

**CUMBERLAND COUNCIL
DELEGATED PLANNING DECISION**

1.	Reference No:	4/23/2107/0F1
2.	Proposed Development:	PROPOSED CONSTRUCTION OF GABLE EXTENSION, REAR EXTENSION AND DETACHED GARAGE
3.	Location:	29 PINWOODS, GILGARRAN
4.	Parish:	Distington
5.	Constraints:	ASC;Adverts - ASC;Adverts Coal - Standing Advice - Data Subject To Change Key Species - Bounds of Sensitive Area for Hen Harriers Outer Consultation Zone - Cycliffe 3KM
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:	<p>SITE AND LOCATION</p> <p>This application relates to 29 Pinewoods, a semi-detached bungalow situated on an existing housing estate within Gilgarran. The site benefits from a large garden with a driveway to the front of the property. The single-storey conservatory within the rear garden has now been removed. This application is part retrospective as works to the garage have already been carried out.</p> <p>PROPOSAL</p> <p>This application effectively seeks to revised the scheme previously granted planning permission under application reference 4/22/2271/0F1. The proposal involves the erection of</p>

a gable extension and detached garage.

The side/rear extension will provide two additional bedrooms with en-suites, an additional en-suite and a new utility and living/dining room. It will include the same projection as the original permission approved under application reference 4/22/2271/0F1. It will be 6.8 metres from the side/rear elevation of the bungalow, and it will have a depth of 11.5 metres. It has been designed to continue the roof pitch of the existing dwelling along the front elevation and the rear elevation will include a gable extension with an overall height of 4.3 metres. The eaves height will match the existing property. Amendments to the proposal now include bifold doors instead of sliding patio doors, and two smaller windows on the rear elevation to replace 1 large window.

The detached garage will still be an L-shaped configuration with an overall width of 9.69 metre and an overall depth of 8.6 metres. The original proposal approved under application reference 4/22/2271/0F1 included a pitched roof with an overall height of 3.8 metres and an eaves height of 2.9 metres. An amendment to this proposal was approved under application reference 4/22/2436/0F1 to include an additional window in the garage.

The eaves height of the amended garage roof design is still 2.9 metres, however, the overall height is now 4.25 metres, an increase of 0.45 metres. The front elevation will include a garage door and window and the side elevation facing the garden will include an access door and window. Both the extension and garage will be finished in render, roof tiles and UPVC windows and doors to match the existing house.

RELEVANT PLANNING APPLICATION HISTORY

4/22/2271/0F1 - rear gable extension and a detached domestic garage

4/22/2436/0F1 amendment (additional window in garage) to planning approval 4/22/2271/0f1 - rear gable extension and a detached domestic garage

CONSULTATION RESPONSES

Consultees

Distington Parish Council – No objection.

Public Representations

The application has been advertised by way of neighbour notification letters issued to 6 no. properties - 1 letter of objection has been received as a result of this consultation process,



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which contained the following:

- The revised proposal consisting of a higher roof line and a gable elevation is overbearing.
- A sense of oppressiveness due to garage height and close proximity to the boundary.
- Permitted development rights contain generous allowances for home owners which would restrict the height of a detached outbuilding such as this to 2.5 metres due to its close proximity to the boundary. Its current proposed height in combination with the alteration to its roof design is a significant increase to both permitted development rights and the former approved proposal.
- Does not safeguard good levels of residential amenity, resulting in a prominent dominant feature.

Further informal comments were also made following this consultation period. Whilst they cannot be considered as part of the proposal as a formal objection letter was not received, they raised the following issues:

- Loss of house value as a result of the garage extension.
- Loss of privacy.
- Garage not been built in accordance with the original approval.
- Garage extension is overbearing.

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
- 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 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. 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



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Policy N1PU – Conserving and Enhancing Biodiversity and Geodiversity
Policy CO7PU – Parking Standards and Electric Vehicle Charging Infrastructure.

ASSESSMENT

The key issues raised by this proposed are the principle of development, its scale and design and the potential impacts on residential amenity, highway parking requirements and ecology.

Principle of Development

The proposed application relates to a residential dwelling within Gilgarran and it will provide two additional bedrooms with en-suites, an additional en-suite, a new utility and living/dining room and a detached garage with an amended roof design following approval of the original permission. Policy DM18 supports extensions and alterations to residential properties subject to detailed criteria, which are considered below. The previous permission is also a material consideration in the assessment of this application.

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. Significant concerns have been raised with the amended proposal as it is not considered to respect the character and appearance of the existing bungalow or the surrounding properties. Following discussions with the applicant as part of the original proposal approved under application reference 4/22/2271/0F1 the gable extension was altered to include a single-storey rear gable only. The applicant also provided additional justification for the scale and use of the garage. The garage will act as a domestic store for a camper van and the garage door height is designed to allow the camper van access.

Despite the amended detached garage extension now proposed being larger than what was originally approved under application reference 4/22/2271/0F1 by approximately 0.45 metres, this is not considered to be significantly larger overall. The width and depth of the garage have not changed, it is only the height of the roof design that has been amended and is still considered to respect the character and appearance of the existing bungalow and wider residential area. The garage is considered to be appropriately sited within the side/rear

garden.

