

**COPELAND BOROUGH COUNCIL  
DELEGATED PLANNING DECISION**

1.	<b>Reference No:</b>	4/22/2143/OF1
2.	<b>Proposed Development:</b>	PROPOSED TWO STOREY EXTENSION
3.	<b>Location:</b>	MURTON HOUSE, LAMPLUGH, WORKINGTON
4.	<b>Parish:</b>	Lamplugh
5.	<b>Constraints:</b>	ASC;Adverts - ASC;Adverts, Coal - Development Referral Area - Data Subject to Change, Coal - Standing Advice - Data Subject To Change
6.	<b>Publicity Representations &amp;Policy</b>	Neighbour Notification Letter: YES  Site Notice: YES  Press Notice: NO  Consultation Responses: See report  Relevant Planning Policies: See report
7.	<b>Report:</b>  <b>LOCATION</b>  This application relates to Murton House, a semi-detached property located approximately 0.8 miles south-west of Lamplugh.  The application site is accessed along an unclassified track off the A5086 and benefits from a large parking and garden area.  In addition, public right of way 412006 lies adjacent to the site.  <b>PROPOSAL</b>  Planning Permission is sought for the erection of two-storey extension to provide a hallway and study on the ground floor and an additional bedroom with en-suite on the first floor.	

The two-story extension will project 6.5 metres from the north-east elevation and it will have a width of 4.4 metres. It has been designed to include a pitched roof with an overall height of 6.4 metres and an eaves height to match the existing property. The north-east gable elevation will include two ground floor windows and an en-suite window on the first floor and the north-west elevation will include a two ground floor windows and an access door and a bedroom window on the first floor. The proposed extension will be finished in roughcast render with smooth render window banding, local slate and UPVC windows and doors to match the existing property.

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

Planning Permission has previously been granted for an extension to an existing implement shed at this property (ref: 4/22/2143/0F1).

#### **CONSULTATION RESPONSES**

##### Lamplugh Parish Council

No comments received.

##### Cumbria Footpath Officer

No objections.

##### Coal Authority

No objections.

##### Public Representations

The application has been advertised by way of site notice and neighbour notification letters issued to 4 no. properties - No formal objections have been received as a result of this consultation process, although a few queries were raised:-

- The loss of privacy due to second storey master bedroom with window directly facing the garden;
- The raised garden level to the rear garden of Murton Farm is the only private area due to the configuration of each dwelling and the extension will cause overlooking;
- Request no second storey windows are included in this aspect of the design;
- Construction hours and noise disturbance;
- Building timeframes.

#### **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 ENV6 – Access to the Countryside

#### 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

### **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 Publication Draft Consultation. The Publication Draft Consultation builds upon the previously completed Issues and Options and Preferred Options consultations. Given the stage of preparation of the Copeland Local Plan 2017-2035 some weight can be attached to policies within the Publication Draft where no objections have been received. The Publication Draft 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.

The following policies are relevant to this proposal:

Policy DS1PU – Presumption in favour of Sustainable Development

Policy DS6PU – Design and Development Standards

Policy H14PU – Domestic Extensions and Alterations

Policy CO6PU – Countryside Access

Policy CO7PU – Parking Standards and Electric Vehicle Charging Infrastructure

## **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, public right of way or the coal advice area.

### Principle of Development

The proposed application relates to a residential dwelling close to Lamplugh and it will provide a hallway and study on the ground floor and an additional bedroom with en-suite on the first floor. Policy DM18 supports extensions 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 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 within the site and it will be relatively modest in scale. This will ensure that the proposal appears subservient to the main dwelling and it will not be excessively prominent within the locality.

Concerns regarding the design and location of the first-floor window were raised due to loss of privacy although, the design is considered to be acceptable. Due to the orientation of the existing property and the siting of the extension, it will not be overbearing for the neighbouring properties and the design is considered to be suitable for its use.

In addition, the choice of materials and the window banding design are considered to respect the existing character and appearance of the existing property.

On this basis, the proposal is considered to meet Policy DM18 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 both the parent property and adjacent dwellings. Policy DM12 requires a separation distance between directly facing habitable room windows of 21 metres to maintain privacy and overlooking standards.

Concerns were received regarding the raised ground level within the neighbouring garden area and the loss of privacy and therefore an additional site visit was undertaken to assess the harm. It was noted, whilst there might be some element of overlooking, the separation distance between the proposed first floor window and this area will be approximately 40 metres which is considered to mitigate any adverse impacts.

