

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/24/2213/0F1
2.	Proposed Development:	RENOVATION OF EXISTING DWELLING INCLUDING RAISING EAVES HEIGHT OF BUILDING BY 600 MM AND VARIOUS EXTERNAL ALTERATIONS INCLUDING ERECTION OF REPLACEMENT SINGLE STOREY EXTENSION, CREATION OF FIRST FLOOR BALCONY, ENLARGEMENT OF WINDOW OPENINGS AND RELACEMENT OF EXISTING WINDOW FRAMES
3.	Location:	HERDING NEB, DRIGG ROAD, SEASCALE
4.	Parish:	Seascale
5.	Constraints:	<p>ASC;Adverts - ASC;Adverts,</p> <p>Safeguard Zone - Safeguard Zone,</p> <p>Coal - Off Coalfield - Data Subject To Change,</p> <p>Key Species - Known Sites for Natterjack Toads,</p> <p>Key Species - Potential areas for Natterjack Toads,</p> <p>DEPZ Zone - DEPZ Zone,</p> <p>Outer Consultation Zone - Drigg 3KM,</p> <p>Outer Consultation Zone - Sellafield 10KM</p>
6.	Publicity Representations &Policy	<p>Neighbour Notification Letter: YES</p> <p>Site Notice: YES</p> <p>Press Notice: NO</p> <p>Consultation Responses: See report</p> <p>Relevant Planning Policies: See report</p>

7.

Report:

LOCATION

This application relates to Herding Neb, a detached property located in Seascale. The site benefits from a small garden area at the side/rear and fronts onto the B5344 Drigg Road which runs through Seascale. It occupies a clifftop location and directly overlooks the beach.

PROPOSAL

Planning Permission is sought for the complete renovation of the property, including raising the eaves height by 600mm, the erection of a replacement single storey extension on the West elevation and creation of a first-floor balcony, and the enlargement of the window openings and replacement window frames.

RELEVANT PLANNING APPLICATION HISTORY

There have been no previous planning applications at this property.

CONSULTATION RESPONSES

Seascale Parish Council – No objections.

LLFA and Highways - 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.

Countryside Access Footpaths Officer – No comments received.

Public Representations

The application has been advertised by way of neighbour notification letters issued to 3 no. properties and a site notice displayed. 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



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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 DM22 – Accessible Developments

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)

Cumbria Development Design Guide

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, ecology and the Public Right of Way.

Principle of Development

The proposed application relates to a residential dwelling located within Seascale and is proposed to fully renovate the property, including raising the eaves height by 600mm, erection of a replacement single storey extension on the West elevation and creation of a first-floor balcony, and the enlargement of the window openings and replacement window frames.

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.

As the proposal relates to various works, each element will be discussed in relation to scale



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and design in turn below:

Raising the eaves height of the roof by 600mm – The proposal seeks permission to raise the eaves height of the roof by 600mm due to height restrictions internally compromising the design of the dwelling.

The dwelling is located on a clifftop and directly overlooks Seascale beachfront. Whilst the dwelling is elevated above the beach, it is located on a downwards slope adjacent to the B5344 Drigg Road.

The original elevations proposed to site the windows directly under the eaves, however, following a site visit and discussions on site with the applicant and his building contractor, it was decided that in order to further enhance the proposed design and reflect the existing character of the property it would be more appropriate if there was a gap between the top of the windows and the underside of the eaves. Amended drawings were therefore submitted which now show a 150mm gap between the two, to produce a more uniform look.

Therefore, taking into account the proposed increase in eaves height with the orientation and location of the dwelling and amended drawings submitted, the proposed increase in overall height is considered to be acceptable and will not result in the building appearing excessively prominent within the locality.

Erection of a replacement single storey extension on the West elevation and creation of a first-floor balcony – The proposed extension is located on the rear (West) elevation which ensures that the extension remains subservient to the main dwelling and would only be visible from the beach below.

The proposed extension is a mezzanine structure and comprises a replacement window and a set of double doors on the rear. The West (side) elevation proposes a new door unit with window/door opening above onto a balcony with balustrade. The South elevation also includes a new window/door access onto the balcony.

Whilst the proposed replacement extension contains a balcony, the extension will be relatively modest in scale and is considered to be appropriately located within the site at the rear. As it is replacing an already existing extension that is currently in poor condition, this ensures that the proposed extension is not excessively prominent within the locality.

As the application form/plans state that most of the other external finishes other than the external white wall render are still to be confirmed, a suitably worked planning condition is proposed to ensure that once the materials to be used on all external surfaces/finishes are confirmed, they are submitted and approved by the LPA to ensure a satisfactory appearance of the development.

Enlargement of the window openings and replacement window frames -

The North Elevation proposes 4 replacement windows, 2 on the first floor and 2 on the round floor, all at the existing opening size.

The South Elevation proposes a new sliding door unit to replace an existing bay window on the ground floor, and a new door/window access and 1 replacement window at the existing opening size on the first floor.

