

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/23/2094/0F1
2.	Proposed Development:	ALTERATIONS AND EXTENSION TO EXISTING LOFT EXTENSION AND GROUND FLOOR
3.	Location:	SHEELIN, WOODEND, EGREMONT
4.	Parish:	Egremont
5.	Constraints:	ASC;Adverts - ASC;Adverts, Coal - Standing Advice - Data Subject To Change, Key Species - Potential Area for Great Crested Newts, Outer Consultation Zone - Sellafield 10KM
6.	Publicity Representations &Policy	Neighbour Notification Letter: YES Site Notice: NO Press Notice: NO Consultation Responses: See report Relevant Planning Policies: See report
7.	Report: SITE AND LOCATION This application relates to Sheelin, a detached property located within Woodend, Egremont. The site benefits from a large front and rear garden which is spread across two levels. PROPOSAL Planning Permission is sought for the erection of an extension to the existing loft dormer extension and the ground floor. The extension and alterations will provide an enlarged	

bathroom, games room, bedroom, dining room on the ground floor and two additional bedrooms and a study on the loft floor level. The proposal also includes the installation of two velux windows on the front elevation.

The extension will project 2.4 metres from the rear elevation and will be 9 metres in width to infill the rear corner. It has been designed with a flat roof and it will have an overall height of 5.5 metres. The rear elevation has been designed to include two patio doors and two windows and the side elevation will be blank.

The dormer extension will project up to the rear elevation of the extension and it will have an overall width of 9.4 metres. It has been designed with a flat roof and it have a height of 2.8 metres above the existing utility projection. It will be sit just below the existing ridge-line and the rear elevation will include three windows and the side elevations will be blank.

The extension and dormer will be finished with stone facing render and timber cladding, tiles and new grey single ply roof membrane and UPVC windows and doors to match the existing dwelling.

RELEVANT PLANNING APPLICATION HISTORY

Planning Permission has previously been granted for:

- The erection of a two-storey extension (ref: 4/93/0023/3);
- The erection of a rear extension and extension to rear dormer window (ref: 4/21/2517/0F1).

CONSULTATION RESPONSES

Egremont Town Council

First Consultation: No objections.

Second Consultation: No objections.

Public Representations

First Consultation:

The application has been advertised by way of neighbour notification letters issued to 5 no. properties.

Four letters of objection have been received which raised the following concerns:

- The number of proposed/potential bedrooms and proposed floor area are disproportionate to the existing property, parking amenity and surrounding properties and it would over develop the site;
- Concerns with the proposed cladding material which is unique to the building, not in keeping with the surrounding properties and is visible from the public highway to the



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rear in winter months or permanently if the trees and hedges were pruned;

- Proposal not in keeping with the context or scale of the area;
- Plans do not accurately detail the current living accommodation and concerns regarding games room and potential detached self-contained annexe as further living accommodation;
- Concerns that plans are unclear – whether the property would become a three-floor property or remain as its current one and a half floor property;
- Concerns with the layout, with an additional staircase and a number of bedrooms not accessing the main staircase;
- Concerns regarding the number of bedrooms and property to be used as a House of Multiple Occupancy or for non-domestic use;
- Concerns with the ownership certificate and ownership;
- Insufficient parking, concerns regarding width of front parking area and dispute over parking/turning area;
- Restrictive covenants within property deeds;
- Volume of traffic during construction and inadequate access of large construction vehicles along the single track shared access;
- Concerns with other construction related matters;
- Drainage and sewage capacity of the septic tank.

Second Consultation:

Three letters of objection have been received which raised the following concerns:

- Acknowledge comments from the agent but still have concerns listed above;
- Property remains grossly unbalance to its neighbours, visible from the road to the rear;
- Parking concerns repeated;
- Concerns regarding the purpose of such a large property (HMO) repeated;
- Construction works concerns repeated;
- Sewage concerns repeated;
- Outbuilding and additional room concerns;
- Overlooking concerns.

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

Policy ST1 – Strategic Development Principles

Policy ST2 – Spatial Development Strategy

Policy ENV1 – Flood Risk and Risk Management

Policy ENV3 – Biodiversity and Geodiversity

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)

Cumbria Development Design Guide

Wildlife and Countryside Act 1981

Emerging Copeland Local Plan (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.

