

## CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	<b>Reference No:</b>	4/24/2179/0F1
2.	<b>Proposed Development:</b>	ALTERATION AND EXTENSIONS FOR NEW INTERNAL ARRANGEMENT AND NEW KITCHEN DINING LIVING ROOM EXTENSION
3.	<b>Location:</b>	KALYAN, THE BANKS, SEASCALE
4.	<b>Parish:</b>	Seascale
5.	<b>Constraints:</b>	ASC;Adverts - ASC;Adverts, Safeguard Zone - Safeguard Zone, Coal - Off Coalfield - Data Subject To Change, Key Species - Potential areas for Natterjack Toads, DEPZ Zone - DEPZ Zone, Outer Consultation Zone - Sellafield 10KM
6.	<b>Publicity Representations &amp;Policy</b>	Neighbour Notification Letter: YES Site Notice: NO Press Notice: NO Consultation Responses: See report Relevant Planning Policies: See report
7.	<b>Report:</b>  <b>LOCATION</b>  This application relates to Kalyan, a detached property located on The Banks within Seascale. The site benefits from a modest size front garden with wrap around driveway and detached garage, and a large rear garden.  <b>PROPOSAL</b>	

Planning Permission is sought for a new internal layout, with the erection of a single-storey rear extension to provide a large open plan kitchen, dining living room. The extension will project 5.7 metres from the rear elevation of the dwelling, and it will be 6.8 metres in width. It has been designed to include a flat roof with an overall height of 3.1 metres.

The rear/side elevation will include a corner window and door which opens out onto a terrace. It will be finished with white render and dark cladding, a grey single ply membrane roofing system and grey upvc windows and doors.

The front elevation will also include an arched porch/canopy over the existing front door, and cladding around the living room window.

## **RELEVANT PLANNING APPLICATION HISTORY**

There have been no previous planning applications at this property.

## **CONSULTATION RESPONSES**

### Consultees

Seascale Parish Council – No objections.

### Public Representations

The application has been advertised by way of neighbour notification letters issued to 2 no. properties. No objections were received as a result of this consultation.

## **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 ENV3 – Biodiversity and Geodiversity

Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place

Policy DM18 – Domestic Extensions and Alterations

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 closed on the 28<sup>th</sup> 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

Strategic Policy N1PU: Conserving and Enhancing Biodiversity and Geodiversity

## **ASSESSMENT**

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

### Principle of Development

The proposed application relates to a residential dwelling located within Seascale and it will provide a new internal layout, with the erection of a single-storey rear extension to provide a large open plan kitchen, dining living room.

The front elevation will also include an arched porch/canopy over the front door, and cladding around the living room window.

Policy DM18 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 DS6PU, Policy 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.

The extension will project 5.7 metres from the rear elevation of the dwelling and it will be 6.8 metres in width. It has been designed to include a flat roof with an overall height of 3.1 metres.

The proposed rear extension will replace an existing conservatory on the rear elevation. The proposal, albeit larger than the existing conservatory is appropriately located within the site, behind the main element of the existing dwelling within the large rear garden which will ensure that the proposal appears subservient to the main dwelling, and it will not be excessively prominent within the locality.

It will be finished with white render and dark cladding, a grey single ply membrane roofing system and grey upvc windows and doors. The design is considered to reflect a modern aesthetic but the choice of materials proposed are suitable for their use and considered to respect the existing character and appearance of the parent property and wider residential area.

Overall, the proposal is considered to meet Policy DM18(A) Policy H14PU and the NPPF guidance.



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### 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 property Winthwaite were considered, the extension will be appropriately located to the rear of the parent property.

Furthermore, the site benefits from a large, detached garage/outbuilding which will screen the proposed extension from the neighbouring property. The proposal is therefore not considered to be overbearing or result in a significant loss of light for the neighbouring property.

The rear elevation will include a corner glazed door and window which opens out onto a terraced patio area. As a fully glazed conservatory already exists within this area, it is not considered that the glazing proposed on this elevation will cause any additional overlooking concerns beyond the existing situation.

In addition, under current permitted development rights, an extension on a detached property such as this could project 4 metres from the rear elevation, with an overall height of 4 metres without the requirement for formal planning permission. This fall-back position is a material consideration in the assessment of this application. As the projection is not significantly larger than what is possible under permitted development, this proposal is considered to be acceptable.

On this basis, it was considered that the proposal will not have any adverse impacts on the neighbouring property and therefore the proposal is considered to satisfy Policy DM18, Policy H14PU and the NPPF guidance.

### Ecology

Policies ST1, ENV3 and DM25 of the Copeland Local Plan, Strategic Policy N1PU of the Emerging Local Plan 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 may have an effect on nature conservation sites, habitats and protected species.

The application site is identified as being a potential area for Natterjack Toads. Whilst the application site is located within 200m of a watercourse (as indicated within the ALGE trigger list) that being the beach at Seascale at high water, it is not considered to be supported by any ecology details as the site is located within an already established built-up residential area.

On this basis it is considered that it would not be necessary to seek a protected species survey for this minor householder application as the location of the works being carried out are to an area that already contains a large area of hard surface, and therefore it is not considered that this development will disturb any habitats.

	<p>It is therefore considered that the development complies with policies ST1, ENV3 and DM25 of the Copeland Local Plan, Strategic Policy N1PU of the Emerging Local Plan and the NPPF.</p> <p><u>Planning Balance and Conclusion</u></p> <p>Overall, the single-storey rear extension is considered to be of an appropriate scale and design and is respectful of the existing property and wider residential area.</p> <p>The proposal is not considered to have any detrimental impact on the amenities of the adjoining properties.</p> <p>The proposal is also not supported by any ecology details.</p> <p>On balance, the proposal therefore represents an 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><b>Recommendation:</b></p> <p>Approve (commence within 3 years)</p>
9.	<p><b>Conditions:</b></p> <ol style="list-style-type: none"> <li>1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.</li> </ol> <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"> <li>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: - <ul style="list-style-type: none"> <li>- Application Form, received 20<sup>th</sup> May 2024;</li> <li>- Existing site Block and Location Plan, scale 1:1250 and 1:200, drawing no 24/0402/02, received 20<sup>th</sup> May 2024;</li> <li>- Existing plan, scale 1:100, drawing no 24/0402/01, received 20<sup>th</sup> May 2024;</li> <li>- Existing elevations, scale 1:100, drawing no 24/0402/03, received 20<sup>th</sup> May 2024;</li> </ul> </li> </ol>



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- Proposed floor plan, scale 1:50, drawing no 24/0402/04, received 20<sup>th</sup> May 2024;
- Proposed elevations, scale 1:50, drawing no 24/0402/05, received 20<sup>th</sup> May 2024;
- Proposed elevations, scale 1:50, drawing no 24/0402/06, received 20<sup>th</sup> May 2024;
- Proposed sections, scale 1:50, drawing no 24/0402/07, received 20<sup>th</sup> May 2024;
- Proposed sections, scale 1:50, drawing no 24/0402/08, received 20<sup>th</sup> May 2024;
- Proposed block plan, scale 1:50, drawing no 24/0402/09, received 20<sup>th</sup> May 2024;
- CGI's/virtual images of proposal, received 20<sup>th</sup> 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.

### 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 : 10/07/2024**

**Authorising Officer: N.J. Hayhurst**

**Date : 15/07/2024**

**Dedicated responses to:- N/A**