In addition, the siting of the first-floor bedroom window is considered to be suitably located and due

to the separation distances of 20 metres between the proposed window and the neighbouring garden boundary, in excess of Policy DM12, the possible overlooking is not considered to cause unacceptable harm. The existing boundary fence and mature trees will also provide adequate screening and the boundary hedge planted along the edge of the boundary fence will provide suitable screening once established.

In addition, due to the orientation and the siting of the proposed extension to the north of the existing dwelling, adjacent to the recently approved extension (ref: 4/22/2113/0F1), the extension will not be excessively overbearing or cause unacceptable overshadowing or loss of light for the neighbouring properties.

Concerns were received regarding noise and disturbance during the construction period although, due to the nature of the householder development, it would not be reasonable to limit the hours of construction by use of a planning condition. Environmental Health will be able to address any noise and disturbance issues that occur during the construction phase as a statutory nuisance. In addition, the completion timeframes cannot be enforced and the commencement within three years of the permission is attached in condition 1.

On balance, it was considered that the proposal will not have any adverse impacts on the neighbours and therefore the proposal is considered to meet Policy DM18 and the NPPF guidance.

#### Highway Safety

Policy DM22 requires developments to be accessible to all users and encourages innovative approaches to manage vehicular access and parking.

The site visit confirmed the existing off-street parking to the rear of the property and the proposed garage will satisfy the needs of the dwelling and the Highway Authority requirements. The proposal is not considered to have a material effect on the existing highway conditions and therefore the proposal is acceptable.

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

#### Impact on Public Right of Way

Policy ENV6 recognises that existing Public Rights of Way are protected in law.

Public Rights of Way 412006 lies adjacent to Murton House and the Cumbria County Council Footpath Officer raised no objections to the proposal. Despite the proposed extension being visible from a small section of the Public Right of Way, it will be modest in scale and it will be viewed in the context of the existing dwelling. As such will not have any detrimental impact on the Public Right of Way. The proposal will not harm the physical footpath or the amenity of the user, although an informative note has been attached to advise the applicant of the need to ensure that the right of way remains open and un-obstructed.

Overall, therefore the proposal is considered to satisfy Policies ENV6, DM10 and the NPPF guidance.

	<p><u>Coal Advice Area</u></p> <p>Based on the site location plan, part of the application site is located within the defined Development High Risk Area and therefore the Coal Authority was consulted. The Coal Authority confirmed the householder development falls within their exemption list and therefore the Coal Authority guidance applies. In addition, the part of the site where the development is proposed lies outside of the defined High Risk Area.</p> <p>As such, it was not considered that a Coal Mining Risk Assessment was necessary to support the proposal, although an informative note for development within a coal mining area will be included on the decision notice for the applicant's information.</p> <p><u>Planning Balance and Conclusion</u></p> <p>Planning Permission is sought for the erection of two-storey extension to provide a ground floor hallway and study and a first-floor bedroom with en-suite.</p> <p>Despite receiving concerns regarding the loss of privacy and overlooking from the first floor window, the proposal is considered to be of an appropriate scale and design. Due to the significant separation distances involved and the boundary treatments it is considered that the proposal will not have any detrimental impact on the amenities of the adjoining properties. In addition, the proposal is acceptable in terms of highway safety, the public right of way and the coal mining risk area.</p> <p>On balance, it represents an 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>Application Form, received 22<sup>nd</sup> March 2022;  Location Plan, scale 1:1250, drawing reference 21/02/988-01a, received 22<sup>nd</sup> March 2022;  Site Plan, scale 1:500, drawing reference 21/02/988-01a, received 22<sup>nd</sup> March 2022;</p> </li> </ol>

Existing Floor Plans, scale 1:50, drawing reference 21/02/988-03, received 22<sup>nd</sup> March 2022;  
Existing Elevations, scale 1:100, drawing reference 21/02/988-04, received 22<sup>nd</sup> March 2022;  
Proposed Floor Plans, scale 1:50, drawing reference 21/02/988-05, received 22<sup>nd</sup> March 2022;  
Proposed Elevations, scale 1:100, drawing reference 21/02/988-06, received 22<sup>nd</sup> March 2022.

**Reason**

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.

**Informative Notes**

1. A PROW (public footpath) number 412006 lies adjacent to/runs through the site. The Applicant must ensure that no obstruction to the footpath occurs during, or after the completion of the site works.
2. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:

[www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

**Statement**

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.

**Case Officer: C. Unsworth**

**Date : 13/05/2022**

**Authorising Officer: N.J. Hayhurst**

**Date : 16/05/2022**

**Dedicated responses to:-** Letter to adjoining neighbour