

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/24/2344/0F1
2.	Proposed Development:	REMOVAL OF CONSERVATORY AND REPLACEMENT WITH 1.5 STOREY REAR EXTENSION, ADDITION OF NEW PORCH AND INSTALLATION OF PITCHED ROOF TO EXISTING GARAGE
3.	Location:	TEWIT HOW, QUALITY CORNER, MORESBY
4.	Parish:	Moresby
5.	Constraints:	ASC;Adverts - ASC;Adverts, Coal - Standing Advice - Data Subject To Change, PROWs - Public Right of Way
6.	Publicity Representations &Policy	See Report
7.	Report: SITE AND LOCATION <p>The property is located within the open countryside to the north east of Whitehaven and comprises a single storey detached 5 bedroom dwelling with accommodation in the roof space. The property benefits from large gardens to the front and rear with a detached flat roof double garage, driveway and parking. The dwelling is set back from the adjoining carriageway with a stone wall to the boundary.</p> <p>There are a small number of residential properties within the vicinity of the site of both modern and traditional designs; the land to the rear is bound be agricultural land.</p> PROPOSAL <p>The application seeks permission for the erection of a single storey extension to the rear elevation to form a new kitchen/dining/living room with an internal reconfiguration of the existing accommodation, plus an additional upper floor gabled extension to the rear, with Juliet balcony facing onto the rear garden.</p> <p>The detached flat roof double garage would be increased in height and a dual pitch roof</p>	

introduced to accommodate a new home office/playroom. The property currently has a small conservatory on the rear elevation which would be demolished to accommodate the proposal. To the front of the property a new porch would be introduced with the existing recess in the roof infilled.

The extensions would be a combination of flat and dual pitched roofs with slate, facing brick and render walls and upvc windows and composite doors.

RELEVANT PLANNING APPLICATION HISTORY

No relevant site history

CONSULTATION RESPONSES

Parish Council

No response to date

Highways Authority/LLFA

The application should be determined by the Local Authority under the service level agreement

Public Representations

There has been 1 objection relating to privacy/overlooking issues arising from the Juliet Balcony, future saleability due to overlooking and noise and disturbance during the construction period.

PLANNING POLICIES

Planning law requires that 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 2021-2039 (LP):

Cumberland Council continued the preparation of the LP as commenced by Copeland Borough Council.

The LP was adopted by Cumberland Council on the 5th of November 2024 replacing the Copeland Local Plan 2013-2028 and the saved policies of the Copeland Local Plan 2021-2016. The following policies are relevant to this proposal:

Strategic Policy DS1 - Settlement Hierarchy

Policy DS4 – Design and Development Standards

Policy H14 – Domestic Extensions and Alterations

Policy CO7 – Parking Standards

Under section 5.2 there is an emphasis in presumption of sustainable development to ensure a satisfactory scheme that is in accordance with Policies.

Other Material Planning Considerations

National Planning Policy Framework 2023 (NPPF)

Cumbria Development Design Guide

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 close to Whitehaven and it will provide extended living accommodation in the form of a large extension to the rear of the dwelling, alterations to the existing garage and addition of a porch to the front elevation. Policy H14 of the Local Plan 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 DS4 and H14 of the Copeland Local Plan 2021-2039 and the guidance within the NPPF.

Scale and Design

Policy DS4 and section 12 of the NPPF seek to promote high quality designs, whilst Policy H14 of the Local plan seek to ensure domestic alterations are of an appropriate scale and design which is appropriate to their surroundings and does not adversely affect the amenities

of adjacent dwellings.

The development would see the demolition of the existing conservatory and small rear offshoot extension to accommodate the proposal. The existing conservatory is 4.65m in width and has a projection of 3.65m, the new single storey, kitchen would be 4.65m in projection and would run the full length of the dwelling at 15.3m with the majority being of a flat roof design. In addition to the single storey extension the property would be extended to form expanded living accommodation on the upper floor plus an internal reconfiguration of the existing accommodation.

The remodeled upper floor would see the introduction of a dual pitch, gabled, projecting the upper floor at 6.5m in height to the ridge and projecting a further 20cm beyond the single storey extension. The ridge line of the proposed extension would not break the ridgeline of the existing dwelling and would not be readily visible from the front of the property. Given the distances from the nearest neighbouring property Lymer Grove being 9m and 4.5m off the boundary, and taking into account the height of 6.5m the proposed development is not considered to have any overbearing effects on the adjoining properties.

