

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/24/2264/0F1
2.	Proposed Development:	TWO STOREY REAR EXTENSION INCLUDING DORMER WINDOW AND DETACHED GARAGE
3.	Location:	GHYLL HOUSE, KIRKLAND, FRIZINGTON
4.	Parish:	Lamplugh
5.	Constraints:	ASC;Adverts - ASC;Adverts, Coal - Off Coalfield - Data Subject To Change
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 the detached dwelling known as Ghyll House, located off the main road running through Kirkland. There is a large garden and open fields to the east of the property, further residential dwellings to the north and south and a road to the west. Access is taken directly from the main road to the existing driveway to the north of the property. PROPOSAL Planning Permission is sought for the erection of a two storey extension to the rear of the	

property and detached garage to the side.

The proposed rear extension will project from the rear elevation by 3.9m and been designed with a sloping roof with an eaves height of 2.9m at its lowest point. A swept dormer window is included on the rear roof slope which will extend to a maximum height of 1.8m above the roof slope.

The proposed garage will be 8m x 6m with a eaves height of 2.3m eaves and a ridge height of 4m. There will be a single window on the side elevation and a roller shutter door on the front.

Both the extension and the proposed garage are to be externally faced with render and will be covered with a concrete tile.

RELEVANT PLANNING APPLICATION HISTORY

Two storey extension, approved in March 1991 (application reference 4/91/0005/0 relates);

Installation of LPG tank, approved in March 1998 (application reference 4/98/0107/0 relates);

First floor extension adding to existing ground, floor extension and side workshop and/or store room, approved in July 2004 (application reference 4/04/2468/0F1 relates).

CONSULTATION RESPONSES

Lamplugh Parish Council

No response received.

Highways and Local Lead Flood Authority

1st response

No comments to make.

2nd response

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.

Public Representations

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

4 letters of objection were received during the first consultation raising the following concerns:

- Loss of view;



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- The extension will increase the occupancy levels in the property;
- Parking and delivery is problematic;
- The driveway was previously under different ownership and it is unclear if planning permission was sought for it to change to Ghyll House;
- No visibility splays have been provided;
- Concerned that the dwelling will be used for multiple occupancy or tourism;
- Loss of daylighting to Rowan House;
- Noise nuisance from the garage;
- Loss of privacy;
- The proposals represent overdevelopment;
- Overdominance;
- The garage is likely to be converted for residential use due to the proposed construction type;
- Surface water concerns due to the concrete surfacing.

Following the receipt of amended plans a second consultation was undertaken.

2 letters of objection were received during the second consultation raising the following concerns;

- The reduction in height will not reduce the impact on the loss of view;
- Loss of daylighting;
- Overdominance;
- The garage is likely to be converted for residential use due to the proposed construction type;
- Noise nuisance from the garage;
- The proposals represent overdevelopment.

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 ENV1 – Flood Risk and Risk Management

Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place

Policy DM18 – Domestic Extensions and Alterations

Policy DM22 – Accessible Developments

Policy DM24 – Development Proposals and Flood Risk

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.

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.



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The Report on the Examination of the ELP was received on the 23rd September 2024. Given the advanced stage of preparation and with adoption pending, full weight can be attached to the policies of the ELP.

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

Policy CO7PU: Parking Standards and Electric Vehicle Charging Infrastructure

Other Material Planning Considerations

National Planning Policy Framework (NPPF)

Cumbria Development Design Guide

ASSESSMENT

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

Principle of Development

The proposed application relates to a residential dwelling within Kirkland to provide a rear extension and detached garage to the side. Policy DM18 of the CS and H14PU of the ELP support extensions and alterations to residential properties subject to detailed criteria, which are considered below.

On this basis, the proposal is considered to satisfy Policies DM18 of the CS, H14PU of the ELP and the NPPF guidance.

Scale and Design

Policy ST1 of the CS, DS1PU of the ELP and section 12 of the NPPF seek to safeguard good levels of quality and attractiveness. Policy DM10 and DM18 of the CS and H14PU of the ELP 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 proposed rear extension will project by 3.9m, sloping to a height at its full projection of 2.9m. The extension will bring the dwelling in line at the rear with the neighbouring dwelling Alexander House and is therefore considered to be acceptable. It will not be visible from any public viewpoints.

The design is considered to be satisfactory and in context with the parent dwelling. The existing roof structure will be respected, with the slope continued at the same angle. The

dormer windows are considered to be consistent with the parent dwelling, where there are two dormers on the front elevation at present. It is not considered that the proposal represents overdevelopment, leaving a large garden to the rear of the property.

The detached garage will be sited to the north side of the site, between Rowan House and Ghyll House. On submission of the application, the garage was to be 5m in overall height and 2.6m to the eaves. Concerns were raised from local residents relating to the scale of the garage and its potential for use for purposes other than those ancillary to the dwelling, loss of view and loss of light and amenity. As a result, the Agent agreed to reduce the scale of the garage resulting in an eaves height of 2.3m and overall height of 4m. The reduction in scale is considered to be acceptable with a low eaves height ensuring that there are no amenity issues for the neighbouring dwelling.

