Lake District National Park

8

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 No. 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 7/2024/5416).

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, with a glass balustrade and fence along the boundary with a neighbour.

3 Representations

3.1 Coniston Parish Council: No objection to the proposed development subject to the height of the fence being no higher than 6ft from the top of the patio.

3.2 Local Highway Authority: No objection.

3.3 Lead Local Flood Authority: No objection.

3.4 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 to the Coniston fells
- Noise from the higher-level decking area impacting privacy
- Potential for use as holiday letting accommodation

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 Coniston Neighbourhood Plan – No relevant policies

4.4 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.

5 **Main issues and assessment**

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

- Character and appearance of the area
- Amenity of neighbours

Character and appearance of the area

5.2 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.

5.3 The proposed alterations are contained to the rear elevation which is largely obscured from public view by the existing mature hedging to the boundaries.

5.4 The proposed raised 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 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 the context of this modern dwelling.

5.5 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.

Impact on the amenity of neighbours

5.6 The nearest dwelling and that with the only potential to be affected by the proposals is the adjoining semi-detached house to the east; no. 9 Collingwood Close. The garden of no. 9 extends alongside the garden of no. 7.

5.7 No. 7 has a rear extension which the proposed decking would sit outside and would give access to the rear of the house. No. 9 has a conservatory

which projects from the rear elevation by an approximately similar distance.

5.8 Outside the conservatory of no. 9 there is a raised paved area (0.57m above the ground level of the garden) and steps which give access down into the main garden area and a patio. The proposed decking would extend 3.5m from the existing rear extension at no. 7 and would be built 0.7m above the existing ground level. Along the boundary with no. 9 it is proposed to erect what is annotated on the proposed plans as a 6ft fence for the 3.5m extent of the decking. This would give this section of fence an overall height of 2.5m above the existing ground level. 6ft equates to approximately 1.8m and is the most common height for fence panelling and gates, meaning anyone of an average height would not be able to see over the top. As such, the fence would prevent any overlooking from users of the decking into the garden or conservatory of no. 9. For the avoidance of doubt I am recommending a condition requiring the erection of a fence of 1.8m in height, prior to the first use of the decking and requiring that it be retained in situ thereafter.

5.9 Having regard to the existing ground level and the level of the proposed decking, users of the paved area at no. 9 would experience a fence height of approximately 1.9m. Users of the conservatory would perceive a slightly lower fence given there is step up in levels into the conservatory.

5.10 Whilst views of the fells from the conservatory would be somewhat reduced by a fence of this height, the courts have found that the right to a particular private view is unlikely to be a material planning consideration. In this case and having regard to the wide and uninterrupted open outlook across the rest of the garden there would be no accompanying harmful impacts in terms of overbearing or a loss of light.

5.11 More generally and when seen from the patio and the wider garden area of no. 9 the fence would appear to be 2.5m in height – a 1.8m fence atop the 0.7m decking. Whilst this would be a tall fence by any measure, it would be restricted to the 3.5m length of the decking along the boundary – a relatively short stretch of the overall length of the boundary. From elsewhere in the garden there are wide and uninterrupted view up towards the fells. Whilst the fence would be visible in these views it would not be accompanied by harmful effects in terms of overbearing or loss of light. The patio at no. 9 sits alongside a mature beech hedge and again, whilst the proposed fence would be visible from the patio, it would be neither so close nor so tall as to result in a harmful overbearing effect or loss of light.

5.12 The neighbour also raises concerns about noise arising from the use of the proposed decking and speculates about the potential for use of the house for holiday letting accommodation. The application building is an unfettered dwellinghouse. Use as holiday letting accommodation is unlikely to constitute a material change of use and could occur without the need for planning permission. Similarly, we have no control over the behaviour of occupants, whether occupied as a permanent home or as holiday accommodation.

5.13 Despite the proposed decking being 0.7m higher than the existing ground, I do not consider that this would result in the area being used in a materially different way than how it can currently be used. During the determination of the application the applicant submitted amended plans which included repositioning the steps to the far side of the patio/decking to reduce the usable space at the side closest to no. 9.