The Planning Inspector has now issued their post hearing letter, which identifies the next steps for the Examination. This includes proposed modifications to the plan to ensure a sound plan on adoption

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 safety, drainage or ecology.

Principle of Development

The proposed application relates to a residential dwelling within Woodend, Egremont and it will provide an enlarged bathroom, games room, bedroom, dining room on the ground floor and two additional bedrooms and a study on the loft floor level. 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 and new garage satisfy 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.

Significant concerns have been received which raise issues relating to the scale of the extension, number of bedrooms and the design of the proposal which are not considered to be in keeping with the existing property or wider residential area. These concerns were raised with the agent and additional justification was provided.

The proposal will extend the existing bathroom, ground floor living rooms along with providing two additional bedrooms for his children and a study. It will not be used as a separate bed and breakfast, House of Multiple Occupancy etc. The extension will create a 7 bedroom property with a study or a 8 bedroom property and therefore given the concerns, it is considered appropriate to attach a planning condition to control the use of the additional accommodation and ensure the whole site will be retained as one planning unit. In addition, the concerns regarding the additional staircase not being accessed from the main staircase were considered but given this design reflects the current situation in the dwelling, the condition noted above will ensure the dwelling remains as one and address these concerns. It will remain a one and a half storey property.

The proposal will be located approximately 30 metres from the road to the rear of the property and it is also screened by boundary walls, hedges and trees. Even in the winter months, given the separation distances, it will not be excessively prominent or overbearing within the locality.

The previous planning permission (ref: 4/21/2517/0F1) is also a material planning consideration in the assessment of this proposal. The new proposal is not considered to be significantly larger in scale than the previous planning permission. The extension and dormer will be located behind the principal elevation of the dwelling, within the rear garden and therefore it will not be excessively prominent within the street scene.

Although the proposal includes a flat roof design, this is typical of a dormer and the cladding will reflect the existing dormer on the property. On this basis, despite concerns raised with the cladding material, it will ensure the development reflects the character and appearance of the existing dwelling.

In addition, the site will retain a suitable size garden and ensure that the development will not result in a loss of more than 50% of the undeveloped curtilage of the parent property, in accordance with Policy DM18(D).

Concerns regarding the outbuilding which provides potential for an additional bedroom/living accommodation were also received. As this is separate to the extension application, this will be investigated by the Planning Enforcement Officer separately.

On balance, the proposal is considered to satisfy 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.

Overlooking and overshadowing issues between the proposal and the neighbouring properties were considered. However, the proposal is considered to be suitably located within the rear garden and, due to the split levels, the rear dormer on the eastern side elevation will be installed at a lower height. The extension will not project beyond the existing side elevation and therefore, due to the existing separation distances with the neighbouring dwellings, the proposal will not cause significant dominance or overshadowing to these properties.

In addition, no windows will be included on the side elevation and therefore the design mitigates potential overlooking issues. The separation distance from the extension to the neighbouring garden to the rear is considered to be acceptable to mitigate overlooking concerns in this direction.

Concerns regarding construction traffic, inadequate access for large vehicles during construction and disturbance is not a material planning consideration for this householder application. Any noise disturbance can be followed up with Environmental Health.

On this basis, the proposal will not have a detrimental impact on the neighbouring amenity and it is considered that the proposal will meet Policy 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.

Concerns have been received raising concerns regarding insufficient parking for the proposed number of bedrooms.

In accordance with the Cumbria Development Design Guide, for a property of 5 bedrooms or more, it requires three off-street parking spaces. The site visit and site plan confirm there is adequate space for three cars and additional parking is provided within the garage.

Despite concerns regarding the width of the parking to the front the property, the width of 4.8 metres satisfies the Cumbria Development Design Guide parking space width of 2x 2.4m spaces. The site is therefore considered to provide adequate parking to satisfy the highway parking standards.

To ensure concerns are addressed, the maintenance of the parking can be secured through a condition which will ensure adequate off-street parking to meet the needs of the dwelling is maintained.

Disputes regarding turning areas and ownership are private matters and cannot be taken into account in the application assessment.

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

Drainage and Flood Risk

Policies ENV1 and DM24 seek to protect development against flood risk.

