

SCHEDULE A: Applications with Recommendation

20/0575

Item No: 09

Date of Committee: 25/02/2022

Appn Ref No:
20/0575

Applicant:
Mr Oliver Lee

Parish:
Carlisle

Agent:
Mr George Stephen

Ward:
Newtown & Morton North

Location: 214 Newtown Road, Carlisle, CA2 7NJ

Proposal: Change Of Use Of Land To Garden And Erection Of Detached Gym And Sauna Building

Date of Receipt:
12/01/2021

Statutory Expiry Date
09/03/2021

26 Week Determination
29/10/2021

REPORT

Case Officer: Barbara Percival

1. Recommendation

- 1.1 It is recommended that this application is approved with conditions.

2. Main Issues

- 2.1 Principle of development
- 2.2 Impact of the proposal on the visual character of the area
- 2.3 Whether the scale and design of the detached building is appropriate
- 2.4 Impact of the proposal on the living conditions of neighbouring residents
- 2.5 Highway and parking provision
- 2.6 Method for the disposal of surface water
- 2.7 Impact of the proposal on biodiversity
- 2.8 Other matters

3. Application Details

The Site

- 3.1 Number 214 Newtown Road is a two storey semi-detached dwelling, set within a substantial domestic curtilage, located on the northern side of Newtown Road.

Background

- 3.2 The original proposal sought permission for the erection of a detached caravan garage; however, the applicant has subsequently revised the scheme.

The Proposal

- 3.3 The application before Members now seeks planning permission for the change of use of land to garden and the erection of detached gym and sauna building.
- 3.4 The submitted drawings illustrate that the building would be 15 metres long by 7 metres wide with a height of ridge height of 3.6 metres and an eaves height of 2.4 metres. The proposed building would be finished in brick and render with a grey concrete tiled roof.
- 3.5 The proposal also includes the change of land to the rear of the property into domestic curtilage which equates to approximately 52 square metres.

4. Summary of Representations

- 4.1 This application has been advertised by the direct notification of five neighbouring properties. In response, five representations (including two from the same third party) of objection has been received to the original scheme for the change of use of land to garden and erection of detached garage.
- 4.2 The representations identify the following issues:
1. questions the requirement for such a large storage building;
 2. scale and height of proposed building is excessive for its proposed use;
 3. future other uses could lead to noise and disturbance if not properly controlled by conditions;
 4. potential loss of sun light;
 5. visual impact;
 6. land subject of covenant;
 7. loss of trees and hedges;
 8. potential impact on biodiversity;
 9. potential increase in traffic movements;
 10. no provision for surface water disposal.
- 4.3 Revised drawings were received which now seeks planning permission for the change of use of land to garden and erection of detached gym and sauna building. Third parties were re-consulted on the 15th July 2021 with three representations of objection received on the revised proposal.
- 4.4 The representations identify the following issues:

1. size of the development is excessive for its intended use at a domestic property in a residential area;
2. over shadowing and over dominance of neighbouring properties;
3. potential for noise and disturbance;
4. questions future potential use of the building;
5. tarmac and hardstanding within the rear former garden area with no provision for surface water drainage;
6. impact of biodiversity;
7. land subject of a covenant;
8. questions land ownership.

5. Summary of Consultation Responses

Cumbria County Council - (Highways & Lead Local Flood Authority): - no objections.

6. Officer's Report

Assessment

- 6.1 Section 70(2) of the Town and Country Planning Act 1990/ Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires that an application for planning permission is determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise.
- 6.2 The relevant planning policies against which the application is required to be assessed is the National Planning Policy Framework (NPPF), the National Planning Practice Guidance (PPG) and Policies SP6, HO8, CC5, CM5 and GI3 of the Carlisle District Local Plan 2015-2030 are also relevant. The Council's Supplementary Planning Document 'Achieving Well Designed Housing' is also material planning consideration.
- 6.3 The proposal raises the following planning issues:
 - 1. Principle of Development**
- 6.4 The application seeks full planning permission for the change of use of use of land to garden and the erection of detached gym and sauna building at 214 Newtown Road, Carlisle. The property is a semi-detached property with a substantial rear domestic curtilage.
- 6.5 Policy HO8 allows the adaptation of dwellings to cater for changes in lifestyles with most extensions to the main dwelling being visually subservient. As such, the principle of additional ancillary residential accommodation is acceptable. Nevertheless, given the proposed detached outbuildings relationship with the main dwelling conditions are recommended which would ensure that the outbuilding is used as ancillary domestic accommodation for the occupiers of 214 Newtown Road.

