

Allerdale Borough Council

Planning Application 2/2018/0485

Proposed Development: Retrospective application for a raised lodge with balcony to be used for holiday letting purposes and addition of boundary treatment

Location: The Annexe
The Anville
Blitterlees
Silloth
Wigton

Applicant: Mrs Avril Kate Wickham

Recommendation: **Grant permission**

Summary/Key Issues

Issue	Conclusion
Principle	Considered to be acceptable
Design and materials	Considered to be acceptable
Amenity	A satisfactory level of screening can be achieved to ensure to protect residential amenity. The degree of overlooking not considered to be significant given the separation distances.
Access and Parking	Considered to be acceptable

Proposal

The proposal seeks full planning permission for the change of use of an existing annex to a holiday let.

The application also seeks to regularise the development as built (see history). The submitted plans indicate that the curtilage area currently serving the applicants property would have both a designated parking for the proposed holiday let and external amenity space, as well as a parking area and external amenity space retained for the host property.

Site

The lodge building is located within the rear curtilage of a residential property, The Anville, at Blitterlees and is accessed through the existing highway access into the residential property.

Relevant Planning History

2/2016/0675 - Proposed demolition of existing detached garage and outhouse , new detached timber framed lodge building to provide granny annex-Approved 7/12/16

2/2018/0253 - Change of use of ancillary accommodation to allow holiday accommodation - Withdrawn

Representations

There has been two letters of representation which object on the following grounds:-

- The plans lack dimensions and are vague;
- The building was not built in accordance with the approved plans for the annex;
- Did not object to use the lodge as an annex;
- The lodge has its own postal address, concerns it could be sold off;
- The holiday use has already commenced;
- Loss of privacy (exasperated by removal of outbuildings);
- Loss of enjoyment of their property;
- Increased disturbance from comings and goings, noise;
- Annex is used by different, unknown people, changing every few days and destroys the seclusion and amenity of their property;
- The holiday use means that the balcony area is more likely to be used more frequently over longer periods;
- Concerns of being watched and photographs being taken when in their garden;
- Hedges have been removed opening up the views into the rear gardens;
- Object to the raised levels of the lodge;
- Object to the use of the balcony area;
- Mitigation can't screen views from balcony;
- The 2.8m high fence would not mitigate the views from the balcony;
- Consider the balcony should be removed and lowered to the original approved position;
- A high fence will not withstand the winds and there will be difficulties installing the fence;
- Has separate utilities;
- Would not comply with Allerdale local plan policies specifically S4, S32 and DM15

Development Plan policies

Allerdale Local Plan 1999

Saved Settlement limits

Allerdale Local Plan 2014 Part1

Policy S1 - Presumption in favour of sustainable development
Policy S3 – Spatial strategy and growth
Policy S5 – Development principles
Policy S17 - Tourism, Coastal and Countryside Recreation
Policy S2 - Sustainable development principles
Policy S27 - Heritage Assets
Policy S28 - Hadrian's Wall World Heritage Site
Policy S29 - Flood Risk and Surface Water Drainage
Policy S31 - Reuse of rural buildings and replacement of dwellings in the countryside
Policy S32 - Safeguarding amenity
Policy S33 - Landscape
Policy S4 - Design principles
Policy DM14 - Standards of Good Design

Other material considerations

National Planning Policy Framework 2018

Council Plan

Strengthening our economy

- Encouraging tourism to help improve the local economy

Policy weighting

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise. This means that the Allerdale Local Plan (Part 1) 2014 policies have primacy.

There are material considerations, including the NPPF and the Little Broughton appeal decision (PINs ref APP/G0908/W/17/3183948) which affect the weight afforded to the 1999 Local Plan settlement limits and policies S3 and S5 of the 2014 Part 1 Local Plan to the extent where they refer to those settlement limits and the housing numbers for each settlement. Significant weight is still afforded to the hierarchy within policy S3 as this is a tool for robustly assessing the sustainability of a location. Other Part 1 Local Plan policies that are relevant are considered to have consistency with the NPPF and afforded full weight.

