

**CUMBERLAND COUNCIL
DELEGATED PLANNING DECISION**

1.	Reference No:	4/24/2040/0F1
2.	Proposed Development:	REMOVAL OF EXISTING SINGLE STOREY GARAGE/HALL AND THE CONSTRUCTION OF A 2 STOREY SIDE EXTENSION WITH INTERNAL AND EXTERNAL ALTERATIONS TO AN EXISTING DWELLING
3.	Location:	5 PETERS DRIVE, MILLOM
4.	Parish:	Millom
5.	Constraints:	ASC;Adverts - ASC;Adverts, Coal - Off Coalfield - Data Subject To Change, Key Species - Potential areas for Natterjack Toads
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 5 Peters Drive, a detached property situated on an existing housing estate within Millom.</p> <p>The property is located on a hill but the site is fairly level and is bound by a large retaining wall along the eastern boundary. The site also benefits from a driveway to the front of the property and a single-storey garage to the side.</p>

PROPOSAL

Planning Permission is sought for the removal of the existing single-storey garage/hall and the erection of a two-storey side extension to provide a playroom, utility, WC and cloakroom on the ground floor and an additional bedroom with en-suite and dressing room on the first floor.

The proposed extension will project 4.8 metres from the side of the dwelling and the depth will match the existing dwelling. It has been designed to continue the existing roof design and height. The front elevation will include a window and front door on the ground floor and two bedroom windows on the first floor. The rear elevation will include a WC and utility access door on the ground floor and a bathroom and dressing room window on the first floor and the side elevation will be blank.

The extension would be finished with dashed render, concrete roof tiles and white UPVC doors and windows to match the existing dwelling.

RELEVANT PLANNING APPLICATION HISTORY

There have been no previous planning applications at this property.

CONSULTATION RESPONSES

Millom Town Council

No objections.

Highways and LLFA

Standing Advice.

Public Representations

The application has been advertised by way of neighbour notification letters issued to 5 no. properties.

One letter of support and one letter of objection has been received as a result of this consultation process

The objection raised the following concerns:

- Impact on privacy within neighbouring rear garden due to additional windows;
- Overshadowing and reducing natural light;
- Impact on northerly winds;
- Impact on access and the poor state of the unadopted road;
- Impact during construction in terms of noise and disruption;



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- Impact of large tree in the garden;
- Ownership query.

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 the 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

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

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, highway safety and ecology.

Principle of Development

The proposed application relates to a residential dwelling within Millom and it will provide a playroom, utility, WC and cloakroom on the ground floor and an additional bedroom with ensuite and dressing room on the first floor. 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, H14PU and the NPPF guidance.



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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 two-storey side extension is considered to be suitably located within the site, replacing an existing single-storey garage and it will be relatively modest in scale. The design with a continuation of the roof and materials to match the existing property are considered to reduce the impact of the development on the street scene.

In addition, it will continue the existing building line and therefore it will not be excessively prominent in the street scene, and it is considered to respect the character and appearance of the existing property, street scene and the wider residential area.

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

Residential Amenity

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

One letter of objection was received which raised concerns regarding the impact of the extension on neighbouring gardens and the loss of privacy, natural light and disruption during construction.

Whilst amenity issues between the proposed extension and the neighbouring properties were considered, the side extension is considered to be relatively modest in scale and it will be suitably located within the site. Due to the changes in levels and the orientation of the extension to the east of the existing property, it is considered that the proposed two-storey side extension will not cause a significant loss of light or dominance on the neighbouring properties.

In addition, despite concerns regarding the loss of privacy from the neighbouring gardens, the proposed side elevation will be blank and the first-floor rear elevation windows do not relate to habitable windows and therefore this is considered to mitigate harmful overlooking concerns. The rear boundary treatments and existing planting will also provide some screening.

Some concerns regarding noise and disturbance during the construction were raised, however, these are not material planning considerations in the householder application and therefore cannot be taken into account in the application assessment. Any noise issues should be reported to Environmental Health to investigate.

On balance, the proposal is considered to be acceptable. Taking into account the site levels, siting of the extension and the orientation of the existing property, the proposed extension design is acceptable and it will not adversely harm the neighbouring amenity. It is therefore considered that the proposal satisfies Policies DM18, H14PU and the NPPF guidance.

Highway Safety and Parking Provision

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

The site benefits from an existing driveway to the front of the property for two vehicles and the proposed extension will be located to the side of the property and therefore the parking will remain unchanged. This will ensure that the development maintains adequate off-street parking to meet the needs of the proposed 4-bedroom property.

Despite concerns regarding the poor state of the unadopted road, the proposed extension is not considered to have a significant impact on the street. Due to the nature of the householder application, it would not be reasonable to ask for a construction traffic management plan.

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

Ecology

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.

The application site is identified as a potential area for natterjack toads. The application is not supported by any ecology details as the site is not located within 200m of a watercourse (as indicated within the ALGE trigger list) and is located on an existing housing estate. 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.

It is therefore considered that the development complies with Policies ST1, EV3 and DM25 of the Copeland Local Plan and the NPPF guidance.

Planning Balance and Conclusion

This application seeks to erect a two-storey side extension to a detached property to provide a playroom, utility, WC and cloakroom on the ground floor and an additional bedroom with ensuite and dressing room on the first floor.

Despite receiving one objection, the proposed extension is considered to be of an appropriate scale and design within the street-scene and will not have any detrimental impact on the amenities of the neighbouring properties, highway safety or ecology.



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	<p>Ownership issues are private matters and noise during the construction would be dealt with under the Environmental Health legislation.</p> <p>On balance, the proposed extension 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 by the Planning and Compulsory Purchase Act 2004.</p> <p>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: -</p> <p>Application Form, received 2nd February 2024;</p> <p>Location Plan, scale 1:1250, drawing reference 24-06-P-L, received 2nd February 2024;</p> <p>Block Plan, scale 1:500, drawing reference 24-06-P-L, received 2nd February 2024;</p> <p>Proposed Site Plan, scale 1:200, drawing reference 24-06-P-01, received 2nd February 2024;</p> <p>Existing Floor Plans, scale 1:100, drawing reference 24-06-P-02, received 2nd February 2024;</p> <p>Existing Elevations, scale 1:100, drawing reference 24-06-P-03, received 2nd February 2024;</p> <p>Proposed Floor Plans, scale 1:100, drawing reference 24-06-P-05A, received 2nd</p>

February 2024;

Proposed Elevations, scale 1:100, drawing reference 24-06-P-06A, received 2nd February 2024;

Existing 3D Sketches, drawing reference 24-06-P-04, received 2nd February 2024;

Proposed 3D Sketches, drawing reference 24-06-P-07A, received 2nd February 2024;

Existing Site Photos, received 2nd February 2024;

Flood Map for Planning, received 2nd February 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 : 19/03/2024

Authorising Officer: N.J. Hayhurst

Date : 22/03/2024

Dedicated responses to:- N/A