Concerns have been received regarding the drainage capacity for the proposed property size. However, given the nature of the householder application, the drainage would be covered by the Building Regulations process.

On this basis, the proposal is considered to satisfy Policies ENV1 and DM24 of the Copeland Local Plan.

Ecology

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.

The application site is identified as a potential area for natterjack toads. The application is not supported by any ecology details and is located within a 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 householder application.

It is therefore considered that the development complies with Policies ST1, EV3 and DM25 of the Copeland Local Plan and the NPPF guidance.

Planning Balance and Conclusion

This proposed extension and enlarged dormer application seeks to provide an enlarged bathroom, games room, bedroom, dining room on the ground floor and two additional bedrooms and a study on the loft floor level.

The application consultation has resulted in concerns being received regarding several issues. The material planning considerations have been taken into account and the proposal is considered to be suitably located on the rear and it will not be excessively visible from the street-scene. Given the previous planning permission, this proposal is considered to be of an appropriate scale and design and will not have any detrimental impact on the amenities of the adjoining properties or ecology. In addition, the off-street parking provision satisfied the Cumbria Development Design Guide requirements, and the maintenance of these spaces can be secured by the use of a planning condition. The septic tank capacity will be covered at the Building Regulations stage of development.

Concerns regarding the number of bedrooms were received and the agent and applicant have confirmed the extension will provide additional bedrooms for his children and will not be used as a separate bed and breakfast, House of Multiple Occupancy etc. To ensure that extension remains ancillary to the main dwelling, the planning condition proposed will control the use of the additional accommodation and ensure the whole site will be retained as one planning unit. The application is assessed on its merits and any possible future use as a B&B or HMO would be subject to different planning policies, although the applicant has confirmed this is not planned.

	<p>Concerns regarding construction traffic, inadequate access for large vehicles during construction and disturbance is not a material planning consideration for this householder application. Any noise disturbance should be followed up with Environmental Health.</p> <p>In addition, concerns regarding ownership and restrictive covenants are legal matters and cannot be taken into account.</p> <p>On balance, subject to the imposition of the planning conditions proposed, the proposed extension 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. The development hereby permitted must commence before the expiration of three years from the date of this permission. <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> <ol style="list-style-type: none"> 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:- <ul style="list-style-type: none"> Application Form, received 3rd April 2023; Site Location Plan, scale 1:1250, received 3rd April 2023; Proposed Site Plan, scale 1:200, drawing no 22/0348/7, received 24th July 2023; Existing Floor Plans, scale 1:100, drawing no 22/0348/1, received 24th July 2023; Existing Roof Plan, scale 1:100, drawing no 22/0348/2, received 24th July 2023; Existing Elevations, scale 1:100, drawing no 22/0348/3, received 24th July 2023; Proposed Floor Plans, scale 1:100, drawing no 22/0348/4, received 24th July 2023; Proposed Roof Plan, scale 1:100, drawing no 22/0348/5, received 24th July 2023; Proposed Elevations, scale 1:100, drawing no 22/0348/6, received 24th July 2023; Proposed Ground Floor Details, scale 1:50, drawing no 22/0348/8, received 24th July 2023;

Proposed Loft Plan Details, scale 1:50, drawing no 22/0348/9, received 24th July 2023;
Proposed Lower Ground Floor, scale 1:50, drawing no 22/0348/10, received 24th July 2023;
Proposed Long Section AA, scale 1:50, drawing no 22/0348/11, received 24th July 2023;
Proposed Cross Section BB, scale 1:50, drawing no 22/0348/12, received 24th July 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. The driveway and parking provision must be retained in accordance with the details set out in approved 'Proposed Site Plan' with Three Off-Street Parking Spaces, drawing reference 22/0348/7 received by the Local Planning Authority on 24th July 2023. The driveway must be maintained at all times thereafter.

Reason

To ensure that adequate off-street parking is provided in accordance with Policy DM22 of the Copeland Local Plan.

4. The extension hereby permitted must not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Sheelin and must not be let or sold as a separate permanent dwelling.

Reason

The extension is not considered appropriate for use as a separate residential unit.

Informative Note

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:



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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. Wootton

Date : 21/08/2023

Authorising Officer: N.J. Hayhurst

Date : 23/08/2023

Dedicated responses to:- N/A