Although the rear extension is large in scale it would still be seen as ancillary scale to the host dwelling.

The addition of a pitched roof above the existing garage would improve the overall appearance of the garage and at 6.2m in height and is set back away from the habitable accommodation of the adjacent property by 21.5m. Although it is near to the boundary the garage is of an acceptable scale in relation to the host dwelling and neighbouring dwellings. The design and materials would replicate the materials used in the dwelling.

The addition of a porch and removal of the recess in the roof are considered acceptable additions without detriment to the overall appearance of the dwelling.

Given the majority of the development would be to the rear elevation and the other alterations to the garage and addition of a porch the proposal are in keeping with the existing dwelling the proposed alterations would not have any significant impacts on the street scene when viewed from the adjacent highway.

The scale and design are considered to comply with policy.

Residential Amenity

H14 of the Local Plan and section 12 of the NPPF seek to safeguard good levels of residential amenity of the parent property or adjacent dwellings. At present there are two large upper floor windows within both gables of the roof area which form habitable rooms and look directly into the neighbouring dwellings.

The site is screened by existing boundaries with both solid walls and planting to the northern and southern boundaries and a post and wire fence to the north western boundary which backs on to open fields beyond the residential curtilage; however, a large section of the rear



Cumberland Council

garden remains open with the adjacent property Lymer Grove.

The screening to the rear is considered sufficient and in terms of overlooking from the single storey extension would not increase overlooking beyond that of the existing property.

In terms of the upper floor Juliet balcony window, this would be flush with the gable of the extension and, given the extension would project slightly further than the adjacent property including the conservatory to the rear of Lymer Grove, it is considered that the upper floor window would not afford any views into the habitable rooms of the neighbouring properties. The view from the upper floor would be to the rear garden area of the adjacent dwelling which in part has no boundaries or any form of screening.

It is also relevant to consider that under permitted development rights a dormer extension could be inserted without the need for permission, this fallback position is a material consideration in the assessment of this application. As the overlooking of the rear garden area would not be any greater than what is possible under permitted development, this proposal is considered to be satisfactory and therefore the proposal will not have a significant detrimental impact on the neighbouring amenity in terms of overlooking.

The window inserted in the upper floor of the garage would be approximately 24m from the main rear elevation of the adjacent property Rest and Be Thankful with no direct lines of sight into habitable rooms, the existing upper floor window to the gable of the dwelling affords closer views of the adjacent dwelling. The separation distance, its proposed use as an office playroom and the position of existing windows within the dwelling is not considered to be any more detrimental than the existing situation and is of a sufficient distance to secure privacy from the proposal.

Any noise arising from the development would only be for a temporary period during construction period and any significant disturbance during this period could be investigated under statutory nuisance powers.

Overall it is considered that no significant residential amenity issues are raised by the proposal above the existing situation or that which could be created under permitted development rights and is therefore acceptable.

Highway Safety

The proposal sees a replacement kitchen with an internal reconfiguration which does not increase the number of bedrooms and retains the existing garage space; therefore, the existing parking arrangements are considered to be acceptable.

Other Issues

A number of elements such as reducing the size of windows, insertion and removal of windows at ground floor plus the re-rendering works would not require permission and therefore have not been considered as part of the proposal.

	<p><u>Planning Balance and Conclusion</u></p> <p>On balance it is considered that the extension to the rear of the dwelling is of an acceptable scale and design with no significant harm arising to neighbouring properties in terms of amenity. There are no significant impacts on the appearance of the dwelling or surrounding area or impacts on highway safety; the proposal is therefore considered an acceptable form of development in line with policies within the Local plan.</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 must commence 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. 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: - <p>Application Form, received 24 September 2024; Location Plan, scale 1:1250, received 24 September 2024; Proposed Block Plan, Scale 1:500 Proposed Floor Plans and Elevations, scale 1:100, drawing reference 1443 02 Rev L, received 24 September 2024.</p> <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>Informative Note</p>



Cumberland Council

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:

<http://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: S. Smith

Date : 27/11/2024

Authorising Officer: N.J. Hayhurst

Date : 02/12/2024

Dedicated responses to:- N/A