2. Impact Of The Proposal On The Visual Character Of The Area

- 6.6 As highlighted earlier in the report, the application seeks the change of use of land to garden and the erection of a detached gym and sauna building at 214 Newtown Road, Carlisle. The additional land to be incorporated into the existing domestic curtilage, equating to approximately 52 square metres, is a strip of undeveloped land which separates the rear curtilages of properties located on the northern side of Newtown Road with Burgh Road Industrial Estate. Given the relationship and scale of the extended domestic garden together with the proposed boundary treatment it would not result in a significant discordant feature to the detriment of the character or appearance of the area.
- 6.7 In respect of the proposed detached gym and sauna building, the building would be visible from neighbouring properties, however; it would mirror the scale of the adjacent detached annexe and be partially obscured from the majority of public viewpoints by the boundary fence. In such a context, the character and appearance of the area would not be adversely affected by the proposed detached building.

3. Whether The Scale And Design Of The Detached Building Is Appropriate

- 6.8 Policies require that development is appropriate, in terms of quality, to that of the surrounding area. Proposals should, therefore, incorporate high standards of design including care in relation to siting, scale, use of materials and landscaping that respects and, where possible, enhances the distinctive character of townscape and landscape. This is reflected in Policy SP6 of the local plan which requires that development proposals should also harmonise with the surrounding buildings respecting their form in relation to height, scale and massing and making use of appropriate materials and detailing. In addition to the planning policies, the council's Supplementary Planning Document 'Achieving Well Designed Housing' advises that ordinarily extensions should not dominate the original dwelling.
- 6.9 The submitted drawings illustrate the erection of a detached single storey building to provide a gym and sauna. The proposed building would be located to the rear of the domestic curtilage of 214 Newtown Road and mirror the scale of the adjacent detached annexe. In such a context, the proposed detached building would not be obtrusive or detract from the character or appearance of the area and be commensurate with the size of the domestic curtilage. Furthermore, the accommodation within the building is appropriately subservient to the main property and due to its physical siting, shared amenity space and lack of separate access would limit its ability to be subdivided or used independently of the main dwelling. Third parties have raised concerns in respect of the potential future use of the building, however; as highlighted earlier, conditions are recommended preventing any future subdivision and that it is used for domestic purposes only. In light of the foregoing assessment, the proposal is considered to be acceptable and does not raise any planning issues.

4. Impact Of The Proposal On The Living Conditions Of Neighbouring Residents

- 6.10 Policies within the local plan seek to ensure that development proposals should be appropriate in terms of quality to that of the surrounding area. Criterion of Policy SP6 seeking to ensure that the living conditions of the occupiers of adjacent residential properties are not adversely affected by proposed developments. This is echoed and reinforced in the City Council's SPD 'Achieving Well Designed Housing'. The SPD outlines that in order to protect against privacy loss a minimum of 21 metres between primary facing windows and 12 metres between any walls and primary windows should normally be achieved.
- 6.11 Given the orientation of the proposed detached building in relation to neighbouring residential properties together with the existing boundary treatment, the proposal would not have a detrimental impact on the living conditions of adjoining occupiers on the basis of loss of light, overlooking or over dominance. Furthermore, the imposition of the recommended conditions would restrict the use of the detached building as ancillary accommodation for the occupiers of 214 Newtown Road and prohibit its subdivision, thereby, ensuring that the proposal does not result in an unacceptable intensification of use. Third parties have also raised concerns in respect of potential noise issues emanating from the use of the building. The proposed building is for domestic use only, therefore, should a statutory noise nuisance arise in the future this would be subject of Environmental Health Legislation.

5. Highway And Parking Provision

- 6.12 Planning policies seeks to ensure that development proposals do not lead to an increase in traffic levels beyond the capacity of the surrounding local highway and that adequate in-curtilage parking provision can be achieved. The erection of the detached building would not result in a significant increase in traffic with sufficient in-curtilage parking provision available within the domestic curtilage of the property.

6. Method For The Disposal Of Surface Water

- 6.13 Third parties have raised concerns in respect of the potential for surface water flooding from the application site due to the extent of the hard surfacing of the rear domestic curtilage of the property. The concerns of third parties are respected, however; these works do not require planning permission. In respect of surface water arising from the proposed detached outbuilding, details have been received illustrating the formation of a soakaway. Cumbria County Council, as Lead Local Flood Authority, has been consulted and raise no objections. Furthermore, surface water from the proposed building would be subject to Building Control Legislation.

7. Impact Of The Proposal On Biodiversity

- 6.14 The Councils GIS Layer has identified that there is the potential for several key species to be present within the vicinity. Using the guidance issued by Natural England, the development would not harm protected species or their

habitat; however, an informative has been included within the decision notice that if a protected species is found all work must cease immediately and the local planning authority informed. .

