

## CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	<b>Reference No:</b>	4/23/2337/0F1
2.	<b>Proposed Development:</b>	DEMOLITION OF EXISTING GARAGE, CAR PORT, PORCH, WC AND REAR SUNROOM AND ERECTION OF SINGLE STOREY EXTENSION AND GARAGE
3.	<b>Location:</b>	PENROWAN, HAILE, EGREMONT
4.	<b>Parish:</b>	Haile
5.	<b>Constraints:</b>	ASC;Adverts - ASC;Adverts, Flood Area - Flood Zone 2, Flood Area - Flood Zone 3, Safeguard Zone - Safeguard Zone, Coal - Off Coalfield - Data Subject To Change, DEPZ Zone - DEPZ Zone, Outer Consultation Zone - Sellafield 10KM
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>	This application relates to Penrowan, a detached bungalow located within the open countryside, to the south-west of Haile, Egremont.

The site is accessed via an unclassified track and benefits from a large garden which is spread across two levels. The site also has a large hard-standing parking area at the front of the property.

In addition, the lower level of the site falls within Flood Zone 2 and 3.

## **PROPOSAL**

Planning Permission is sought for demolition of the existing garage, car port, porch and rear sunroom and the erection of a single-storey side and front extension. The extension will provide a new garage to the front of the property and a new entrance lobby, master bedroom with en-suite and walk-in-wardrobe, a new living room and two additional bedrooms to the side of the property.

The proposed garage extension will project 5.3 metres from the front elevation and it will be 6.6 metres in width. It has been designed to include a pitched roof with an overall height of 4.7 metres and an eaves height to match the existing bungalow. The front elevation will include a window, the side elevation facing the driveway will include a garage door and other side elevation will include an access door.

The proposed side extension will project 7.6 metres from the side elevation of the dwelling and it will have a depth of 18.1 metres. It will continue the roof pitch and include a cross-gable on the rear elevation. It will include a front door and window on the front elevation, patio doors and three windows on the side elevation and a window on the rear elevation. The rear projection will also include a window and patio doors on the side elevation facing the existing patio.

The extensions will be finished with render, grey concrete roof tiles and white UPVC windows and doors to match the existing property.

## **RELEVANT PLANNING APPLICATION HISTORY**

Planning Permission has previously been granted for a single-storey extension (ref: 4/04/2440/0).

## **CONSULTATION RESPONSES**

Haile and Wilton Parish Council

No comments received.

Highways and LLFA



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### Initial response:

The local highway authority have no objections to the proposed development, however further information is required from an LLFA prospective. The applicant has completed the householder and minor extensions form but have not provided any supporting evidence of flood risk, flood proofing/ resilience and resistance techniques for the development, all of which put together will form the flood risk assessment. Upon receiving further information I will be able to form a further response.

### Final response:

Highway - The local highway authority have no objections to the proposed development.

LLFA - Further information was requested in relation to supporting evidence of flood risk, flood proofing/ resilience and resistance techniques for the development.

We are content with the information in the statement supplied. We have noted that the site is in flood zone 2 and 3 however the development is in flood zone 1.

I can confirm that we have no objection to the proposed development as it is considered that it will not have a material effect on existing highway conditions nor will it increase the flood risk on the site or elsewhere.

### Environment Agency

We have no objection to the proposed development but we wish to make the following comments:-

Flood risk - The red-edge boundary of the planning application includes an area that is located within Flood Zone 3, which is land defined by the planning practice guidance as having a high probability of flooding. The National Planning Policy Framework (paragraph 167, footnote 55) states that an FRA must be submitted when development is proposed in such locations.

While the application boundary falls within Flood Zone 3, the proposed development is wholly within Flood Zone 1, which is land defined as having a low probability of flooding. As no development is proposed within Flood Zone 3, there are no tidal or fluvial flood risks that we would expect to be considered through a FRA.

The risk of flooding from other sources has not been considered. It will be for the Local Planning Authority to decide whether or not the application should be supported by a FRA to consider the risk of flooding from other sources in this instance.

### Public Representations

The application has been advertised by way of neighbour notification letters issued to 3 properties - No 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.

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

Policy ENV1 – Flood Risk and Risk Management

#### Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place

Policy DM18 – Domestic Extensions and Alterations

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 submitted for examination 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



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### 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 DS8PU – Reducing Flood Risk

Policy H14PU – Domestic Extensions and Alterations

### **Other Material Planning Considerations**

National Planning Policy Framework (NPPF)

Cumbria Development Design Guide

### **ASSESSMENT**

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

#### Principle of Development

The proposed application relates to a residential dwelling, and it will provide a new garage to the front of the property and a new entrance lobby, master bedroom with en-suite and walk-in-wardrobe, a new living room and two additional bedrooms to the side of the property.

