

**CUMBERLAND COUNCIL
DELEGATED PLANNING DECISION**

1.	Reference No:	4/23/2183/0F1
2.	Proposed Development:	CONVERT ATTACHED DOUBLE GARAGE INTO HABITABLE ACCOMODATION AND ERECT DETACHED DOUBLE GARAGE
3.	Location:	MID TOWN BARN, MAIN STREET, HAVERIGG, 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: YES Press Notice: NO Consultation Responses: See report Relevant Planning Policies: See report
7.	Report:	<p>SITE AND LOCATION</p> <p>This application relates to Midtown Farm, a detached dwelling situated within Haverigg. The site is accessed along an unadopted track off Main Street and the site is bound by residential properties to each side. The site benefits from a large garden with an existing garden outbuilding and front driveway.</p> <p>ROPOSAL</p> <p>Planning Permission is sought for the conversion of the existing attached garage and for the erection of a detached garage to the rear of the dwelling.</p>

The proposed garage conversion will provide an additional lounge space and it will include the replacement of the existing garage doors with a window and patio doors on the front elevation. There will be no other alterations to the side or rear elevations.

The proposed new garage will measure 10 metres in depth and 4.25 metres in width. It will include a pitched roof design with an overall height of 4.1 metres and an eaves height of 2.5 metres. It has been designed to include a garage door on the front elevation and the side elevation facing the garden will include two windows and a pedestrian access door. The side elevation facing the front boundary and the rear elevation will be blank.

It will be finished with roughcast render, 'grey artstone' slate, anthracite grey UPVC windows and doors to reflect the existing property, along with an anthracite grey roll up garage door.

RELEVANT PLANNING APPLICATION HISTORY

Planning Permission has previously been granted for:

- CONVERSION ALTERATION & EXTENSION OF EXISTING BUILDINGS TO CREATE 10 NEW DWELLINGS TOGETHER WITH ASSOCIATED HIGHWAY ALTERATIONS (ref: 4/09/2265/0);
- NEW PERMISSION TO REPLACE AN EXTANT PERMISSION - CONVERSION, ALTERATION & EXTENSION OF EXISTING BUILDINGS TO CREATE 10 NO. NEW DWELLINGS, TOGETHER W (ref: 4/12/2378/0F1);
- CONVERSION OF BARN A WITH TWO STOREY EXTENSION TO REAR & NEW DOUBLE GARAGE; CONVERSION OF BARN C WITH TWO STOREY EXTENSION & SINGLE STOREY DOUBLE GARAGE (ref: 4/13/2171/0F1).

CONSULTATION RESPONSES

Millom Town Council

No objections.

Highways and LLFA

Standing advice.

Public Representation

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

One objection has been received as a result of the consultation which raised the following concerns:

- Loss of daylight for neighbouring property;
- Potential noise issues;



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- Alternate location possible closer to the dwelling;
- Previous planning permission trees not planted, could these be planted between the properties.

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

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 (NPPF)

Cumbria Development Design Guide

Wildlife and Countryside Act 1981

Emerging Copeland Local Plan (ELP):

The emerging Copeland Local Plan 2017-2038 comprising the Publication Draft (January 2022) and Addendum (July 2022) have recently been submitted for examination by the Planning Inspector.

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

Policy CO7PU – Parking Standards and Electric Vehicle Charging Infrastructure

Policy N1PU – Conserving and Enhancing Biodiversity and Geodiversity

ASSESSMENT

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

Principle of Development

The proposed application relates to a residential dwelling within Haverigg and it will provide an additional living room and a new detached garage. 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 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.

The proposed new garage will be appropriately located within the rear garden, and it will be relatively modest in scale. It will be stepped away from the rear boundary by approximately 3.8 metres and 2.3 metres from the side elevation. As a result, it will not be excessively overbearing for the neighbouring properties and the design is considered to be suitable for its use.

The previous planning permission (ref: 4/13/2171/0F1) is also a material planning consideration in the assessment of this application as it included a stable block in a similar position to the new garage. The garage proposal is therefore considered to be similar in scale and design of the previous permission.



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The garage conversion is also considered to be of a suitable scale and design for its use.