8. Other Matters

- 6.15 Third parties have questioned the land ownership of the proposed land to be incorporated into the domestic curtilage of 214 Newtown Road. Article 14 of the Town and Country Planning (Development Management Procedure)(England) Order 2015 requires an ownership certificate to be completed stating the current ownership of the land to which a planning application relates. In this instance, as the applicant did not know the owner of the land, therefore, Certificate D has been completed together with the necessary publicity undertaken for the proposed application in the local press.
- 6.16 A further issue raised was the potential covenant on the land to prevent building on the land. This is a civil matter and falls out with the planning system.

Conclusion

- 6.17 In overall terms, the principle of the development is acceptable and a suitable condition can be imposed restricting the use of the detached building for domestic purposes only. The scale and design of the proposed building and additional land is acceptable and would not have an adverse impact upon the living conditions of the occupiers of neighbouring properties, highway safety or biodiversity.
- 6.18 In all aspects the proposal is considered to be compliant with the objectives of the National Planning Policy Framework, the Planning Practice Guidance and the relevant policies of the Carlisle District Local Plan 2015-2030 and supplementary planning document. Accordingly, the application is recommended for approval.

7. Planning History

- 7.1 In 2020, an application for the erection of detached garage for storage of caravan/mobile home was withdrawn (application reference 19/0916).

8. Recommendation: Grant Permission

1. The development shall be begun not later than the expiration of 3 years beginning with the date of the grant of this permission.

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. The development shall be undertaken in strict accordance with the approved documents for this Planning Permission which comprise:
1. the submitted planning application form received 11th October 2021;
 2. the view received 13th July 2021 (Drawing No. A000 B)
 3. the location plan received 13th July 2021 (Drawing No. A003 B);
 4. the ground floor plan received 13th July 2021 (Drawing No. A101 B);
 5. the roof plan the view received 13th July 2021 (Drawing No. A102 A);
 6. the elevations as proposed the view received 13th July 2021 (Drawing No. A103 A);
 7. the views received 13th July 2021 (Drawing No. A104 A);
 8. the ground floor details as proposed received 13th July 2021 (Drawing No. A105);
 9. the south section received 13th July 2021 (Drawing No. A106);
 10. the east detail the view received 13th July 2021 (Drawing No. A107);
 11. the north detail the view received 13th July 2021 (Drawing No. A108);
 12. the west detail the view received 13th July 2021 (Drawing No. A109);
 13. the surface water drainage received 9th August 2021 (Drawing No. A110);
 14. the external views the view received 13th July 2021 (Drawing No. A111 A);
 15. the Notice of Decision;
 16. any such variation as may subsequently be approved in writing by the local planning authority.

Reason: To define the permission.

3. The detached gym and sauna building hereby approved shall be used in conjunction with 214 Newtown Road Carlisle, and at no time shall any part be sub-divided and used independently of the remainder of the property.

Reason: The local planning authority are not prepared to permit the separation, sub-division or the formation of a separate unit of accommodation on this site in accordance with Policy HO8 of the Carlisle District Local Plan 2015-2030.

4. The proposed development shall be used solely for private, domestic purposes by the occupier and his immediate family whilst resident at the premises and no trade or business shall be carried out therein or therefrom.

Reason: To preclude the possibility of the use of the premises for purposes inappropriate in the locality in accordance with the objectives of Policy SP6 and CM5 of the Carlisle District Local Plan 2015-2030.

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Notes

Revision	No.	Description	Date
A	1	Amended further to planning comments, site and main roads, and added to the site plan.	09 Oct 2020
B	1	Amended to include the main roads and the site plan.	09 Oct 2020

Revision	No.	Description	Date
A	1	Amended further to planning comments, site and main roads, and added to the site plan.	09 Oct 2020
B	1	Amended to include the main roads and the site plan.	09 Oct 2020

