

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/24/2102/0F1
2.	Proposed Development:	ERECTION OF DOUBLE GARAGE WITH PITCHED ROOF AND ERECTION OF 2M FENCE
3.	Location:	16 MAIN STREET, EGREMONT
4.	Parish:	Egremont
5.	Constraints:	ASC;Adverts - ASC;Adverts Conservation Area - Conservation Area, Coal - Off Coalfield - Data Subject To Change Outer Consultation Zone - Sellafield 10KM
6.	Publicity Representations &Policy	Neighbour Notification Letter: YES Site Notice: YES Press Notice: NO Consultation Responses: See report Relevant Planning Policies: See report
7.	Report: Site and Location <p>This application relates to 16 Main Street, a mid-terraced property situated on Main Street within Egremont. The property comprises a mixed-use unit with a Florist and residential use both owned and occupied by the applicant.</p> <p>The site benefits from a large flat garden to the rear which is bound by numbers 1-15 Chapel Street to the South and the Public Right of Way 406010 to the North.</p> <p>The site is located within Egremont Conservation Area.</p>	

Proposal

Planning Permission is sought for the construction of a garage within the rear garden, and the retention of the close boarded wooden boundary fence that runs along the perimeter of the site to the North, South and East.

The proposed garage is to be located along the Northern Boundary and will be 6.2 metres in width and 7 metres in length. It has been designed to include a dual pitch roof at 30 degrees pitch, with an eaves height of 2.4 metres, and an overall height of 3.7 metres.

The garage will be constructed from concrete blocks and finished externally with render, a concrete tiled roof and a wooden door and upvc window on the West elevation. It will also include a double electric garage door and single upvc door on the East elevation.

The close boarded wooden fence has already been erected and is approx. 2m in height from ground level.

Planning Application History

4/14/2129/0F1 CHANGE OF USE FROM A PHYSIOTHERAPY SHOP TO A BEAUTY SALON - Approve

4/18/2124/0F1 GROUND FLOOR REAR EXTENSION TO BE USED AS A HAIR SALON (A1) – Approve

4/18/2391/0F1 A GROUND FLOOR REAR EXTENSION TO FORM A HAIR SALON TO BE USED IN CONNECTION WITH AN EXISTING BEAUTY SALON – Approve

4/23/2181/0F1 CHANGE OF USE FROM COMMERCIAL (BEAUTY SALON) TO MIXED USE COMMERCIAL (FLORIST) AND RESIDENTIAL - Approve

Consultation Responses

Egremont Town Council

No objections.

Highways and LLFA

As this falls under our Service Level Agreement (SLA) with your Council, this application does not need to be submitted to the Local Highway Authority or Lead Local Flood Authority; subject to the highway and drainage aspects of such applications being considered in accordance with the Agreement. The highway and drainage implications of this application would therefore have to be decided by the Local Planning Authority. However, a PROW public footpath number 406010 lies adjacent to the site, the Applicant must ensure that no



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obstruction to the footpath occurs during, or after the completion of the site works. Reason: To support Local Transport Plan Policy W1, W2.

Footpaths Officer Countryside Access

We have no objection to the proposed development.

Public Right of Way FP 406010 is located on the boundary of the development site.

The applicant must be advised that:

- Due to the proximity of the development to FP 406010 a Temporary Closure of the Public Right of Way may be required for the duration of the works. The applicant should contact : countryside.access@cumberland.gov.uk to discuss this matter further.
- The granting of planning permission would not give the applicant the right to block or obstruct the right of way.
- The right 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.

Conservation and Design Officer

- Egremont developed as a medieval ribbon development, with its origin at the Market Place to the south, and extending steadily northwards over the centuries, with Main Street lined by properties with long plots that extended backwards to the east and west.
- 16 Main Street retains this characteristic layout, although it has been eroded to some extent.
- The development would obscure the open strip of ground to the rear of the property. However, I find that in practice I believe this would have a negligible impact on the significance of the property, or on the character and appearance of the conservation area as a whole.
- The design of the proposal is fairly standard, but I believe it would not harm the character or appearance of the conservation area, or the settings of the heritage assets close by.

No objections.

Public Representations

The application has been advertised by way of neighbour notification letters issued to 14 no. properties and a site notice displayed. No objections have been received as a result of either

of these consultations.

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 Inspectors 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 2017

Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA)

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 residential dwelling within Egremont, and it will provide a domestic detached garage to the rear of the parent property, and the retention of a 2m high close boarded wooden fence around the perimeter of the site.

Policy DM18 of the Adopted Local Plan and Policy H14PU of the Emerging Local Plan 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 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 garage is to be located along the Northern Boundary and will be 6.2 metres in width, 7 metres in length. It has been designed to include a dual pitch roof at 30 degrees pitch, with an eaves height of 2.4 metres, and an overall height of 3.7 metres. The proposed garage construction is considered to be suitably located within the site to the rear, and it will be relatively modest in scale given the large size of the site.

