

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/24/2047/0F1
2.	Proposed Development:	EXTENSION TO CREATE AN ADDITIONAL FLOOR ON NORTH EAST ELEVATION
3.	Location:	EDEN GARDENS, STAMFORD HILL, LOWCA
4.	Parish:	Lowca
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>Introduction</p> <p>This application relates to Eden Gardens, a detached dwelling situated on Stamford Hill, to the South of the main village of Lowca.</p> <p>The site is accessed via a Public Right of Way Bridleway BW 413001 to the West and benefits from a large garden with driveway and outbuildings to the front, and an existing driveway and shared access to the rear which also serves the dwelling known as “Beckside”.</p> <p>There is also an existing sloped roof porch/conservatory on the rear elevation.</p> <p>A larger scheme to demolish the single storey extension to provide a new extension was previously approved under application reference 4/15/2021/0F1, and amendments to increase the width and length of this were subsequently approved under application reference 4/15/2395/0F1.</p>

Proposal

Planning permission is sought for the demolition of a defective single storey side extension, and the construction of a large 2 storey extension to the side elevation to provide an open plan kitchen with additional WC and utility room on the ground floor, and two additional bedrooms and a bathroom on the first floor.

The extension will project 9 metres from the side elevation of the existing dwelling and will be 5.1 metres in width from front to back. It has been designed to continue along the existing building line on the principal elevation and includes a dual pitch roof which will be slightly lower in height than the roof line of the existing dwelling. 3 new roof lights will be installed in roof of the existing dwelling.

The extension will be finished in render, concrete roof tiles to match the existing with anthracite UPVC windows and doors.

Relevant Planning Application History

4/15/2021/0F1 – DEMOLITION OF DEFECTIVE EXISTING SINGLE STOREY EXTENSIONS; NEW EXTENSIONS TO EXISTING DWELLING TO PROVIDE NEW RESIDENTIAL ACCOMODATION – Approve

4/15/2395/0F1 – AMENDMENTS TO INCREASE WIDTH AND LENGTH OF PREVIOUSLY APPROVED EXTENSION (4/15/2021/0F1) – Approve

4/19/21790F1 – REPLACEMENT OUTBUILDING UPON AGRICULTURAL HOLDING FOLLOWING DEMOLITION OF DILAPIDATED OUTBUILDING – Approve

Consultation Responses

Lowca Parish Council

No objections

Local Lead Flood Authority and Highways

No objections

Countryside Access/Footpaths Officer

No Objections

Public Representations

The application has been advertised by way of neighbour notification letters issued to 3 no. properties. No objections were received as a result of this consultation.

Planning Policies



Cumberland Council

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 ENV6 – Access to the Countryside

Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place

Policy DM18 – Domestic Extensions and Alterations

Emerging Copeland Local Plan 2017 - 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

Other Material Planning Considerations

National Planning Policy Framework (NPPF)

Assessment

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

Principle of Development

The proposed application relates to a residential dwelling located within Stamford Hill, Lowca and is proposed to construct a two-storey side extension to provide an enlarged open kitchen with additional WC and utility room on the ground floor, and 2 additional bedrooms with bathroom on the first floor.

Policy DM18 and Policy 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.

Scale and Design

Policy ST1 and section 12 of the NPPF seek to promote high quality designs. Policy DM10, DM18 and Policy H14PU and DS6PU of the Emerging Local Plan 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 is large in scale projecting 9 metres from the side of the existing dwelling, and 5.1 metres in width from front to back. However, its scale and design is considered to be acceptable given the size of the site, and is considered to be appropriately located within the site on the front and side elevation.

Whilst the proposal is two storeys in height the ridge line of the new roof will be slightly lower



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in height than the existing roof line which will ensure that the extension remains subservient to the main dwelling. Furthermore, the two-storey element is to replace an existing side extension that currently exists on site which is in poor condition and is surplus to requirements, albeit single storey. Whilst the extension is located on the front and side elevation, it is not considered to be excessively prominent within the locality, and there is adequate separation distance between the proposed extension and the immediate neighbouring property Beckside.

There have also been two previous schemes approved under application reference 4/15/2021/0F1 and 4/15/2395/0F1 both of which were larger schemes than the one proposed as part of this application. The scale and design of the proposed extension is therefore considered to be acceptable.