Issue 03/06/2021 12:07:21

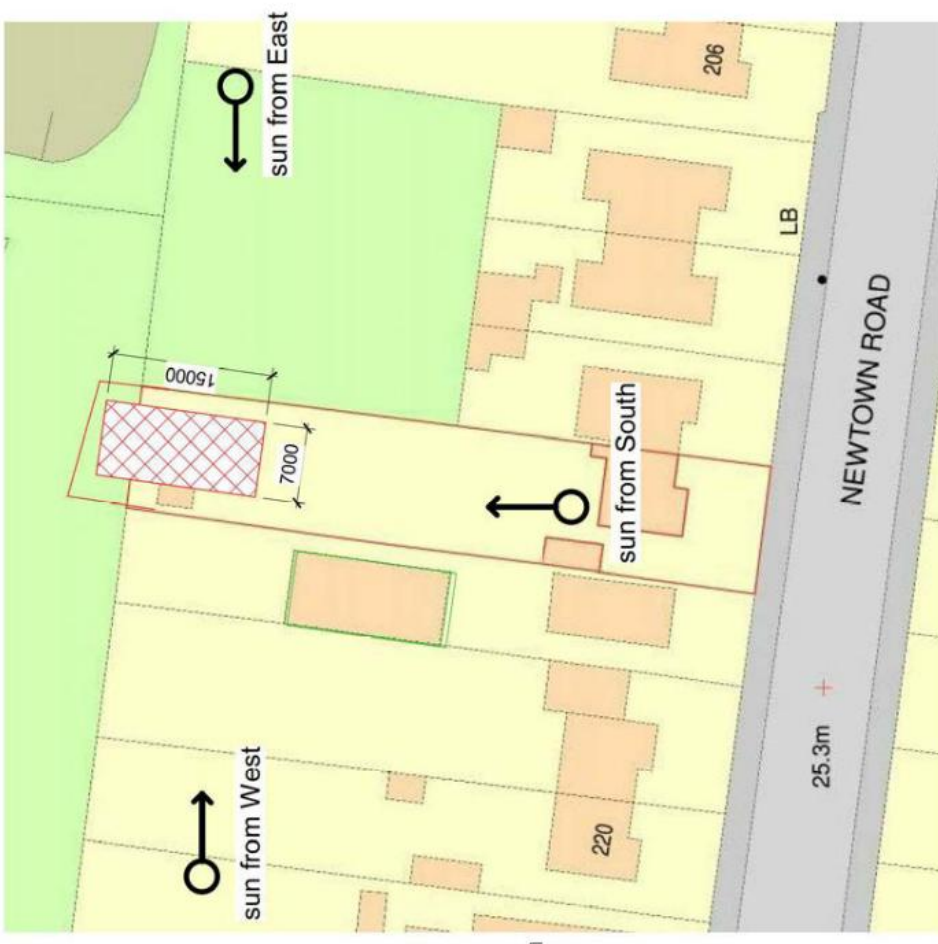
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Job 2018/32 Scale@ A3As indicated
Date: 10 AUG 2018 Revision: B

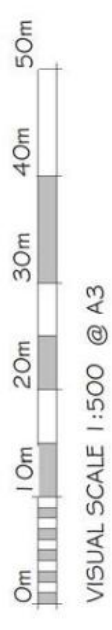
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Location Plan

Client Mr Oliver Lee
Project 214 Newtown Road,
Carlisle,
CA2 7NJ

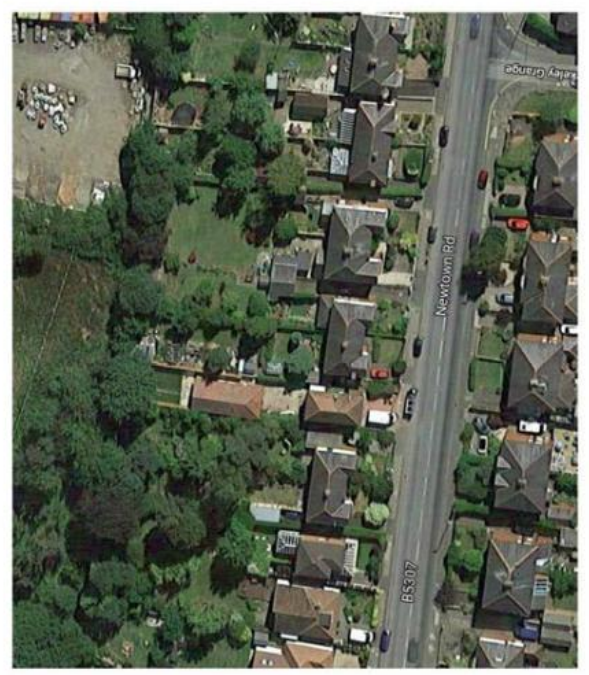
Drawn By George
Version sketch
Drawing no: A003 B