5.14 Taking the above matters into account and having regard to the specific context of the site and the relative location and level of amenity of the neighbouring garden I consider that subject to a condition requiring the erection and maintenance of the fence, the development is acceptable in terms of its impacts and satisfies the requirements of Local Plan Policy 06, the Design Code SPD, and the NPPF.

Other matters

5.15 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.

5.16 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.

5.17 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 want to be consulted when within 20 m 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 Rev. A

REASON: For the avoidance of doubt.

3 Prior to the first use of the raised patio / decking hereby permitted a close-boarded fence of 1.8m in height when measured from the top of the raised patio / decking shall be erected for the extent of the raised patio / decking along its boundary with 9 Collingwood Close and as shown on the approved plans.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, the fence as erected shall be maintained in situ thereafter.

REASON: To ensure a good standard of amenity of the occupiers of 9 Collingwood Close in accordance with Policy 06 of the Lake District National Park Local Plan 2020-2035.

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.

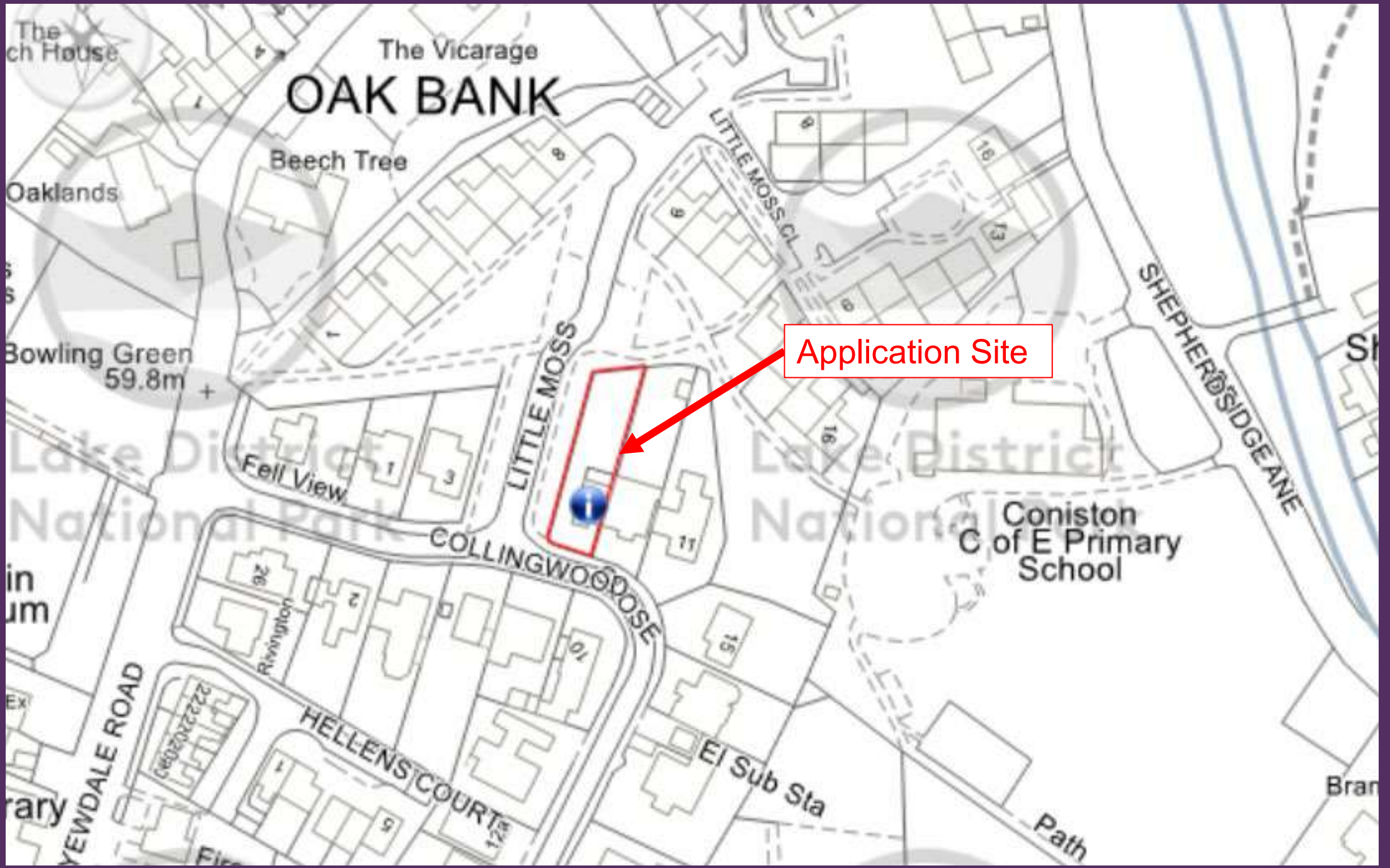
Background papers

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.

