

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/23/2263/0F1
2.	Proposed Development:	CONSTRUCTION OF DETACHED GARAGE
3.	Location:	9 CUMBERLAND CLOSE, 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:	<p>SITE AND LOCATION</p> <p>This application relates to 9 Cumberland Close, a semi-detached bungalow located on an existing residential cul-de-sac within Millom. The site benefits from a large front garden laid to both lawn and gravel, with a separate detached garage and outbuilding.</p> <p>PROPOSAL</p> <p>Planning Permission is sought for the demolition of the existing detached garage and outbuilding to allow an extension to the existing driveway, and the construction of a new detached garage in a new location within the large front garden.</p> <p>The proposed detached garage will be 7 metres in width by 7 metres in length. It has been</p>

designed to include a dual pitched roof with an eave's height of 2.875 metres and an overall height of 3.518 metres.

The garage will be finished externally with spar dash render walls, a white upvc window and door and white upvc fascia's and guttering to match the existing property, anthracite grey steel profile sheet roof cladding and a white steel roller door.

RELEVANT PLANNING APPLICATION HISTORY

No previous applications at this site.

CONSULTATION RESPONSES

Millom Town Council

No objections.

Local Lead Flood Authority (LLFA) & Local Highway Authority (LHA)

No objections.

Public Representations

The application has been advertised by way of neighbour notification letters issued to 4 no. properties. No objections were received in response to this consultation.

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



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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 DM25 – Protecting Nature Conservation Sites, Habitats and Species

Other Material Planning considerations:

National Planning Policy Framework (NPPF)

The Conservation of Habitats and Species Regulations 2017 (CHSR).

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

Strategic 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, ecology and biodiversity and geodiversity.

Principle of Development

The proposed application relates to a semi-detached residential dwelling within Millom. The proposal will involve the demolition of the existing detached garage and outbuilding to allow an extension to the existing driveway and the provision of 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 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 proposal will be 7 metres in width by 7 metres in length and it has been designed to include a dual pitched roof with an eave's height of 2.875 metres and an overall height of 3.518 metres. The proposed detached garage is to be located within the large front garden of the parent property, on the side adjacent to the footpath that separates the parent property boundary from number 7 Cumberland Close.

Whilst the proposal is considered to be large in overall size, its siting in the large front garden and due to the curvature of the cul-de-sac it is considered to be suitably located within the site and acceptable in terms of its scale.

The extension will be finished with spar dash render walls, a white upvc window and door and white upvc fascia's and guttering to match the existing property, anthracite grey steel profile sheet roof cladding and a white steel roller door. The choice of materials to match the existing dwelling are considered suitable for their use and will therefore ensure that the proposed extension is not excessively prominent within the locality and will respect the character and appearance of the existing property and the wider residential area.

On this basis, the proposal is considered to be of an appropriate design and meets the requirements of 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 the parent property or adjacent dwellings.

Significant consideration was given to dominance and overbearing impacts from the



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proposed garage upon the neighbouring properties due to the size of the structure and its prominent location within the front garden on a residential cul-de-sac.

No openings are proposed to the rear Southwest elevation of the proposed garage which is adjacent to the side elevation and garage of number 7 Cumberland Close. The separation distance between the rear of the proposed garage, and the existing garage at 7 Cumberland Close is approximately 7 metres which is considered acceptable given number 7 Cumberland Close has no openings on their side elevation directly adjacent to the proposal.

The proposed garage contains 2 openings, 1 window and 1 door on the Southeast elevation however these are not considered to have any unneighbourly impact on the neighbouring properties as these directly overlook the road.

The applicant's agent has confirmed that the garage will be used as storage for vehicles and therefore, due to the size of the structure, a second planning condition is imposed to ensure that the garage will remain in domestic use in order to ensure that non-conforming uses are not introduced into the area in order to further protect residential amenity.

Furthermore, as the garage isn't considered to be a habitable room there are not likely to be any significant overlooking issues that will arise as a result of the proposal.

On balance, it is considered that the proposal will have not have a detrimental impact on the immediate residential amenity and therefore it is considered to meet Policy DM18 and the NPPF guidance.

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 an existing built-up residential area. On this basis, it is considered that the site is unlikely to contain natterjack toads and so it would not be necessary to seek an ecological survey for this minor householder application.

Furthermore, the development will be located within the front garden at ground floor level where there are already existing hard surfaces present, and therefore it is unlikely that this proposal will disturb any habitats.

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

	<p><u>Planning Balance and Conclusion</u></p> <p>The application seeks Planning Permission for the demolition of the existing detached garage and outbuilding to extend the existing driveway, and allow the construction of a new detached garage in a new location within the large front garden.</p> <p>The garage is considered to be suitably located within the site and acceptable in terms of its scale and design. Taking into account the proposed siting and orientation, the proposal is not considered to have any detrimental impact on the amenities of the neighbouring properties or wider residential area. A Planning condition is proposed to ensure that the garage remains domestic in nature to further protect residential amenity.</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:</p> <p>Approve (commence within 3 years)</p>
9.	<p>Conditions:</p> <p>1. The development hereby permitted shall be commenced 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> <p>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: -</p> <ul style="list-style-type: none"> - Application Form, drawing number 1252/01, received 19th September 2023; - Site Location Plan, drawing number 1252/01, scale 1:1250, received 19th September 2023; - Site Plan, drawing number 1252/01, scale 1:200, received 19th September 2023; - Layout Plan, drawing number 1252/01, scale 1:50, received 19th September 2023; - Section A-A, drawing number 1252/01, scale 1:50, 19th September 2023; - Elevations, scale 1:50, drawing number 1252/01, received 19th September 2023. <p>Reason</p>



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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. The garage must be used for the parking of private vehicles and storage of domestic equipment only in association with the residential property known as "9 Cumberland Close" and for no commercial or business purposes whatsoever.

Reason

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

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 : 09/11/2023

Authorising Officer: N.J. Hayhurst

Date : 14/11/2023

Dedicated responses to:- N/A