

**CUMBERLAND COUNCIL
DELEGATED PLANNING DECISION**

1.	Reference No:	4/23/2348/0F1
2.	Proposed Development:	PROPOSED SINGLE STOREY REAR EXTENSION, INTERNAL ALTERATIONS AND RAISED REAR PATIO AREA
3.	Location:	LOW LODGE, 12 MILLERS WALK, CLEATOR
4.	Parish:	Cleator Moor
5.	Constraints:	ASC;Adverts - ASC;Adverts, Flood Area - Flood Zone 2, Coal - Standing Advice - Data Subject To Change, Outer Consultation Zone - Sellafield 10KM
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 Low Lodge, 12 Millers Walk, a detached bungalow situated within Cleator.</p> <p>The site benefits from a large garden which steps down towards the rear and a rear conservatory. It is bound by neighbouring properties to either side and River Ehen to the rear.</p>

PROPOSAL

Planning Permission is sought for the erection of a new single-storey rear extension with internal alterations and a raised patio within the rear garden. The works will provide an enlarged kitchen-dining room and a new utility.

The rear extension will project 3 metres from the rear elevation and it will have a width of 4.09 metres. It has been designed to include a pitched roof with an overall height of 4.2 metres and an eaves of 2.7 metres. It will include two glazed floor-to-ceiling windows on the rear elevation and patio doors on the side elevation facing the garden. The side elevation facing the boundary will include two high level horizontal windows. The extension will be finished in brick and render, grey concrete roof tiles and white UPVC windows to match the existing property.

The raised patio area will be increased by 0.55 metres and it has been designed to include access steps on the side elevation and a 1.1 metre high glazed balustrade.

RELEVANT PLANNING APPLICATION HISTORY

There have been no previous planning applications at this property.

CONSULTATION RESPONSES

Cleator Moor Town Council

No objections.

Highways and LLFA

No objections.

Environment Agency

No objections.

Public Representation

The application has been advertised by way of neighbour notification letters issued to 2 no. properties – No objections have been received as a result of the 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

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 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.

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)

Planning Practice Guidance (PPG)

ASSESSMENT

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

Principle of Development

The proposed application relates to a residential dwelling within Cleator and it will provide replacement rear extension and a raised garden area with new balustrade. 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 extension will be appropriately located to the rear of the property, and it will be modest in scale. The rear extension will replace an existing conservatory, behind the main element of the existing dwelling and this will ensure that the proposal appears subservient to the main dwelling. In addition, the choice of materials will match the appearance of the existing property and therefore it will not be excessively prominent within the locality.

The raised garden area with glass balustrade is considered to be suitably located at the end of the garden and it will reflect similar raised garden areas along the row of residential properties facing the River Ehen.

On this basis, the proposal is considered to meet 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.



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Whilst amenity concerns were considered, the extension is relatively modest in scale and suitably located within the site. The rear extension will replace an existing conservatory and it will be located to the west of the neighbour, no. 13 Millers Walk. Due to this orientation, it is not considered that the proposal will cause significant overshadowing. The design is also considered to be acceptable and the proposed high-level windows on the side elevation facing the boundary are considered to mitigate overlooking concerns.

The raised patio level at the end of the garden is not considered to be excessively overbearing. Under current Permitted Development Rights, a raised platform with an overall height of 0.3 metres from ground level could be installed without the requirement for formal planning permission. This fall-back position is a material consideration in the assessment of this application. On this basis, given the existing character of the elevated and sloping site and that the height is not significantly larger than what is possible under permitted development, the proposal is considered to be acceptable in terms of scale and design.

In addition, due to the orientation and the existing boundary treatments, it is not considered that the patio level will cause adverse overlooking or privacy issues. Although in the interest of neighbouring amenity, obscure glazing can be secured on the side elevation facing, no. 13 Millers Walk's garden.

No objections have been received as part of the neighbour consultation.

On this basis, the proposal is considered to comply with Policy DM18 and the NPPF guidance.

Flood Risk

Policy ENV1 and DM24 seeks to protect developments against risks of flooding and ensure that new developments do not contribute to increased surface water run-off.

Part of the application site falls within flood zones 2 and 3 and therefore the application is supported by a Householder and other minor extensions in Flood Zones 2 and 3 Form.

The proposed rear extension is suitably located on the higher garden level, in flood zone 1 and it will replace an existing rear conservatory. On this basis, the proposal is not considered to increase flood risk on the site or elsewhere.

The end of the garden already has a hard surfacing and therefore the raised ground level proposal is not considered to increase flood risk. It will create a less vulnerable development and therefore the Environment Agency raised no objections to the proposed development.

An informative note can be attached to the decision notice relating to the need for an Environmental Permit.

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.

Planning Balance and Conclusion

	<p>This application seeks to erect a replacement rear extension and a raised patio area to the rear. The proposal is considered to be acceptable in terms of scale and design and will not have any detrimental impact on the amenities of the adjoining properties or flood risk.</p> <p>On this basis, 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: Approve (commence within 3 years)</p>
9.	<p>Conditions:</p> <ol style="list-style-type: none"> 1. The development hereby permitted must commence before the expiration of three years from the date of this permission. <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> <ol style="list-style-type: none"> 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:- <ul style="list-style-type: none"> Application Form, received 27th November 2023; Location Plan, scale 1:2500, drawing no. S01-2395-01, received 27th November 2023; Block Plan, scale 1:500, drawing no. S01-2395-01, received 27th November 2023; Existing Floor Plans, scale 1:100, drawing no. S01-2395-02, received 27th November 2023; Existing Elevations, scale 1:100, drawing no. S01-2395-03, received 27th November 2023; Proposed Floor Plans, scale 1:100, drawing no. S01-2395-04 Revision A, received 2nd February 2024; Proposed Elevations, scale 1:100, drawing no. S01-2395-05, received 27th November 2023; Flood Form, received 27th November 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. Prior to the first use of the raised patio area hereby approved, obscure glazing must be installed within the side elevation 1.1m high balustrade adjacent to the neighbouring garden, no. 13 Millers Walk. Once installed, the obscure glazing must be permanently maintained at all times thereafter.

Reason

In the interest of residential amenity in accordance with Policy DM18 of the Copeland Local Plan.

Informative Notes

Environmental Permit

The River Ehen 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-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.

Coal Advice Area

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

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 : 07/02/2024

Authorising Officer: N.J. Hayhurst

Date : 07/02/2024

Dedicated responses to:- N/A