

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/24/2198/0F1
2.	Proposed Development:	ERECT SINGLE STOREY EXTENSION TO REAR
3.	Location:	13 WINDERMERE GARDENS, 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: LOCATION This application relates to 13 Windermere Gardens, a detached property located on a residential cul de sac within Millom. The site benefits from a front garden with driveway and attached garage, and a modest size garden and small extension to the rear. PROPOSAL Planning Permission is sought for the construction of an L shaped single storey rear/part side extension to provide an open plan kitchen/dining/living space with utility room. The extension will project 4.13 metres from the rear and will be 6.9 metres in width. It will project 3 metres from the side elevation, behind the existing garage and will be 5.1 metres in	

length.

It has been designed to include a dual pitched, cross gable roof with an eaves height of 2.34 metres and an overall height of 3.7 metres.

It will be finished with roughcast painted white render, Marley grey cement roof tiles and white upvc windows and doors to match the existing.

RELEVANT PLANNING APPLICATION HISTORY

4/21/2443/0F1 CONVERT GARAGE INTO STUDY AND ERECT EXTENSION TO REAR - Approve

CONSULTATION RESPONSES

Consultees

Millom Town Council

No objections.

Countryside Access Footpaths Officer

No comments received.

Public Representations

The application has been advertised by way of neighbour notification letters issued to 4 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 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 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

Strategic Policy N1PU: Conserving and Enhancing Biodiversity and Geodiversity

Other Material Planning Considerations

National Planning Policy Framework (NPPF)

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 and ecology.

Principle of Development

The proposed application relates to a residential dwelling located within Millom and is proposed to construct an L shaped single storey rear/part side extension to provide an open plan kitchen/dining/living space with utility room.

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 and section 12 of the NPPF seek to promote high quality designs. Policy DM10, DM18 and Policy H14PU seek to ensure domestic alterations are of an appropriate scale and design which are appropriate to their surroundings and do not adversely affect the amenities of adjacent dwellings.

The application seeks permission for the construction of an L shaped single storey rear/part side extension to provide an open plan kitchen/dining/living space with utility room.

The extension will project 4.13 metres from the rear and will be 6.9 metres in width. It will project 3 metres from the side elevation, behind the existing garage and will be 5.1 metres in length. It has been designed to include a dual pitched, cross gable roof with an eaves height of 2.34 metres and an overall height of 3.7 metres.

The extension will be finished with roughcast painted white render, Marley grey cement roof tiles and white upvc windows and doors to match the existing.

The proposal is considered to be relatively modest in scale and appears subservient behind the main element of the dwelling.

Under current Permitted Development regulations, a rear extension on a detached dwelling can project 4 meters from the original dwellinghouse with a height not exceeding 4 meters



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without Planning Permission. This is considered to be a fallback position in determining this application.

Given that the proposal is only slightly larger than what is considered Permitted Development, the proposal is not considered to be significantly large overall and is considered to respect the character and appearance of the existing dwelling and wider residential area. The scale and design is therefore considered to be acceptable.

In addition, the choice of materials proposed are considered suitable for their use and will complement the appearance of the parent property.

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

Residential Amenity

Policy ST1, Policy DM18, Policy DS6PU, Policy H14PU 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 proposal and the neighbouring properties were considered, the proposal will be appropriately located within the site.

The proposal is considered to have little impact on the residential amenity due to its scale and siting within the rear garden, behind the existing garage. The scale and design is not considered to be significantly dominant within the locality and the side elevation adjacent to number 14 Windermere Gardens has been left blank with no openings proposed which will mitigate any overlooking issues.

Furthermore, it is considered that the extension will not appear excessively dominant or overbearing in relation to the existing property and within the locality. The proposal will not result in an adverse loss of light or privacy, and there are no additional overlooking issues raised.

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, Policy DS6PU, 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. As the application site is not located within 200m of a watercourse (as indicated within the ALGE trigger list) it is not considered to be supported by any ecology details as the site is located

	<p>within an already established built-up residential area.</p> <p>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> <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>The application seeks Planning Permission for construction of a single storey rear extension.</p> <p>Taking into account the scale and design of the proposal and the impacts on residential amenity and what is allowed under current Permitted Development Rights the proposal is considered to be of an appropriate scale and design and will not have any detrimental impact on the amenities of the adjoining properties.</p> <p>In addition, the choice of materials used are considered to be suitable for their use and respect the existing property and wider residential area.</p> <p>The proposal is 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>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> <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"> 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: -



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- Application Form, received 30th May 2024;
- Site Location Plan, scale 1:1250, received 30th May 2024;
- Site Block Plan, scale 1:500, received 30th May 2024;
- Existing Elevations, scale 1:100, received 30th May 2024;
- Proposed Elevations, scale 1:100, received 30th May 2024;
- Existing Floor Plan, scale 1:50, received 30th May 2024;
- Proposed Floor Plan, scale 1:50, received 30th May 2024;
- Section A-A, scale 1:50, received 30th 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 : 22/07/2024

Authorising Officer: N.J. Hayhurst

Date : 25/07/2024

Dedicated responses to:- N/A