

## CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	<b>Reference No:</b>	4/23/2322/0F1
2.	<b>Proposed Development:</b>	PROPOSED 2 STOREY SIDE EXTENSION INCORPORATING EXISTING SINGLE STOREY GARAGE AND SINGLE STOREY EXTENSION TO THE REAR. FRONT LEAN-TO CANOPY REPLACED WITH BALCONY
3.	<b>Location:</b>	WESTWOOD, RHEDA PARK, FRIZINGTON
4.	<b>Parish:</b>	Arlecdon and Frizington
5.	<b>Constraints:</b>	ASC;Adverts - ASC;Adverts, Coal - Standing Advice - Data Subject To Change
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>  <p>This application relates to the dwelling known as Westwood, a detached property located within Rheda Park, near Frizington. The property is accessed from a driveway which adjoins the private road running through Rheda Park. There are residential dwellings surrounding the property, all on spacious plots.</p>  <b>PROPOSAL</b>  <p>Planning Permission is sought for a two storey side extension incorporating the existing</p>	

single storey garage and the addition of a single storey extension to the rear with the front lean to canopy proposed to be replaced with a balcony.

The two-storey side extension will add three bedrooms above the existing garage and reconfigure the ground floor to include a gym and utility room. There will be windows in the side elevation to face the south.

A large patio will be installed to the rear of the property and the existing porch on the front elevation will be replaced with a balcony with glazed balustrade – accessible from the dressing room on the first floor.

The proposed extension will be finished in render with sandstone features, concrete roof tiles and UPVC powder coated windows and doors.

### **RELEVANT PLANNING APPLICATION HISTORY**

There are no previous applications on the site.

### **CONSULTATION RESPONSES**

#### Arlecdon and Frizington Parish Council

1<sup>st</sup> response

Requested a site visit from the Planning Officer.

2<sup>nd</sup> response

Formally objects until serious concerns relating to groundwater and foul water drainage issues are resolved acceptably.

#### Public Representations

The application has been advertised by way of neighbour notification letters issued to 6 no. properties.

Letters of objection from 2 no. properties have been received with the following concerns:

- Acute surface water and foul water drainage issues;
- Damage to the septic tank may create flooding for surrounding 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**



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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 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

### **Emerging Copeland Local Plan 2021-2038 (ELP):**

Cumberland Council are continuing the preparation and progression to adoption of the ELP.

The Local Plan Examination Hearing Sessions were completed in March 2023.

The appointed Planning Inspector issued their post hearing letter in June 2023, which identified the next steps for the examination.

The appointed Planning Inspector has now considered all representations and the discussions that took place during the Local Plan Examination Hearing Sessions in 2023 and has identified a number of amendments or 'modifications' that are required in order to ensure the ELP is sound i.e. positively prepared, justified, effective and consistent with national planning policy.

A six week public consultation seeking views on the proposed modifications to the ELP commenced on Wednesday 14th February 2024 and will close on the 28th March 2024. The

Planning Inspectors Report is 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

Strategic Policy DS8PU - Reducing Flood Risk

Policy DS9PU - Sustainable Drainage

Policy H14PU – Domestic Extensions and Alterations

Policy CO7PU: Parking Standards and Electric Vehicle Charging Infrastructure

### **Other Material Planning Considerations**

National Planning Policy Framework 2023 (NPPF)

Cumbria Development Design Guide

### **ASSESSMENT**

The key issues raised by this proposal are the principle of development, its scale and design, the impact on the surrounding residential amenity and drainage.

#### Principle of Development

The proposed application relates to a residential dwelling within Rheda Park to provide an extended living space for the occupants. Policy DM18 of the CS and H14PU of the ELP support extensions and alterations to residential properties subject to detailed criteria, which are considered below.

On this basis, the proposal is considered to satisfy Policies DM18 of the CS, H14PU of the ELP and the NPPF guidance.

#### Scale and Design

Policy ST1 of the CS, DS1PU of the ELP and section 12 of the NPPF seek to safeguard good



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levels of quality and attractiveness. Policy DM10 and DM18 of the CS and H14PU of the ELP 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 add a first floor extension to the existing ground floor protrusion on the side of the dwelling, add a balcony to the front elevation and a flat roofed extension to the rear. The dwelling is sited on a large plot, capable of accommodating an enlargement of the scale proposed comfortably.

The side extension has been designed to continue the roof pitch to match the existing character of the property and add a gable to the front and the rear which reduces the perceived scale. In addition, the proposed materials will modernise and tidy up the property, reflecting the character of many of the other properties within Rheda Park.

The property is not visible from any public viewpoints and can only be seen when accessing the private road through Rheda Park. It is set back from the road with established boundaries and is therefore not highly visible. Notwithstanding this, the proposed extensions will modernise and improve the property.

