

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/24/2305/0B1
2.	Proposed Development:	VARIATION OF CONDITION 2 (PLANS) TO VARY OVERALL HEIGHT; INSTALLATION OF A SIDE ACCESS DOOR; INSTALL A WINDOW ON EACH GABLE OF PLANNING APPROVAL 4/20/2300/0F1 - DEMOLITION OF EXISTING SINGLE GARAGE & OUTBUILDINGS; ERECTION OF DOUBLE GARAGE (SINGLE STOREY) INCORPORATING LOG STORE
3.	Location:	SOUTH WING, PROSPECT HOUSE, DISTINGTON
4.	Parish:	Distington
5.	Constraints:	ASC;Adverts - ASC;Adverts, Coal - Standing Advice - Data Subject To Change, Outer Consultation Zone - Cycliffe 3KM, PROWs - Public Right of Way
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 South Wing, Prospect House, an end of terraced property situated within the open countryside near Distington. The site benefits from a detached garage at the rear of the dwelling.	

RELEVANT PLANNING APPLICATION HISTORY

4/20/2300/0F1 DEMOLITION OF EXISTING SINGLE GARAGE AND OUTBUILDINGS;
ERECTION OF DOUBLE GARAGE (SINGLE STOREY) INCORPORATING LOG STORE

PROPOSAL

In October 2020, Planning Permission was granted for the demolition of an existing garage and outbuildings, and the erection of a double single storey garage with log store.

This current application seeks to vary condition 2 attached to the original planning permission granted under application reference 4/20/2300/0F1 to vary the overall height of the garage and also allow the installation of a side access door and a small window in each gable elevation.

The wording of the original condition was as follows:-

2. This permission relates to the following plans and documents as received on the respective dates and development must be carried out in accordance with them: -

- Location Plan, scale 1:1250 at A4, received 6th August 2020;
- Block Plan, scale 1:500 at A4, received 6th August 2020;
- Existing and Proposed Floor Plans and Elevations, scale 1:90, drawing no SWG/01, received 6 th August 2020.

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.

CONSULTATION RESPONSES

Distington Parish Council

No objections.

Highway Authority

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

Lead Local Flood Authority

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



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risk on the site or elsewhere.

Public Representations

The application has been advertised by way of neighbour notification letters issued to 4 no. properties. 1 neutral response has been received as a result of this consultation which makes the following comments:

- As the owner/occupier of the afore mentioned property I have no objection to the above application but request that the window overlooking my property is fitted with opaque glass similar to that fitted to toilets and bathrooms so that there is no oversight of my property.

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 (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 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

Other Material Planning Considerations

National Planning Policy Framework (NPPF)

Cumbria Development Design Guide

ASSESSMENT

Under Section 73 of the Town and Country Planning Act 1990, an application can be made to vary or remove a condition associated with a permission. The effect of an application under Section 73 is the issue of a new permission sitting alongside the original permission, which remains intact and unamended. The NPPG outlines that to assist with clarity it states that decision notices should also repeat the relevant conditions from the original permission unless they have already been discharged. As a Section 73 application cannot be used to vary the time limit for implementation this condition must remain unchanged from the original permission.

In terms of the conditions attached to the previous decision notice (4/20/2300/0F1), it is not necessary to repeat condition 1 as works on site are substantially complete.



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The current application seeks to vary condition 2 of permission 4/20/2300/0F1. The issues relating to this element of the scheme are considered below:-

Principle of Development

The proposed amendment to this scheme proposes alterations to the external appearance of the garage including varying the overall height, installation of a side access door, and installation of a window on each gable end.

Policy DM18 and Policy H14PU support extensions and alterations to residential properties subject to detailed criteria, which are considered below. The original planning permission has established the principle of building a garage to serve the domestic property.

On this basis, the principle of the development is therefore considered to be acceptable, and the extension satisfies Policies ST2, DM18, H14PU 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.

Policy H14PU of the ELP also supports house extensions where the scale, design and materials of the proposed development would not adversely alter the character or appearance of the existing building, street scene or wider surrounding area.

The proposed overall height is now 5.3 metres, which is an increase of 1.29 metres from the original scheme height approved at 4.01 metres. Whilst this is large in overall scale, the garage is appropriately sited to the rear of the property and the size and orientation is not too dissimilar to other garages/outbuildings within this small complex of dwellings.

The design of the new roof has been carefully considered with the addition of Georgian Parapets, Welsh Blue slate roof tiles and windows with Georgian style bars to mimic the design aesthetic of the parent property and surrounding dwellings.

The 2 new gable windows and the installation of the new access door are considered to be relatively modest in scale and are minor changes to the overall application.

The proposal is not considered to significantly harm the appearance of the parent property, or the immediate neighbouring properties, and the materials proposed are considered to be appropriate, and this will ensure the appearance of the dwelling is maintained.

Overall, the proposal is considered to meet Policy DM18(A) Policy H14PU and the NPPF guidance.

Residential Amenity

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

	<p>issues between the proposed amendments and the neighbouring properties were considered, the amendments are considered to have little impact on residential amenity.</p> <p>The amendments propose 2 new small single windows to each gable end of the garage. The South gable end, whilst slightly set back from the adjacent property, a neutral consultation response requested that this window is fitted with obscure glazing. Whilst the garage is not a habitable room, an appropriately worded planning condition can be attached to the approval to ensure that obscure glazing is fitted in order to protect the privacy of this occupant and ensure that overlooking is minimal.</p> <p>On balance, the proposal will not have a detrimental impact on the neighbouring amenity subject to the imposition of appropriately worded planning condition, and it is considered that the proposal will meet Policy DM18, Policy H14PU and the NPPF guidance.</p> <p><u>Planning Balance and Conclusion</u></p> <p>This application seeks to vary condition number 2 of application reference 4/20/2300/0F1.</p> <p>The proposed amendments comprise alterations to the external appearance of the garage including varying the overall height, installation of a side access door, and installation of a window on each gable end.</p> <p>The amendments are considered to be acceptable in terms of scale and design and are not considered to have any detrimental impact on the amenities of the adjoining properties subject to a Planning condition ensuring that obscure glazing is installed in the South gable end adjacent to the property Prospect Grange.</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 amendment of condition</p>
9.	<p>Conditions:</p> <ol style="list-style-type: none"> 1. - 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 10th September 2024; - Proposed Elevations, received 10th September 2024; <p>Reason</p>



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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. Within 3 months of the date of this permission the South gable end window adjacent to Prospect Grange shall be fitted with obscure glass. Once installed the obscure glazing shall be permanently retained at all times thereafter.

Reason

To safeguard the amenities of occupiers of adjoining properties.

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

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 : 31/10/2024

Authorising Officer: N.J. Hayhurst

Date : 01/11/2024

Dedicated responses to:- N/A