

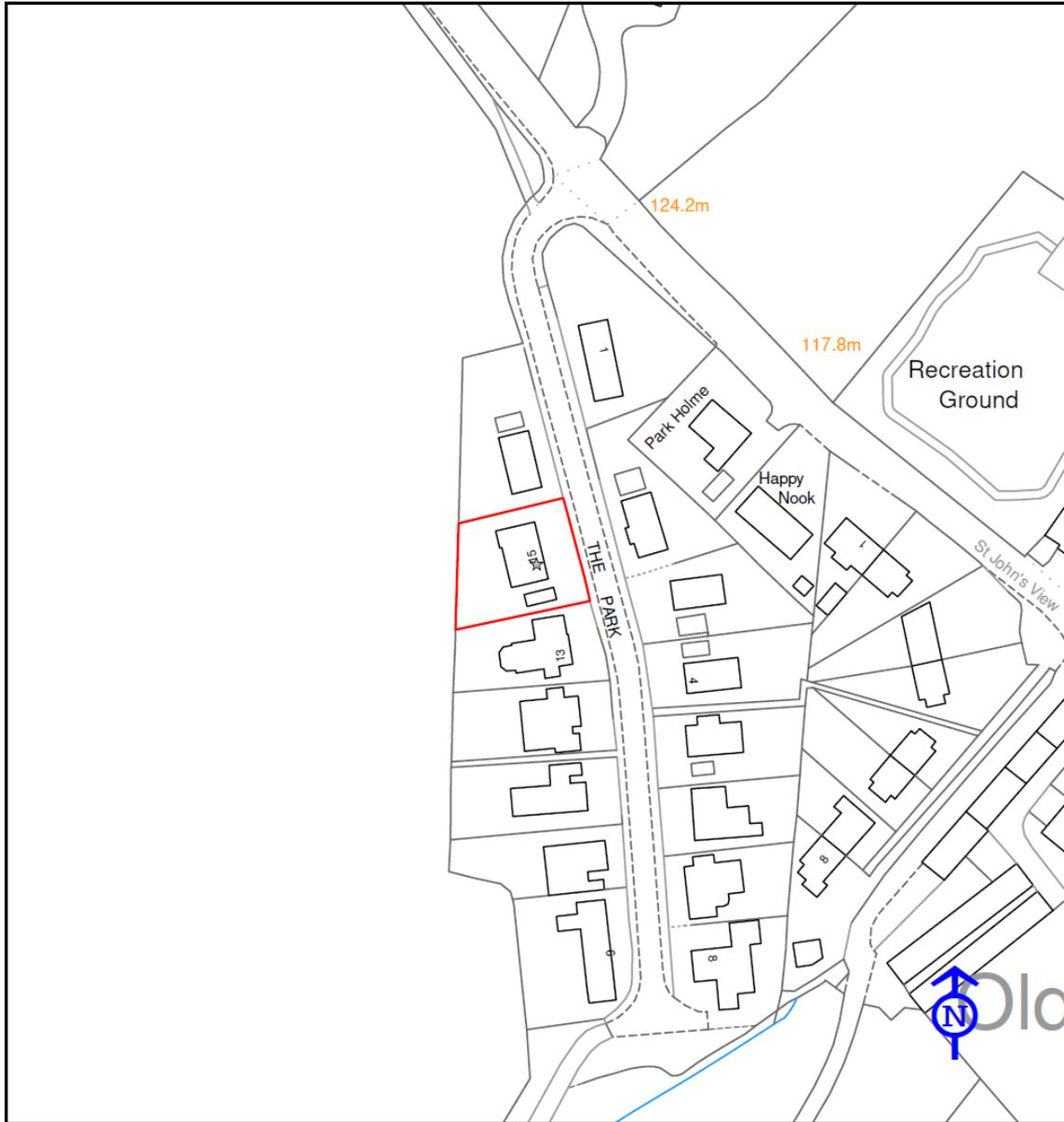
Planning Application no. SL/2021/0025  
15 The Park, Old Hutton, Kendal, LA8  
0NX

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**SL/2021/0025**

**15 The Park  
Old Hutton  
KENDAL  
LA8 0NX**

Scale: 1:1250

## Summary

SL/2021/0025

PARISH: Old Hutton & Holmescales

15 The Park, Old Hutton, Kendal, LA8 0NX

PROPOSAL: Installation of a 3m x 3.9m raised timber deck to the rear.