The extension will be finished in render, concrete roof tiles to match the existing with anthracite UPVC windows and doors. 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 Policy H14PU 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 appropriately located to the side of the parent property on this large site.

Although the proposed two storey element is located on the front side elevation, it does not project forward of the existing building line on the principal elevation and subsequently overlooks the parent property front driveway and large garden to the front. There is also adequate separation distance between the proposed extension and the immediate neighbouring property Beckside. The proposal is therefore not considered to result in a significant reduction in daylight or appear overbearing for the neighbouring properties.

Despite being two storeys in height the ridge line of the new roof will be slightly lower in height than the existing roof line.

The North-East side elevation adjacent to the boundary with Beckside contains a small window on the ground floor which will be obscure glazed, but no new openings are proposed on the first floor.

The South-West side elevation contains the same number of windows on both the ground floor and the first floor that currently exists and is screened by the existing boundary treatment.

The rear North-West elevation contains the same number of windows on the first floor as the

single storey element that currently exists, and 3 on the first floor overlooking the parent property rear driveway.

The front South-East elevation contains three 3 new windows on the first floor and one on the ground floor, with a door into the proposed utility room, all of which overlook the large front garden and driveway.

Whilst there are new windows proposed on the front and rear elevations at first floor levels, due to a satisfactory separation distance between the neighbouring properties and the proposed extension there are no additional overlooking issues considered.

Although the proposed extension is large overall, following a site visit, it was noted that the existing single storey element is in poor condition, and as there have been larger schemes already approved for this site, the proposed extension is not considered to detrimentally affect the amenity of the neighbouring property or 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 Policy H14PU and the NPPF guidance.

Impact on the Public Right of Way

Section 7.7 of Policy ENV6 recognises that existing Public Rights of Way are protected in law. On this basis, as the Public Right of Way Bridleway BW 413001 passes along the main access to the development site consideration must be given to the potential impacts on both the physical and amenity of the footpath.

A site visit confirmed that the PRow Bridleway runs along the access road to the West of the site. The proposed extension may be visible from the Public Right of Way Bridleway 413001 however, it will not interfere with the footpath or significantly harm the physical footpath, nor will it have a significant detrimental impact for the users of the Public Right of Way Bridleway.

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 used are considered to be suitable for their use and respect the existing property and wider residential area.

The proposed extension also does not interfere with the Public Right of Way Bridleway BW 413001.

On balance, the proposal therefore represents an acceptable form of development which accords with the policies set out within the adopted Local Plan and the emerging Local Plan and the guidance in the NPPF.



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8.	<p>Recommendation: Approve (commence within 3 years)</p>
9.	<p>Conditions:</p> <ol style="list-style-type: none"><li data-bbox="161 613 1485 685">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.<li data-bbox="161 943 1485 1406">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 8th February 2024; Site Location Plan, scale 1:1250, drawing no 027-30, received 8th February 2024; Site Block Plan, scale 1:500, drawing no 027-30, received 8th February 2024; Existing Ground Floor, scale 1:50, drawing no 027-30, received 8th February 2024; Existing First Floor, scale 1:50 drawing no 027-30, received 8th February 2024; Proposed Ground Floor, scale 1:50, drawing no 027-30, received 8th February 2024; Proposed First Floor, scale 1:50 drawing no 027-30, received 8th February 2024; Existing Elevations, scale 1:100, drawing no 027-30, received 8th February 2024; Proposed Elevations, scale 1:100, drawing no 027-30, received 8th 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.<li data-bbox="161 1666 1485 1778">3. The extension (building) hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Eden Gardens and shall not be let or sold as a separate permanent dwelling. Reason The annexe is not considered appropriate for use as a separate residential unit.

Informatives:

1. The granting of planning permission would not give the applicant the right to block or obstruct the rights of way shown on the attached plan. The rights of way as shown on the definitive map and statement must be kept open and unaltered for public use until an order made to divert, stop up or to temporarily close it has been confirmed.
2. 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 development as set out in the National Planning Policy Framework.

Case Officer: Demi Crawford

Date : 27/03/2024

Authorising Officer: N.J. Hayhurst

Date : 27/03/2024

Dedicated responses to:- N/A