

## COPELAND BOROUGH COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/22/2243/OF1	
2.	Proposed Development:	DEMOLITION OF EXISTING CONSERVATORY ON REAR & CONSTRUCTION OF SINGLE STOREY REAR EXTENSION; DEMOLITION OF EXISTING GARAGE & ERECTION OF EXTENSION TO SIDE; NEW DORMER WINDOW TO REAR ELEVATION	
3.	Location:	ST CLEERS, DRIGG ROAD, SEASCALE	
4.	Parish:	Seascale	
5.	Constraints:	ASC;Adverts - ASC;Adverts, Safeguard Zone - Safeguard Zone, Coal - Off Coalfield - Data Subject To Change, Key Species - Known Sites for Natterjack Toads, Key Species - Potential areas for Natterjack Toads, DEPZ Zone - DEPZ Zone, Outer Consultation Zone - Drigg 3KM, Outer Consultation Zone - Sellafield 10KM	
6.	Publicity Representations &Policy	Neighbour Notification Letter	Yes
		Site Notice	No
		Press Notice	No
		Consultation Responses	See Report
		Relevant Policies	See Report
7.	Report:		
	Site and Location		
		This application relates to a detached bungalow, known as St Cleers, located within the South of Seascale. The property fronts onto Drigg Road and benefits from a detached single garage.	

**Relevant Planning History**

No relevant planning history.

**Proposal**

This application seeks planning permission to demolish the existing rear glazed conservatory, and the construction of a single storey rear extension. The proposed rear extension will be located upon the footprint of the demolished conservatory and will project from the rear of the dwelling by 4.3m and will extend along this elevation by 4.8m. This proposed rear extension will benefit from a pitched roof with an eaves height of 2.52m and an eaves height of 4.2m.

This application also seeks planning permission to demolish the existing detached flat roofed garage located to the east gable of the dwelling. The garage will be replaced with a side extension and a new dormer window located within the rear roof slope of the property. The proposed side extension will project from the gable of the dwelling by 4.3m and will extend along the full width of the existing dwelling. The proposed extension will benefit from an eaves height of 2.52m and an overall height of 4.97m to match the existing dwelling. The proposed flat roofed dormer window will be located within the rear roof slope of the proposed extension and will measure 3.5m x 3.3m. It will project from the existing roof slope by 1.9m and will be finished with cedar cladding.

Internally, the proposed rear extension will create a larger open plan kitchen/dining room, and the proposed side extension will create a garage/store/utility room and a second bathroom within the ground floor of the property. A third bedroom will also be created within the roof space of the proposed side extension.

Externally, the developments will be finished white render and clay roof tiles to match the main dwelling. The development will also include the installation of Irish Oak UPVC windows and doors throughout the extension and existing dwelling. The proposed side extension will also benefit from an oak garage door to match.

**Consultation Responses**Seascale Parish Council

*7<sup>th</sup> July 2022*

No objections.

*11<sup>th</sup> August 2022*

*No objections*

Cumbria County Council – Cumbria Highways & LLFA

As this falls under our Service Level Agreement (SLA) with your Council, this application does not need to be submitted to the Local Highway Authority or Lead Local Flood Authority; subject to the highway and drainage aspects of such applications being considered in accordance with the Agreement.

The highway and drainage implications of this application would therefore have to be decided by the Local Planning Authority.

Public Representation

This application has been advertised by way of neighbour notification letters issued to three properties. One letter of objection has been received in relation to this application raising the following concerns:

- Additional window in top of garage on the gable end of extension will overlook adjacent bedrooms, kitchen, dining room and garden. This is an invasion of privacy consequently leading to loss of amenity.
- Side entrance door of garage is very close to adjacent bedrooms and can cause disturbance. Window also included.
- Current garage never used.
- Side extension is too close to boundary of neighbouring property. It will cause stress and affect well-being.
- The applicant does not own the land subject to this application. Land has previously been taken from the adjacent residential property. Actually the boundary of site is much further into plot than currently stated.

Following the receipt of amended information, all neighbours and objectors were reconsulted on this application. One letter of objection has been received in relation to this application raising the following concerns:

- The boundary line is not correct. The original boundary hedge has been removed without permission. A wall has been erected to stop further encroachment but this is not the true boundary.
- Access to garage is an issue.
- The original boundary should be reinstated and a clause added to confirm that maintenance is allowed.
- The upper window on the south elevation will look directly into a bedroom. Ground floor

rooms will be protected by existing wall.

- If ventilation is required the window should be top opening and glazed with opaque glass.
- Side opening window will defeat the object of it being opaque.
- The window on the side of the neighbours garage/workshop should not be blocked of light.

