

**CUMBERLAND COUNCIL  
DELEGATED PLANNING DECISION**

1.	<b>Reference No:</b>	4/23/2332/0F1
2.	<b>Proposed Development:</b>	DEMOLITION OF EXISITNG BALCONY, ERECTION OF TWO STOREY EXTENSION TO SIDE, SINGE STOREY EXTENSION TO REAR WITH BALCONY ABOVE
3.	<b>Location:</b>	SEAGROVE, GHYLL GROVE, LOWCA
4.	<b>Parish:</b>	Lowca
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>	<p><b>SITE AND LOCATION</b></p> <p>This application relates to the dwelling known as Seagrove, a detached property located off High Lowca, in Lowca. The property is accessed from a private driveway which adjoins High Lowca. There are residential dwellings to the east and north of the property with open agricultural land to the west and south. There is a detached double garage to the front of the property.</p> <p><b>PROPOSAL</b></p> <p>Planning Permission is sought for the demolition of the existing balcony and erection of a two</p>

storey extension to the side and a single storey extension to the rear with a balcony above. The proposal will provide a play room, office and gym.

The two-storey side extension will project 4.11 metres from the side elevation and it will be 9.73 metres in depth. The two-storey extension will match the height of the existing house. There are no windows proposed on the first floor side elevation and the double window on the side of the ground floor is to be obscurely glazed.

The single-storey rear extension will project 3.7 metres from the rear elevation and it will be 5.47 metres in width. It has been designed to include a flat roof which is to be used to provide a first floor balcony. It will include patio doors facing west and a double window facing south. The east elevation will be blank.

The proposed extension will be finished in render, roof tiles, UPVC windows and door materials to match the existing dwelling.

### **RELEVANT PLANNING APPLICATION HISTORY**

Outline application to demolish existing clubhouse and replace with 2 no. detached dwellings with garages, approved in December 2000 (application reference 4/00/0771/0 relates);

2 no. two storey 4 bedroomed dwellings and 7 no. open parking spaces for use by local residents, approved in December 2003 (application reference 4/02/1335/0 relates).

### **CONSULTATION RESPONSES**

#### Lowca Parish Council

No response received.

#### Public Representations

The application has been advertised by way of neighbour notification letters issued to 2 no. properties.

No comments have been received as a result of these advertisements.

### **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



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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 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.

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

### **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 and the impact on the surrounding residential amenity.

#### Principle of Development

The proposed application relates to a residential dwelling within Lowca 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 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 further projection to the side of the dwelling and increase the projection to the rear. The dwelling is sited on a large plot, capable of accommodating an enlargement of this dwelling comfortably.

The side extension has been designed to continue the roof pitch to match the existing character of the property. In addition, the proposed materials are proposed match the existing property. The rear extension will be flat roofed to provide a first floor balcony, which may be partially visible when travelling north through Lowca. The balcony will replace the existing balcony structure and will reflect the neighbouring property, therefore not changing the overall character of the property.

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



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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 will be located in the side and rear garden. The projection to the rear will not have any significant adverse effects due to the open fields behind. The side elevation will bring the dwelling closer in proximity to the neighbouring dwelling, however space has been left for maintenance and the removal of bins from the front of the property so as not to have a detrimental impact on the neighbouring dwelling.

The plans initially included windows in the side elevation, however so as not to affect the amenity of the occupants of the neighbouring property, these were removed leaving a single ground floor window which will be obscure glazed. A suitably worded planning condition can be imposed to secure the installation of the obscure glazing and its retention thereafter.

Concerns were raised with the Agent with regards to the overlooking potential from the balcony. As mitigation, a 2m high composite panel infill was added to the eastern side of the balcony in order to ensure that overlooking is not possible.

In addition, due to the orientation of the existing property, the two-storey side extension will not cause a significant loss of light or dominance to the neighbouring properties. 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 significant impacts in terms of dominance or overshadowing.

No objections were received from the neighbouring property, however the proposal has been assessed in order to consider the amenities of any future occupants of this dwelling.

On this basis, the proposal will not have an 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 double 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.

### Planning Balance and Conclusion

The application seeks planning permission for a two-storey side and single-storey rear

	<p>extension.</p> <p>On balance, the proposed extension is considered to reflect the character and appearance of the existing property and 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. Planning conditions are proposed to secure mitigation to limit the impact of the development on residential amenity.</p> <p>Overall, it 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> Approve (commence within 3 years)</p>
9.	<p><b>Conditions:</b></p> <ol style="list-style-type: none"> <li data-bbox="159 969 1484 1041">1. The development hereby permitted shall be commenced 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> <li data-bbox="159 1301 1484 1664">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: -  Application form, received 25th October 2023; Site Location Plan, Block Plan and Proposed Elevations, scales 1:1250, 1:500 and 1:100, drawing number 3A, received 5th December 2023; Proposed Ground Floor Plan, scale 1:100, drawing number 1A, received 5th December 2023; Proposed First Floor Plan, scale 1:100, drawing number 2A, received 5th December 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.</li> <li data-bbox="159 1924 1484 2027">3. Prior to the first use of the extension hereby approved, any new windows on the eastern elevation must be obscurely glazed to level 5 (high obscuration) and retained as such at all times thereafter.</li> </ol>



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### Reason

In order to ensure that the neighbouring amenity is not negatively affected in accordance with Policy DM18 of the Copeland Local Plan.

4. Prior to the first use of the extension hereby approved, the 2m high composite panel infill proposed to the east elevation of the balcony must be erected in accordance with the approved plans and retained at all times thereafter.

### Reason

In order to ensure that the privacy of the neighbouring property is protected in accordance with Policy DM18 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 : 11/01/2024**

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

**Date : 12/01/2024**

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