On this basis, the proposal is considered to meet Policy DM18 of the CS, H14PU of the ELP and the NPPF guidance.

Residential Amenity

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

Concerns have been raised with regards to loss of light, overdominance and loss of privacy.

There are no windows on the side elevation of Alexander House or proposed on the extension for Ghyll House. It is therefore considered that Alexander House is unaffected by the proposal.

Rowan House, to the north of the property, is sited further east than Ghyll House. Whilst the rear projection will extend Ghyll House, the low eaves height, 6m separation and lack of windows to habitable rooms means that, in Planning Policy terms, the extension is acceptable.

The Agent for the application was asked to provide a plan to show the separation distances between properties due to the dormer windows proposed in Ghyll House. The distances far exceed 21m from any facing windows, therefore it is considered that the proposal is acceptable in this respect and compliant with policy.

In order to address concerns raised from the neighbouring property with regards to noise disturbance or the potential for the garage to be utilised for commercial purposes, it is considered reasonable to impose a condition to limit the use to those associated with the parent dwelling.

On this basis, it is likely that the proposal will not have unacceptable adverse impact on the residential amenity and it is considered to comply with Policy DM18 of the CS, Policy H14PU of the ELP and NPPF guidance.

Highway Safety

Policy DM22 of the CS and CO7PU of the ELP encourages suitable approaches to manage



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vehicular access and parking to avoid vehicles dominating the street scene.

The initial response from the Highway Authority confirmed that they had no comments to make on the application.

Further to concerns received from local residents with regards to the safety of access and egress from the site, the Highways Authority were asked to fully assess the proposal. Their response raised no objections, confirming that there is unlikely to be a material effect on the current highway situation.

It is accepted that the Applicant could build a garage on the site that fell within the Permitted Development rights. Furthermore, the driveway is already utilised so there will not be a material change to the existing situation.

Following the development, the site will benefit from a garage and a driveway and therefore this can provide suitable off-street parking to serve a dwelling of this scale.

On this basis, the proposal is considered acceptable in accordance with Policy DM22 of the CS and CO7PU of the ELP.

Drainage

Concerns were raised from a neighbouring property that drainage would be worsened on the site due to the development.

Policies ENV1 and DM24 of the CS and DS8PU and DS9PU of the ELP seek to ensure that proposals do not increase drainage issues either on site or within the surrounding area. As a result of the concerns raised, the Local Lead Flood Authority were asked to consider the proposal. They concluded that there is unlikely to be a material change to the existing situation and raised no objections.

This is considered to be suitable for the purposes of the planning application with the drainage fully considered under the Building Regulations. The proposal complies with Policies ENV1 and DM24 of the Copeland Local Plan and DS8PU and DS9PU of the emerging Local Plan.

Other Comments Raised

Comments were made in respect to the loss of view due to the erection of the garage as it will infill the gap to the north of the plot between Ghyll House and Rowan House. As this is not a material planning consideration, it has not been taken into account during the course of the application process.

Concerns were raised with regards to rights of access and ownership of the land. These are considered to be legal matters and cannot be considered under the planning process.

Planning Balance and Conclusion

The application seeks planning permission for a rear extension and detached garage to the rear of the property.

	<p>On balance, the proposed alterations are considered to reflect the character and appearance of the existing property and similar situations within the locality. The proposal is of an appropriate scale and design and would not have any significant detrimental impact on the amenities of the adjoining properties. A suitably worded planning condition to ensure the use of the garage is ancillary to the dwelling will prohibit the use of the garage commercially, therefore protecting the neighbours from noise and amenity issues.</p> <p>Highway safety and drainage have been considered and it is unlikely that the situation will be materially different to the existing.</p> <p>All comments from consultees have been fully considered throughout this report and mitigated where possible.</p> <p>Overall, it represents an 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> <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 1st August 2024; Proposed Site and Block Plan, scale 1:200, drawing number CW-REBD-001 B, received 1st August 2024; Proposed Floor Plans, scale 1:50, drawing number CW-REBD-004 B, received 1st August 2024; Proposed Elevations Plan, scale 1:50, drawing number CW-REBD-005 A, received 1st



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August 2024;

Proposed Garage Plans, scale 1:50 and 1:75, drawing number CW-REBD-007 B, received 4th October 2024;

Design and Access Statement, document number DAS-001, received 1st August 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 detached garage hereby approved must only be used in association with and ancillary to the residential property known as Ghyll House and must not be used for any commercial or business purposes or as a separate residential unit whatsoever.

Reason

To ensure that non conforming uses are not introduced into the area in accordance with Policies ST1 and DM18 of the Copeland Local Plan.

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: Sarah Papaleo

Date : 31/10/2024

Authorising Officer: N.J. Hayhurst

Date : 04/11/2024

Dedicated responses to:-