

**CUMBERLAND COUNCIL
DELEGATED PLANNING DECISION**

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| 1. | Reference No: | 4/23/2120/0F1 |
| 2. | Proposed Development: | RAISE THE ROOF HEIGHT, ERECT THREE STOREY SIDE AND REAR EXTENSION. TWO STOREY REAR EXTENSION AND PROVIDE A FIRST FLOOR REAR FACING TERRACE |
| 3. | Location: | 2 CHURCH WALK, MILLOM |
| 4. | Parish: | Millom |
| 5. | Constraints: | ASC;Adverts - ASC;Adverts, Coal - Off Coalfield - Data Subject To Change, Key Species - Potential areas for Natterjack Toads |
| 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: LOCATION | This application relates to 2 Church Walk, a semi-detached property located within Millom. Church Walk contains a mix of terraced, semi-detached and detached dwellings. The site benefits from two garages attached to the side of the house and also a rear garden. The property is bound by Church Walk, an unclassified road to the front and a public right of way and fields to the rear. |

PROPOSAL

Planning Permission is sought to raise the roof height of the existing dwelling and the erection of a three-storey side and rear extension, a two-storey rear extension and a first-floor roof terrace on the rear elevation.

The works will provide an enlarged kitchen-dining room along with an additional office, utility, living room, bedroom, 3 ensuites and a rear roof terrace. The extended dwelling will have an overall width of 7 metres and a depth of 10.7 metres. It has been designed to include a pitched roof and the overall height and eaves height will match the adjoining property.

It will include three main windows on the front elevation, along with a new front door and two smaller windows. The side elevation will include a ground floor window and access door and the rear elevation will include a high-level horizontal window on the ground floor, two windows and patio doors onto the rear first-floor roof terrace and a rear window on the second floor. It will also include two skylights.

It will be finished in white render, grey aluminium windows and patio doors, dark grey composite front and rear doors, grey roof tiles. The rear terrace will include a timber pergola with a glazed barrier on the rear elevation.

The works also include the installation of a pitched roof on the existing garage to the side of the property and solar panels on the south facing roof slope.

RELEVANT PLANNING APPLICATION HISTORY

There have been no previous planning applications at this property.

CONSULTATION RESPONSES

Millom Town Council

No objections.

Highways and Lead Local Flood Authority

No objections.

Public Representations

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

No objections and two letters of support have been received as a result of this consultation process which raised the following comments:

- Support both design proposals but preference would be the catslide roof design above the garage as it is more aesthetically pleasing to the area.



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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 ENV3 – Biodiversity and Geodiversity

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 DM25 – Protecting Nature Conservation Sites, Habitats and Species

Other Material Planning Considerations

National Planning Policy Framework (NPPF)

National Design Guide

Cumbria Development Design Guide

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 safety and ecology.

Principle of Development

The proposed application relates to a residential dwelling within Millom and it will provide an enlarged kitchen-dining room along with an additional office, utility, living room, bedroom, 3 en-suites and a rear roof terrace. 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 replacement extension satisfies 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



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dwellings.

Emerging Policy H14PU also supports extensions that do not adversely alter the character or appearance of the existing building, street scene or wider surrounding area.

The application is supported by a Design and Access Statement which sets out the design concepts and survey of the surrounding residential area. Three-storey properties are common within the locality and therefore the raised roof height and side and rear extension is considered to be acceptable.

Although the proposal is of a large scale, it will reflect the adjoining property, no. 1 Church Walk. In this context, the scale and design are considered to be acceptable and it will not adversely alter the character and appearance of the street-scene or the wider area.

It will include black window sills and headers on the front elevation windows to match the adjoining property, no. 1 Church Walk. The choice of materials is considered to respect the character and appearance of the parent property and the surrounding three-storey properties.

The pitched roof design to the garage is also supported, in accordance with Policy DM18(A) which encourages the use of pitched roofs where practicable.

In addition, the site will retain a suitable size garden to the rear of the garage 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).

On balance, the proposal is considered to satisfy Policy DM18 of the Copeland Local Plan and Policy H14PU of the Emerging Local Plan.

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. Emerging Policy H14PU also supports development that will not materially harm the amenity of the occupiers of the parent property and the adjacent dwellings.

