

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/24/2227/0F1
2.	Proposed Development:	REMOVAL OF EXISTING CONSERVATORY AND DETACHED GARAGE AND THE CONSTRUCTION OF A SINGLE STOREY FRONT AND REAR EXTENSION TO AN EXISTING DWELLING WITH INTERNAL AND EXTERNAL ALTERATIONS
3.	Location:	SQUARE GARDEN, POOLSIDE, HAVERIGG
4.	Parish:	Millom
5.	Constraints:	ASC;Adverts - ASC;Adverts, Flood Area - Flood Zone 2, Flood Area - Flood Zone 3, 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: SITE AND LOCATION This application relates to Square Garden, a detached property situated within the Poolside Area of Haverigg. The site benefits from a modest front garden with offroad parking, and a detached garage and large garden to the rear. The site also falls within flood zones 2 and 3.	

PROPOSAL

Planning Permission is sought for the removal of an existing conservatory and detached garage to construct a single storey rear extension, and the construction of a small front extension.

The rear extension will project 5.885 metres from the rear elevation and will be 10.740 metres in width. It has been designed to include a flat roof with an overall height of 3.5 metres with a roof lantern over to provide an open plan kitchen/dining area with utility room.

The front extension will project 3.635 metres from the principal elevation and will be 3.770 metres in width. It has been designed with a dual-pitched roof with an overall height of 4.5 metres to provide an additional bedroom which is connected to a glazed front porch by a canopy/overhang.

The extension will be finished with dashed render with facing brickwork, concrete roof tiles and UPVC windows and doors to match the existing dwelling.

RELEVANT PLANNING APPLICATION HISTORY

4/94/0881/4 CONSTRUCTION OF HOUSE AND DETACHED GARAGE - Approve

CONSULTATION RESPONSES

Millom Town Council

No objections.

Environment Agency

We have no objections to the proposed development, however we do wish to make the following comments:- Flood risk standing advice - advice to LPA:

The proposed development falls within Flood Zone 3, which is land defined in the planning practice guidance as being at risk of flooding. We have produced a series of standard comments for local planning authorities and planning applicants to refer to on 'lower risk' development proposals. These comments replace direct case-by-case consultation with us. This proposal falls within this category. These standard comments are known as Flood Risk Standing Advice (FRSA). They can be viewed at https://www.gov.uk/guidance/flood-risk-assessment-forplanning_applications#when-to-follow-standing-advice

We recommend that you view our standing advice in full before making a decision on this application. We do not need to be consulted.

Highway Authority & Lead Local Flood Authority

Highways - The local highway authority have no objections to the proposed development.



Cumberland Council

LLFA - We have noted that the site is in flood zone 2 and 3. The existing floor levels are approximately 700mm above external ground level and the new development/extension floor levels will be 700mm above external ground level to match. I can confirm that we have no objection to the proposed development as it is considered that it will not have a material effect on existing highway conditions nor will it increase the flood risk on the site or elsewhere. Please be advised that the Highway outside and or adjacent to the proposal must be kept clear and accessible at all times.

Public Representations

The application has been advertised by way of neighbour notification letters issued to 4 no. properties. No objections have been 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 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

Policy ENV3 – Biodiversity and Geodiversity

Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place

Policy DM18 – Domestic Extensions and Alterations

Policy DM24 – Development Proposals and Flood Risk

Policy DM25 – Protecting Nature Conservation Sites, Habitats and Species

Emerging Copeland Local Plan (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 DS8PU – Reducing Flood Risk

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



Cumberland Council

ASSESSMENT

The key issues raised by this proposed are the principle of development, its scale and design and the potential impacts on residential amenity, highway safety, flood risk and ecology.

Principle of Development

The proposed application relates to a residential dwelling within Haverigg and it will provide a rear extension to replace an existing conservatory and detached garage, and a small front extension.

Policy DM18 supports extensions and alterations 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 of the Local Plan 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 rear extension will replace an existing conservatory. It will project 5.885 metres from the rear elevation and will be 10.740 metres in width. It has been designed to include a flat roof with an overall height of 3.5 metres with a roof lantern over to provide an open plan kitchen/dining area with utility room. The extension is considered to be relatively modest in scale and appropriately located within the site, behind the main element of the existing dwelling. This will ensure that the proposal appears subservient to the main dwelling, and it will not be excessively prominent within the locality.

The application also proposes a front extension that will project 3.635 metres from the principal elevation and will be 3.770 metres in width. It has been designed with a dual-pitched roof with an overall height of 4.5 metres to provide an additional bedroom which is connected to a glazed front porch by a canopy/overhang. Although the proposed front extension will be visible from the roadside, it is not considered to be excessively prominent in the street scene, due to its small scale and incorporation into the front porch arrangement.

The extension will be finished with dashed render with facing brickwork, concrete roof tiles and UPVC windows and doors to match the existing dwelling. The design is considered to be suitable for its use and the choice of materials proposed to match the existing are 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.

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 amenity issues between the proposed extensions and the neighbouring properties were considered, the proposed extensions are considered to be suitably located within the site and are of an appropriate scale and design.