APPLICANT: Mr J Hignett

Grid Ref: E: 355798 N: 488690

Committee date: 29 July 2021

Case Officer: Lucy Isham

This application seeks permission to erect 3m x 3.9m raised timber deck to the rear of the property at No. 15 The Park, Old Hutton, Kendal, LA8 0NX.

The main issue to consider is whether the proposal will have significant impacts on the visual and residential amenity of the area.

The application is reported to the Planning Committee as a family member of the applicant is a member of staff. This is in accordance with the Council's Constitution and the Scheme of Delegation.

It should be noted that the description of the development read 'installation of a 4m x 3m raised timber deck to the rear'. However, from the proposed plans it is clear that the proposed deck measures 3m x 3.9m, the description has been amended accordingly, but has not been re-advertised as the change has no material affect on either visual or neighbouring amenity.

## Recommendation

The recommendation is to grant subject to conditions.

### 1.0 Description and proposal

#### Site Description

- 1.1. The site is located at No. 15 The Park, Old Hutton and is a detached property. The properties along this row have views out to open countryside at the rear. The land levels along the street slope from north to south. The rear garden is enclosed by established boundary planting.

## Proposal

- 1.2. The proposal seeks planning permission for the installation of a raised timber decking area to the rear elevation of the property. The development includes a balustrade and external access stairs.

## 2.0 Consultations

### Old Hutton & Holmescales Parish Council

- 2.1. The members of Old Hutton & Holmescales Parish Council could not understand why this application is for the decking to be built so high off ground – no justification for it is given in the application. While the application asserts that the privacy of neighbouring gardens will be maintained, there is no photographic proof that this will be so.

## Neighbours/Others

- 2.2. Neighbour Consultation letters expired 24 February 2021. No neighbour correspondence has been received in response to the letters.
- 2.3. A site notice was erected on 4 February 2021, the notice expired on 25 February 2021. No correspondence has been received in response to the site notice.

## 3.0 Relevant planning history

- 3.1. No relevant planning history.

## 4.0 Relevant planning policies

### National Planning Policy Framework

Chapter 12 Achieving well designed places

### Local Development Policies

### South Lakeland Core Strategy Policies (CS)

CS1.1 Sustainable development principles

CS8.2 Protection and enhancement of landscape and settlement character

CS8.10 Design

## South Lakeland Development Management Development Plan Document Policies (DM)

DM1 – General Requirements for all development

DM2 – Achieving Sustainable High Quality Design

DM4 – Green and Blue Infrastructure, Open Space, Trees and Landscaping

### 5.0 Assessment

#### Principle of Development and Local Plan Policy

- 5.1. A residential extension in this location is acceptable in principle and the key issues that apply to this application are:
- The impact on visual and landscape settlement character
  - The impact on residential amenity

#### Visual Amenity

- 5.2. The proposed development includes the installation of a raised decking area projecting from the rear elevation of the property, incorporating a balustrade and external access stairs.
- 5.3. The proposed scheme is not permitted development relating to the dwellinghouse, as it would consist of the provision of a raised platform with a height greater than 0.3 metres.
- 5.4. The platform of the decking area shall project 3 metres from the rear elevation of the dwellinghouse and measure 3.9 metres in width. Due to sloping land, where the ground level on which the deck is situated, is at its lowest point, to the southern elevation, the decking area is required to measure, when including the balustrade, a height of 2.4 metres above ground level. To the northern elevation, where the ground level, on which the deck is situated, is at its highest point, the deck, when including the balustrade reaches to a height of 2 metres above ground level. The raised decking area alone reaches to a height of 1.3 metres above ground level to the south of the development and 0.9 metres above ground level to the north of the development. The decking area will provide external views over the existing rear boundary hedge to the open countryside.
- 5.5. It is considered that the proposed raised decking area, with incorporated balustrade and external access stairs, is appropriate domestic development in relation to the host dwelling. By scale and design the development is subservient to the dwelling. The proposed works will not have an adverse impact on the visual amenity of the area. The proposal complies with Policies CS1.1, CS8.2 &

CS8.10 of the Core Strategy and Policies DM1 & DM2 of the Development Management Policies Development Plan Document.