Site
1 : 500



Location
1 : 1250



Google plan not to scale

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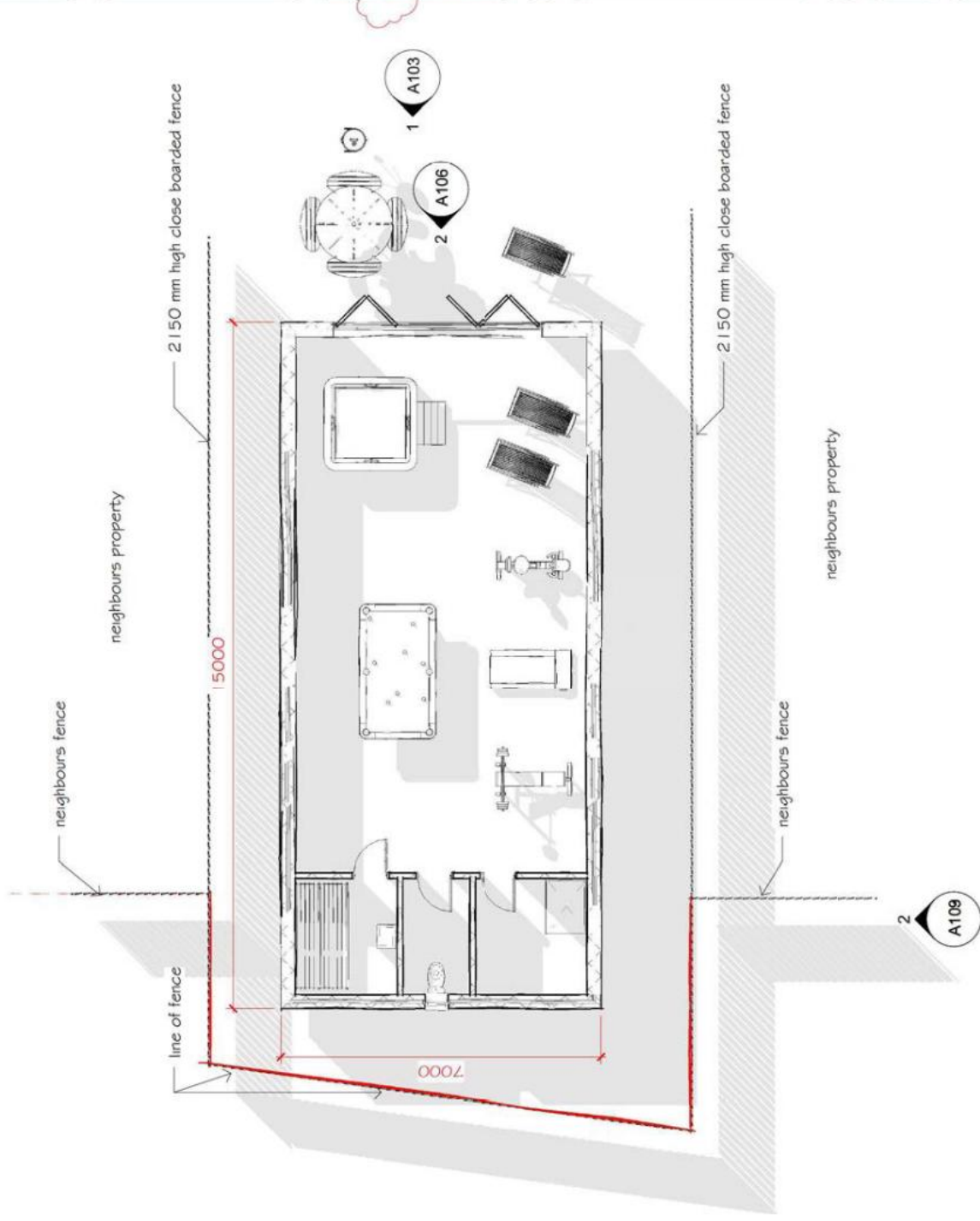
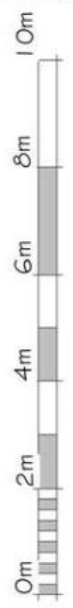
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VISUAL SCALE 1:500 @ A3

VISUAL SCALE 1:1250 @ A3

Ground level
1 : 100

VISUAL SCALE 1 : 100 @ A3



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Notes

Revision	No.	Description	Date
1	1	Amended further to planning comments, size and main materials, and to match neighbours in line to match neighbours and altered intervals to form 5m	03 Oct 2020
2	2	Amended further to planning comments, size and main materials, and to match neighbours in line to match neighbours and altered intervals to form 5m	03 Oct 2020

Issue
03/06/2021 12:06:58

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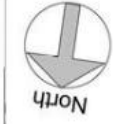
Job 2018/32 Scale@ A3 : 100
Date : 10 AUG 2018 Revision : B

Drawing Title
Ground Floor Plan

Client
Project
Mr Oliver Lee
214 Newtown Road,
Carlisle,
CA2 7NJ

Drawn By
Version
George
sketch

Drawing no.
A101 B



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Notes

Revision	No.	Description	Date
A	1	Amendments in line to match positions and altered internal to room 10m	03 Oct 2021

Issue 03/Oct/2021 12:06:45

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Job 2018/132 Scale: A3 : 100
Date : 10 AUG 2018 Revision : A

Drawing Title
Roof Plan

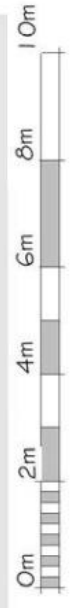
Client Mr Oliver Lee
Project 214 Newtown Road,
Carlisle,
CA2 7NJ

