

## CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	<b>Reference No:</b>	4/24/2203/0F1
2.	<b>Proposed Development:</b>	CONSTRUCTION OF ATTACHED SINGLE STOREY GARAGE
3.	<b>Location:</b>	43 RHEDA PARK, FRIZINGTON
4.	<b>Parish:</b>	Arlecdon and Frizington
5.	<b>Constraints:</b>	ASC;Adverts - ASC;Adverts, Coal - Standing Advice - Data Subject To Change
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>SITE AND LOCATION</b>  <p>This application relates to 43 Rheda Park, a large, detached dwelling located on an existing residential cul-de-sac within Rheda Park, Frizington. The site benefits from a large front garden laid to both lawn and hardstanding with an existing attached garage.</p> <b>PROPOSAL</b>  <p>Planning Permission is sought for the construction of a new attached single storey garage to the side elevation of the existing dwelling.</p> <p>The proposed detached garage will project 5.515 metres from the side elevation and will be 8.506 metres in length from front to rear. It has been designed to include a cross gable, dual pitch roof with an eaves height of 2.5 metres and an overall height of 5 metres.</p>	

The garage will be finished with brick walls and concrete tiles to match the existing, upvc and coated steel doors.

## **RELEVANT PLANNING APPLICATION HISTORY**

4/96/0666/0 4 BEDROOMED DETACHED HOUSE AND GARAGE

## **CONSULTATION RESPONSES**

Arlecdon & Frizington Parish Council

No comments received.

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

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.

Public Representations

The application has been advertised by way of neighbour notification letters issued to 2 no. properties. No objections were received in response to 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 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

### **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. As the consultation on the main modifications to the ELP is now complete significant weight can also 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 and the potential impacts on residential amenity.

### **Principle of Development**

The proposed application relates to a detached residential dwelling within Rheda Park, Frizington. The proposal seeks permission for the construction of a single storey attached garage on the side elevation of the existing dwelling.

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 and Policy H14PU 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 proposal will project 5.515 metres from the side elevation and will be 8.506 metres in length from front to rear. It has been designed to include a cross gable, dual pitch roof with an eaves height of 2.5 metres and an overall height of 5 metres, which mimics the size and height of the existing attached garage on site.

The proposed garage is to be located on the side elevation within the front/side garden of the parent property. Whilst the proposal is considered to be large in overall size, its siting on this modest size plot on this cul-de-sac is considered to be suitably located within the site and acceptable in terms of its scale and design.

The extension will be finished with brick walls and concrete tiles to match the existing, upvc and coated steel doors. The choice of materials to match the existing dwelling are considered suitable for their use and will therefore ensure that the proposed extension is 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, DM18, Policy DS6PU, Policy H14PU and the NPPF guidance.

### **Residential Amenity**

Policy ST1, Policy DM18, Policy H14PU and section 12 of the NPPF seek to safeguard good levels of residential amenity of the parent property or adjacent dwellings.

Significant consideration was given to dominance and overbearing impacts from the proposed garage upon the neighbouring properties due to the size of the structure and its



## Cumberland Council

	<p>location within the front/side garden on a residential cul-de-sac.</p> <p>No openings are proposed to the rear or side elevation of the proposed garage which is adjacent to the side elevation of number 42 Rheda Park. Furthermore, there are mature trees/hedgerow on the side elevation which will adequately screen the garage from the nearest neighbouring property. The proposal is therefore not considered to have any overbearing impact on the neighbouring properties.</p> <p>However, due to the size of the structure, a planning condition is 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.</p> <p>Furthermore, as the garage isn't considered to be a habitable room there are not likely to be any significant overlooking issues that will arise as a result of the proposal.</p> <p>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.</p> <p><u>Planning Balance and Conclusion</u></p> <p>The application seeks Planning Permission for the construction of a new single storey attached garage within the front/side garden.</p> <p>The garage is considered to be suitably located within the site and acceptable in terms of its scale and design. Taking into account the proposed siting and orientation, the proposal is not considered to have any detrimental impact on the amenities of the neighbouring properties or wider residential area. A planning condition is proposed to ensure that the garage remains domestic in nature to further protect residential amenity.</p> <p>On balance, the application is considered to be 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>

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 22<sup>nd</sup> May 2024;
  - Site Location Plan, scale 1:1250, Drawing no 06 received 22<sup>nd</sup> May 2024;
  - Site Layout Plan, scale 1:200, Drawing no 06 received 22<sup>nd</sup> May 2024;
  - Proposed GF Plan, scale 1:50 Drawing no 01 received 22<sup>nd</sup> May 2024;
  - Proposed Elevations, scale 1:100 Drawing no 02, received 22<sup>nd</sup> May 2024;
  - Design and Access Statement received 22<sup>nd</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.

3. The garage shall be used for the housing / parking of private vehicles and domestic equipment only in association with the residential property known as 43 Rheda Park and for no commercial or business purposes whatsoever.

**Reason**

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

**Informative Note**

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](http://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.



**Cumberland  
Council**

<b>Case Officer: Demi Crawford</b>	<b>Date : 16/07/2024</b>
<b>Authorising Officer: N.J. Hayhurst</b>	<b>Date : 17/07/2024</b>
<b>Dedicated responses to:- N/A</b>	