

## CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	<b>Reference No:</b>	4/24/2289/0F1
2.	<b>Proposed Development:</b>	DEMOLITION OF CONSERVATORY, ERECTION OF SINGLE STOREY EXTENSION TO REAR, AND DETACHED GARAGE TO FRONT
3.	<b>Location:</b>	15 PEEL GARDENS, BIGRIGG
4.	<b>Parish:</b>	Egremont
5.	<b>Constraints:</b>	ASC;Adverts - ASC;Adverts, Coal - Standing Advice - Data Subject To Change, Outer Consultation Zone - Sellafield 10KM, PROWs - Public Right of Way
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>LOCATION</b>  This application relates to 15 Peel Gardens, a detached property located in the Bigrigg area of Egremont. The site benefits from a small garden with driveway and offroad parking to the front, and a modest size garden with conservatory to the rear.  <b>PROPOSAL</b>  Planning Permission is sought for the demolition of the rear conservatory, and the erection of a single-storey rear extension to provide an open plan kitchen/dining lounge area with utility	

room, and a detached garage to the front of the property.

The extension will project 5.8 metres from the rear elevation of the dwelling and it will be 9 metres in length. It has been designed to include a dual pitched roof with an eaves height of 2.4 metres and an overall height of 4.5 metres.

The rear elevation will include 2 sets of doors that overlook the parent property garden. The side elevation adjacent to 17 Peel Gardens will contain a single access door, and the opposite side elevation will contain 1 window.

The proposed detached garage will be located to the front/side elevation of the property and will be 3.7 metres wide by 5.8 metres in length and will be of dual pitched roof construction with an overall height of 3.6 metres.

The proposal will be finished with brick, roof tiles, and UPVC windows and doors to match the existing property.

### **RELEVANT PLANNING APPLICATION HISTORY**

4/02/0613/0 ERECTION OF 33 NO. DWELLINGS (25 BUNGLAOWS & 8, HOUSES)

4/03/0844/0 REMOVAL OF CONDITIONS 4, 5, 6, 7 (RE DRAINAGE), FOR ERECTION OF 33 NO DWELLINGS

### **CONSULTATION RESPONSES**

#### Egremont Town Council

No objections, as long as there is neighbourhood consultation.

Highways & LLFA - Cumberland Council as the Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) has reviewed the above planning reference and 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.

#### Countryside Access Footpaths Officer

No comments received.

#### Public Representations

The application has been advertised by way of neighbour notification letters issued to 2 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

#### Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place

Policy DM18 – Domestic Extensions and Alterations

### **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.

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.

The Report on the Examination of the ELP was received on the 23<sup>rd</sup> 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

### **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 residential dwelling located within Bigrigg and is proposed to construct a single storey rear extension and a detached garage to the front.

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 proposed extension is located on the rear elevation and is of dual pitched roof construction with an eaves height of 2.4 metres and an overall height of 4.5 metres. It will project 5.8 metres from the rear elevation of the dwelling and will be 9 metres in length.

The extension is located to the rear of the site which ensures that the extension remains subservient to the main dwelling.

The extension will be relatively modest in scale and is replacing an existing conservatory, which is considered to be appropriately located within the site and ensures that the proposed



## Cumberland Council

extension is not excessively prominent within the locality.

The rear elevation comprises 2 sets of doors from the kitchen/dining room out onto the parent property garden. The side elevation contains a small window and the side elevation adjacent to number 17 Peel Gardens contains a single access door into the utility room.

The detached garage extension will be located on the front side elevation and will be 3.7 metres wide and 5.8 metres in length. It will be of dual pitch construction, with an eaves height of 2.3 metres, and an overall height of 3.8 metres.

Whilst the garage will be seen in the street scene, it will be relatively modest in scale and set back from the principal building line of the property, and will be located adjacent to a through fare leading to an area of open green space to the rear.

Both extensions will be finished with brick, roof tiles, and UPVC windows and doors to match the existing property. These proposed materials are considered to be appropriate for their use. The overall proposal will therefore respect the character and appearance of the existing property and the residential area.

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 rear extension will be relatively modest in scale and design and will be appropriately located to the rear of the parent property.

The proposal is single storey and overlooks the parent property garden and open fields out to the rear. The rear extension is stepped off the boundary adjacent to number 17 Peel Gardens, and this side elevation contains a single access door into a utility room. The proposal is therefore not considered to result in a significant reduction in daylight or appear overbearing for the neighbouring properties and there are no additional overlooking issues considered.

The proposed garage is to be built on the front side elevation of the property adjacent to a through fare leading to an area of open green space to the rear. 1 side access door is proposed which opens onto the parent property driveway, and a garage door is proposed on the front elevation. No other openings are proposed.

Whilst the garage will be seen from the street scene, due to the orientation of the property, the parent property side elevation is set back approximately 13 metres from the edge of the cul de sac, and the proposed garage will be located towards the rear of number 11 Peel Gardens. As the garage is not considered to be a habitable room there are no additional privacy concerns considered, however, an appropriately worded planning condition can be added to ensure that the garage remains domestic in nature in order to further protect

	<p>residential amenity.</p> <p>Furthermore, under current Permitted Development Regulations, a garage/outbuilding can be constructed up to 2.5 metres in height within 2 metres of a boundary without any formal planning consent. As the proposed garage is not significantly larger than this, this is a fall back consideration in determining this application.</p> <p>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.</p> <p><u>Planning Balance and Conclusion</u></p> <p>The application seeks Planning Permission for the construction of a single storey rear extension and a detached garage on the front side elevation.</p> <p>Taking into account the scale and design of the proposal and impacts on residential amenity and what is possible under current Permitted Development Regulations, the proposal is considered to be of an appropriate design and will not have any detrimental impact on the amenities of the adjoining 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>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>An appropriately worded planning condition can be used to ensure that the garage remains domestic in nature in order to further protect residential amenity.</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><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</p>

by the Planning and Compulsory Purchase Act 2004.

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 19<sup>th</sup> August 2024;
  - Site Location Plan, scale 1:1250, dwg no 2, received 19<sup>th</sup> August 2024;
  - Site Plan, scale 1:500, dwg no 2, received 19<sup>th</sup> August 2024;
  - Existing Ground Floor Plan & Elevations, scale 1:100, dwg no 3, received 19<sup>th</sup> August 2024;
  - Proposed Garage Plan & Elevations, scale 1:100, dwg no 2, received 19<sup>th</sup> August 2024;
  - Proposed Ground Floor Plan & Elevations, scale 1:100, dwg no 1, received 19<sup>th</sup> 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 garage shall be used for the housing / parking of private vehicles and domestic equipment only in association with the residential property known as 15 Peel Gardens 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)

	<p><b>Statement</b></p> <p>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.</p>
<p><b>Case Officer: Demi Crawford</b></p>	<p><b>Date : 11/10/2024</b></p>
<p><b>Authorising Officer: N.J. Hayhurst</b></p>	<p><b>Date : 14/10/2024</b></p>
<p><b>Dedicated responses to:- N/A</b></p>	