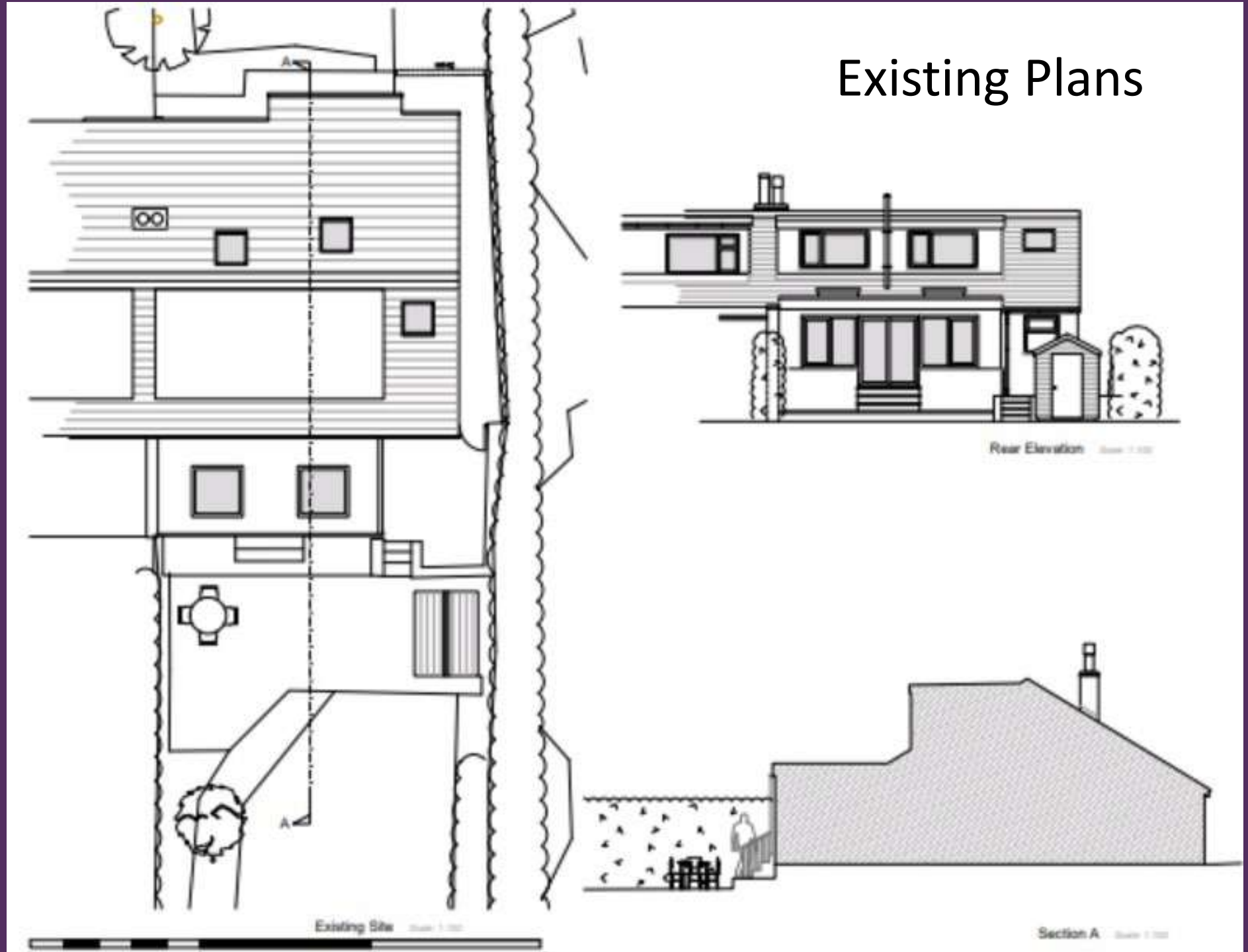
7/2024/5605

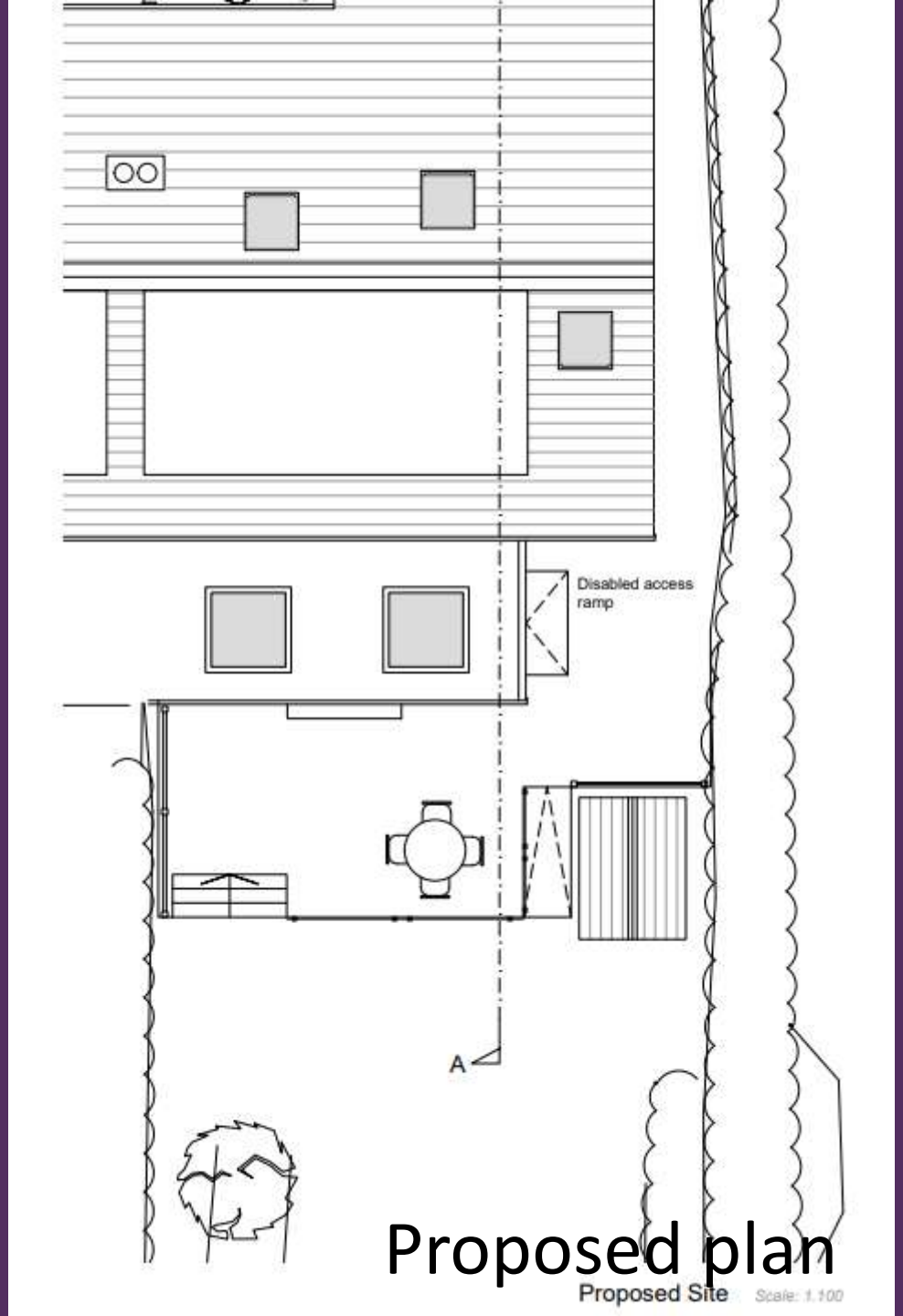
7 Collingwood Close, Coniston, LA21 8DZ

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
Application Site
LITTLE MOSS
LITTLE MOSS CL
SHEPHERDSIDGE ANE
Fell View
COLLINGWOOD CLOSE
HELLENS COURT
EWDALE ROAD
Rivington
El Sub Sta
Coniston
C of E Primary
School
Path
Lake District
National Park

