

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/24/2099/0F1
2.	Proposed Development:	PROPOSED DEMOLITION OF EXISTING CONSERVATORY AND ERECTION OF NEW SINGLE STOREY EXTENSION TO SIDE OF PROPERTY, ALONG WITH PROPOSED DEMOLITION OF GARAGE AND ERECTION OF NEW SINGLE BRICK GARAGE
3.	Location:	23 THORNTON ROAD, WHITEHAVEN
4.	Parish:	Whitehaven
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: Site and Location <p>This application relates to 23 Thornton Road, a semi-detached property located at the end of on an existing residential cul-de-sac within the Hensingham Area of Whitehaven. The site benefits from a small front garden, and a large rear garden with conservatory and detached garage, which extends adjacent to the turning head at the end of the cul-de-sac.</p> Proposal <p>Planning Permission is sought for the demolition of the existing conservatory and erection of a new single storey side extension, and the demolition of the detached garage to erect a new single brick garage.</p>	

The proposed single storey side extension will project 3.525 metres from the wall 9.75 metres in length from front to rear. It has been designed to include a sloping roof with a 14 degree pitch and an overall height of 4 metres sloping downwards to 3 metres. It will be finished with rendered walls, grey roof tiles, white upvc windows and grey upvc doors.

The proposed garage will be constructed in a similar location to the existing garage and will measure 6.925 metres in width. It has been designed to include a dual pitched roof with an overall height of 4.91 metres. It will be finished with rendered walls, grey roof tiles and grey upvc doors.

Relevant Planning Application History

No previous applications at this site.

Consultation Responses

Whitehaven Town Council

No objections.

Local Lead Flood Authority (LLFA) & Local Highway Authority (LHA)

1st Response

As presented both "Existing & Proposed plans show a shortened turning head at the proposed driveway which does not match the Location Plan, our records and what we believe occurs onsite. Furthermore as presented on Plan - Proposed Rear Full Perspective there is a gate detailed at the driveway, however it would appear to only be feasible if the gate opens outwards onto the highway which is prohibited under S153 of the Highways Act.

The applicant will need to provide scaled block plans for what exists pre-development and for what is proposed, including measurements of what space is available for parking and that it is feasible with any gate proposed opening inwards, the plans need to accurately reflect what occurs on site including dimensions of the current highway.

2nd Response

I can confirm that we have no objections to the proposal, subject to recommended conditions being included in any Notice of Consent which may be issued.

Public Representations

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



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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

Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place

Policy DM18 – Domestic Extensions and Alterations

Policy DM22 – Accessible Developments

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 closed on the 28th March 2024. The Planning Officers Report is 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 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)

Cumbria Development Design Guide

Assessment

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

Principle of Development

The proposed application relates to a semi-detached residential dwelling within Whitehaven. The proposal will demolish the existing conservatory and detached garage construct a single storey side extension to create a new living space, utility room and W.C shower room, and new detached garage.

Policy DM18 and Policy H14PU 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, Policy H14PU and the NPPF guidance.

Scale and Design

Policy ST1, Policy DS6PU 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.



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The proposed single storey side extension will project 3.525 metres from the wall 9.75 metres in length from front to rear. It has been designed to include a sloping roof with a 14 degrees pitch and an overall height of 4 metres sloping down to 3 metres.

The proposed garage will be located within a similar location on site as the existing garage and will measure 6.925 metres in width and has been designed to include a dual pitched roof with an overall height of 4.91 metres.

Both the single storey side extension and the new detached garage are considered to be suitably located within the site and acceptable in terms of their scale and design. The single storey side extension appears subservient to the main dwelling as it is located to the side of the property which is at the end of closed cul-de-sac with no neighbouring property adjacent.

Both will be finished with rendered walls, grey roof tiles, white upvc windows and grey upvc doors. The choice of materials are considered suitable for their use and will therefore ensure that the proposed extension and detached garage are not excessively prominent within the locality and will respect the character and appearance of the existing property and the wider residential area.

On this basis, the proposal is considered to meet Policy ST1, Policy DM18, Policy DS6PU 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 the parent property or adjacent dwellings.

The proposal seeks to demolish an existing conservatory that already exists on site and construct a new single storey side extension to provide an additional living space, utility room and downstairs W.C shower room. Despite the side elevation containing 3 small and 1 larger window, this elevation does not affect neighbouring properties as it is directly adjacent to and overlooks Hensingham Cemetery. The front elevation contains a set of doors.

The proposal is therefore not considered to appear overbearing and there are no additional overlooking issues considered as part of the proposed side extension.

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

The application also seeks permission to demolish the existing detached garage and construct a new detached garage which will be located within a similar position on site as the existing garage.

Consideration was given to dominance and overbearing impacts from the proposed garage upon the neighbouring properties, particularly those at the rear, due to the size of the structure and proximity to the rear boundary, however, no new openings are proposed on the rear elevation and a garage structure already exists in this location, albeit slightly smaller.

The proposed garage contains 3 openings, 1 single door to the East and West elevations

which will open out onto the parent property garden, and 1 single door and garage door on the front elevation overlooking the road. These openings are not considered to have any overlooking impact on the immediate neighbouring property 3 Thornton Road due to the separation distance involved. A planning condition is proposed to ensure that no new openings are installed on any elevations of the garage in order to further protect residential amenity. It is therefore considered that the proposed garage will not cause any detrimental impacts on the residential amenity for the properties to the side and rear.

