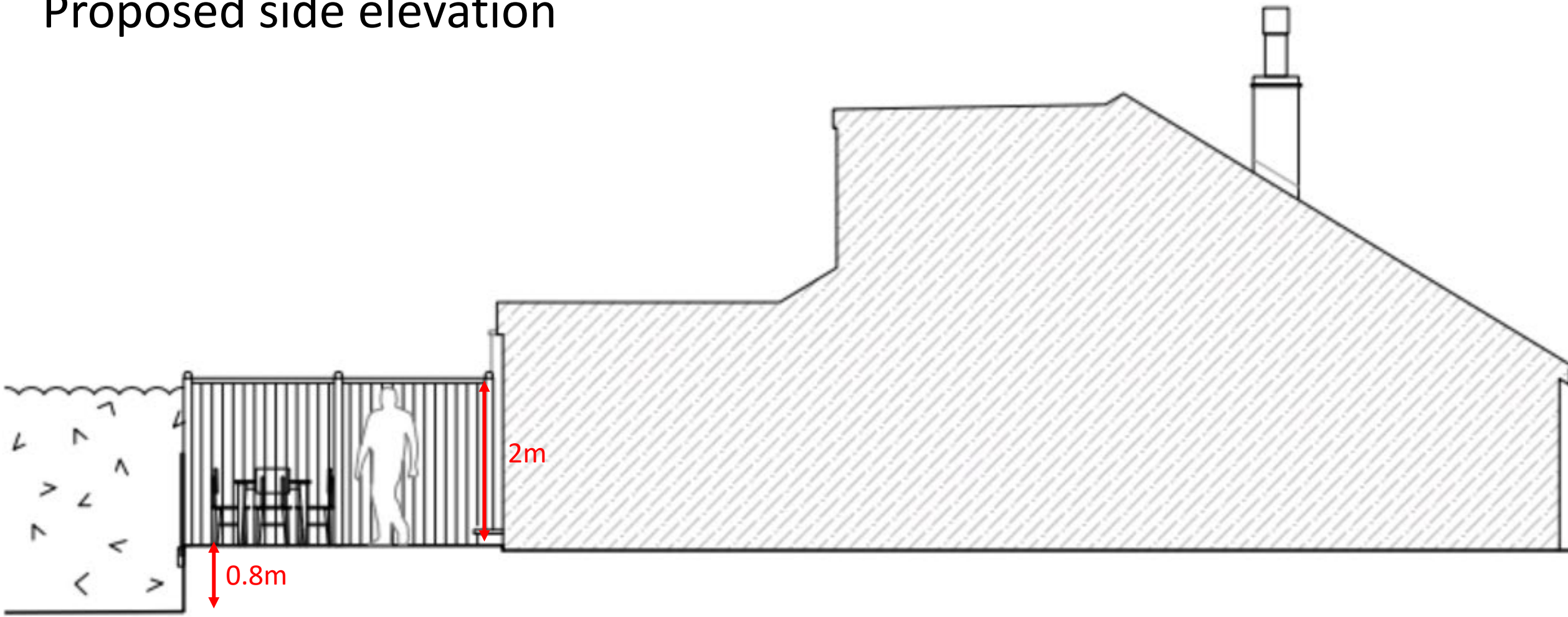
Proposed Site

Rear Elevation



Side Elevation

Proposed side elevation



Side Elevation Scale: 1.100

9 Collingwood Close

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