In addition, the choice of materials proposed for the garage and 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, detached garage and the neighbouring properties were considered, the development is considered to be suitably located within the site.

The continuation of the existing roof height and pitch along the side extension will ensure the extension is not dominant within the locality and the rear gable extension will replace an existing conservatory and it will be stepped off the side boundary by 3.2 metres. The proposal will also be located to the south of the neighbouring property, no. 30 Pinewoods, reducing potential overshadowing concerns further and the existing side boundary hedge will help screen the development and provide suitable mitigation for the adjoining neighbour.

Whilst an additional window on the side elevation of the garage facing the boundary with 30 Pinewoods was approved under application reference 4/22/2436/0F1, a condition was stipulated on the decision notice to ensure this window is obscure glazed prior to the first use of the garage to mitigate overlooking concerns. Further privacy concerns can also be safeguarded with the use of a condition which removes the right to install any further openings on the garage without prior consent from the Local Planning Authority.

To ensure the garage use will remain domestic in nature, a planning condition is proposed. This will help to minimise impact on the amenities of the occupiers of surrounding dwellings and ensure that non-conforming uses are not introduced into the area.

In addition, the use of a further planning condition can be imposed to ensure that the garage is fully rendered as per the proposed materials within a specified period of the garage being brought into use to ensure a satisfactory appearance of the garage in the interests of visual amenity.

On balance, taking into account the siting and orientation of the proposal within this large site,



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and proposed conditions to mitigate the objectors' concerns, it is considered that the proposal will not have a significant detrimental impact on the neighbouring amenity. The proposal is therefore considered that the proposal will meet Policy DM18 and the NPPF guidance.

Highway Parking Requirements

Policy DM22 encourages innovative approaches to manage vehicular access and parking to avoid vehicles dominating the street scene. The proposal includes the installation of additional off-street parking to the side of the property and an access driveway to the rear garage. The driveway will therefore provide adequate off-street parking to meet the needs of the property and the installation can be secured by the use of a planning condition. On this basis, the extension and detached garage will not have a detrimental effect on the existing highway conditions, and it is considered to comply with Policy DM22 of the Local Plan and the standards set out in the Cumbria Development Design Guide.

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 hen harriers. The application is not supported by any ecology details as the site is located on an existing housing estate. On this basis, it is considered that this is not a habitat that is likely to contain hen harriers and so it would not be necessary to seek an ecological survey for this minor 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 application is part retrospective as the detached garage has already been erected and works to construct the gable extension are partially underway.

The amended garage design and minor alterations to the rear extension are considered to be suitably located within the site and acceptable in terms of scale and design. In addition, given the proposed siting and orientation, the proposal will not have any significant detrimental impact on the amenities of the adjoining properties, highway parking requirements or ecology.

	<p>The planning conditions proposed will ensure the detached garage remains domestic in use and is finished appropriately to further protect residential amenity and ensure adequate off-street parking is installed to meet the needs of the property.</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>Recommendation: Approve (commence within 3 years)</p>
9.	<p>Conditions:</p> <ol style="list-style-type: none"> 1. The development hereby permitted shall be commenced 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. 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: - <ul style="list-style-type: none"> - Application Form, received 11th April 2023; - Location Plan, scale 1:1250, drawing no, CJW154-003B, received 11th April 2023; - Site Plan (existing), scale 1:500, drawing no, CJW154-003B, received 11th April 2023; - Existing elevations (front, rear & gable), scale 1:100, drawing no, CJW154-003B, received 11th April 2023; - Existing ground floor plan, scale 1:100, drawing no, CJW154-003B, received 11th April 2023; - Floor/Site Plan (existing), scale 1:100, drawing no, CJW154-001A, received 11th April 2023; - Site Plan (proposed), scale 1:500, drawing no, CJW154-003B, received 11th April 2023; - Floor plans/elevations (proposed), scale 1:100, drawing no, CJW154-004G, received 11th April 2023;



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- Floor/Site Plan (proposed), scale 1:100, drawing no, CJW154-002F, received 11th April 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 and garage, the off-street parking provision must be installed in accordance with the approved 'Proposed Floor Plan/Site Plan', drawing ref CJW154-002F, received by the Local Planning Authority on 1st November 2022. The driveway must be maintained thereafter.

Reason

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

4. Prior to the first use of the garage hereby approved, the obscure glazing must be installed in the side elevation window in accordance with the 'Proposed Floor Plans and Elevations, scale 1:100, drawing no. CJW154-004E, received by the Local Planning Authority on 1st November 2022. The obscure glazing must be maintained thereafter.

Reason

To safeguard residential amenity in accordance with policy DM18 of the Copeland Local Plan.

5. The garage shall be used for the parking of private vehicles and domestic equipment only in association with the residential property known as 29 Pinewoods and for no commercial or business purposes whatsoever.

Reason

To ensure that non-conforming uses are not introduced into the area.

6. Prior to the first use of the garage 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.

7. No new openings shall be installed on any elevation of the detached garage without prior written consent from the Local Planning Authority.

Reason

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

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: 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: Demi Crawford

Date : 02.06.2023

Authorising Officer: N.J. Hayhurst

Date : 06/06/2023

Dedicated responses to:-