### **Planning Policy**

Planning law requires that 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 – Strategic Development Principles

ENV3 – Biodiversity and Geodiversity

##### Development Management Policies (DMP)

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 (2021)

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.

Strategic Policy DS1PU: Presumption in favour of Sustainable Development

Strategic Policy DS3PU: Settlement Hierarchy

Strategic Policy DS4PU: Settlement Boundaries

Policy H14PU: Domestic Extensions and Alterations

Policy CO7PU: Parking Standards and Electric Vehicle Charging Infrastructure

### **Assessment**

The main issues raised by this application relate to the principle of the development; scale, design and impact on amenity; parking/highway issues; and impact on ecology.

#### Principle of Development

The proposed application relates to a residential dwelling within Seascale and will increase the living accommodation within the property. 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, and the NPPF guidance.

#### Scale, Design and Impact on Amenity

Policy ST1 and section 12 of the NPPF seek to safeguard good levels of residential amenity. Policy DM18 seeks 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 application seeks to replace a rear glazed conservatory with a new rear extension. The proposed extension will be located upon the footprint of the existing conservatory, and although larger in scale is not considered to create an unacceptable adverse impact on the adjoining property, Aviemore. The development will reduce the potential for overlooking of the adjacent residential property as the existing structure is fully glazed, whilst the proposed extension only benefits from a high level window facing towards the neighbours property. Although the proposal will have some impacts on the neighbouring property, the existing conservatory already results in the loss of light for elements of the dwelling, and the use of a pitched roof within the development will lessen these impacts. The fall-back position for this site also has to be considered as the proposed rear extension is only 0.2m over the permitted height and 0.5m beyond the rear projection allowed under Part 1 Class A of the Town and County (General Permitted Development) Order 2015. These slight increases are not considered to have demonstrable harm on the adjoining property. No objections have been received in relation to the rear extension from neighbouring properties.

Concerns have been raised from the occupiers of a neighbouring property regarding the impact on

the side extension of amenity space and ownership of the land. Based on these concerns the applicant has submitted amended plans to show the proposed window within the roof space of the property fitted with obscure glazing. This will ensure that the development meets required separation distances and does not create overlooking concerns or loss of amenity space for this neighbouring property. An appropriately worded planning condition will be placed upon any decision to ensure that this obscure glazing is fitted and retained as part of this development.

The proposed side extension will replace the existing flat roof garage located to the east of the site. Concerns have also been raised from the occupiers of the neighbouring properties regarding the proximity of the extension to the adjacent property and the impact on their amenity. The proposed extension will be sited upon the footprint of the existing garage and will only project a further 0.3m towards the neighbouring property, retaining a maximum of 7.52m and a minimum of 1.55m, from the boundary of the site. The development is therefore considered to retain adequate separation with the adjacent dwelling and will not be overbearing. Although the development will include ground floor side facing windows and a door these are not considered to create overlooking or impact on amenity due to the distance from the boundary and the existing boundary treatment at this site.

Concerns have also been raised with regard to the ownership of the land and the current boundaries for the site. The applicant has however signed the ownership certificate A on the submitted application form and has also submitted a title plan from the land registry confirming the land within the ownership of St Cleers. Any disputes regarding land ownership and boundaries are a private legal matter and cannot be considered as part of the planning process.

Overall, the scale and design of the development is acceptable in relation to the parent property and the neighbouring properties and will not have a detrimental impact on either residential amenity or the overall streetscene. Whilst confirmation has been made that the development will only be utilised for purposes ancillary to the main dwelling, and efforts have been made to ensure the side extension is internally linked to the main dwelling, an appropriately worded planning condition is proposed to ensure that this element of the development will only be used as ancillary accommodation and cannot be sold or let separately from the main property.

On this basis the development is considered to comply with the requirements of Policy DM18 of the Copeland Local Plan and the provisions of the NPPF.

#### Parking/Highways issues

Policy DM22 of the Copeland Local Plan requires developments to be accessible to all users and to meet adopted car parking standards, which reflect the needs of the Borough in its rural context.

The proposed development seeks to create an additional bedroom within the property increasing the number of bedrooms at the site from 2 to 3. Although the existing garage is to be demolished it will be replaced with a larger attached garage incorporated into the proposed extension. The property