Policy DM18 supports extensions and alterations 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 extensions will be relatively modest in scale and appropriately located within

the front and side garden. The extensions will replace an existing front porch and flat roof garage extension and the continuation of the pitched roof design will ensure that the design respects the character of the parent property.

In addition, the choice of materials will match the existing property and therefore the extension will not be excessively prominent within the locality.

On this basis, the proposal is considered to comply with Policies DM10 and DM18(A) 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.

Potential amenity issues between the proposed extension and the neighbouring properties were considered. However, due to the siting within the large garden, it is not considered that the proposal will be overbearing for the neighbouring properties.

The extension will be stepped back from the boundary and given the significant separation distances with the neighbouring property, Beckyeat, it is not considered that the extension will cause a significant loss of light to the neighbouring properties. In addition, the existing boundary treatments will mitigate potential overlooking issues.

On this basis, the proposal is considered to meet Policies DM18(B), DM18(C) and the NPPF guidance.

#### Flood Risk and Drainage

Policy ENV1 and DM24 seek to protect developments against flood risk.

Part of the application site falls within flood zones 2 and 3 and therefore concerns were originally raised by the Environment Agency and the Lead Local Flood Authority regarding the flood risk assessment and the lack of supporting evidence of flood risk, flood proofing/ resilience and resistance techniques for the development. The applicant provided additional information and the LLFA were content with the details provided.

Following a review of the site, it was confirmed that the development will be located on an elevated part of the site, in flood zone 1 and therefore the proposal is not considered to increase flood risk on the site or elsewhere. Based on the nature and scale of the development, the proposal is considered to be acceptable and the additional flood risk assessment requirements were not considered to be necessary.

To further protect the development against flood risk, the floor levels and flood mitigation measures to be included in accordance with 'Improving the flood performance of new dwellings' CLG (2007) can be secured by the use of a planning condition.



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	<p>Overall, the proposal will not have a detrimental effect on flood risk on the site or elsewhere and therefore the proposal complies with Policy ENV1 and DM24.</p> <p><u>Highway Safety and Parking</u></p> <p>Policy DM22 seeks to ensure that suitable off-street parking is provided.</p> <p>The site visit confirmed that there is sufficient parking within the front driveway and the proposed garage to meet the parking standards set out in the Cumbria Development Design Guide for a 5-bedroom property. The Highway Authority also raised no objections as it is not considered that extension will have a material impact on the highway conditions.</p> <p>On this basis, the proposal is considered to satisfy the parking requirements of Policy DM22 and the Cumbria Development Design Guide.</p> <p><u>Planning Balance and Conclusion</u></p> <p>The proposed single-storey front and side extensions are of an appropriate scale and design and will not have any detrimental impact on the amenities of the adjoining properties, flood risk or highway safety. It therefore 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>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><li>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 16<sup>th</sup> November 2023; Location Plan, scale 1:1250, drawing no. 001, received 16<sup>th</sup> November 2023; Block Plan, scale 1:500, drawing no. 001, received 16<sup>th</sup> November 2023; Existing Floor Plan, scale 1:50, drawing no. 001, received 16<sup>th</sup> November 2023;</li></ol>

Existing Elevations, scale 1:100, drawing no. 001, received 16<sup>th</sup> November 2023;  
Proposed Floor Plan, scale 1:50, drawing no. 002, received 16<sup>th</sup> November 2023;  
Proposed Elevations, scale 1:100, drawing no. 002, received 16<sup>th</sup> November 2023;  
Proposed Roof Plan, scale 1:100, drawing no. 002, received 16<sup>th</sup> November 2023;  
Householder and other minor extensions in Flood Zones 2 and 3 form, received 16<sup>th</sup> November 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.

3. Prior to the first use of the extension hereby approved, the floor levels and flood proofing measures must be carried out in accordance with 'Householder and other minor extensions in Flood Zones 2 and 3' form, received by the Local Planning Authority on 16<sup>th</sup> November 2023. The measures should be maintained thereafter.

Reason

In the interest of protecting the development against flood risk.

**Informative Note**

The Kirk Beck, adjacent to the site, is a designated statutory main river. In addition to any planning approval, the Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in the floodplain of a main river if the activity could affect flood flow or storage and potential impacts are not controlled by a planning permission

For further guidance please visit <https://www.gov.uk/guidance/flood-risk->





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[activitiesenvironmental-permits](#) or contact our National Customer Contact Centre on 03708 506 506. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

**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 : 10/01/2024**

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

**Date : 11/01/2024**

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