## Net Biodiversity Gain

- 5.6. The National Planning Policy Framework paragraph 170 (d) requires that proposals minimise impacts on and provide net gains for biodiversity this is echoed through Local Plan Policies DM1 and DM4 of the Development Management Policies Development Plan Document which require that unless it can be demonstrated that this is not possible, all development proposals should result in net gains for biodiversity.
- 5.7. The net biodiversity gain measures proposed should be proportionate to the scale of the development. In this case the applicant shall place a hedgehog house and bird box on site.
- 5.8. It is considered that the proposed measures are an appropriate net biodiversity gain in context of the development proposed.

## Residential Amenity

- 5.9. The rear raised decking area is wholly enclosed within the rear garden of the dwelling.
- 5.10. No. 16 The Park, sits north of the proposed development. The decking area is situated 12.8 metres from the shared boundary between the properties. Land levels drop from north to south. The properties are separated by established planting on the boundary.
- 5.11. No. 14 The Park, sits to the south of the proposed development. The decking area is situated 5.4 metres from the shared boundary between the properties. Again land levels drop from north to south, when stood on the existing external access steps to the side, rear, of No. 15 the outlook is over and above the roof top of the property of No. 14. It is considered that the proposed decking area shall also have this outlook and again the properties are separated by established boundary planting.
- 5.12. As a result of the design, scale and position of the rear raised garden deck, the proposal will not cause further overbearing, overshadowing or overlooking impacts to a degree which would be harmful to the living conditions of neighbouring residents.

## Planning Balance and Conclusions

- 5.13. Local Policy and the National Planning Policy Framework both have a presumption in favour of sustainable development. Policy CS1.1 states that the development will be considered sustainable where it is of a high quality, localised and appropriate design is incorporated to retain distinctive character/ sense of

place and enhance the existing building. On balance it is considered that the proposed development complies with the principles within supporting policy due to the appropriateness of the proposed design, scale and materials.

- 5.14. The scale and design of the proposal does not adversely affect visual amenities or third party residential amenity of neighbouring properties. As a result the proposal is compliant with the requirements of the Core Strategy, Development Management Policies Development Plan Document and the National Planning Policy Framework and on balance is acceptable.

## 6.0 Recommendation

6.1. GRANT subject to:

Condition (1) The development hereby permitted shall begin not later than three years from the date of this decision.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Condition (2) The development hereby permitted shall be carried out in accordance with the following approved plans:

‘Proposed Rear Raised Garden Deck’ Drawing Number: 15TP/DECK/001

‘15TP-DECK-001-LOCN’ Plan Reference Number: TQRQM21031161214773

‘15TP-DECK-001-SITE’ Plan Reference Number: TQRQ2103116928064

As received by the Local Planning Authority 01 February 2021

Reason: For the avoidance of doubt and in the interests of proper planning.

Condition (3) The development hereby permitted shall be constructed of the materials details of which are shown on Drawing Number: 15TP/DECK/001. The approved materials shall be retained thereafter, unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure the development is of a high quality design in accordance with Policy DM2 of the Development Management Policies Development Plan Document and Policy CS8.10 of the South Lakeland Core Strategy.

Condition (4) Prior to the first occupation of the hereby approved development a hedgehog house and bird box shall be erected on site as agreed in an email received by the Local Planning Authority 01/06/2021 from the applicant of the application.

Thereafter, the approved hedgehog house and bird box shall be retained for the lifetime of the development, replaced on a like-for-like basis as necessary.

Reason To ensure net biodiversity gains in accordance with Policies DM1 & DM4 of the Development Management Policies Development Plan Document and Policies CS1.1 & CS8.4 of the South Lakeland Core Strategy.

#### P & P Statement

In the exercise of its judgement in determining the appropriate balance of considerations, the Local Planning Authority has acted positively and proactively in determining this application proposal, taking into account all material considerations. Material considerations include planning policies and any representations that may have been received preceding the determination to grant planning permission in accordance with the presumption in favour of sustainable development as set out in the National Planning Policy Framework. The Local Planning Authority is satisfied that its processes and practices are compatible with the Human Rights Act and the decisions of the European Court of Human Rights.