

## CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	<b>Reference No:</b>	4/23/2072/0F1
2.	<b>Proposed Development:</b>	SINGLE STOREY REAR EXTENSION FORMING EXTENDED KITCHEN AND DINING ROOM
3.	<b>Location:</b>	6 MILL PARK, THE GREEN
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>  <p>This application relates to 6 Mill Park, an end terraced property situated on an existing housing estate within The Green, Millom. The site benefits from a modest size garden to the rear which backs on to open green space.</p> <b>PROPOSAL</b>  <p>Planning Permission is sought for the erection of a single storey rear extension.</p> <p>The rear extension will provide an extended kitchen/dining area and will be of an L-shaped configuration. It will have an overall width of 6 metres, and it will project 1.932 metres on the side adjacent to the adjoining neighbour, no.7. and will project 4.07 meters on the side elevation facing the neighbour, no. 5. The roof design includes a lean-to and gable pitched</p>	

roof with an eaves height of 2.9 meters and an overall height of 4.097 meters.

It has been designed to include a glazed access door and floor-to-ceiling windows either side on the rear elevation with steps to the garden level and an apex window on the gable extension which forms the dining room.

The side elevation facing the adjoining neighbour will be blank and the side elevation facing the garden and no. 5 will include two windows. It will also be lit by 4 roof lights.

The extension will be finished in light render, with slate like roof tiles and UPVC windows and doors to match the existing house.

## **RELEVANT PLANNING APPLICATION HISTORY**

None relevant.

## **CONSULTATION RESPONSES**

### Millom Town Council

#### **1<sup>st</sup> response**

The council resolved not to support this application for the following reasons:

- Concerns that the development would be placed over a main drain.
- Concerns regarding the close proximity of the development to the boundary line i.e., actually on the line, where it would be possible for the building to encroach onto the adjoining property during the build process.

#### **2<sup>nd</sup> response**

At the meeting of the Parish Council on 5 June 2023, the above application was considered, and the council resolved to support the application.

### Public Representations

The application has been advertised by way of neighbour notification letters issued to 2 no. properties - 1 letter of objection has been received as a result of this consultation process, which raised the following issues:

- Concerns that the proposed extension walls will decrease natural daylight from noon onwards. The proposed apex roof will also decrease sunlight into garden.
- Concerns that the proposed extension would require the boundary fence to be removed, and concerns with foundations being built on/over boundary, which would disturb patio as a result.



## Cumberland Council

- Concerns regarding the extension to be built over existing main drain, and unnecessary disruption if the drain is to be redirected.

A second round of consultation resulted in the submission of 1 letter of objection which reiterated the original concerns as set out above,

### **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 the 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 (CS):**

- Policy ST1 – Strategic Development Principles
- Policy ST2 – Spatial Development Strategy

##### **Development Management Policies (DMP):**

- Policy DM10 – Achieving Quality of Place Policy
- Policy DM18 – Domestic Extensions and Alterations

#### **Other Material Planning considerations:**

National Planning Policy Framework (NPPF)

Cumbria Development Design Guide

### **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.

#### Principle of Development

The proposed application relates to a residential dwelling within The Green, Millom, to provide an extended kitchen/dining space at the rear for the parent 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 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.



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Some concerns were raised with the original proposal which was to be built on to the boundary with the adjacent neighbour at number 7 Mill Park. Following discussions with the agent regarding these concerns, it was agreed that amended drawings would be submitted which step the proposed extension off the boundary to allow for maintenance. It was also discussed that the applicant should seek the appropriate advice regarding any build over agreements that may be required.

Under current Permitted Development regulations, a rear extension on a terraced dwelling can project 3 metres from the original dwellinghouse with a height not exceeding 4 metres without Planning Permission. This is considered to be a fallback position which is a material consideration in determining this application.

Given that the proposal is only approximately 1 metre larger than what is considered Permitted Development, the proposal is not considered to be inappropriate in terms of scale and is considered to respect the character and appearance of the existing dwelling and wider residential area. The scale and design is therefore considered to be acceptable.