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Version sketch
Drawing no. A102 A

neighbours property

neighbours property

Roof Plan
1 : 100



VISUAL SCALE 1 : 100 @ A3

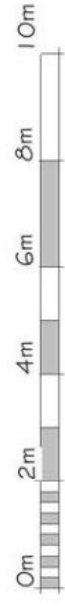
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A108 2

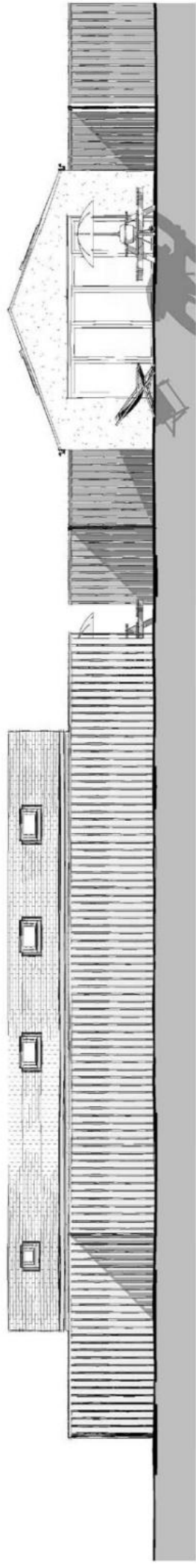
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A103 1

A106 2



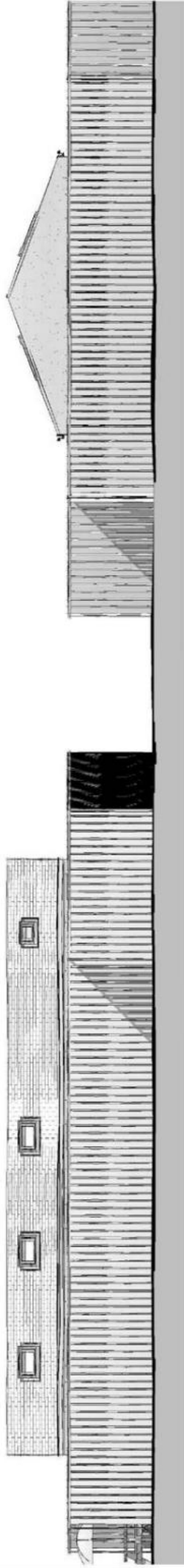
VISUAL SCALE 1:100 @ A3



South
1 : 100

West
1 : 100

Roof to be Marley modern roof tiles.
Walls to be block and render,
oor to be Gbi fold garden type graphite grey



North
1 : 100

East
1 : 100

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Notes

Revision	Description	Date
1	Agreement in text to match neighbours 06 Oct 2021	
A	See attached drawings to form type	

