

**CUMBERLAND COUNCIL
DELEGATED PLANNING DECISION**

1.	Reference No:	4/24/2030/0F1
2.	Proposed Development:	DEMOLITION OF EXISTING CONSERVATORY AND ERECTION OF SINGLE STOREY EXTENSIONS TO SIDE AND REAR OF DWELLING
3.	Location:	5 FAIR VIEW, EGREMONT
4.	Parish:	Egremont
5.	Constraints:	ASC;Adverts - ASC;Adverts, Coal - Off Coalfield - 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:	
	LOCATION	This application relates 5 Fair View, a detached bungalow located on a cul-de-sac within Egremont. The site benefits from an existing side conservatory and a large rear garden.
	PROPOSAL	Planning Permission is sought for the demolition of the existing conservatory and the erection of a single-storey side and rear extension to provide a new sunroom and an additional

bedroom and en-suite.

The side extension will project 4.5 metres from the side elevation of the dwelling, and it will have a depth of 6 metres. It has been designed to include a pitched roof with an overall height of 4.3 metres and an eaves to match the existing bungalow. It will include a front window, high level glazing in the side gable and patio doors on the rear elevation. It will also be lit by two skylights.

The rear extension will project 7.9 metres from the rear elevation, and it will have a width of 4.5 metres. It has been designed to include a pitched roof with an overall height of 4.2 metres and an eaves to match the existing bungalow. It will include a blank side elevation facing the boundary and it will include a window on the rear elevation and two windows on the side elevation facing the garden. It will also be lit by two skylights.

The works also include the installation of a window on the side elevation of the existing bungalow.

The extensions will be finished in dry dash render, roof tiles and UPVC windows and doors to match the existing dwelling.

RELEVANT PLANNING APPLICATION HISTORY

There have been no previous applications for this property.

CONSULTATION RESPONSES

Consultees

Egremont Town Council– No objections.

Public Representations

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

3 objections were received which raised the following concerns:

- Impact on three mature trees to the rear of the application site, groundwork within the root protection areas and stability and health of the trees;
- Concerns the rear extension would fall within the tree fall areas.
- Impact on nesting birds in the trees and plants;
- Concerns regarding overshadowing from the rear extension on the neighbouring garden;



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- Impact on drainage and wet ground in the neighbouring garden.

No further comments have been received following the re-consultation with the Root Protection Plan.

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 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 DM22 – Accessible Developments

Policy DM25 – Protecting Nature Conservation Sites, Habitats and Species

Policy DM28 – Protection of Trees

Other Material Planning Considerations

National Planning Policy Framework (NPPF)

Cumbria Development Design Guide

Wildlife and Countryside Act 1981

Emerging Copeland Local Plan 2021-2038 (ELP):

Cumberland Council are continuing the preparation and progression to adoption of the ELP.

The Local Plan Examination Hearing Sessions were completed in March 2023.

The appointed Planning Inspector issued their post hearing letter in June 2023, which identified the next steps for the examination.

The appointed Planning Inspector has now considered all representations and the discussions that took place during the Local Plan Examination Hearing Sessions in 2023 and has identified a number of amendments or 'modifications' that are required in order to ensure the ELP is sound i.e. positively prepared, justified, effective and consistent with national planning policy.

A six-week public consultation seeking views on the proposed modifications to the ELP commenced on Wednesday 14th February 2024 and will close on the 28th March 2024.

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 advanced stage of preparation of the ELP full weight can be attached to policies where no objections have been received or objections have been resolved. Once the consultation on the main modifications to the ELP is complete significant weight can be afforded to the policies of the ELP where modifications are proposed.

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 N1PU – Conserving and Enhancing Biodiversity and Geodiversity

Policy N13PU – Woodlands, Trees and Hedgerows

ASSESSMENT



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The key issues raised by this proposed are the principle of development, its scale and design and the potential impacts on residential amenity, highway safety, surrounding trees and ecology.

Principle of Development

The proposed application relates to a dwelling within Egremont, and it will provide a new sunroom and an additional bedroom and en-suite. Policy DM18 and H14PU support 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.

Policy H14PU also supports house extensions where the scale, design and materials of the proposed development would not adversely alter the character or appearance of the existing building, street scene or wider surrounding area.

