

## CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	<b>Reference No:</b>	4/24/2413/0F1
2.	<b>Proposed Development:</b>	NEW DETACHED DOUBLE GARAGE
3.	<b>Location:</b>	THE OLD CORN MILL, FRIZINGTON
4.	<b>Parish:</b>	Arlecdon and Frizington
5.	<b>Constraints:</b>	ASC;Adverts - ASC;Adverts, Flood Area - Flood Zone 2, Flood Area - Flood Zone 3, Coal - Standing Advice - Data Subject To Change, Key Species - Bounds of Sensitive Area for Hen Harriers, PROWs - Public Right of Way
6.	<b>Publicity Representations &amp;Policy</b>	See Report
7.	<b>Report:</b>  <b>SITE AND LOCATION</b>  <p>The application site comprises a detached dwelling house and surrounding gardens, situated within the open countryside, to the north west of Frizington village. The site is accessed via a narrow-unmade lane, which joins Mill Street.</p> <p>The dwelling has large surrounding gardens, which include a detached single garage and driveway with turning. Mature hedgerows and trees form the site boundary, which separate the site from the open countryside beyond.</p>  <b>PROPOSAL</b>  <p>The proposal relates to the erection of a detached double garage to the northern side of the site. The garage would measure approx. 5.6m x 6.6m, with a height to eaves of approx. 2.4m and an overall ridge height of approx. 5m. Proposed finishes include rendered walls, slate roof, roller garage door, UPVC fascias, windows and doors. The existing driveway is also to</p>	

be extended using tarmac and gravel.

## **RELEVANT PLANNING APPLICATION HISTORY**

N/A

## **CONSULTATION RESPONSES**

### Parish Council

No response received within consultation period

### Highways/LLFA

No objections to the proposal as it is considered it will not have a material effect on existing highway conditions nor will it increase the flood risk on the site or elsewhere.

### Environment Agency

Note that the application site is within flood zones 2 and 3 and that the Local Planning Authority should refer to standing advice.

### Countryside Access Officer

No response received within consultation period

### Public Representations

The application has been advertised by way of neighbour notification letters issued to two adjacent properties. No resulting representations have been received to date.

## **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



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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 Local Plan as commenced by Copeland Borough Council.

The Local Plan 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 policies relevant to this application are as follows:-

Policy DS4: Design and Development Standards

Strategic Policy DS6: Reducing Flood Risk

Policy H14: Domestic Extensions and Alterations

Policy N14: Woodlands, Trees and Hedgerows

Policy CO7: Parking Standards

### **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, the potential impacts on the amenities of the locality and flood risk.

#### Principle of Development

The proposed application relates to a residential dwelling to the north west of Frizington. The development would provide a detached double garage to the north east of dwelling.

Policy H14 of the Copeland Local Plan supports domestic extensions and alterations to residential properties subject to detailed criteria, which are considered below.

The principle of the development is therefore accepted within the context of Policy H14 of the Copeland Local Plan.

#### Scale and Design

Policy H14 of the Copeland Local Plan indicates that developments within the curtilage of existing properties will be permitted, provided that they would not adversely alter the existing building or street scene, and they would retain an adequate provision of outdoor amenity space to serve the property. Policy DS4 of the Copeland Local Plan indicates that all new development should meet high quality standards.

The proposal would result in the erection of an additional detached garage within the gardens of the property. An existing detached garage is in place at the north east corner of the property. The proposed garage would be positioned approx. 6m to the east of the existing garage, at the northern end of the garden.

Although the proposed garage would be of a greater scale and massing than the existing garage at the site, the proposal is considered to be proportionate in scale to the host dwelling and site. Similarly, the proposed design and finishes of the development would be appropriate for the application property and surrounding area.

The application property has large surrounding gardens such that the proposal could be accommodated within the garden area, without resulting in the loss of significant amenity space to the application property. The siting of the garage is such that it would not appear dominant on the site or adversely alter the visual amenity of the locality.

The proposal therefore complies with Policies DS4 and H14 of the Copeland Local Plan in this regard.

#### Amenity

Policy DS4 of the Copeland Local Plan states that all new development should maintain high levels of amenity. Policy H14 of the Copeland Local Plan indicates that house extensions will be permitted provided that the development would not harm the amenity of the occupiers of the parent property or adjacent dwellings.