The proposal is considered to be suitably located to the side and rear of the existing dwelling, replacing an existing garage. The existing orientation of the property to the north of the adjoining property, no. 1 Church Walk is considered suitable and therefore it is not expected that the extension would result in a significant reduction in daylight available to either the parent property or the adjacent dwelling. The existing orientation of the dwelling will also ensure that the extension will not cause adverse overshadowing on the neighbouring bungalow, Holme Garth.

The proposal is also not considered to be overbearing on the adjoining neighbour, no. 1 Church Walk, as a 45-degree angle is shown on the first-floor plan in terms of the office projection and the roof terrace side screening wall. The extension will also be an acceptable distance from the bungalow, Holme Garth to ensure that the development is not overbearing or over dominant.

Consideration has also been given to potential noise nuisance or privacy or overlooking

problems for residents of either the parent property or the adjacent dwellings, particularly with respect to the proposed first floor rear facing terrace. Given the relationship with the neighbouring property and the screening provided by the office projection, the first-floor roof terrace is considered to be acceptable. The proposal includes vertical timber louvre walls to prevent overlooking of both neighbours to each side and the applicant has confirmed that they would be installed at a 65.7 degree maximum viewing angle within the Proposed Drawings Plan, although the detail supplied is not shown to scale. Advice has been given to the applicant that a solid screening wall would be preferable, and, on this basis, a planning condition has been attached to ensure that prior to its installation details of the the screening and specifications are submitted to and approved by the Local Planning Authority. This will ensure that suitable mitigation is installed and maintained.

On this basis, subject to the inclusion of the planning condition, it is considered that the proposal will not have an adverse impact on the neighbours and therefore the proposal is considered to satisfy 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.

The Highway Authority have confirmed they have no objection as it is not considered that the development will have a material effect on the existing highway conditions. The site benefits from a garage and therefore this can provide suitable off-street parking.

On this basis, the proposal is considered acceptable in accordance with Policy DM22 and 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 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 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 application.

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

Public Right of Way

The site visit confirmed the PROW runs along a track to the rear of the dwelling and although the proposed extension will be visible from a small section of the Public Right of Way, it is modest in scale and will be viewed in the context of the existing residential dwelling and area.



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| | <p>As such, the proposal is not considered to harm the physical footpath or the amenity of the user.</p> <p>Overall, the proposal is considered to satisfy Policies ENV6, DM10 and the NPPF guidance.</p> <p><u>Planning Balance and Conclusion</u></p> <p>This householder extension application seeks permission to raise the roof height of the existing dwelling and the erection of a three-storey side and rear extension, a two-storey rear extension and a first-floor roof terrace on the rear elevation.</p> <p>The proposal is considered to be of a suitable scale and design and it will not adversely affect neighbouring amenity, highway conditions, ecology or the public right of way. No concerns have been raised as part of the neighbour consultation and two letters of support have been received.</p> <p>On balance, 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>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: - <p>Application Form, received 26th April 2023; Site Location Plan, scale 1:1250, received 26th April 2023; Block Plan, scale 1:200, drawing 21BP Version 1, received 26th April 2023; Existing Plans, scale 1:100, drawing 21EP Version 1, received 26th April 2023; Proposed Plan, scale 1:100, drawing 21PP Version 3, received 3rd August 2023; Existing Elevations, scale 1:100, drawing 21EE Version 1, 26th April 2023; Proposed Elevations, scale 1:100, drawing 21PE Version 3, received 8th August 2023; Proposed Drawings, scale 1:100, drawing 21PD Version 1, received 12th June 2023;</p> |

Proposed Perspective, drawing 21PX Version 2, received 12th June 2023;
Section A-A, scale 1:100, drawing 21SA Version 1, received 26th April 2023;
Proposed Massing, scale 1:100, drawing 21PM Version 1, received 26th April 2023;
Design and Access Statement, received 26th 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 installation of the first-floor rear roof terrace, a detailed design and specification for the side screening panels must be submitted to and agreed in writing by the Local Planning Authority. The screening panels must be installed in accordance with the approved details prior to the first use of the roof terrace and must be maintained at all times thereafter.

Reason

To ensure that the development is of a suitable design while protecting residential amenity 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.

Case Officer: C. Unsworth

Date : 09/08/2023

Authorising Officer: N.J. Hayhurst

Date : 10/08/2023

Dedicated responses to:- N/A