

## CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	<b>Reference No:</b>	4/23/2361/0F1
2.	<b>Proposed Development:</b>	SINGLE STOREY EXTENSION TO REAR AND ALTERATION AND CONVERSION OF CONSERVATORY TO FORM A PERMANENT ROOM
3.	<b>Location:</b>	5 THE FAIRWAYS, SEASCALE
4.	<b>Parish:</b>	Seascale
5.	<b>Constraints:</b>	ASC;Adverts - ASC;Adverts, Safeguard Zone - Safeguard Zone, Coal - Off Coalfield - Data Subject To Change, Key Species - Potential areas for Natterjack Toads, 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>LOCATION</b>	  This application relates to 5 The Fairways, a detached property located on a corner plot in Seascale. The site benefits from a detached garage and offroad parking with a small garden area to the front of the property, and a conservatory and a modest size garden to the rear.

## **PROPOSAL**

Planning Permission is sought for the conversion of the rear conservatory on the same footprint to form an improved dining room, and an additional small rear extension off the existing kitchen to provide a utility room.

The existing conservatory footprint projects 2.7 metres from the rear wall of the original dwellinghouse and is 5.25 metres in width.

The new small extension off the kitchen will project 3 metres from the rear elevation of the dwelling, and it will be 4.32 metres in length externally. The roof will be an asymmetrical design with differing eaves heights. It proposes an eaves height of 2.4 metres from the highest point, and an eaves height of 1.8 metres on the lowest point with overall height of 3.8 metres.

The rear elevation of the proposed extension overlooking the parent property garden will include a window, and the side elevation will include a single door and small window out onto the garden. The new structure on the existing conservatory footprint has been designed to include 2 windows and patio doors with a flat roof with a height of 3 metres, and a roof light above.

It will be finished with facing brick and rendered block, concrete roof tiles and UPVC windows to match the existing property, and the replacement conservatory will contain a ply membrane flat roof to replace the existing polycarbonate roof.

## **RELEVANT PLANNING APPLICATION HISTORY**

4/02/0668/0 KITCHEN EXTENSION, GARAGE & CONSERVATORY

## **CONSULTATION RESPONSES**

### Consultees

Seascale Parish Council – No objections.

### Public Representations

The application has been advertised by way of neighbour notification letters issued to 4 no. properties. No objections were received as a result of this consultation.

## **PLANNING POLICIES**

Planning law requires applications for planning permission must be determined in accordance



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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 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

#### 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)

Cumbria Development Design Guide

Wildlife and Countryside Act 1981

### **ASSESSMENT**

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

#### Principle of Development

The proposed application relates to a residential dwelling located within Seascale and it will convert the rear conservatory on the same footprint to form an improved dining room, with an additional small rear extension off the kitchen to provide a utility room.

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 extension will be relatively modest in scale and is considered to be appropriately located within the site given that it is partly replacing an existing conservatory and is a similar size and construction. This has been designed to include a flat roof with a roof lantern over.

The additional small rear extension to provide a utility room off the existing kitchen is primarily located behind the main element of the dwelling. It will project 3 metres from the rear elevation of the dwelling and it will be 4.32 metres in width. It projects past the side elevation along the rear by approximately 1 metre.

The roof has been designed to be of an asymmetrical design with differing eaves heights. It proposes an eaves height of 2.4 metres from the highest point, and an eaves height of 1.8 metres on the lowest point with overall height of 3.8 metres which is not considered to be excessively prominent within the locality.

The rear elevation of the proposed extension overlooking the parent property garden will include a window, and the side elevation will include a single door and small window out onto the garden. The new structure which is to be built on the footprint of the existing conservatory contains two windows and a set of patio doors which open out onto the parent property garden.

It will be finished with facing brick and rendered block, concrete roof tiles and UPVC windows to match the existing property, and the new structure on the conservatory footprint will contain a ply membrane flat roof to replace the existing polycarbonate roof.

The design is therefore considered to be suitable for its use and the choice of 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 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 and will be appropriately located to the rear of the parent property.

The proposal will convert an existing conservatory that already exists on site on the same footprint to form an improved dining room and therefore the proposal is not considered to result in a significant reduction in daylight or appear overbearing for the neighbouring properties.

Despite the projection of the side elevation of the proposed new small rear extension by approximately 1 metre from the side elevation at the rear adjacent to the roadside, there are no new openings proposed on this elevation. As this side elevation is blank, and there is an existing boundary fence screening the rear garden of this corner plot, there are no additional overlooking issues resulting from this development. Furthermore, as the proposed extension has been designed to contain a utility room which is not a habitable rooms, the proposal will also not result in any significant loss of privacy for the occupiers of the neighbouring properties.

Whilst there is a window proposed on the rear elevation, this is relatively small and overlooks the parent property garden. It is therefore not considered to cause any detrimental overlooking issues for the properties to the rear due to the separation distance between the window and the neighbouring properties, and the fact that the applicants property is sloped downhill slightly from the immediate neighbours to the rear.

In addition, following a site visit, it was noted that there were similar extensions within the immediate neighbourhood and wider residential area.

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.

#### Ecology

Policies ST1, ENV3 and DM25 of the Copeland Local Plan 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 may have an effect on nature conservation sites, habitats and protected species.

The application site is identified as being a potential area for Natterjack Toads. The application site is not located within 200 metres of a watercourse (as indicated within the ALGE trigger list) and therefore it is not considered to be supported by any ecology details as the site is located within a built-up residential area.

On this basis it is considered that it would not be necessary to seek a protected species survey for this minor householder application as the location of the works being carried out relate to an area that already contains an area of hard surface, and therefore it is not considered that this development will disturb any habitats.

#### Planning Balance and Conclusion

Overall, the rear extension is considered to be suitably located within the site and is acceptable in terms of its scale and design.

In addition, the proposal will not have any detrimental impact on the amenities of the adjoining properties and the choice of materials proposed are considered to be suitable for their use and respect the existing property and wider residential area.

The proposal is also not considered to raise any impacts in terms of ecology.

On balance, the proposal therefore represents an acceptable form of development which



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	accords with the policies set out within the adopted Local Plan and the guidance in the NPPF.
8.	<b>Recommendation:</b> Approve (commence within 3 years)
9.	<b>Conditions:</b>  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.  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 6 <sup>th</sup> December 2023; - Site Location & Block Plan, scale 1:500, Drawing no 23-FSK-41-03 received 6 <sup>th</sup> December 2023; - Existing Plans & Elevations, Drawing no 23-FSK-41-01, received 6 <sup>th</sup> December 2023; - Proposed Plans & Elevations, Drawing no 23-FSK-41-03, received 6 <sup>th</sup> 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.  <b>Statement:</b>  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.

<b>Case Officer: Demi Crawford</b>	<b>Date : 30/01/24</b>
<b>Authorising Officer: N.J. Hayhurst</b>	<b>Date : 31/01/2024</b>
<b>Dedicated responses to:-</b>	