A further planning condition is also proposed to ensure that the garage remains domestic in use in order to ensure that non-conforming uses are not introduced into the area in order to further protect residential amenity.

On balance, it is considered that the proposal will not have a detrimental impact on the immediate residential amenity and therefore it is considered to meet Policy DM18, Policy H14PU and the NPPF guidance.

Highway Safety

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

It is understood that the development will provide four parking spaces, 1 within the garage and 3 within the driveway. The parking arrangements are considered to be sufficient to meet the needs of the property and the requirements set out in the Cumbria Development Design Guide

Following initial consultation with the Highway Authority they requested amended information to be submitted to clarify the issues relating to the layout and access/parking arrangements. Following the submission of amended details the Highway Authority confirmed that they had no objections to the proposal, subject to conditions being included, two of which were pre-commencement conditions.

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

Planning Balance and Conclusion

The application seeks Planning Permission for the demolition of an existing conservatory and detached garage to provide a single storey side extension and a new, larger detached garage.

The garage and side extension are both considered to be suitably located within the site and acceptable in terms of their scale and design.

Taking into account the proposed siting and orientation of both the side extension and the new detached garage at the end of this residential cul-de-sac, the proposal is not considered to have any detrimental impact on the amenities of the neighbouring properties or wider residential area.



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	<p>Two planning conditions are proposed to ensure that the garage remains domestic in nature and that no new openings are installed without prior consent to further protect residential amenity.</p> <p>On balance, the application is considered to be acceptable form of development which accords with the policies set out within the adopted Local Plan, the Emerging 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><u>Standard Conditions</u></p> <p>1. The development hereby permitted shall be commenced 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. 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: -</p> <ul style="list-style-type: none">- Application Form, received 27th March 2024;- Site Plan (amended), scale 1:500, received 29th April 2024;- Location Plan, scale 1:1250, received 27th March 2024;- Existing elevations, scale 1:100, drawing no E001 Rev 01, received 27th March 2024;- Existing garage elevations, scale 1:50, drawing no E003 Rev 01, received 27th March 2024;- Existing ground floor plan, scale 1:50, drawing no E002, Rev 01, received 27th March 2024;- Existing rear perspective, drawing no E004, Rev 01, received 27th March 2024;- Existing garden and turning head (amended), drawing no E006, Rev 01, received 29th April 2024;- Proposed elevations, scale 1:100, drawing no P001, Rev 01, received 27th March 2024;- Proposed Garage Plan, scale 1:100, drawing no P003, Rev 01, received 27th March 2024;

- Proposed rear full perspective (amended), scale 1:100, drawing no P005 Rev 01, received 29th April 2024;
- Proposed driveway and turning head (amended), scale 11:100, drawing no P010, Rev 01, received 29th 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.

Pre Commencement Conditions

3. Full details of the surface water drainage system shall be submitted to the Local Planning Authority for approval prior to development being commenced. Any approved works shall be implemented prior to the development being completed and shall be maintained operational thereafter.

Reason

In the interests of highway safety and environmental management.

4. Development shall not commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the local planning authority. The CTMP shall include details of:
 - pre-construction road condition established by a detailed survey for accommodation works within the highways boundary conducted with a Highway Authority representative; with all post repairs carried out to the satisfaction of the Local Highway Authority at the applicants expense;
 - retained areas for vehicle parking, manoeuvring, loading and unloading for their specific purpose during the development;
 - cleaning of site entrances and the adjacent public highway;
 - details of proposed wheel washing facilities;
 - the sheeting of all HGVs taking spoil to/from the site to prevent spillage or deposit of any materials on the highway;
 - construction vehicle routing;
 - the management of junctions to and crossings of the public highway and other public rights of way/footway;
 - surface water management details during the construction phase

Reason

To ensure the undertaking of the development does not adversely impact upon the fabric or operation of the local highway network and in the interests of highway and pedestrian safety.

Other Conditions

5. The garage shall be used for the housing/parking of private vehicles and domestic equipment only in association with the residential property known as 23 Thornton Road and for no commercial or business purposes whatsoever.

Reason

To ensure that non conforming uses are not introduced into the area.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) no new openings shall be installed on any elevation of the detached garage without prior written consent from the Local Planning Authority.

Reason

To protect residential amenity in accordance with Policy DM18 of the Copeland Local Plan.

7. The access drive shall be surfaced in bituminous, or cement bound materials, or otherwise bound and shall be constructed and completed before the development is occupied/brought into use.

Reason

In the interests of highway safety.

8. Access gates, if provided, shall be hung to open inwards only away from the highway.

Reason

In the interests of highway safety.

Informative notes:

1. 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
2. Any works within or near the Highway must be authorised by the Council and no works shall be permitted or carried out on any part of the Highway including Verges, until you are in receipt of an appropriate permit from the LHA Streetworks team.
<https://www.cumberland.gov.uk/parking-roads-and-transport/streets-roads-and-pavements/street-licences-and-permits/street-permit-and-licence-fees-and-charges>

Please be advised that the Highway outside and or adjacent to the proposal must be kept clear and accessible at all times.

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 : 24/05/2024

Authorising Officer: N.J. Hayhurst

Date : 31/05/2024

Dedicated responses to:-