Existing Plans

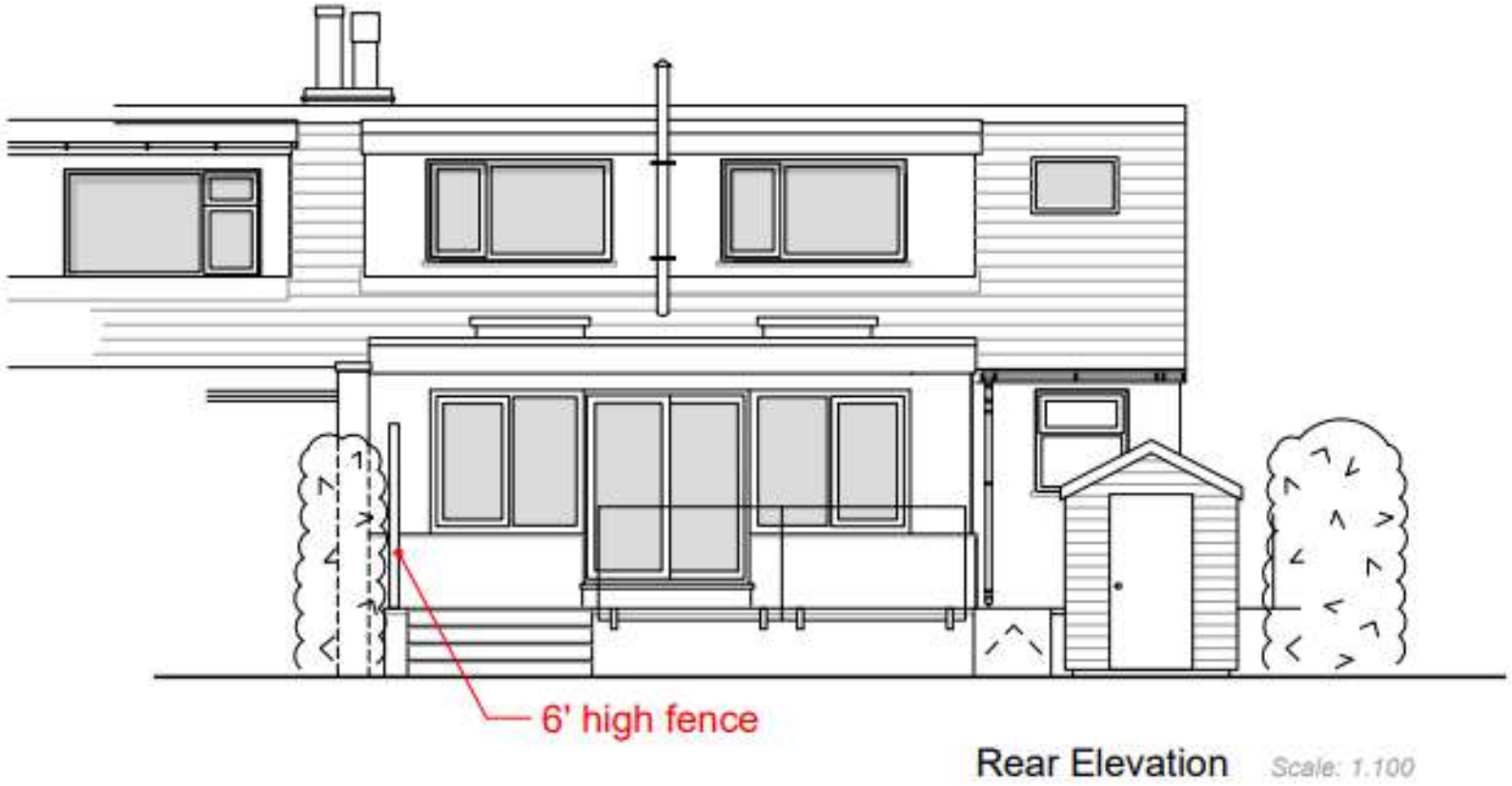




Proposed plan

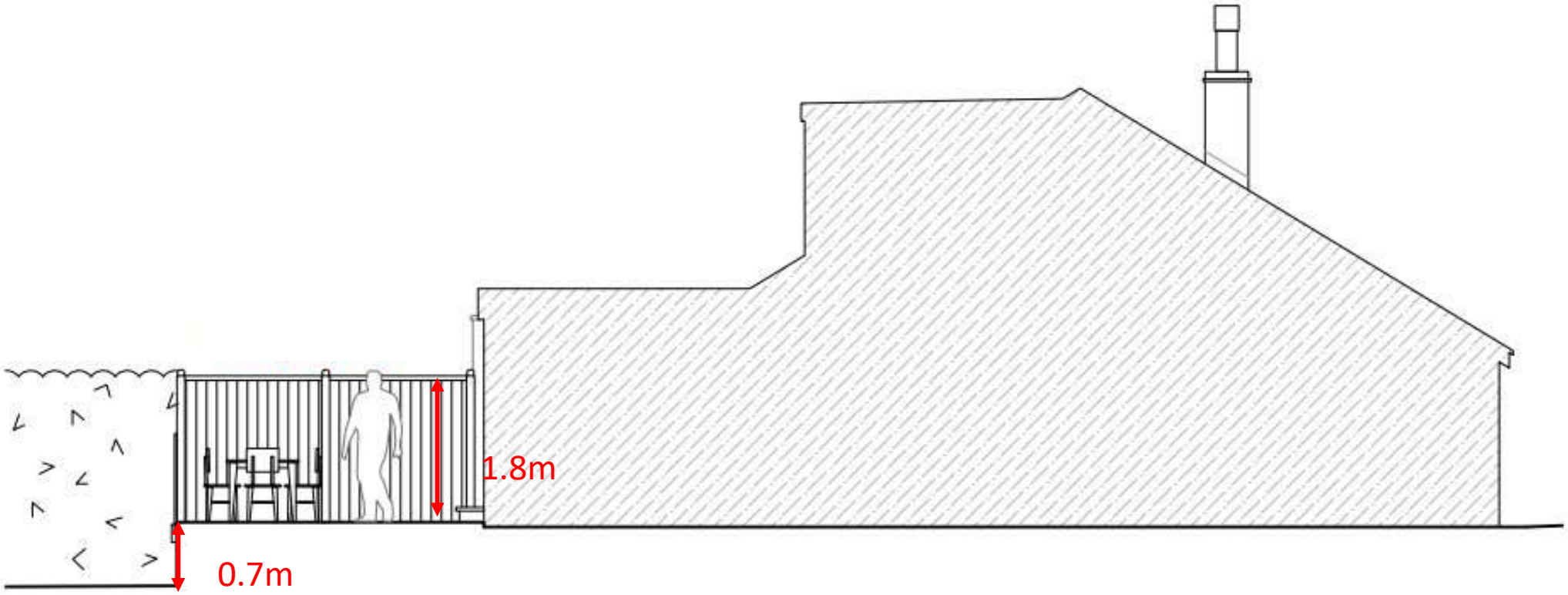
Proposed Site Scale: 1:100

Proposed elevation



Rear Elevation Scale: 1.100

Proposed side elevation



Side Elevation Scale: 1.100

9 Collingwood Close

7 Collingwood Close
(application site)
9 Collingwood Close