The rear extension will replace an existing conservatory in this location, and although slightly larger, is still considered to be modest in scale for the overall size of the site. The proposed rear extension contains a set of bifold doors and a window on the rear elevation and both side elevations will be blank. It will also be well screened by existing trees and hedgerow and is therefore not considered to cause any additional concerns regarding overbearing, nor will it cause any additional loss of light or dominance on the neighbouring properties.

Despite the small front bedroom extension being located on the principal elevation, the parent property dwelling is set back from the rear of 20 Poolside by approximately 8 metres and is located approximately 13 metres from the adjacent property High Waters. The proposed side elevation of the front extension with 20 Poolside will also be blank.

Following a site visit, it was also evident that other properties within the immediate neighbourhood had also already extended forward of their principal elevations in a similar style design.

On balance, the proposal will not have a detrimental impact on the neighbouring amenity and it is considered that the proposal will meet Policy DM18, Policy H14PU and the NPPF guidance.

Flood Risk

The NPPF and Policy DM24 requires proposed developments in Flood Zones 2 and 3 to be accompanied by a Flood Risk Assessment (FRA). Policy DM24 seeks to protect developments against risks of flooding.

The site lies within Flood Zones 2 and 3 and the application is accompanied by a Householder and Other Minor Extensions in Flood Zones 2 and 3 form.

The flood resilience measures outlined on the form are considered to be suitable for the modest extension and the minor development is not considered to raise significant flood risk issues. The flood resilience and mitigation measures outlined on the form can be secured by the use of a planning condition.

In addition, the LLFA and Environment Agency are content with the information supplied and have no objection to the proposed development.

The proposal is therefore considered to be satisfactory, and it will not have a detrimental impact on flood risk within the site or elsewhere. Overall, the proposal complies with Policy

	<p>ENV1, Policy DM24, and Policy DS8PU.</p> <p><u>Ecology</u></p> <p>Policy ST1, ENV3 and DM25 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 are likely to have an effect on nature conservation sites, habitats and protected species.</p> <p>The application site is identified as a potential area for natterjack toads. Despite the site being located within 200m of a watercourse (as indicated within the ALGE trigger list), the application is not supported by any ecology details as it is located within the centre of a built-up residential area and relates to an area already covered by hardstanding.</p> <p>On this basis, it is considered that this is not a habitat that is likely to contain natterjack toads and so it would not be necessary to seek an ecological survey for this minor householder application.</p> <p>It is therefore considered that the development complies with Policies ST1, EV3 and DM25 of the Copeland Local Plan and Strategic Policy N1PU of the Emerging Local Plan and the NPPF guidance.</p> <p><u>Planning Balance and Conclusion</u></p> <p>This application seeks to erect a rear extension to provide an open plan kitchen dining area with utility room, and a small front extension to provide an additional bedroom with glazed front porch area.</p> <p>The main issues raised by the application were the proposals scale and design, the potential amenity issues, flood risk and ecology.</p> <p>The proposal is considered to be suitably located and will be acceptable in terms of scale and design. In addition, it is considered that the proposal will not have any detrimental impact on the amenities of the adjoining properties, highway safety, flood risk, ecology or the public right of way.</p> <p>The planning conditions proposed will ensure the flood mitigation measures are installed further protecting residential amenity.</p> <p>On balance, the application is considered to be acceptable form of development which accords with the policies set out within the adopted Local Plan and the guidance in the NPPF.</p>
8.	<p>Recommendation:</p> <p>Approve (commence within 3 years)</p>

9.	<p>Conditions:</p> <p>1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.</p> <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> <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: -</p> <ul style="list-style-type: none"> - Application Form, received 25th June 2024; - Site Location Plan, scale 1:1250, drawing 24-20-P-L, received 25th June 2024; - Site Block Plan, scale 1:500, drawing 24-20-P-L, received 25th June 2024; - Proposed Site Plan, scale 1:250, drawing 24-20-P-01, received 25th June 2024; - Existing Plans, scale 1:100, drawing 24-20-P-02, received 25th June 2024; - Proposed Plans, scale 1:100, drawing 24-20-P-05, received 25th June 2024; - Existing Elevations, scale 1:100, drawing 24-20-P-03, received 25th June 2024; - Proposed Elevations, scale 1:100, drawing 24-20-P-06, received 25th June 2024; - Existing 3D Sketches, drawing 24-20-P-04, received 25th June 2024; - Proposed 3D Sketches, drawing 24-20-P-07, received 25th June 2024; - Householder & Other Minor Extensions in FZ 2&3 Form, received 25th June 2024; <p>Reason</p> <p>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.</p> <p>3. Before the extension is occupied, the flood resilience and mitigation measures must be carried out in accordance with the Householder and Other Minor Extensions in Flood Zones 2 and 3 Form received by the Local Planning Authority on 22nd February 2024. The flood resilience and mitigation measures must be maintained thereafter.</p> <p>Reason</p>
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To protect the property against flood damage in accordance with Policy DM24 of the Copeland Local Plan.

Informative note

Environmental permit - advice to applicant

The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in the floodplain of a main river if the activity could affect flood flow or storage and potential impacts are not controlled by a planning permission

For further guidance please visit https://www.gov.uk/guidance/flood-risk-activities_environmental-permits or contact our National Customer Contact Centre on 03708 506 506. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

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 : 19/08/2024

Authorising Officer: N.J. Hayhurst

Date : 19/08/2024

Dedicated responses to:- N/A