Assessment

Introduction

The application site forms part of the applicant's domestic curtilage. It contains the lodge which was erected as an annex to the main dwelling, "The Anville". Due to a change in circumstances the lodge is no longer required as an annex to the main dwelling.

The lodge was not built in accordance with the approved plans as it was raised above the approved levels and a small decked area added. Therefore, this application seeks to regularise the development as built and to change the use to allow the building to be let for holiday purposes. The lodge contains a bedroom, lounge/kitchen/diner and a shower room and has a ramped access.

The lodge's floor level is set approximately 1m above the ground level of the upper garden area which previously housed a garage/shed. The lodge is connected into the services supplying The Anville which is acceptable.

Principle of Development

Policy S3 of the ALP (Part 1) sets the framework for development within the Borough. The majority of new development is directed towards the main towns and villages of the Borough, at a scale commensurate to their size and range of facilities. The site itself is located within the settlement limits of Blitterlees which is a limited growth village and a sustainable location for growth. In this instance the amended proposal also benefits from being for a tourism use. Holiday accommodation is supported within the Allerdale Local Plan under Policy S17 and the lodge is considered to provide a suitable location to support visitors within the Solway Coast AONB and Hadrian's Wall World Heritage site. As significant weight is afforded to this consideration in the overall balance, then it is considered necessary and reasonable to restrict the use to a holiday use.

There is also limited employment provided by the development and this too can be afforded some limited weight as a benefit.

Overlooking and residential amenity

These are considerations generically covered by policy S32 of the Local Plan.

There are two changes from the original approval to consider here:-

- i. Whether the holiday use changes the characteristics of the occupancy in such a way that has unacceptable consequences to amenity.
- ii. Whether the increase in levels and addition of the external areas also impacts on amenity.

The adjoining dwellings have objected to the proposal in terms of overlooking and privacy issues. The lodge has a window which looks directly into the garden area of Orchard Villa which is 10.45m from the boundary. The applicant indicates that a fence would be erected to 2.8m in height on their side of the boundary which is lower in level than that of the neighbouring property. Officers consider that the fencing provides sufficient screening

to protect the amenity of the occupants of Orchard Villa as the fence height will reflect eye level of occupiers and would represent the height of the top of the window level.

From the decking area partially obscured views from through sparse hedging can be gained into the rear of Blitterlees Farm. Officers consider that a small section of solid screening erected to the decked area can prevent overlooking into this property.

A condition can ensure that the screening provided is maintained for the lifetime of the development.

The property adjacent to Orchard Villa to the north, Western Gales, has objected on the grounds of overlooking and loss of privacy as views of their garden can be obtained from the lodge and decked area. Western Gales' garden has been extended into a former agricultural field and wraps around the back of Orchard Villa to the corner of the host property. The decked area is 30m from the nearest point of Western Gales' rear garden. At a distance of 30m this is considered to be an acceptable separation distance. Orchard Villa and The Anville both look onto the Garden of Western Gales both from the garden areas and from the properties themselves. The degree of overlooking into Orchard Villa and Western Gales is therefore not considered to be significant.

Finally, it is considered necessary to limit the occupation of the annexe to that controlled by the host dwelling given the juxtaposition of both.

Having regard to Policy S32 of the ALP (Part 1), it is considered that residential amenity would be maintained to an acceptable level subject to screening provision.

Landscape, heritage and visual impact

The site is within the setting of Hadrian's Wall World Heritage Site. However, it is noted that this area is characterised by domestic gardens and typical incidental development and chattels. There is also a modern large building to the northeast. In this context the harm to the setting of the WHS will be negligible and the proposal accords with policy S28 of the Local Plan Part 1.

Access and Parking

The proposed holiday let will be accessed via the established driveway serving the host property; this is of an adequate standard in terms of visibility and the Highways Authority has raised no concerns in this regard. The existing driveway is of a sufficient size to accommodate the additional parking. As such, the proposal is considered to be acceptable in this regard, in accordance with policies S5, S22 and DM14 of the ALP (Part 1).