The garage is to be constructed from concrete blocks and finished with render, concrete roof tiles and a wooden door and upvc window on the West elevation. It will also include a double electric garage door and single upvc door on the East elevation. The close boarded wooden fence has already been erected and is approx. 2m in height from ground level. The choice of materials used are considered acceptable for their use.

The garage will be well screened by the boundary fence that this application seeks to retain, and therefore it will not be excessively prominent in the street scene, and it is considered that the proposal and choice of materials used 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.

Whilst no objections were received from the immediate neighbours at Chapel Street, the proposal itself raised initial amenity concerns regarding the impact of the garage on these neighbouring properties and the loss of privacy and natural light given the garages proposed location along the Southern Boundary.

On this basis, a site visit was carried out to discuss the proposed plans with the applicant. It was therefore advised that the size, location and orientation of the garage on the boundary



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adjacent to the houses on Chapel Street would not allow an adequate separation distance. It was therefore recommended that amended plans were submitted for a slightly smaller garage, that was stepped off the Southern boundary.

The amended plans now reflect a smaller scheme with a length of 7 metres and a width of 6.2 metres, which is a decrease of 1 metres in width and 1.8 metres in length as the greenhouse has been omitted from the original plans. The garage orientation has also been amended and roof pitch height lowered to 30 degrees and is now stepped off the Southern boundary adjacent to Chapel Street by 2 metres, which is considered to be satisfactory.

Due to the new orientation of the proposed garage, and the existing boundary fence to screen the development, it is considered that the proposed garage with an eaves height of 2.4 metres and an overall height of 3.7 metres will not cause a significant loss of light or dominance on the neighbouring properties.

In addition, the proposed side (South) elevation will be left blank, and the proposal does not relate to a habitable room, and therefore this is considered to mitigate any harmful overlooking concerns. The rear boundary treatments and existing planting will also provide some screening.

On balance, taking into account the site levels, siting of the proposed garage and the orientation, the proposal 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.

Impact on Conservation Area

Policy ENV4 and Policy DM27 of the Adopted Local Plan and Policy BE1PU of the Emerging Local Plan seeks to protect, conserve and, where possible, enhance Conservation Areas.

Section 72 requires that: 'special attention shall be paid to the desirability of preserving or enhancing the character or appearance' of a conservation area.

Paragraphs 189 – 208 of the NPPF in respect of heritage include a requirement that when considering the impact of development proposals on designated heritage assets such as listed buildings, great weight should be given to the conservation of the asset's significance; however, less than significant harm should be weighed against the public benefits of a development.

The Conservation Officer has assessed the proposals and has concluded that, although the design of the proposal is fairly standard, it would not harm the character or appearance of the conservation area, or the settings of the heritage assets close by.

Impact on the Public Right of Way

	<p>Section 7.7 of Policy ENV6 recognises that existing Public Rights of Way are protected in law. The Public Right of Way FP 406010 runs directly adjacent along the Northern boundary of the site and therefore consideration must be given to the potential impacts on both the physical and amenity of the footpath.</p> <p>The Countryside Access Footpaths Officer raised no objections to the proposal, provided that the applicant is advised that due to the proximity of the development to FP 406010 a Temporary Closure of the Public Right of Way may be required for the duration of the works.</p> <p>The right 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. The granting of planning permission would not give the applicant the right to block or obstruct the right of way.</p> <p>On this basis, it is considered that the development would not significantly harm the PRoW or its users, and therefore, the development is considered to comply with Policy ENV6.</p> <p><u>Planning Balance and Conclusion</u></p> <p>This application seeks to construct a detached garage within the rear garden, and the retention of a close boarded wooden boundary fence that runs along the perimeter of the site to the North, South and East.</p> <p>The proposed garage, as amended, 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 or adjacent PRoW and its users.</p> <p>The proposal is not considered to harm the character or appearance of the conservation area, or the settings of the heritage assets close by.</p> <p>On balance, the proposed garage and retention of the wooden close boarded fence represents an acceptable form of development which accords with the policies set out within both 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> <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>



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To comply with Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

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 25th March 2024;
- Site Location Plan, scale 1:1250, received 25th March 2024;
- Site Layout Plan, scale 1:500, received 25th March 2024;
- Heritage Implications, received 25th March 2024;
- Design, Access and Heritage Statement, received 25th March 2024;
- Proposed Elevations 1 (amended), received 1st May 2024;
- Proposed Elevations 2 (amended), received 1st May 2024;
- Proposed Plans (amended), received 1st May 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. The garage must be used for the housing/parking of private vehicles and domestic equipment only in association with the residential property known as 16 Main Street, Egremont and for no commercial or business purposes whatsoever.

Reason

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

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. Public Right of Way FP 406010 is located on the boundary of the development site. The applicant must be advised that:

- Due to the proximity of the development to FP 406010 a Temporary Closure of the Public Right of Way may be required for the duration of the works. The applicant should contact : countryside.access@cumberland.gov.uk to discuss this matter further.
- The granting of planning permission would not give the applicant the right to block or obstruct the right of way.
- The right 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.

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 : 23/05/2024

Authorising Officer: N.J. Hayhurst

Date : 31/05/2024

Dedicated responses to:- N/A