The East Elevation proposes 6 replacement windows, 3 on the ground floor and 3 on the first floor, all at the existing opening sizes.

The West Elevation proposes 3 increased windows and 1 replacement window at the existing opening size on the first floor, and 2 increased windows, 1 set of replacement doors and 1 replacement window at the existing opening size on the ground floor. The design also proposes to incorporate 2 existing windows into 1 large window between the first floor and ground floor on this elevation.

All of the increased window sizes proposed are located on the West (rear) elevation that overlooks the beach. They are considered to be acceptable as they will not be seen from the principal elevation/street scene.

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 immediate neighbouring dwellings. Whilst potential amenity issues between the proposal and the neighbouring properties were considered, the increased roof height was the element most considered to potentially have any impact on residential amenity.

Whilst the dwelling is elevated above the beach, it is located on a downwards slope adjacent to the B5344 Drigg Road. The immediate neighbouring properties Manx View and Fox Parke are adjacent to Herding Neb with a separation distance from their front elevation of approximately 25-30 metres.

Following a site visit to the property and taking into account the location of the dwelling, its orientation and separation distance from the nearest residential properties, the increase in roof height is not considered to significantly harm residential amenity. Furthermore, there were also no objections received as a result of the consultation.

Other elements of the proposal include the erection of a replacement single storey extension and creation of a first-floor balcony, and the enlargement of the window openings and replacement window frames. These elements will be relatively modest in scale and design and will be majority located to the rear of the parent property and therefore no additional privacy concerns are raised.

The proposed extension overlooks the beach to the rear and is replacing an existing structure on site. Despite this particular element containing a balcony, the proposal is therefore not considered to result in a significant reduction in daylight or appear overbearing. Due to the proposed siting, orientation and separation distances involved the balcony is not considered



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to cause any overlooking issues that would affect the residential amenity of the nearest dwellings.

On this basis, it was considered that the proposal will not have any adverse impacts on residential amenity 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 an area for Natterjack Toads. The application site despite being within 200m of a watercourse when the beach is at high tide, (as indicated within the ALGE trigger list) is not supported by any ecology details as the site is already located within a well-established built-up residential area. In addition, the proposed works are to the roof, elevations and a replacement extension that already exists.

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

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.

Public Right of Way

Although the application site lies within the 50-metre buffer of the Public Right of Way 426011 and some works will be visible from the public footpath, it will be modest in scale and design. The proposal will also be seen in the context of the existing dwelling. This will minimise the impact of the development and therefore the proposal will not harm the physical footpath or the amenity of the footpath user.

No comments were received to the consultation on this application from the Countryside Access Footpath Officer.

On this basis, the proposal is considered to satisfy Policy DM10, DM22 and the NPPF guidance.

Planning Balance and Conclusion

The application seeks Planning Permission to fully renovate the property, including raising the eaves height of the roof by 600mm, the erection of a replacement single storey extension on the West elevation and creation of a first-floor balcony, and the enlargement of the window

	<p>openings and replacement window frames.</p> <p>The renovation of this prominent dwelling is welcome and will result in an improvement to the appearance of this part of the village.</p> <p>Taking into account the scale and design of the proposal, impacts on residential amenity the proposal is considered to be of an appropriate design and will not have any detrimental impact on the amenities of the immediate residential properties.</p> <p>The proposal is considered to be suitably located within the site and is acceptable in terms of its scale and design.</p> <p>The proposed materials that are to be used have not been confirmed and so this detail can be secured and agreed by a suitably worded planning condition attached to ensure they are appropriate 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: - <ul style="list-style-type: none"> - Application Form, received 14th June 2024; - Site Location Plan, scale 1:1250, received 14th June 2024; - Site Block Plan, scale 1:500, received 14th June 2024; - Existing Ground Floor Plan, scale 1:100, received 14th June 2024;



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- Proposed Ground Floor Plan Layouts, scale 1:100, received 14th June 2024;
- General Arrangements and Details of Structural Steelwork, drawing no. 2023-025-002 Rev A, received 14th June 2024;
- General Arrangements and Details of Structural Steelwork, drawing no. 2023-025-002 Rev B, received 14th June 2024;
- General Arrangements and Details to Proposed Mezzanine, drawing no. 2023-025-006, received 14th June 2024;
- Photos of Existing Elevations, received 14th June 2024;
- Proposed West & East Elevations, Rev G (Amended), scale 1:75, received 15th July 2024;
- Proposed North & South Elevations, Rev F (Amended), scale 1:75, received 15th July 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. Prior to their first use confirmation of the materials to be used on all of the external finishes/surfaces of the development including doors and windows hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and so maintained thereafter.

Reason

To ensure a satisfactory appearance of the development in the interests of visual amenity.

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 : 15/08/2024
Authorising Officer: N.J. Hayhurst	Date : 16/08/2024
Dedicated responses to:- N/A	