On this basis, the proposal is considered to meet Policy DM18 of the CS, H14PU of the ELP and the NPPF guidance.

### Residential Amenity

Policy ST1 and DM18 of the CS, H14PU of the ELP and section 12 of the NPPF seek to safeguard good levels of residential amenity of the parent property or adjacent dwellings.

The proposal involves extensions to the side, rear and front of the existing dwelling. The projection to the rear will not have any negative effects due to the large garden and the significant separation distances with the surrounding properties. The side first floor extension will not increase the proximity of the building to the boundary, but will add a first floor extension including a window facing the dwelling known as Sampaguica. The dwelling is a bungalow and there are no facing elevations with Westwood. It is angled away from the south of Westwood. The first floor window is likely to look straight over Sampaguica with no change from the existing situation.

The balcony on the front elevation will face east with the closest properties being 20 Rheda Park to the north east and Dower House to the east. These properties are 27m and 41m away from Westwood respectively, therefore far exceeding the separation distances required by policies within the adopted Copeland Local Plan.

In addition, due to the orientation of the existing property and being north of the neighbour, the two-storey side extension will not cause a significant loss of light or dominance on the neighbouring property. The single-storey rear extension is considered to be relatively modest in scale and unlikely to materially change the existing situation. The proposal is therefore not considered to create any harmful overdominance or overshadowing concerns.

No objections have been received from the closest neighbour – Sampaguica, although the proposals have been considered to take future occupants into account.

On this basis, the proposal will not have any significant adverse impact on the residential amenity and it is considered to comply with Policy DM18 of the CS, Policy H14PU of the ELP and NPPF guidance.

#### Highway Safety

Policy DM22 of the CS and CO7PU of the ELP encourage innovative approaches to manage vehicular access and parking to avoid vehicles dominating the street scene.

The site access and off-street parking will remain unchanged to the front of the property and therefore it is considered that the existing driveway and garage will provide adequate off-street parking to meet the needs of the property.

On this basis, the proposal is considered to satisfy Policy DM22, CO7PU of the ELP and the standards set out in the Cumbria Development Design Guide.

#### Drainage

Concerns were raised by both the occupiers of two neighbouring properties as well as Arlecdon and Frizington Parish Council in relation to historic issues with drainage and this property. When the site visit was undertaken, the rear garden had been dug out and there was some evidence of pooling surface water.

Policies ENV1 and DM24 of the CS and DS8PU and DS9PU of the ELP seek to ensure that proposals do not increase drainage issues either on site or within the surrounding area. As a result of the concerns raised, a full site inspection was undertaken by Fawcett Percolation Systems who provided a pre-design statement relating to Westwood. It was concluded that the existing septic tank arrangement is not suitable for the soil type and infiltration would not be viable due to the clay soil. As a result, a sewage treatment plant will be installed in accordance with the current building standards. An attenuation system will be installed on site for surface water and run off will be equivalent to or less than Greenfield run off rates.

The information is considered to be suitable for the purposes of the planning application with the detailed drainage system fully considered under the Building Regulations. Following a reconsultation, no further objections were received and therefore this is considered to be satisfactory and satisfies the policies within the Copeland Local Plan.

#### Planning Balance and Conclusion

The application seeks planning permission for a second storey side extension, single-storey rear extension and balcony on the front elevation of the dwelling.

On balance, the proposed extensions are considered to reflect the character and appearance of the existing property and other similar extensions within the locality. The proposal is of an appropriate scale and design and would not have any significant detrimental impact on the amenities of the adjoining properties or highway safety. Drainage information has been



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	<p>received as a result of local concern and this is considered to be satisfactory.</p> <p>Overall, this proposal is considered to 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><b>Recommendation:</b></p> <p>Approve (commence within 3 years)</p>
9.	<p><b>Conditions:</b></p> <ol style="list-style-type: none"><li><p>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></li><li><p>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><p>Application form, received 10th November 2024;</p><p>Site Location Plan and Proposed Elevations, scales 1:1250 and 1:100, drawing number 23.17.06a, received 10th November 2024;</p><p>Block Plan and Proposed Plans, scales 1:200 and 1:50, drawing number 23.17.05b, received 10th November 2024;</p><p>Pre-Design Drainage Statement, written by Fawcett Percolation Services Ltd, received 10th June 2024.</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><li><p>Prior to the first occupation of the extensions hereby approved, the drainage as detailed within the Pre-Design Statement written by Fawcett Percolation Ltd, received on 6<sup>th</sup> June 2024 must be constructed and made operational. The drainage must be</p></li></ol>

maintained as such at all times thereafter.

**Reason**

In order to ensure that there are no adverse effects on the neighbouring properties and in accordance with Policies ENV1 and DM24 of the Copeland Local Plan.

**Informative**

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:

[www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

**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: Sarah Papaleo**

**Date : 07/08/2024**

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

**Date : 09/08/2024**

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