

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/23/2056/0F1
2.	Proposed Development:	EXTENSION TO SIDE OF PROPERTY & COMPOSITE WOODEN DECKING TO FRONT OVER EXISTING YARD (RETROSPECTIVE)
3.	Location:	OCEAN EDGE, BRAYSTONES
4.	Parish:	Lowside Quarter
5.	Constraints:	ASC;Adverts - ASC;Adverts, Safeguard Zone - Safeguard Zone, Coal - Off Coalfield - Data Subject To Change, Key Species - Potential areas for Natterjack Toads, DEPZ Zone - DEPZ Zone, Outer Consultation Zone - Sellafield 10KM
6.	Publicity Representations & Policy	Neighbour Notification Letter: YES Site Notice: YES Press Notice: NO Consultation Responses: See report Relevant Planning Policies: See report
7.	Report: LOCATION	This application relates to Ocean Edge, a detached bungalow located on the sea front near Braystones. The property is accessed along an unclassified beach track and is bound by the railway to the rear and a public right of way to the front.

PROPOSAL

Retrospective Planning Permission is sought for the retention of a single-storey side extension and composite wooden decking to the front over the existing yard.

The extension has provided an enlarged kitchen/living room with along with renovations to the two bedrooms, a study and a bathroom. The dwelling now has an overall length of 42.4 metres and a depth of 14 metres. It continues the pitched roof with an overall height of 7.6 metres and an eaves height of 4.34 metres. It has been finished with render, grey roof tiles and grey UPVC windows and doors.

The decking projects 6 metres from the front of the dwelling and has a height of 0.3 metres. It has been constructed out of grey composite decking.

RELEVANT PLANNING APPLICATION HISTORY

There have been no previous planning applications at this property.

CONSULTATION RESPONSES

Lowside Quarter Parish Council

1st and 2nd consultation - No comments have been received.

Network Rail

1st and 2nd consultation - Objection.

The development is located on Network Rail land and they were not consulted prior to the works in November 2021 and have not consented to the building extension works. Believe a retrospective consent will not be forthcoming and constitutes illegal occupation.

Should the applicant have any queries then please get them to email:

PropertyServicesNWC@networkrail.co.uk MFAO Kay Uka.

Flood and Coastal Defence Engineer

1st consultation - In general terms I object to development on the beach, as it isn't a sustainable location to reside.

However, as this is a retrospective application, I will make a couple of comments.

- The site is in Flood Zone 1, but this does not take into account the effects of climate change and sea level rise.
- Coastal erosion is currently estimated to be between 4m and 8m in the short term, 10m and 20m in the medium term and between 20m and 40m in the long term.

2nd consultation – No further comments added.

Public Representations

The application has been advertised by way of site notice and neighbour notification letters issued to 3 no. properties.

One objection has been received as a result of the 1st consultation, which raised the following concerns:

- The dimensions are more than what has been said, the footprint cannot be made bigger, only improvements to the existing property;
- They should have had permission from the railway and they have dug out the railway bank to develop this property which is extremely dangerous;
- Impact and reduction on neighbouring parking space;
- They have built small outbuilding that they rent out which does not have planning permission.

2nd consultation – No further comments received.

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

On 1st April 2023, Copeland Borough Council ceased to exist and was replaced by Cumberland Council as part of the Local Government Reorganisation of Cumbria.

Cumberland Council inherited the local development plan documents of each of the sovereign Councils including Copeland Borough Council, which combine to form a Consolidated Planning Policy Framework for Cumberland.

The inherited local development plan documents continue to apply to the geographic area of their sovereign Councils only.

The Consolidated Planning Policy Framework for Cumberland comprises the Development Plan for Cumberland Council until replaced by a new Cumberland Local 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 DM18 – Domestic Extensions and Alterations

Policy DM22 – Accessible Developments

Policy DM24 – Development Proposals and Flood Risk

Policy DM25 – Protecting Nature Conservation Sites, Habitats and Species

Other Material Planning Considerations

National Planning Policy Framework (NPPF)

Wildlife and Countryside Act 1981

Emerging Copeland Local Plan 2021-2038 (ELP):

Cumberland Council are continuing the preparation and progression to adoption of the emerging Copeland Local Plan 2017-2038.

The emerging Copeland Local Plan 2017-2038 comprising the Publication Draft (January 2022) and Addendum (July 2022) have recently been examined by the Planning Inspector and their report on the soundness of the plan currently remains awaited.

As set out at Paragraph 48 of the National Planning Policy Framework (NPPF), Local Planning Authorities may give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan; the extent to which objections to relevant policies have been resolved; and the degree to which emerging policies are consistent with the NPPF.

Given the stage of preparation of the emerging Copeland Local Plan 2017-2038 some weight can be attached to policies where no objections have been received or objections have been resolved. The Publication Draft (January 2022) and Addendum (July 2022) 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 NPPF.

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

ASSESSMENT

The key issues raised by this proposal are the principle of development, its scale and design

and the potential impacts on residential amenity, highway impact and parking, the public right of way, flood risk and ecology.

Principle of Development

The proposed application relates to a residential dwelling at Braystones and it provides a side extension and front decking. The Council Tax department have confirmed the property has been registered as a dwelling since 01/04/1996 and therefore Policy DM18 applies.

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 in accordance with 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.

