



## COPELAND BOROUGH COUNCIL DELEGATED PLANNING DECISION

1.	<b>Reference No:</b>	4/21/2516/OF1
2.	<b>Proposed Development:</b>	NEW FRONT ENTRANCE EXTENSION, REAR RAISED TERRACE AND ALTERATION AND REPLACEMENT OF WINDOWS AND DOORS
3.	<b>Location:</b>	CHERRY TREE HOUSE, THE GREEN, MILLOM
4.	<b>Parish:</b>	Millom Without
5.	<b>Constraints:</b>	ASC;Adverts - ASC;Adverts, Coal - Off Coalfield - Data Subject To Change
6.	<b>Publicity Representations &amp;Policy</b>	Neighbour Notification Letter: YES  Site Notice: NO  Press Notice: NO  Consultation Responses: See report  Relevant Planning Policies: See report
7.	<b>Report:</b>  <b>SITE AND LOCATION</b>  This application relates to Cherry Tree House, a detached property situated within the open countryside, approximately 0.2 miles south of The Green, Millom.  The site is spread across two levels, sloping towards the rear and it benefits from off-street parking, a front garden bound by a 2 metre high boundary wall and two existing raised terraces along the rear elevation.  <b>PROPOSAL</b>  Planning Permission is sought for the erection of a single-storey front extension with internal alterations and replacement windows and doors and the erection of an enlarged raised terrace along the rear elevation.  The extension and internal alterations will provide an enlarged entrance hall, kitchen-dining-living	

room, utility, WC, dogs room and two bedrooms with en-suites.

The extension will project 4 metres from the front elevation and will be 5.4 metres in width. It has been designed to include a cross-gable pitched roof with an overall height of 4.8 metres and an eaves height of 2.5 metres to match the existing property. The side elevation facing driveway will include the front door and a window, the front elevation will include one window and the side elevation facing the garage will be blank. It will be finished in roughcast render painted white and composite weatherboard cladding panels, blue-grey roofing slate to match the existing property and the windows and doors will be new anthracite grey aluminium. It will also be lit by 4 skylights.

The enlarged raised terrace will wrap-around the rear elevation. It will project 6.3 metres from the rear elevation of the dining room and 1.4 metres from the rear elevation of the living room and it will have an overall width of 11.8 metres. It will replace an existing raised terrace with an overall height of 2.2 metres from the lower garden level and it has been designed to include a 1.1 metre high glazed balustrade along the side and rear elevations. It will be accessed from the dining-living room and bedroom patio doors and external steps on the side elevation.

The application is supported by:

- Site Location Plan;
- Existing and Proposed Floor Plans and Elevations;
- Topographical Survey;
- Bat Scoping Survey;
- Design and Access Statement.

#### **RELEVANT PLANNING APPLICATION HISTORY**

Planning Permission has previously been granted to upgrade the garage to a facility/therapy, treatment room for personal business and possible, part time business development (reference 4/01/2694/0).

#### **CONSULTATION RESPONSES**

Millom Without Parish Council

Support the application.

Highway Authority

Standing Advice.

Lead Local Flood Authority

Standing Advice.

Natural England

Standing Advice.

Public Representation

The application has been advertised by way of neighbour notification letters issued to 2 no. properties. No objections have been received as a result of this consultation.

**PLANNING POLICIES**

Planning law requires applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

**Development Plan**

Copeland Local Plan 2013 – 2028 (Adopted December 2013)

Core Strategy

Policy ST1 – Strategic Development Principles

Policy ST2 – Spatial Development Strategy

Policy ENV3 – Biodiversity and Geodiversity

Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place

Policy DM12 – Standards for New Residential Developments

Policy DM18 – Domestic Extensions and Alterations

Policy DM22 – Accessible Developments

Policy DM25 – Protecting Nature Conservation Sites, Habitats and Species

**Other Material Planning Considerations**

National Planning Policy Framework (NPPF)

Cumbria Development Design Guide

Emerging Copeland Local Plan (ELP):

The emerging Copeland Local Plan 2017-2035 has recently been the subject of a Preferred Options Consultation. The Preferred Options Consultation builds upon the completed Issues and Options Consultation, which finished in January 2020. Given the stage of preparation, the emerging Copeland Local Plan 2017-2035 has only limited weight in decision making, but provides an indication of the direction of travel of the emerging planning policies, which themselves have been developed in accordance with the provisions of the National Planning Policy Framework.