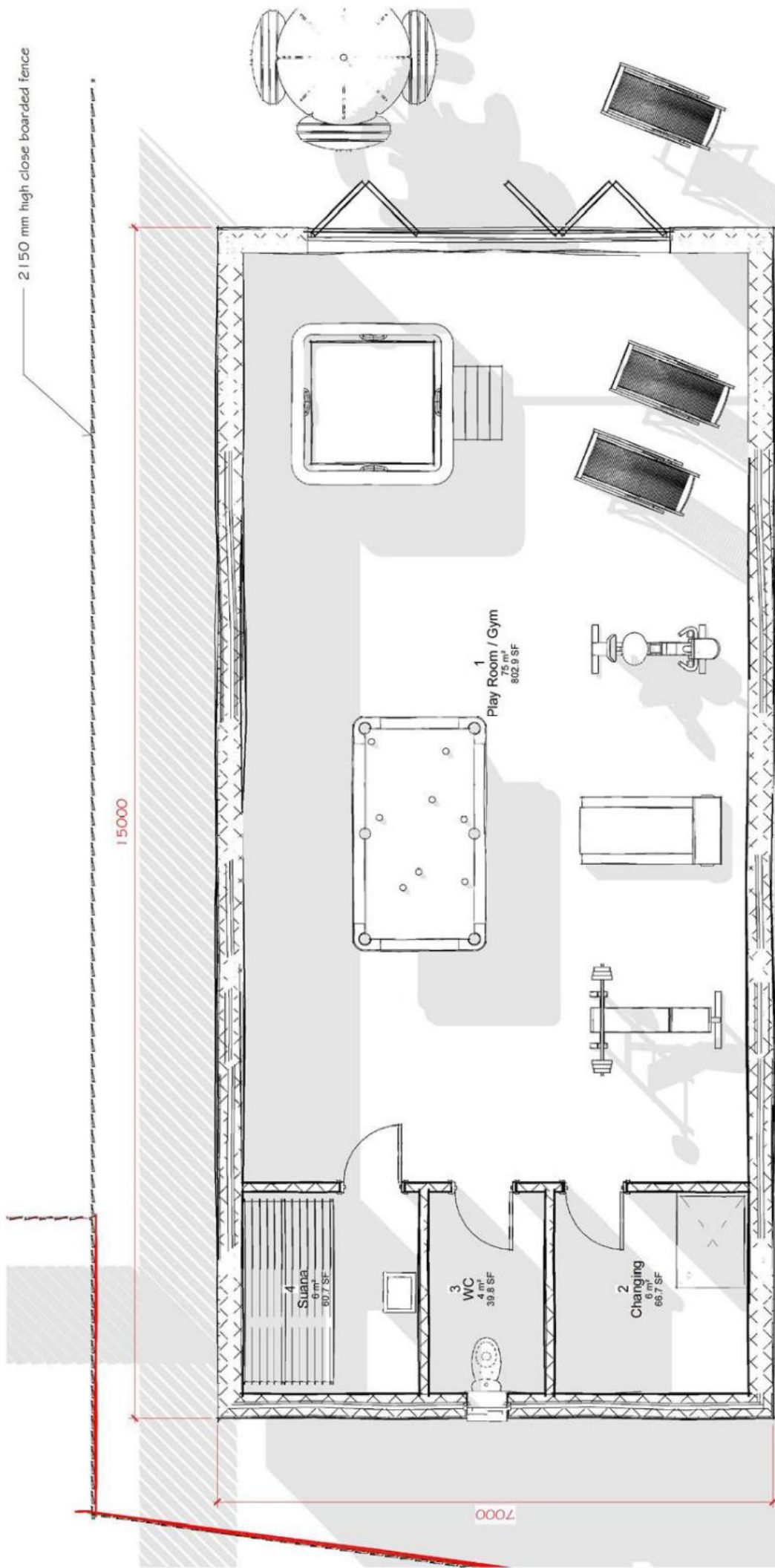
Drawing Title
Elevations
as proposed

Job: 2018/32
Date: 10 AUG 2018
Scale: A1 : 100
Revision: A

Client: Mr Oliver Lee
Project: 214 Newtown Road,
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Drawn By: George
Version: sketch
Drawing no: A103

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Ground Floor Detail

1:50

Notes

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Drawn/As
Ground Floor Detail
As Proposed

Client: Mr Oliver Lee
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Job 2018/32 Scale@ A1 : 50
Date: 10 AUG 2018 Revision:

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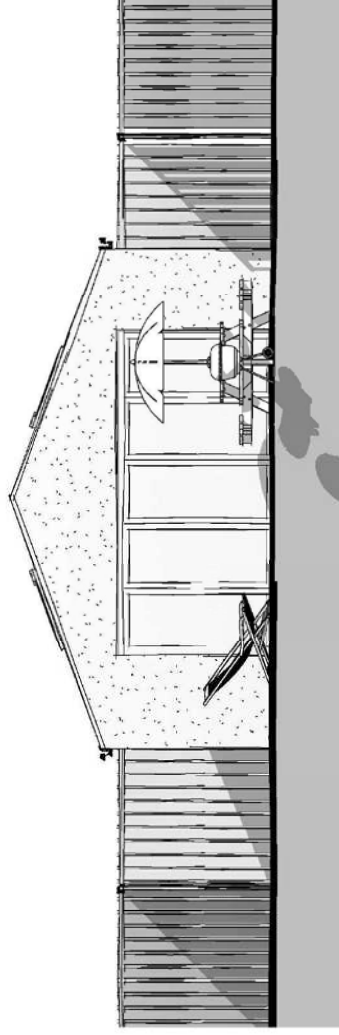
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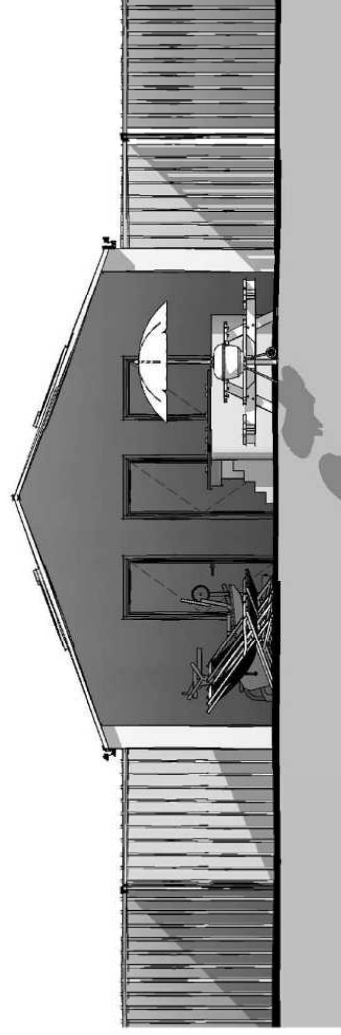
Drawing no.
A105

