



CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/24/2033/0F1
2.	Proposed Development:	PROPOSED RAISED DECKING AREA WITH GLAZED BALUSTRADE & INTERNAL ALTERATIONS
3.	Location:	2 MANESTY RISE, LOW MORESBY
4.	Parish:	Moresby
5.	Constraints:	ASC;Adverts - ASC;Adverts, Coal - Standing Advice - Data Subject To Change
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 the dwelling at 2 Manesty Rise. It is situated within a residential estate in Low Moresby and is surrounded by other residential properties. Manesty Rise runs to the north west of the property with the road to Moresby Parks to the south.</p> <p>PROPOSAL</p> <p>Planning Permission is sought for the erection of a decking area with glazed balustrade. Other alterations will also be undertaken internally which do not require planning permission.</p> <p>The deck will project 2.5m from the side elevation of the dwelling and 1.5m at the rear. It will be raised from ground level at 2.6m, in line with the existing first floor of the property.</p>

The glass balustrade will be sited on the west side only and be 1.8m in height.

RELEVANT PLANNING APPLICATION HISTORY

There have been no previous applications on the site.

CONSULTATION RESPONSES

Moresby Parish Council

No response received.

Public Representations

The application has been advertised by way of neighbour notification letters issued to 6 no. properties.

No responses have been received as a result of these advertisements.

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 ENV1 – Flood Risk and Risk Management

Development Management Policies (DMP)



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Policy DM10 – Achieving Quality of Place

Policy DM18 – Domestic Extensions and Alterations

Policy DM22 – Accessible Developments

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 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 CO7PU: Parking Standards and Electric Vehicle Charging Infrastructure

Other Material Planning Considerations

National Planning Policy Framework 2023 (NPPF)

Cumbria Development Design Guide

ASSESSMENT

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

Principle of Development

The proposed application relates to a residential dwelling within Low Moresby to provide a raised decking area with glazed balustrade. Policy DM18 of the CS and H14PU of the ELP support extensions and alterations to residential properties subject to detailed criteria, which are considered below.

On this basis, the proposal is considered to satisfy Policies DM18 of the CS, H14PU of the ELP and the NPPF guidance.

Scale and Design

Policy ST1 of the CS, DS1PU of the ELP and section 12 of the NPPF seek to safeguard good levels of quality and attractiveness. Policy DM10 and DM18 of the CS and H14PU of the ELP 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 raised decking will add a further projection to the rear and side of the dwelling which will allow for wider views from the first floor. The dwelling is sited on a large plot, capable of accommodating an enlargement of this scale comfortably and is located within an estate which has many examples of balconies and raised decking areas.

The projection is modest at 2.5m to the side and 1.5m to the rear allowing for it to be utilised as amenity space. The design is considered to be consistent with the neighbouring properties and will look satisfactory and in context with the dwelling.

On this basis, the proposal is considered to meet Policy DM18 of the CS, H14PU of the ELP and the NPPF guidance.

Residential Amenity

Policy ST1 and DM18 of the CS, H14PU of the ELP and section 12 of the NPPF seek to safeguard good levels of residential amenity of the parent property or adjacent dwellings.

The proposal will be located to the rear and side of the property with the potential to overlook surrounding dwellings on Manesty Rise and the opposite side of the road leading through Low Moresby. All neighbouring dwellings have been consulted with no responses received from any. A balustrade at a height of 1.8m is proposed on the west (side) elevation. This will mitigate any overlooking issues for the properties close to that elevation. A suitably worded planning condition is proposed to ensure that this is undertaken and retained prior to the first use of the raised deck.

The raised deck will match the existing first floor height, therefore not materially changing the



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	<p>existing situation. It is therefore unlikely that there will be overdominance or any loss of light as a result. The proposal is therefore not considered to create harmful overdominance or overshadowing concerns.</p> <p>All required separation distances have been adhered to with at least 21m between any facing elevations.</p> <p>On this basis, the proposal will not have unacceptable adverse impact on the residential amenity and it is considered to comply with Policy DM18 of the CS, Policy H14PU of the ELP and NPPF guidance.</p> <p><u>Planning Balance and Conclusion</u></p> <p>The application seeks planning permission for a raised decking area with glazed balustrade and some internal alterations which do not require planning permission.</p> <p>On balance, the proposed alterations are considered to reflect the character and appearance of the existing property and similar situations within the locality. The proposal is of an appropriate scale and design and would not have any significant detrimental impact on the amenities of the adjoining properties. Planning conditions have been suggested to ensure this.</p> <p>Overall, it 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> <ol style="list-style-type: none">1. The development hereby permitted shall be commenced 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. 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 26th January 2024; Proposed Site and Block Plans, scales 1:1250 and 1:500, drawing number RMM-2MR-011, received 26th January 2024; Proposed Ground Floor Plan, scale 1:50, drawing number RMM-2MR-010, received

26th January 2024;

Proposed First Floor Plan, scale 1:50, drawing number RMM-2MR-009, received 26th January 2024;

Proposed Elevations, scale 1:100, drawing number RMM-2MR-002, received 26th January 2024;

Proposed Site Drainage Plan, scales 1:500 and 1:50, drawing number RMM-2MR-012, received 26th January 2024;

Design and Access Statement, reference DAS-001, received 26th January 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.

3. Prior to the first use of the raised decking hereby approved, the fully obscured 1.8m high glazed screen on the western boundary must be erected and made operational. The screen must be retained as such at all times thereafter.

Reason

In order to ensure that there is no overlooking or privacy issues as a result of the development in accordance with Policy DM18 of the Copeland Local Plan.

Informative

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



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	development as set out in the National Planning Policy Framework.
Case Officer: Sarah Papaleo	Date : 15/04/2024
Authorising Officer: N.J. Hayhurst	Date : 16/04/2024
Dedicated responses to:- N/A	