

**CUMBERLAND COUNCIL
DELEGATED PLANNING DECISION**

1.	Reference No:	4/23/2127/0F1
2.	Proposed Development:	ADD THREE AND TWO STOREY SIDE AND REAR EXTENSIONS, RAISE THE ROOF HEIGHT AND PROVIDE A REAR-FACING TERRACE (ALTERNATIVE SCHEME - AMENDED ROOF)
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: Site and 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 (alternative scheme with catslide roof amendment).

The works will provide an enlarged kitchen-dining room along with an additional office, workshop, living room, bedroom, 3 ensuites and a rear roof terrace. The extended dwelling will have an overall width of 10 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, along with a catslide roof with an eaves height of 5.5 metres.

It will include three main windows on the front elevation, along with a new front door and two smaller windows. The black clad catslide part of the extension will include a grey garage door and a bedroom window. The side elevation will include a ground floor bedroom window and an 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, vertical painted black cladding, grey aluminium windows and patio doors, dark grey composite front and rear doors, grey roof tiles. The rear terrace will include a black painted timber pergola with a glazed barrier on the rear elevation.

The works also include the installation of solar panels on the south facing roof slope.

Relevant Planning Application History

Planning Permission has been granted 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 (ref: 4/23/2120/0F1).

Consultation Responses

Millom Town Council

No objections.

Highway Authority and Lead Local Flood Authority

No objections.

Public Representation

This application has been advertised by way of neighbour notification letters issued to three properties.

One objections has been received as a result of the initial consultation, which raised the



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following concerns:

- Plans of extension and height of the property will result in a part loss of view from a habitable room;
- Impact on property value.

Three letters of support have been received which raised the following comments:

- It will be a great improvement.
- Support this application. This development looks good on the plans.
- Support both design proposals but preference would be the catslide roof design above the garage as it is more aesthetically pleasing to the area.
- The proposal would improve the visual appearance of the existing building and benefit the area.

Planning Policy

Planning law requires that 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 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

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



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Assessment

The main issues raised by this application are the principle of development, the impact of the development on the character and appearance of the area and the impact on residential amenities of occupiers of the adjoining properties.

Principle of Development

The proposed application relates to a residential dwelling within Millom and it seeks to raise the roof of the existing dwelling, along with a catslide roof on the side elevation 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.

The Effect of the Proposed Development on the Character and Appearance of the Area

Policies ST1, DM10 and DM18 of the Copeland Local Plan seek to create high quality developments which respond positively to the character of the site and the wider setting. Policy DM18 seeks to ensure domestic alteration area of an appropriate scale and design, which is appropriate to their surroundings.

Draft Policy DS6PU and Policy H14PU also set out Design and Development Standards to ensure extensions do not adversely alter the character or appearance of the existing building, street scene or wider surrounding area.

Paragraph 130 of the NPPF seeks to safeguard high standards of amenity for existing and future users. Developments should add to the overall quality of the area, should be sympathetic to the local character, and should establish and maintain a strong sense of place. Developments should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping.

The National Design Guide also sets out ten characteristics to reflect the Government's priorities for well-designed places. This guidance is a material planning considerations that carries significant weight on the planning balance.

The proposed scale, form and appearance are the main considerations/concerns raised by this proposal.

The application site lies within a residential area of Millom and is adjoined to a three-storey dwelling and adjacent to a bungalow. The site fronts Church Walk, an unclassified road that has a mixture of bungalows, two storey dwellings and three-storey dwellings and to the rear, the site is bound by a public right of way and fields.

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. The proposal is large in scale to reflect the adjoining property, no. 1 Church Walk although the proposal also includes a catslide roof to the side. Despite the

survey results and the justification that has been provided, it is not considered to outweigh the harm to the visual amenity.

The proposed scale built form and massing of the extension with the catslide roof is considered to exert a dominant and overbearing effect on the neighbouring bungalow to the north of the site. It is also considered that the extension would adversely alter the character and appearance of the street-scene within the locality.

In addition, the appearance of the extension in relation to the catslide roof design and materials are not appropriate and fail to relate in a coherent manner to its surroundings. The proposed black cladding above the garage and side elevation seeks to contrast the main part of the dwelling but it is considered to accentuates its prominence within the locality and would have a harmful visual impact on the area. The black cladding would be visible from the surrounding public vantage points, including a public right of way. The appearance of mass would make a negative impression on the street-scene and the visual amenity of the wider surrounding area. This is contrary to Planning Policies listed above and the National Design Guide and the guidance set out in the NPPF.

On this basis, it is considered that the proposed results in an inappropriate form of development that would have an adverse effect on the character and appearance of this residential area of Millom. This conflicts with Policies ST1, DM10, DM18 of the Copeland Local Plan 2013-228: Core Strategy and Development Management Policies DPD (the Local Plan), Policy H14PU of the Emerging Local Plan and the guidance set out in the National Design Guide. These policies seek to ensure that developments are of an appropriate scale, design and material, which are appropriate to their surroundings and respond positively to the character of the area.