## **ASSESSMENT**

The key issues raised by this proposal are the principle of development, its scale and design, the potential impacts on residential amenity, highway safety and protected species.

### Principle of Development

The proposed application relates to a residential dwelling close to The Green, Millom and it will provide an enlarged entrance hall, kitchen-dining-living room, utility, WC, dogs room and two bedrooms with en-suites and an enlarged raised terrace. Policy DM18 supports extensions and alterations to residential properties subject to detailed criteria, which are considered below.

On this basis, the principle of the development is therefore considered to be acceptable and the extension satisfies Policies ST2, DM18 of the Local Plan and the NPPF guidance.

### Scale and Design

Policy ST1 and section 12 of the NPPF seek to promote high quality designs. Policy DM10 and DM18 seek to ensure domestic alterations are of an appropriate scale and design which is appropriate to their surroundings and do not adversely affect the amenities of adjacent dwellings.

The proposed extension will be appropriately located to the front of the property and the raised terrace will be appropriately located to the rear of the property. Both proposals are considered to be relatively modest in scale to ensure that they appear subservient to the main dwelling. They will not be excessively prominent within the locality and it will not be overbearing for the neighbouring properties.

The design is considered to be suitable for its use. In addition, the choice of materials are considered to respect the existing character and appearance of the existing property.

On this basis, the proposal is considered to meet DM18(A) and the NPPF guidance.

### Residential Amenity

Policy ST1, Policy DM18 and section 12 of the NPPF seek to safeguard good levels of residential amenity of the parent property or adjacent dwellings. Policy DM12 requires a separation distance between directly facing habitable room windows of 21 metres to maintain privacy and overlooking standards.

Overlooking and overshadowing concerns were considered, especially given the height of the proposed raised terrace above ground level. However, as there are no neighbours directly behind the rear elevation and due to the separation distance of approximately 20 metres between the side of the proposed raised terrace and the domestic curtilage of the neighbouring property, overlooking issues are mitigated. In addition, the existing trees and planting will provide suitable screening.

In addition, given the extension will be suitably located to the front of the site, adjacent to the detached garage and behind the front boundary wall, it is not considered that the proposal will cause significant overshadowing.

On this basis, the proposal will not have a detrimental impact on the neighbouring amenity and it is considered to comply with Policies DM12, DM18 and the NPPF guidance.

#### Highway Safety

Policy DM22 encourages innovative approaches to manage vehicular access and parking to avoid vehicles dominating the street scene.

The proposed front extension will be located within the front garden and it will not interfere with the existing off-street parking provision. On this basis, the site access and off-street parking for two vehicles will remain unchanged to the front of the property. It is therefore considered that the existing driveway will provide adequate off-street parking to meet the needs of the property and the proposal will not have a detrimental effect on the existing highway conditions.

On this basis, the proposal is considered to meet Policy DM22 and the Cumbria Development Design Guide standards.

#### Protected Species

Policies ST1, ENV3 and DM25 of the Copeland Local Plan and section 15 of the NPPF outline how the Council will protect and enhance the biodiversity and geodiversity within the Borough. These policies set out the approach towards managing development proposal that are likely to have an effect on nature conservation sites, habitats and protected species.

A Bat Scoping Report has been submitted in support of the planning application.

The Bat Report confirmed that 'Cherry Tree House' has a low potential for roosting bats and that the surrounding habitat has a moderate suitability for commuting and foraging bats and therefore the potential impacts are low risk. The report also included appropriate avoidance and mitigation measures to minimise the risk of any harm to individual bats and maintain the favourable status of bats in the locality.

Following local planning guidance and in order to achieve a net gain in biodiversity, enhancement measures have been proposed. There are already a number of bird boxes around the garden, but no bat boxes and therefore it is proposed to enhance the habitat potential for bats on the site. Three bat boxes will be installed on south or west facing mature trees within the garden.