In addition, the choice of materials proposed for the extension will match the existing dwelling. On balance, 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 amenity issues between the proposed extension and neighbouring properties were considered, the development is considered to be suitably located within the site.

Whilst the extension may create some overshadowing for the neighbouring property, given what is acceptable under current Permitted Development Regulations, the extension is considered to be appropriately sited within rear garden. In addition, taking into account the orientation of the existing dwelling and proposed L-Shaped design, the extension is not considered to cause significant overdominance on the neighbouring property.

The scale and design is not considered to be significantly dominant within the locality and the side elevation adjacent to number 7 Mill Park has been left blank with no openings proposed which will mitigate any overlooking issues.

Whilst a larger window on the apex gable is proposed, this overlooks an open field to the rear. The addition of 4 rooflights are not considered to create any additional overlooking issues. Further privacy concerns can also be safeguarded with the use of a condition which removes the right to install any further openings within the extension without the prior consent from the Local Planning Authority.

In addition, given the close proximity of the extension to the neighbouring dwelling, it is considered reasonable to impose a planning condition to ensure that the extension is finished as per the proposed materials within a specified period of the extension being brought into

	<p>use to ensure a satisfactory appearance of the extension in the interests of visual amenity.</p> <p>As set out above under current Permitted Development regulations, a rear extension on a terraced dwelling can project 3 metres from the original dwellinghouse without Planning Permission. This is considered to be a fallback position which is a material consideration in determining this application.</p> <p>On balance, taking into account the siting and orientation of the proposal within this modest sized site, what is allowed under current Permitted Development Rights and the use of appropriately worded planning conditions which would help to mitigate the concerns raised by the objectors, it is considered that the proposal will not have a significant detrimental impact on the neighbouring amenity. It is therefore considered that the proposal will meet Policy DM18 and the NPPF guidance.</p> <p><u>Planning Balance and Conclusion</u></p> <p>The extension, as amended, is considered to be an appropriate scale and design and would be suitably located within the site.</p> <p>In addition, given the proposed siting and orientation, and what is possible under Permitted Development, the proposal will not have any significant detrimental impact on the amenities of the adjoining properties.</p> <p>Planning conditions are proposed to ensure that the extension is finished appropriately and also to prevent the installation of new openings without consent from the Local Planning Authority. This will protect residential amenity.</p> <p>On balance, 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>1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.</li> </ol> <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>



## Cumberland Council

2. Permission shall relate to the following plans and documents as received on the respective dates and development shall be carried out in accordance with them:
- Application Form, received 13<sup>th</sup> March 2023;
  - Location plan, scale 1:1250, drawing no NVC908-01 Rev B, received 13<sup>th</sup> March 2023;
  - Existing ground floor plans & elevations, scale 1:50 drawing no NVC908-01 Rev B, received 13<sup>th</sup> March 2023.
  - Proposed ground floor plans & elevations, scale 1:50 drawing no NVC908-02 Rev C (amended), received 2<sup>nd</sup> June 2023;
  - Site Plan, scale 1:200, drawing no NVC908-02 Rev C (amended), received 2<sup>nd</sup> June 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.

3. Prior to the first use of the extension hereby approved, the external walls shall be finished with render in accordance with the details shown on the approved plans. The development shall be carried out in accordance with the approved details and shall be maintained as such at all times thereafter.

### Reason

To ensure a satisfactory appearance of the building in the interests of visual amenity.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order) no new openings shall be installed on any elevation of the extension without prior written consent from the Local Planning Authority.

### Reason

To protect residential amenity in accordance with Policy DM18 of the Copeland Local Plan.

	<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: Demi Crawford</b></p>	<p><b>Date : 19/07/2023</b></p>
<p><b>Authorising Officer: N.J. Hayhurst</b></p>	<p><b>Date : 19/07/2023</b></p>
<p><b>Dedicated responses to:-</b></p>	