Impact of Development on Residential Amenities of Adjoining Properties

Policies ST1, DM10 and DM18 of the Copeland Local Plan and the NPPF seek to ensure developments do not adversely affect the amenities of adjacent dwellings. Draft Policy DS6PU and Policy H14PU of the ELP also seek to ensure extensions do not materially harm the amenity of the occupiers of the parent property and the adjacent dwellings.

The application site relates to a semi-detached property and the neighbouring property, Holme Garth to the north, relates to a bungalow.

The application received an objection which raised concerns regarding the height of the proposed extension, the loss of view and impact on property values. This is not a material planning consideration and therefore cannot be taken into account in the application assessment. Notwithstanding this, significant consideration can be given to the impact on residential amenity.

The proposal includes the creation of a catslide roof to provide a bedroom above the existing garage. This would be located in close proximity to the neighbouring bungalow and would have an overbearing effect on the neighbouring windows which serve habitable rooms.

On this basis, due to the proposed scale, massing and proximity to the neighbouring



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bungalow, the extension would have an unacceptable impact on the neighbouring amenity in terms of overshadowing and harmful overdominance on the neighbouring property and within the street-scene. Therefore, the proposal conflicts with Policies ST1, DM10, DM18 of the Local Plan, Policy H14PU of the Emerging Local Plan and section 12 of the NPPF, which seek to ensure that development safeguard good levels of general and residential amenity, maintain standards for residential development.

Planning Balance and Conclusion

Section 12 of the National Planning Policy Framework and the National Design Guide clearly sets out that one of the key principles of the planning system is to secure high-quality design and a good standard of amenity for all existing and future occupants of land and buildings.

This aim is reflected in the Copeland Local Plan, particularly within policies ST1 D(i) and D(ii), DM10 and DM18.

Policies DM10 and DM18 set out the criteria on which this proposal has been assessed.

Despite the application receiving three letters of support, the catslide extension is considered to be an inappropriate form of development that would exert an overbearing and dominant effect on the adjoining properties which has habitable windows facing the proposed extension. It would also have a significant detrimental impact on the amenity of the adjoining occupiers garden.

The scale, design and materials would be out of keeping with the character and appearance of the area and it would fail to relate in a coherent manner to its surroundings. The catslide element of the proposal with black cladding is inappropriate and out of character with the area. It seeks to contrast the main part of the dwelling but it would accentuate its prominence within the locality and would have a harmful, overbearing impact on the area.

The NPPF and the National Design Guide place significant emphasis on high quality designs and therefore carry significant weight in the planning balance. The proposal is considered to produce an incongruous form of development that has a detrimental impact on the character and appearance of both the semi-detached property and the visual amenity of the wider residential area, contrary to the above design priorities.

On balance, the proposal is considered to be an inappropriate form of development which is in conflict with Policies ST1, DM10 and DM18 of the adopted Local Plan and Policies DS6PU and H14PU of the Emerging Local Plan. The local level of support is not considered to be sufficient to outweigh the adverse harm identified to both local residents and the visual amenity of the area and therefore the application is recommended for refusal.

8. **Recommendation:**
Refuse

9.	<p>Reasons for Refusal:</p> <ol style="list-style-type: none"> 1. The extension due to its scale, design and appearance would result in an incongruous form of development within the locality and appear dominant within the street-scene. The design with black cladding contrasting the proposed white elevations of the main property would accentuate its prominence and it would have a significant detrimental impact on the character and appearance of both the existing property and the visual amenity of the wider area. This would therefore be in conflict with Policies ST1, DM10 and DM18 of the Copeland Local Plan 2013-2028 Policies H14PU of the Emerging Local Plan and guidance set out in section 12 of the NPPF and the National Design Guide. 2. The extension due to its scale, siting and design would exert an overbearing and dominant effect on the neighbouring bungalow causing significant harm to the amenities of its occupiers. As a consequence, the development is considered to be in conflict with Policies ST1, DM10 and DM18 of the Copeland Local Plan 2013 – 2028, Policies H14PU of the Emerging Local Plan and section 12 of the NPPF which seek to ensure a good standard of amenity for all existing and future occupants of land and buildings. <p>Statement</p> <p>The Local Planning Authority has acted positively and proactively in accordance with Copeland Local Plan policies and the National Planning Policy Framework in determining this application by identifying matters of concern with the proposal and raising those with the applicant/ agent. However, in this case it has not been possible to arrive at a satisfactory resolution for the reasons set out in the reason for refusal.</p>
Case Officer: C. Unsworth	Date : 10/08/2023
Authorising Officer: N.J. Hayhurst	Date : 10/08/2023
Dedicated responses to:- N/A	