One objection was received regarding the scale of the development and that it cannot be made bigger than the existing property. Although in accordance with Policy DM18, the retrospective side extension is considered to be relatively modest in scale and appropriately located within the site. Following a review of the Council's GIS mapping system and the previous structure, the proposal is not significantly larger than the previous smaller side extension and this will ensure that it will not appear excessively prominent within the locality. The design is also considered to be suitable for its use and the choice of materials are considered to respect the existing character and appearance of the original property.

However, due to the front decking height from ground level and in the interest of safety, it is considered appropriate to condition the installation of a front balustrade. The details can be secured by the use of a planning condition to be agreed with the Planning Department prior to installation.

The objection also made claims that the development was dangerous as part of the railway bank has been dug out. Network Rail have been consulted as part of the application consultation and they have raised an objection regarding the development being located on their land and that they were not consulted prior to the works in November 2021 nor have they given consent to the building extension works. The application form ownership certificate was updated to reflect this information but ownership and consent are private matters. As this is not a material planning consideration and it cannot be taken into account in the application assessment and Network Rail should follow this up separately as a land ownership issue.

On this basis, subject to the inclusion of the planning condition, 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.

Whilst potential amenity issues between the proposed extension and the neighbouring properties were considered, the extension is relatively modest in scale and design. It is appropriately located to the side of the parent property and the separation distances to the neighbouring properties ensure the extension and decking does not result in a significant reduction in daylight or appear excessively overbearing for the neighbouring properties.

The objection also raised concerns that an outbuilding has been erected and it is being rented out. This will be investigated separately by the Enforcement Officer as this does not relate to the current application which is for an extension to the building.

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

Highway Impact and Parking

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

The site is accessed along an unclassified road and the site visit confirmed there is adequate parking in the wider area. The site visit also confirmed that the application site benefits from a parking space adjacent to the dwelling.

The objection received to the application noted that the neighbouring parking had been shortened as a result of this development but this appears to be more of a private matter.

On this basis, the proposal is considered acceptable under Policy DM22 of the Copeland Local Plan.

Public Right of Way

The site visit confirmed the PROW runs along the access track to the front of the dwelling and although the proposed extension and decking is visible from a small section of the Public Right of Way, it is modest in scale and viewed in the context of the existing residential dwelling. As such, the proposal is not considered to harm the physical footpath or the amenity of the user.

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

Flood Risk

Flood and Coastal Defence Engineer originally objected to development on the beach, as it isn't a sustainable location to reside. However, the principle as a dwelling has already been established and, given the location, the occupant will be aware of the effects of climate change and sea level rise.

	<p>It was also noted that coastal erosion is currently estimated to be between 4m and 8m in the short term, 10m and 20m in the medium term and between 20m and 40m in the long term.</p> <p>On this basis, the level of flood risk with regards to climate change and coastal erosion is considered to be acceptable and satisfy DM24 of the Copeland Local Plan.</p> <p><u>Ecology</u></p> <p>Policy ST1, ENV3 and DM25 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 proposals that are likely to have an effect on nature conservation sites, habitats and protected species.</p> <p>The application site is identified as a potential area for natterjack toads. The application is not supported by any ecology details as the developed site is not considered to represent a habitat that is likely to contain natterjack toads. On this basis and given the retrospective nature of the development, it would not be necessary to seek an ecological survey for this minor application.</p> <p>It is therefore considered that the development complies with Policies ST1 and DM25 of the Copeland Local Plan and the NPPF guidance.</p> <p><u>Planning Balance and Conclusion</u></p> <p>Overall, the retrospective single-storey side extension and front decking is considered to be of an appropriate scale and design and will not have any detrimental impact on the amenities of the adjoining properties, highway conditions, the public right of way, flood risk or ecology. The installation of a balustrade can be secured by the use of a planning condition to ensure installation within a six month time period.</p> <p>Objections from Network Rail relates to private matters and are for Network Rail to follow up separately. The other planning concerns raised which relate to an outbuilding do not specifically relate to this planning application will be logged and investigated by the Planning Enforcement Officer.</p> <p>Overall, the proposal 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>Recommendation:</p> <p>Approve (commence within 3 years)</p>
9.	<p>Conditions:</p> <ol style="list-style-type: none"> 1. 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:-

Application Form, received 28th February 2023;
Site Location Plan, scale 1:1250, received 28th February 2023;
Original Site Layout Plan, scale 1:500, received 28th February 2023; Proposed Site Layout Plan, scale 1:500, received 28th February 2023;
Original Floor Plan and Elevations, scale 1:100, drawing no. 10/02/2023, received 28th February 2023;
Existing/Proposed Floor Plans and Elevations, scale 1:100, drawing no. 10/02/2023, received 28th February 2023.

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.

2. Within six months of the date of this permission, a balustrade on the front of the decking must be installed. Details of the balustrade must be submitted to and approved in writing by the Local Planning Authority prior to the installation. Development shall be carried out in accordance with the approved details and retained as such at all times thereafter.

Reason

To ensure satisfactory appearance of the development in accordance with Policy DM18 of the Copeland Local Plan.

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.



**Cumberland
Council**

Case Officer: C. Unsworth	Date : 26/07/2023
Authorising Officer: N.J. Hayhurst	Date : 31/07/2023
Dedicated responses to:- Network Rail	