Natural England provided standing advice.

A planning condition is proposed to secure that the completion of relevant enhancement measures.

It is therefore considered that the development complies with policies ST1, ENV3 and DM25 of the Copeland Local Plan and NPPF.

#### Planning Balance and Conclusion

This application seeks to erect a single-storey front extension with internal alterations and replacement windows and doors and an enlarged raised terrace to the rear of the property. The main issue raised by the application was the potential residential amenity issues from the extension and

	<p>raised terrace.</p> <p>The proposal is considered to be acceptable in terms of scale and design and given the significant separation distances, it will not have any detrimental impact on the amenities of the adjoining properties. In addition, the proposal will not affect highway safety or protected species and it will enhance biodiversity with the provision of bat boxes. These measures can be secured by the use of a planning condition.</p> <p>On this basis, the application is considered to be acceptable form of development which accords with the policies set out within the adopted Local Plan and the guidance in the NPPF.</p>
8.	<p><b>Recommendation:</b></p> <p>Approve (commence within 3 years)</p>
9.	<p><b>Conditions:</b></p> <ol style="list-style-type: none"> <li> <p>The development hereby permitted must commence before the expiration of three years from the date of this permission.</p> <p>Reason</p> <p>To comply with Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.</p> </li> <li> <p>This permission relates to the following plans and documents as received on the respective dates and development must be carried out in accordance with them: -</p> <p>Location Plan, scale 1:1250, drawing ref 17030, received 24<sup>th</sup> November 2021;  Existing Floor Plans, scale 1:100, drawing ref TP-FLOOR-001, received 24<sup>th</sup> November 2021;  Existing Elevations, scale 1:100, drawing ref TS-ELEV-001, received 24<sup>th</sup> November 2021;  Proposed Floor Plans and Elevations, scale 1:100, drawing ref 17030-06 Rev B, received 24<sup>th</sup> November 2021;  Topographical Survey, scale 1:100, drawing ref CTM-TOPO-001, received 24<sup>th</sup> November 2021;  Bat Scoping Survey, Report no. 1121/2 November 2021, received 24<sup>th</sup> November 2021;  Design and Access Statement, ref 17030, received 24<sup>th</sup> November 2021.</p> <p>Reason</p> <p>To conform with the requirement of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.</p> </li> <li> <p>The avoidance, mitigation and enhancement measures associated with bat roosts-must be</p> </li> </ol>

	<p>implemented as part of the development hereby permitted in accordance with the details set out in the 'Bat Scoping Survey, Report no. 1121/2 November 2021' received by the Local Planning Authority on 24<sup>th</sup> November 2021. The enhancement measures must be maintained thereafter.</p> <p>Reason</p> <p>To enhance biodiversity in accordance with the provisions of Policy ENV3 of the Copeland Local Plan 2013-2028.</p> <p>4. Prior to the first use of the extension and raised terrace, a bat box must be installed within the site in accordance with the details set out in the 'Bat Scoping Survey, Report no. 1121/2 November 2021' received by the Local Planning Authority on 24<sup>th</sup> November 2021.</p> <p>Reason</p> <p>To enhance biodiversity in accordance with the provisions of Policy ENV3 of the Copeland Local Plan 2013-2028.</p> <p><b>Informative</b></p> <p>It is an offence under Wildlife and countryside Act to damage or destroy a bat roost. It is likely the applicant will need to a wildlife mitigation licence from Natural England before the work can start. For more details on how to apply for a bat mitigation licence, please follow the link:  <a href="https://www.gov.uk/government/publications/bats-apply-for-a-mitigation-licence">https://www.gov.uk/government/publications/bats-apply-for-a-mitigation-licence</a></p> <p><b>Statement</b></p> <p>The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received, and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development as set out in the National Planning Policy Framework.</p>
<b>Case Officer: C. Unsworth</b>	<b>Date : 18/01/2022</b>
<b>Authorising Officer: N.J. Hayhurst</b>	<b>Date : 19/01/2022</b>
<b>Dedicated responses to:- N/A</b>	