

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/24/2421/0F1
2.	Proposed Development:	FIRST FLOOR EXTENSION OVER EXISTING GARAGE WITH INTERNAL AND EXTERNAL ALTERATIONS TO AN EXISTING DWELLING
3.	Location:	28 MAINSGATE ROAD, MILLOM
4.	Parish:	Millom
5.	Constraints:	ASC;Adverts - ASC;Adverts, Flood Area - Flood Zone 2, Coal - Off Coalfield - Data Subject To Change, Key Species - Potential areas for Natterjack Toads, PROWs - Public Right of Way
6.	Publicity Representations &Policy	See Report
7.	Report: SITE AND LOCATION <p>This application site relates to 28 Mainsgate in Millom, a semi-detached property situated on an existing housing estate within Millom.</p> <p>The property benefits from a reasonable sized curtilage area to the front with an existing driveway and to the rear is a reasonable sized curtilage area. There is a single storey garage attached to the side elevation of the property, and this forms a boundary between the host dwelling and neighbouring property. The host dwelling's access to the rear curtilage area is by a shared walkway down the driveway of the neighbouring property.</p> PROPOSAL <p>Planning permission is sought for the erection of a two-storey element above an existing</p>	

single storey garage. This will have dimensions of 8.1m x 2.8m and will have the same height as the host dwelling itself. The proposal is to incorporate an additional bedroom and bathroom to the existing dwelling.

The materials are to be facing brick and painted dashed render, concrete tiles to the roof and UPVC windows, all of which match the existing dwelling.

RELEVANT PLANNING APPLICATION HISTORY

4/17/2317/OF1 – Erect ground floor extension to rear and side elevations - Approve

CONSULTATION RESPONSES

Millom Town Council

No objections.

Highways Authority

No objections 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 5 neighbour consultations being sent – No representations have been received as a result of this consultation process.

PLANNING POLICY

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.



Cumberland Council

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 policies relevant to this application are as follows:-

Policy DS1 – Development Strategy

Policy DS4 – Design and Development Standards

Policy H14 – Domestic Extensions and Alterations

Policy N1 – Conserving and Enhancing Biodiversity and Geodiversity

Other Material Planning Considerations

National Planning Policy Framework (NPPF)

Cumbria Development Design Guide

Wildlife and Countryside Act 1981

ASSESSMENT

The key issues raised by this proposal are the principle of development, its siting, scale and the potential impacts on residential amenity etc.

Principle of Development

The proposed application relates to a semi-detached property located within a residential housing estate. Policy H14 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 Policy HS14 of the Copeland Local Plan and the National Planning Policy Framework.

Scale and Design

Policy DS4 and section 12 of the NPPF seek to promote high quality designs. Policy H14 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 extension to the property is considered to be suitably located within the site

and will be erected above an already existing single storey garage. The design of the proposal is similar to those that currently exist within this location and therefore it is considered the proposal is to be appropriate in scale in relation to the host dwelling and would not impact upon the appearance of the existing property itself nor would it impact upon the character of the area.

On this basis, the proposal is considered to meet Policy DS4 and H14 of the Copeland Local Plan and NPPF guidance.

Residential Amenity

Policy H14 and section 12 of the NPPF seek to safeguard good levels of residential amenity.

To date no objections have been received from neighbouring properties. The proposal seeks to erect a two-storey extension above the existing single storey garage. This will form the boundary between the host dwelling and neighbouring property 'No 26'. The proposal is to be the same height as the existing dwelling and will be built up to the boundary of 'No 26', there will be a walkway created to the ground floor element with the two-storey aspect above.

The proposal is considered to be within close proximity to the neighbouring property and there is a side window that would have a direct outlook onto the proposal. The window within the neighbouring property is incorporated into the kitchen, however there is an additional window that is located to the rear of the property and serves the same room. On this basis the proposal is not considered to result in a significant loss of light to the neighbouring property and would not result in overbearing development given the siting of the host dwelling itself.

The proposal does not seek to install side windows within the extension, therefore the proposal would not result in loss of privacy over and above what already exists at the site. Therefore, the two-storey extension is not considered to have a significant impact upon residential amenities to the adjoining properties.

On this basis, residential amenity issues are considered to be minimal and therefore the proposal is considered to satisfy Policy H14 and the NPPF.

Highway Safety

Policy H14 requires the operational car parking needs of the property to continue to be met.

There are no alterations to be made to the existing car parking arrangements to the site. There is sufficient parking within the curtilage of the property to serve the dwelling. The Highways Authority have raised no objections and no conditions to place. Therefore, the existing car parking arrangements to the site are considered acceptable.

On this basis, the proposal is considered to comply with Policy H14 and the Cumbria Development Design Guide.

Ecology



Cumberland Council

	<p>Policy N1 and section 15 of the NPPF outline how the Council will protect and enhance the biodiversity and geodiversity within the Borough. These policies set out the approach towards managing development proposals that are likely to have an effect on nature conservation sites, habitats and protected species.</p> <p>The application site is identifying as a potential area for natterjack toads. The application is not supported by any ecology details as the site is located on an existing housing estate and to be erected above an existing single storey garage. On this basis, it is considered that this is not a habitat that is likely to contain natterjack toads and so it would not be necessary to seek an ecological survey for this minor application.</p> <p>It is therefore considered that the development complies with Policy N1 of the Copeland Local Plan and the NPPF guidance.</p> <p><u>Planning Balance and Conclusion</u></p> <p>The application seeks to erect a two-storey side extension.</p> <p>The proposed extension is considered to be appropriate in scale and design within the street-scene and will not have any detrimental impact upon the amenities of the neighbouring properties, highway safety or ecology.</p> <p>On balance, the proposed works represent an acceptable form of development which accords with the policies set within the Copeland Local Plan and the guidance in the NPPF.</p>
8.	<p>Recommendation:</p> <p>Approve (commence within 3 years)</p>
9.	<p>Conditions:</p> <p>1. The development hereby permitted must commence before the expiration of three years from the date of this permission.</p> <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> <p>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 20/12/2024;

Dwg 24-46-P-L - Site Location Plan and Block Plan, scale 1:1250 and 1:500 received 20/12/2024;

Dwg 24-46-P-01 Proposed Site Plan, scale 1:200 received 20/12/2024;

Dwg 24-46-P-05 Proposed Floor Plans, scale 1:100 received 20/12/2024;

Dwg 24-46-P-06 Proposed Elevations, scale 1:100, received 20/12/2024.

Reason

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

Informative Note

Wildlife

The Council seek to highlight that their planning decision has been determined based on the merits of the submitted evidence and the proposal. Should any protected species be discovered during the course of implementing the development works, then under the provisions of the Wildlife and Countryside Act 1981, works should cease and further guidance should be sought from Natural England at:

Natural England
County Hall, Spetchley Road
Worcester
WR5 2NP

Email: enquiries@naturalengland.org.uk

Telephone: 0300 060 3900

Opening times: 8:30am to 5pm, Monday to Friday (excluding public holidays)

The Council emphasise that any harm to a protected species or its habitat constitutes a criminal offence under the above statutory Act and may be subject to legal prosecution.



Cumberland Council

	Statement The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against, primarily, the development plan policies, any duties applicable and also all material considerations, including Local Plan policy, the National Planning Policy Framework and any stakeholder representations that may have been received. It has subsequently determined to grant planning permission.
Case Officer: K. Bamford	Date : 06/03/2025
Authorising Officer: N.J. Hayhurst	Date : 10/03/2025
Dedicated responses to:- N/A	