Version sketch	Drawn By George
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Issue 03/06/2021 12:05:48



South Detail
1 : 75



South Section
1:75

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Notes

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Issue 03/06/2021 12:05:31

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George Stenham

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Job:2018/32 Scale@ A:1 : 75

Date: 10 AUG 2018 Revision:

Drawing Title

South Section

Client: Ms. Oliver | 20

Project:

214 Newtown Road

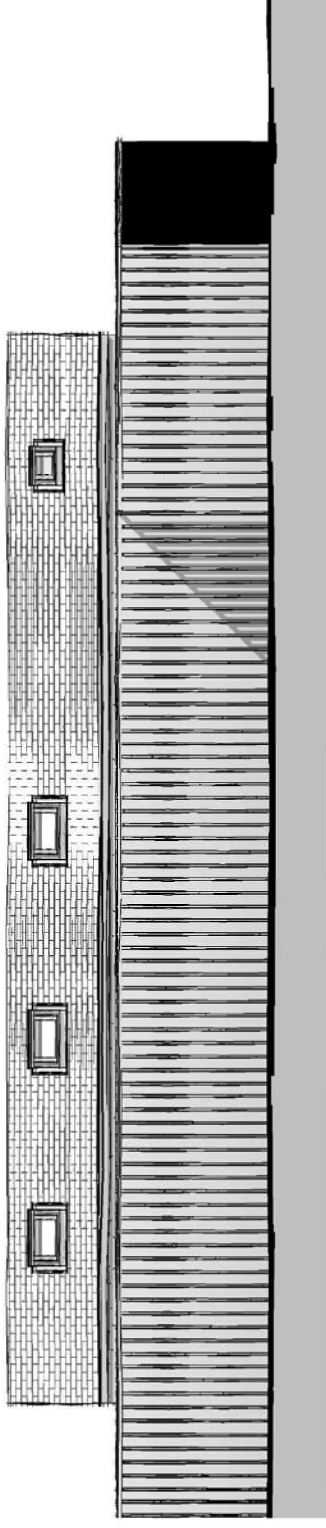
Cardiac

CA2 7NJ
CA151E.

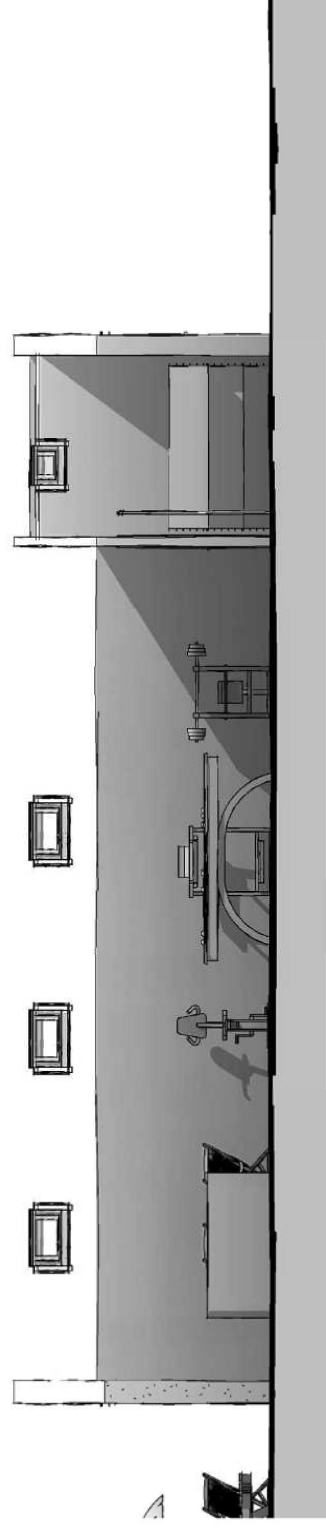
Drawn By
George

Version sketch

Drawing
A106



East Detail
1 : 75



East Section Detail
1 : 75

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Notes

[illegible]

Issue 03/06/2021 12:04:56

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Job: 2018/32 Scale@ A: 1 : 75
Date: 10 AUG 2018 Revision: 1

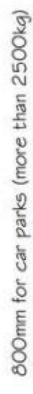
Drawing Title	East Detail
---------------	-------------

Client Mr Oliver Lee
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CA2 7NJ

Drawn By
George

Version sketch

Drawing
A107



Drawing no. A110
 Version sketch
 Drawn By Author