Furthermore, the choice of materials will reflect the existing character and appearance of the existing property and this will ensure the proposal is not excessively prominent within the locality, in accordance with Policy DM18(A).

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).

On this basis, the proposal is considered to meet Policies DM10 and DM18 of the Local Plan.

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 detached garage and the neighbouring properties were considered, the proposal is considered to be suitable in scale and design. It will be suitably located within the site, to the rear of the existing dwelling and the modest height is not considered to appear overbearing or dominant on the neighbouring properties and gardens.

Under current permitted development rights, an outbuilding could be erected in the rear garden up to 4 metres in height if it were over 2 metres from the boundary without the requirement for formal planning permission. This fall-back position is a material consideration in the assessment of this application. As the overall height of the proposal is not significantly larger than what is possible under permitted development, the proposed garage is considered to be satisfactory, and it will not cause significant loss of light or dominance on the neighbouring properties. It will be stepped away from the boundary and this is considered to suitably address the loss of light concerns raised by the neighbour consultation.

In addition, the design does not include any windows on the rear or side elevations facing the neighbouring properties and therefore overlooking concerns are mitigated.

Due to the concerns received as part of the consultation, it is appropriate to attach a planning condition to ensure the detached garage remains domestic in nature and that non-conforming uses are not introduced into the area. This will provide suitable control to address the neighbours concerns and any future noise and disturbance concerns associated with the garage can be address through Environmental Health legislation.

In addition, the proposal is suitably screened by an existing boundary hedge to the side of the proposal and therefore additional screening by trees is not required for this householder planning application.

On this basis, it is therefore considered that the garage proposal will have minimal impacts on neighbouring amenity and therefore it complies with Policies DM10, 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 existing site access will remain unchanged to the side of the dwelling and the garage will provide additional off-street parking. It is considered that the driveway and garage will provide adequate off-street parking to meet the needs of the dwelling and the proposal will therefore not have a detrimental effect on the existing highway conditions.

On this basis, the proposal is considered to comply with Policy DM22 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 natterjack toads. The application is not supported by any ecology details as the site relates to a residential dwelling which is not located within 200m of a watercourse (as indicated within the ALGE trigger list), and is located within the middle of 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

The proposed application seeks permission for the conversion of the existing attached garage and the erection of a new detached garage.

Despite receiving one objection, the proposal is considered to be acceptable in terms of scale and design. It will be suitably located within the rear garden, stepped away from the boundary and, given what is possible under current Permitted Development Rights, the garage will not have a detrimental impact on the amenities of the adjoining properties. In addition, the proposal will not affect highway safety or protected species.

Concerns regarding the domestic use of the garage can be addressed by the use of a planning condition and Environmental Health will also be able to address any noise and disturbance issues if they arise in the future.

On the basis of the above, the proposed garage conversion and new detached garage represents an acceptable form of development which accords with the policies set out within the adopted Local Plan and the guidance in the NPPF.



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8.	<p>Recommendation:</p> <p>Approve (commence within 3 years)</p>
9.	<p>Conditions:</p> <ol style="list-style-type: none"><li data-bbox="161 600 1514 952"><p>The development hereby permitted must commence before the expiration of three years from the date of this permission.</p><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><li data-bbox="161 952 1514 1646"><p>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><p>Application Form, received 29th June 2023;</p><p>Site Location Plan, scale 1:1250, drawing no. 1774, received 29th June 2023;</p><p>Block Plan, scale 1:500, drawing no. 1774, received 29th June 2023;</p><p>Existing Floor Plan and Elevations, scale 1:50 and 1:100, drawing no. 1774, received 29th June 2023;</p><p>Proposed Floor Plan and Elevations, scale 1:50 and 1:100, drawing no. 1774, received 29th June 2023.</p><p>Reason</p><p>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.</p><li data-bbox="161 1646 1514 2009"><p>The garage must be used for the parking of private vehicles and the storage of domestic equipment only in association with the residential property known as Midtown Farm and for no commercial or business purposes whatsoever.</p><p>Reason</p><p>To ensure that non-conforming uses are not introduced into the area in accordance with Policy DM18 of the Copeland Local Plan.</p>

	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 : 22/08/2023
Authorising Officer: N.J. Hayhurst	Date : 24/08/2023
Dedicated responses to:- N/A	