Local Financial Considerations

Having regard to S70 (2) of the Town and Country Planning Act the proposal would have financial implications in terms of Business Rates Revenue. This has not significant weight in terms of the determination of the application.

Conclusion

The development has been considered against the provisions of the development plan in the first instance as well as against all other material considerations. The holiday use can be supported and is afforded significant weight. The setting of the world heritage site is preserved with negligible harm.

Conditions are necessary in relation to screening and occupancy.

Annex 1

Conditions/Reasons

Approved plans

1. **Notwithstanding the requirements of conditions 2 and 3, the development hereby permitted is that show on the following plans:-**

**KW201aPL Proposed Site Block Plan Existing Site Location Plan
KW202aPK Proposed Floor Plans and Elevations
KW01bPL Parking Plan**

Reason: In order to ensure that the development is carried out in complete accordance with the approved plans and any material and non-material alterations to the scheme are properly considered.

Implementation within prescribed timescales

2. **The approved boundary fencing details to the north eastern curtilage boundary as outlined on drawing KW201aPL shall be fully implemented within 3 calendar months of this permission and shall be retained at all times thereafter unless agreed in writing with the Local Planning Authority.**

Reason: To safeguard the residential amenity of the occupiers of neighbouring dwellinghouses, in compliance with the National Planning Policy Framework and Policies S4, DM14 and DM15 of the Allerdale Local Plan (Part 1), Adopted July 2014.

3. **Within 3 calendar months of this permission a solid 1.8m high screening fence (measured from the floor level of the decking) shall be erected along the entire southern western boundary of the decked area and shall be retained at all times thereafter.**

Reason: To safeguard the residential amenity of the occupiers of neighbouring dwellinghouses, in compliance with the National Planning Policy Framework and Policies S4, DM14 and DM15 of the Allerdale Local Plan (Part 1), Adopted July 2014.

Occupancy conditions

4. **The conversion/caravan hereby approved shall be used for holiday let accommodation and for no other purpose (including any other purpose in Class C of the Schedule to the Town and Country Planning [Use Classes] Order 2015), or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order with or without modification.**

Reason: The Local Planning Authority have afforded significant weight to the benefits of holiday accommodation in the overall consideration of the development and would wish to examine the use of the building other than for holiday accommodation to assess whether it would be acceptable in terms of location, access and amenity, having regard to the National Planning Policy Framework and Policy S17 of the Allerdale Local Plan (Part 1), Adopted July 2014.

5. The annex hereby approved shall not be used at any time as the sole or principal residence by any occupants.

Reason: The Local Planning Authority have afforded significant weight to the benefits of holiday accommodation in the overall consideration of the development would wish to carefully examine the use of the building other than for holiday accommodation to assess whether it would be acceptable in terms of location, access and amenity, having regard to the National Planning Policy Framework and Policy S12 of the Allerdale Local Plan (Part 1), Adopted July 2014.

6. A register of all occupants of the holiday accommodation hereby approved shall be maintained at all times and shall be made available for inspection by the Local Planning Authority within 10 days of a request. The register shall contain the name and address of the principal occupier together with the dates of occupation.

Reason: The Local Planning Authority have afforded significant weight to the benefits of holiday accommodation in the overall consideration of the development and would wish to carefully examine the use of the building other than for holiday accommodation to assess whether it would be acceptable in terms of location, access and amenity, having regard to the National Planning Policy Framework and Policy S17 of the Allerdale Local Plan (Part 1), Adopted July 2014.

7. The permission shall not be exercised other than by the occupiers of Anville, Blitterlees.

Reason: In the interests of the residential amenity of the occupiers of Anville, Blitterlees and to accord with policy S32 of the Allerdale Local Plan (Part 1), 2014.

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against, primarily, the development plan policies, any duties applicable and also all material considerations, including emerging Local Plan policy, the National Planning Policy Framework and any stakeholder representations that may have been received. It has subsequently determined to grant planning permission.



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