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## CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	<b>Reference No:</b>	4/23/2158/0B1
2.	<b>Proposed Development:</b>	VARIATION OF CONDITION 2 (PLANS) - ROOF PROFILE REDESIGN WITH A NEW ENTRANCE DOOR POSITION OF PLANNING APPLICATION 4/22/2231/0F1 CONSTRUCTION OF A SIDE & REAR EXTENSION TO AN EXISTING BUNGALOW
3.	<b>Location:</b>	43 THE MILLFIELDS, BECKERMET
4.	<b>Parish:</b>	Beckermet with Thornhill
5.	<b>Constraints:</b>	ASC;Adverts - ASC;Adverts, Flood Area - Flood Zone 2, Safeguard Zone - Safeguard Zone, Coal - Off Coalfield - Data Subject To Change, DEPZ Zone - DEPZ Zone, Outer Consultation Zone - Sellafield 10KM
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>	This application relates to 43 The Millfields, a detached bungalow located on an existing housing estate within Beckermet. The site benefits from a large garden and existing driveway

to the front and side of the dwelling. The site also falls within Flood Zone 2.

## **PROPOSAL**

In July 2022, planning permission was granted (ref: 4/22/2231/0F1) for the erection of a single-storey side and rear extension at this property. This current application seeks to vary condition 2 relating to the submitted plans for this application, in order to change the roof profile with a new entrance door position.

The roof alteration will include a continuation of the existing pitched roof with the matching eaves and overall height. The new entrance door will be relocated to the side elevation of the extension and the roof design will include a covered canopy in the front corner.

## **RELEVANT PLANNING APPLICATION HISTORY**

Planning Permission was previously granted for a single-storey side and rear extension (ref: 4/22/2231/0F1).

## **CONSULTATION RESPONSES**

### Beckermet with Thornhill Council

No objections.

### Drainage and Flood Engineer

No comments.

### Public Representations

The application has been advertised by way of neighbour notification letters issued to 4 properties - No objections have been received as a result of this consultation process.

## **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



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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 ENV1 – Flood Risk and Risk Management

#### 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

### **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 DS8PU – Reducing Flood Risk

Policy H14PU – Domestic Extensions and Alterations

Policy CO7PU – Parking Standards and Electric Vehicle Charging Infrastructure

## **ASSESSMENT**

Under Section 73 of the Town and Country Planning Act 1990, an application can be made to vary or remove a condition associated with a permission. The effect of an application under Section 73 is the issue of a new permission sitting alongside the original permission, which remains intact and unamended. The NPPG outlines that to assist with clarity it states that decision notices should also repeat the relevant conditions from the original permission unless they have already been discharged. As a Section 73 application cannot be used to vary the time limit for implementation this condition must remain unchanged from the original permission.

In terms of the conditions attached to the previous decision notice (4/22/2231/0F1), development has commenced on site therefore, it is not necessary to repeat the condition relating to timescales.

The current application seeks to vary condition 2 of the original planning approval.

### Principle of Development

The proposed amendment to this scheme seeks to change the roof profile to match the existing dwelling and it will include a new entrance door position on the side elevation with a covered canopy. 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



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dwellings.

The proposed roof design alteration is considered to be relatively modest in scale and the design will ensure the extension reflects the character and appearance of the existing dwelling. It will continue the existing roof pitch and it will not be overbearing for the neighbouring properties. In addition, the choice of materials will reflect the existing property and therefore the extension will not be excessively prominent within the locality.

On balance, the proposal is considered to comply with Policies DM10 and DM18(A) 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 the parent property or adjacent dwellings.

Whilst potential amenity issues between the proposed extension and the neighbouring properties were considered, the extension will be relatively modest in scale and appropriately located within the site. On this basis, the proposal will not overshadow or appear overbearing to the neighbouring property no. 16 The Millfields.

In addition, the proposed design with high-level horizontal windows on the side elevation mitigates possible overlooking or privacy issues and no concerns have been received as part of the neighbour consultation process.

On this basis, the proposal is not considered to cause unacceptable harm to residential amenity and therefore it will satisfy Policies DM18(B), DM18(C) and the NPPF guidance.

### Highway Safety

Policy DM22 requires developments to be accessible to all users and encourages innovative approaches to manage vehicular access and parking.

The off-street parking to the front and side of the property will satisfy the needs of the dwelling and the Highway Authority requirements. The proposal is not considered to have a material effect on the existing highway conditions and therefore the proposal is acceptable.

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

### Flood Risk

Policy ENV1 and DM24 seeks to protect developments against risks of flooding and ensure that new developments do not contribute to increased surface water run-off.

The amended plans do not significantly increase the floor area of the extension and therefore it is not considered that the proposal will increase flood risk within the site or elsewhere.

In addition, the application is supported by a Householder and other minor extensions within flood zones 2 and 3 form. The flood resilience and mitigation measures outlined on the form

	<p>can be secured by the use of a planning condition.</p> <p>Overall, the proposal will not have a detrimental effect on flood risk on the site or elsewhere and therefore the proposal complies with Policy ENV1 and DM24.</p> <p><u>Planning Balance and Conclusion</u></p> <p>The revised information which seeks to amend the originally approved plans (condition 2) satisfies the policy criteria and is considered to be in keeping with the surrounding properties. It will be of an appropriate scale and design and would not have any detrimental impact on the amenities of the adjoining properties, highway safety or flood risk.</p> <p>Overall, this is considered to be an acceptable form of development which accords with the guidance set out in the NPPG and the policies within the adopted Local Plan.</p>
8.	<p><b>Recommendation:</b></p> <p>Approve amendment of condition</p>
9.	<p><b>Conditions:</b></p> <ol style="list-style-type: none"> <li>1. -</li> <li>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"> <li>Application Form, received 7<sup>th</sup> June 2023;</li> <li>Location Plan, scale 1:1250, drawing ref 22-10-P-L, received 7<sup>th</sup> June 2023;</li> <li>Proposed Site Plan, scale 1:250, drawing ref 22-10-P-01 Rev A, received 7<sup>th</sup> June 2023;</li> <li>Proposed Floor Plan, scale 1:100, drawing ref 22-10-P-05 Rev D, received 7<sup>th</sup> June 2023;</li> <li>Proposed Roof Plan, scale 1:100, drawing ref 22-10-P-06 Rev B, received 7<sup>th</sup> June 2023;</li> <li>Proposed Elevations, scale 1:100, drawing ref 22-10-P-07 Rev D, received 7<sup>th</sup> June 2023;</li> <li>Proposed 3D Sketches, drawing ref 22-10-P-08 Rev D, received 7<sup>th</sup> June 2023;</li> <li>Householder and Other Minor Extensions in Flood Zones 2 and 3 Form, received 27<sup>th</sup> July 2023.</li> </ul> <p>Reason</p> </li> </ol>



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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. Before the extension is occupied, the flood resilience and mitigation measures must be carried out in accordance with the Householder and Other Minor Extensions in Flood Zones 2 and 3 Form received by the Local Planning Authority on 27<sup>th</sup> July 2023. The flood resilience and mitigation measures must be maintained thereafter.

Reason

To protect the property against flood damage in accordance with Policy DM24 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 : 27/07/2023**

**Authorising Officer: N.J. Hayhurst**

**Date : 31/07/2023**

**Dedicated responses to:- N/A**