The proposed extensions are considered to be appropriately located within the side and rear garden and they are relatively modest in scale. Both extensions will appear subservient to the main bungalow with lower overall roof heights. The design of both extensions are considered to be suitable for its use and the choice of materials will match the existing dwelling. This ensures that the development reflects the character and appearance of the existing dwelling, and it will not alter the appearance of the dwelling and street-scene.

On this basis, the proposal is considered to comply with Policy DM18, H14PU and the NPPF guidance.

Residential Amenity

Policies ST1, DM18, H14PU and section 12 of the NPPF seek to safeguard good levels of residential amenity of both the parent property and adjacent dwellings.

Whilst amenity issues have been considered, the single-storey side and rear extensions are considered to be suitable in scale in relation to the existing property and rear garden and the single-storey side extension will replace an existing conservatory.

One letter of objection raised significant concerns regarding the impact on overshadowing and loss of light. These concerns were considered, however under the current prior approval process, an extension could project 8 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 slightly smaller and the proposed height 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. The design with the lower roof height is also considered to reduce potential overshadowing and dominance concerns.

In addition, no windows will be included on the rear extension side elevation along the boundary and this design is considered to mitigate overlooking concerns. Despite the proposal also including the installation of a window on the side elevation of the existing bungalow, as this relates to the ground floor and existing dwelling, this falls under Permitted Development. The existing boundary treatments will also help screen the development and could be raised up to 2 metres in height from ground level.

On the basis of the above, the proposal is considered to satisfy Policy DM18, H14PU and the NPPF guidance.

Highway Safety and Parking

Policy DM22 encourages innovative approaches to manage vehicular access and parking to avoid vehicles dominating the street scene.

The existing site access and off-street parking will remain unchanged. It is considered that the driveway provides adequate off-street parking to meet the needs of the proposed 3-bedroom dwelling and the proposal will therefore not have a detrimental effect on the existing highway conditions.

On this basis, the proposal is considered to comply with Policy DM22 and the standards set out in the Cumbria Development Design Guide.

Trees

Policy DM28 seeks to protect trees and Policy N13PU protects existing trees and hedgerows which contribute positively to the visual amenity and environmental value of their location.

Two concerns were raised regarding the potential impact on trees to the rear of the application site, however these trees are not protected by TPO or located within the red line of the application site.

Additional evidence was provided to show the extension will not be located within the root protection zone and therefore these concerns are considered to be mitigated. Any tree root concerns and foundations will be addressed at the Building Regulations stage.

No further concerns were received as part of the re-consultation with the root protection zone



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	<p>plan.</p> <p>On this basis, the proposal is considered to satisfy the Policy DM28 and N13PU requirements.</p> <p><u>Ecology</u></p> <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 not identified as a potential area for protected species, but a nesting bird concern was raised as part of the neighbour consultation. Birds are protected by Wildlife Mitigation Licences from Natural England. However, as these concerns fall outside of the application site, it would not be reasonable to attach a condition relating to this matter.</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 proposed single-storey rear and side extensions are considered to be an acceptable form of development. It will be of an appropriate scale and design and it will not have an adverse impact on neighbouring amenity, highway safety, the surrounding trees or ecology.</p> <p>Due to the householder nature of this application, matters relating to ground works and drainage will be addressed at the Building Regulations stage.</p> <p>On this basis, the proposal 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:</p> <p>Approve (commence within 3 years)</p>
9.	<p>Conditions:</p> <p>1. The development hereby permitted must commence before the expiration of three years from the date of this permission.</p> <p>Reason</p> <p>To comply with Section 91 of the Town and Country Planning Act 1990 as amended</p>

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 24th January 2024;

Location Plan, scale 1:1250, drawing no. 002, received 24th January 2024;

Site Block Plan, scale 1:500, drawing no. 002, received 24th January 2024;

Existing Floor Plan and Elevations, scale 1:100 and 1:50, drawing no. 001, received 24th January 2024;

Proposed Floor Plan, scale 1:50, drawing no. 002, received 24th January 2024;

Proposed Elevations, scale 1:50, drawing no. 003, received 24th January 2024;

Proposed Sectional Elevations, scale 1:50, drawing no. 004, received 24th January 2024;

Proposed Rear Extension and Root Protection Plan, received 3rd April 2024.

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.

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 : 24/04/2024

Authorising Officer: N.J. Hayhurst

Date : 24/04/2024

Dedicated responses to:- Objectors