	<p>currently benefits from a large driveway to the front of the property which will remain unaltered by the development. Adequate onsite parking provision is therefore retained at this site meaning the development will not have an adverse impact on highway conditions.</p> <p>Cumbria Highways have offered no comments on this application.</p> <p>The proposal is therefore considered to comply with policies DM22 of the Copeland Local Plan 2013 – 2028 and the provisions of the NPPF.</p> <p><u>Ecology</u></p> <p>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.</p> <p>The application site is identified as an area known for natterjack toads. The application is not supported by any ecology details as the site is not located within 200m of a watercourse (as indicated within the ALGE trigger list), and is located within the centre of a built up residential area. On this basis it is considered that this is not a habitat that is likely to contain natterjack toads and so it would not be necessary to seek an ecological survey for this minor application. Furthermore the development will be located upon the footprint of an existing extensions and hardstandings and therefore will not disturb any habitats.</p> <p>It is therefore considered that the development complies with policies ST1, ENV3 and DM25 of the Copeland Local Plan and NPPF.</p> <p><u>Planning Balance &amp; Conclusion</u></p> <p>The proposed alterations are of an appropriate scale and design and will not have any detrimental impact on the amenities of the occupiers of the adjoining properties. Conditions are proposed to ensure that the gable roof space window is fitted with obscure glazing to protect the amenity of the adjacent property and also to ensure that the extension is used as ancillary accommodation to the main dwelling.</p> <p>The development is not considered to have a detrimental impact on ecology given the location and nature of the surrounding area. The proposal therefore 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. **Conditions:**

Standard Conditions:

1. The development hereby permitted must be commenced before the expiration of three years from the date of this permission.

Reason

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

2. 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:-
  - Site Location Plan (Amended), Scale 1:1250, received by the Local Planning Authority on the 1<sup>st</sup> July 2022.
  - Application Form, received by the Local Planning Authority on the 6<sup>th</sup> June 2022.
  - Location and Construction Plan (Amended), received by the Local Planning Authority on the 1<sup>st</sup> July 2022.
  - Existing and Proposed Roof Plan (Amended), Scale 1:100, Drawing No: DB02, received by the Local Planning Authority on the 1<sup>st</sup> July 2022.
  - Existing & Proposed North Elevation (Front) (Amended), Scale 1:50, Drawing No: DB03, received by the Local Planning Authority on the 1<sup>st</sup> July 2022.
  - Existing & Proposed South Elevation (Rear) (Amended), Scale 1:50, Drawing No: DB04, received by the Local Planning Authority on the 1<sup>st</sup> July 2022.
  - Existing & Proposed East Elevation (Side) (Amended), Scale 1:50, Drawing No: DB05, received by the Local Planning Authority on the 27<sup>th</sup> July 2022.
  - Existing & Proposed West Elevation (Side) (Amended), Scale 1:50, Drawing No: DB06, received by the Local Planning Authority on the 1<sup>st</sup> July 2022.
  - Block Plan: Existing & Proposed inc Boundaries (Amended), Scale 1:200, Drawing No: DB07, received by the Local Planning Authority on the 1<sup>st</sup> July 2022.
  - Existing Ground Floor Plan (Amended), Scale 1:50, Drawing No: DB09, received by the



Local Planning Authority on the 1st July 2022.

- Proposed Ground Floor Plan (Amended), Scale 1:50, Drawing No: DB10, received by the Local Planning Authority on the 1st July 2022.
- Attic Roof including Dormer Window (Amended), Scale 1:50, Drawing No: DB11, received by the Local Planning Authority on the 14th July 2022.
- Proposed East Elevation (Side) including Dormer, Scale 1:50, Drawing No: DB12, received by the Local Planning Authority on the 27<sup>th</sup> July 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.

Prior to Occupation Conditions:

3. Prior to the first occupation of the side extension hereby approved, the window located within the roof space of the east elevation must be fitted with grade 5 obscuring glazing in line with the following approved plans
  - Existing & Proposed East Elevation (Side) (Amended), Scale 1:50, Drawing No: DB05, received by the Local Planning Authority on the 1<sup>st</sup> July 2022.
  - Attic Roof including Dormer Window (Amended), Scale 1:50, Drawing No: DB11, received by the Local Planning Authority on the 14th July 2022.

Once installed the obscure glazing must be permanently retained at all times thereafter.

Reason

To safeguard the amenities of occupiers of adjoining properties

Other Conditions:

4. The side extension hereby permitted must not be occupied at any time other than for purposes ancillary to the residential use of the dwelling, known as St Cleers, Drigg Road, Seascale, and must not be independently occupied let or sold as a separate permanent dwelling, or used for any business purposes whatsoever.

	<p>Reason</p> <p>The side extension is not considered appropriate for use as a separate residential unit.</p> <p>5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as Amended) (or any order revoking or re-enacting that order with or without modification), no additional windows shall be installed within the east gable elevation of the side extension hereby approved.</p> <p>Reason</p> <p>To safeguard the amenities of occupiers of adjoining properties</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>	
<p><b>Case Officer:</b> C. Burns</p>		<p><b>Date :</b> 09.08.2022</p>
<p><b>Authorising Officer:</b> N.J. Hayhurst</p>		<p><b>Date :</b> 12.08.2022</p>
<p><b>Dedicated responses to:-</b></p>		