

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/23/2359/0F1
2.	Proposed Development:	SINGLE STOREY REAR EXTENSION TO AN EXISTING DWELLING WITH INTERNAL AND EXTERNAL ALTERATIONS INCLUDING NEW ROOFLIGHTS AND REAR FACING FIRST FLOOR WINDOWS
3.	Location:	STOUP DUB FARM, HAWS LANE, HAVERIGG
4.	Parish:	Millom
5.	Constraints:	ASC;Adverts - ASC;Adverts, SSSI - SSSI, Coal - Off Coalfield - Data Subject To Change, Key Species - Known Sites for Natterjack Toads
6.	Publicity Representations & Policy	Neighbour Notification Letter: YES Site Notice: YES Press Notice: NO Consultation Responses: See report Relevant Planning Policies: See report
7.	Report: LOCATION	This application relates to Stoup Dub Farm, a semi-detached property located along Haws Lane, Haverigg. The site benefits from a large garden and an existing single-storey side lean-to projection and a small rear porch.

PROPOSAL

Planning Permission is sought for the removal of the rear porch and the erection of a single-storey rear extension to provide an enlarged kitchen-dining-living room and a new rear porch.

The extension will project 10 metres from the rear elevation of the dwelling, and it will be 5.769 metres in width. It has been designed to include a pitched roof with an eaves height of 2.2 metres and an overall height of 3.7 metres. The rear elevation will include a half-gable window and the side elevation facing the adjoining neighbour will be blank. The side elevation facing the garden will include an access door, two windows and patio doors. It will be finished with wet dash render, slate and UPVC windows and doors to match the existing property. It will also be lit by 4 skylights.

RELEVANT PLANNING APPLICATION HISTORY

There have been no previous planning applications at this property.

CONSULTATION RESPONSES

Millom Town Council

No comments received.

Countryside Access Team

No objections. However, it should be noted that the Public Right of Way Bridleway BW 415013 passes along the main access to the development site.

Public Representations

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



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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 ENV3 – Biodiversity and Geodiversity

Policy ENV6 – Access to the Countryside

Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place

Policy DM18 – Domestic Extensions and Alterations

Policy DM25 – Protecting Nature Conservation Sites, Habitats and Species

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)

Wildlife and Countryside Act 1981

ASSESSMENT

The key issues raised by this proposal are the principle of development, its scale and design and the potential impacts on residential amenity, the public right of way and ecology.

Principle of Development

The proposed application relates to a residential dwelling, and it will provide an enlarged kitchen-dining-living room and a new rear porch. 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 single-storey rear extension will be relatively modest in scale and appropriately located within the site, behind the main element of the existing dwelling. This will ensure that the proposal appears subservient to the main dwelling, and it will not be excessively prominent within the locality.

The design is considered to be suitable for its use and the matching materials are considered to respect the existing character and appearance of the existing property.

Overall, the proposal is considered to meet Policy DM18(A) and the NPPF guidance.

Residential Amenity

Policy ST1, Policy DM18 and section 12 of the NPPF seek to safeguard good levels of



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residential amenity of both the parent property and adjacent dwellings.

Whilst potential amenity issues between the proposed extension and the neighbouring properties were considered, the extension will be relatively modest in scale and design. It will be stepped away from the boundary by approximately 1.7 metres and it will be appropriately located to the rear of the parent property. In addition, due to the orientation of the existing dwelling, it is not considered that the extension will create a significant reduction in daylight or appear overbearing for the neighbouring properties.

The side elevation facing the adjoining neighbour will be blank and therefore the design is considered to mitigate overlooking concerns. The existing boundary wall will also help screen the development.

In addition, under the current prior approval process, an extension could project 6 metres from the rear elevation, with an overall height of 4 metres without the requirement for formal planning permission. This fall-back position is a material consideration in the assessment of this application. As the projection is not significantly larger than what is possible under permitted development, this proposal is considered to be satisfactory and therefore the proposal will not have a detrimental impact on the neighbouring amenity.

No concerns have been raised as part of the public consultation process.

On this basis, it was considered that the proposal will not have any adverse impacts on the neighbours and therefore the proposal is considered to satisfy Policy DM18 and the NPPF guidance.

Public Right of Way

Policy ENV6 recognises that existing Public Rights of Way are protected in law.

The Public Right of Way Bridleway BW 415013 passes along the main access to the development site and through the adjoining neighbours garden, to the side of the proposed extension. On this basis, although part of the proposed extension will be visible from a small section of the Public Right of Way, it will be screened by the existing boundary wall and it will be viewed in the context of the existing dwelling and as such will not have any detrimental impact on the Public Right of Way.

The proposal will not harm the physical footpath or the amenity of the user, although an informative note has been attached to ensure the right of way remains open and unobstructed.

Overall, therefore the proposal is considered to satisfy Policies ENV6, DM10 and the NPPF guidance.

Ecology

	<p>Policy ST1, ENV3 and DM25 and section 15 of the NPPF outline how the Council will protect and enhance the biodiversity and geodiversity within the Borough. These policies set out the approach towards managing development proposals that are likely to have an effect on nature conservation sites, habitats and protected species.</p> <p>The application site is identified as a potential area for natterjack toads and a SSSI is located to the front of the site. Although the application site is located within 200m of a watercourse (as indicated within the ALGE trigger list), the proposed householder extension will be sited to the rear of the existing dwelling. Due to the nature of the residential garden, the site visit confirmed that the development is unlikely to disturb any habitats. On this basis, it is considered that this is not a habitat that is likely to contain natterjack toads and so it would not be necessary to seek an ecological survey for this minor application.</p> <p>It is therefore considered that the development complies with Policies ST1, EV3 and DM25 of the Copeland Local Plan and the NPPF guidance.</p> <p><u>Planning Balance and Conclusion</u></p> <p>Overall, the single-storey rear extension is considered to be of an appropriate scale and design and will not have any detrimental impact on the amenities of the adjoining properties, the public right of way or ecology. The proposal 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>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. Reason To comply with Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004. 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 1st December 2023; Location Plan, scale 1:1250, drawing no. 23-40-P-L, received 1st December 2023; Proposed Site Plan, scale 1:200, drawing no. 23-40-P-01, received 1st December



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2023;

Existing Floor Plans, scale 1:100, drawing no. 23-40-P-02, received 1st December 2023;

Existing Elevations, scale 1:100, drawing no. 23-40-P-03, received 1st December 2023;

Existing 3D Sketches, drawing no. 23-40-P-04, received 1st December 2023;

Proposed Floor Plans, scale 1:100, drawing no. 23-40-P-05, received 1st December 2023;

Proposed Elevations, scale 1:100, drawing no. 23-40-P-06, received 1st December 2023;

Proposed 3D Sketches, drawing no. 23-40-P-07, received 1st December 2023;
Flood Map, received 1st 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.

Informative Note

A PROW (bridleway) number BW 415013 lies adjacent to the site, the Applicant must ensure that no obstruction to the footpath occurs during, or after the completion of the site works.

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 : 23/01/2024

Authorising Officer: N.J. Hayhurst

Date : 23/01/2024

Dedicated responses to:- N/A

