

**CUMBERLAND COUNCIL
DELEGATED PLANNING DECISION**

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| 1. | Reference No: | 4/23/2282/0F1 |
| 2. | Proposed Development: | FIRST FLOOR EXTENSION OVER EXISTING GROUND FLOOR GARAGE |
| 3. | Location: | THE HAPPINS, HALLTHWAITES, MILLOM |
| 4. | Parish: | Millom Without |
| 5. | Constraints: | ASC;Adverts - ASC;Adverts, TPO - TPO, Coal - Off Coalfield - Data Subject To Change |
| 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 The Happins, a semi-detached property situated within Hallthwaites, Millom. The site benefits from a front driveway and large garden.</p> <p>PROPOSAL</p> <p>Planning Permission is sought for the erection of first floor extension over the existing ground</p> |

floor garage to provide an additional bedroom.

The extension will project 3.2 metres from the east elevation and it will be 7.8 metres in depth to match the existing garage. It will include a pitched roof with an eaves height of 4.8 metres and an overall height of 6 metres. It has been designed to include one window on the front and rear elevations with the side elevation blank. The extension will be finished in render and stone facing, grey slate and brown UPVC windows to match the existing property.

RELEVANT PLANNING APPLICATION HISTORY

There have been no previous planning applications at this property.

CONSULTATION RESPONSES

Millom Without Parish Council

Support the application.

Footpaths Officer

No comments received.

Public Representations

The application has been advertised by way of neighbour notification letters issued to 4 no. properties.

One query regarding window and door arrangements were received and confirmation was sought from the agent. No formal 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 Consolidated Planning Policy Framework for Cumberland.



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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

Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place

Policy DM18 – Domestic Extensions and Alterations

Policy DM28 – Protection of Trees

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

Other Material Planning Considerations

National Planning Policy Framework (NPPF)

ASSESSMENT

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

Principle of Development

The proposed application relates to a residential dwelling within Hallthwaites and it will provide an additional bedroom at first floor level. 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 proposed first-floor extension will be appropriately located above the existing garage, and it will be relatively modest in scale. The design includes a pitched roof to reflect the existing property. As a result, the proposed extension will not be excessively prominent in the street scene and the design is considered to respect the character and appearance of the existing property. In addition, the materials will match the existing property and this will therefore reduce the impact on the street scene.

On this basis, the proposal is considered to meet Policy DM18(A) and 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 amenity issues between the proposed extension and the neighbouring properties were considered, the first-floor extension is considered to be relatively modest in scale and it will be suitably located above the existing garage.

Due to the orientation of the extension and the relationship with the neighbouring property, to the east of Jerry Bridge, it is considered that the proposed first-floor extension will not cause a significant loss of light or dominance on the neighbouring properties.



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| | <p>On balance, the proposal is considered to be acceptable. Taking into account the siting of the extension and the orientation of the existing property, the design of the proposed extension is considered to be acceptable, and it will not adversely harm the neighbouring amenity. It is therefore considered that the proposal satisfies Policies DM18(B), DM18(C) and the NPPF guidance.</p> <p><u>Tree Protection</u></p> <p>Policy DM28 and section 15 of the NPPF seek to protect and enhance trees and the natural environment and proposed developments that are likely to affect any trees are required to be accompanied by an Arboricultural Assessment.</p> <p>A sycamore protected by a Tree Preservation Order is located to the rear of the adjoining property, Jerry Bridge. As the proposal relates to a first-floor extension above an existing garage, the proposal is not considered to be in close proximity to the protected tree and therefore the development is unlikely to affect any trees.</p> <p><u>Planning Balance and Conclusion</u></p> <p>This application seeks permission to erect a first-floor extension to a semi-detached property above the existing garage. The proposed extension is considered to be of an appropriate scale and design and will not have any detrimental impact on the amenities of the neighbouring properties or the protected trees.</p> <p>On balance, the proposed extension 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: Approve (commence within 3 years)</p> |
| 9. | <p>Conditions:</p> <ol style="list-style-type: none"><li data-bbox="161 1496 1508 1637">1. The development hereby permitted must commence before the expiration of three years from the date of this permission. Reason To comply with Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.<li data-bbox="161 1827 1508 2018">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:- Application Form, received 5th October 2023; Location Plan, scale 1:1250, drawing reference MEJ/2023/763/002A, received 5th |

October 2023;
 Existing Ground Floor Plans, scale 1:50, drawing reference MEJ/2023/763/003 Issue 2, received 26th October 2023;
 Existing First Floor Plan, scale 1:50, drawing reference MEJ/2023/763/004, received 5th October 2023;
 Proposed Ground Floor Plan, scale 1:50, drawing reference MEJ/2023/763/006 Issue 2, received 26th October 2023;
 Proposed First Floor Plan, scale 1:50, drawing reference MEJ/2023/763/007 received 5th October 2023;
 Existing Elevations, scale 1:100, drawing reference MEJ/2023/763/005 Issue 2, received 26th October 2023;
 Proposed Elevations, scale 1:100, drawing reference MEJ/2023/763/008 Issue 2, received 26th October 2023;
 Supporting Notes, received 5th October 2023;
 Supporting Photograph, received 5th October 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.

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.

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| Case Officer: C. Wootton | Date : 29/11/2023 |
| Authorising Officer: N.J. Hayhurst | Date : 29/11/2023 |
| Dedicated responses to:- N/A | |