The application property is situated on a lane within the open countryside to the north west of Frizington. There are few properties along the lane each with surrounding gardens with spacing between. As a result, the proposed garage is sufficiently separated from adjacent properties so as not to have any significant adverse impact upon the amenity standards of adjacent properties.

The proposal therefore complies with Policies DS4 and H14 of the Copeland Local Plan in this regard

#### Highway Safety

Policy CO7 of the Copeland Local Plan requires that all new development provide adequate parking provision.

The property currently has off street parking provision in place by means of the existing detached garage and driveway, to the side of the dwelling. The application proposal would provide additional off street parking within the development both through the erection of the detached garage and the extension to the existing driveway..

The Local Highways Authority has confirmed that they have no objections to the submitted details, as the development would not have a material effect on the highway network nor would it increase the flood risk on site or elsewhere.

	<p>The proposal therefore complies with Policy CO7 of the Copeland Local Plan in this regard.</p> <p><u>Flood Risk</u></p> <p>Strategic Policy DS6 of the Copeland Local Plan looks to ensure flood risk is reduced and mitigated through appropriate measures within development.</p> <p>The south west corner of the application site is within Flood Zones 2 and 3. The area for development is within Flood Zone 1. In line with guidance and standing advice from the Environment Agency, it has not been considered necessary to secure flood prevention measures or a Flood Risk Assessment in this case.</p> <p>The Lead Local Flood Authority have no objections to the proposal.</p> <p>The proposal therefore complies with Policy DS6 of the Copeland Local Plan in this regard.</p> <p><u>Trees</u></p> <p>Policy N14 of the Copeland Local Plan states that new development should not result in the loss of or damage to ancient woodland or veteran or aged trees outside woodland unless there are wholly exceptional reasons and a compensation strategy exists.</p> <p>The application site features mature trees to the northern boundary. The trees do not have any preservation orders in place offering specific protection, however, the application details indicate these trees are to be retained within the development.</p> <p>The proposal therefore complies with Policy N14 of the Copeland Local Plan in this regard.</p> <p><u>Use</u></p> <p>As the proposed development is reasonably large in scale, it is considered appropriate to secure use of the proposal in association with the main dwelling at the site for residential purposes, rather than for independent or commercial use, to ensure an appropriate form of development which is compatible with the surrounding land uses and safeguards the safety of the highways network.</p> <p><b>Planning Balance and Conclusion</b></p> <p>The proposed garage is of an appropriate scale and design which would preserve the amenities of the locality and existing highways conditions.</p> <p>The proposal is therefore considered an acceptable form of development which complies with the policies of the adopted Local Plan.</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 must commence before the expiration of three</li> </ol>

years from the date of this permission.

Reason

To comply with Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. This permission relates to the following plans and documents received on the respective dates and development must be carried out in accordance with them:
- Application Form, received 17th December 2024
  - Site Location Plan, scale 1:125, received 17th December 2024
  - Plans Detached Double Garage (Site Location Plan, Block Plan, Proposed Floor Plans, Proposed Elevations) Revision A, scales 1:1250, 1:500, 1:30 and 1:50, received 17th December 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 hereby permitted shall solely be used for ancillary domestic purposes and shall at no time be used for commercial or business purposes whatsoever, or subdivided, occupied or sold as a separate, independent residential planning unit.

Reason

To safeguard the residential amenity levels of the locality and in the interests of highway safety, in accordance with Policy DS4 of the Copeland Local Plan.

**Informative Notes**

Public Right of Way

Public Right of Way bridleway number 401015 lies adjacent to/runs through the site. The Applicant must ensure that no obstruction to the footpath occurs during, or after the



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completion of the site works.

### Coal Standing Advice

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 Mining Remediation Authority on 0345 762 6846 or if a hazard is encountered on site call the emergency line 0800 288 4242.

Further information is also available on the Mining Remediation Authority website at: Mining Remediation Authority - GOV.UK

### **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:** L. White

**Date :** 30/01/2025

**Authorising Officer:** N.J. Hayhurst

**Date :** 11/02/2025

**Dedicated responses to:-** N/A