

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/25/2045/0E1
2.	Proposed Development:	APPLICATION FOR A LAWFUL DEVELOPMENT CERTIFICATE TO INSTALL NEW BI-FOLDING DOOR TO THE REAR AND CONVERSION OF PART OF THE GARAGE
3.	Location:	16 HODGSON GARDENS, MILLOM
4.	Parish:	Millom
5.	Constraints:	ASC;Adverts - ASC;Adverts, 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 The application site relates to 16 Hodgson Gardens, a semi-detached residential dwelling located row within Millom. Proposal This application seeks a Lawful Development Certificate for a proposed development. As detailed by the application form, the proposal is for works to allow: 1. Internal alterations to open up current Kitchen/Utility area to form a large Kitchen/Dining area. 2. Part conversion of existing garage space to increase the Kitchen area as show. 3. Remove existing sliding door and window to existing Kitchen & Install a bi-fold/sliding door	

with external detailing to match existing.

The proposals also involve the removal of 1no. ground floor window to the rear elevation of the property as shown by the proposed plans.

The proposed external bi-fold doors shall measure approximately 3m in width.

Relevant Planning Legislation

Town and Country Planning Act 1990 – Section 192 as amended by Section 10 of the Planning and Compensation Act 1991

Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

Consultation Responses

There is no statutory requirement to consult third parties including Parish Councils or neighbours. It may, however, be reasonable for a local planning authority to seek evidence from these sources if there is good reason to believe they may possess relevant information about the context of a specific application. This normally only relates to Lawful Use applications for existing uses. In this case, the application relates to a proposed development and seeks to establish that the works proposed fall within the definition of Permitted Development. In this instance, the Parish Council were consulted for information and had no objections to the proposals.

Despite this, views expressed by third parties on the planning merits of the case, or on whether the applicant has any private rights to carry out the operation, use or activity in question are irrelevant when determining the application.

Legal Considerations

For the purposes of clarification a Lawful Development Certificate enables applicants to establish whether a proposed development is lawful for planning purposes. In this instance it is claimed that the proposed works fall within the definition of Permitted Development.

Assessment

The provision of Schedule 2, Part 1 Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GDPO) is applicable which relates to enlargement, improvement or other alteration of a dwellinghouse.



Cumberland Council

The provision of Schedule 2, Part 1, Class A of the GPDO 2015 are considered in turn below:

In respect of the provisions of A. – The proposal comprises the enlargement, improvement or other alteration of a dwellinghouse

In respect of the provisions of A.1 -

(a) permission to use the dwellinghouse as a dwellinghouse has not been granted only by virtue of Class G, M, MA, N, P, PA or Q of Part 3 of this Schedule (changes of use);

(b) As a result of the works, the total area of the ground covered by buildings within the curtilage would not exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);

(c) No parts of the proposed works would exceed the highest part of the existing dwellinghouse;

(d) The height of the eaves following the proposals would not exceed the height of the eaves of the existing dwellinghouse;

(e) The proposals would not involve enlarging the existing dwellinghouse therefore, the proposals would not involve enlargement to a wall that i) forms the principal elevation of the dwellinghouse, nor ii) fronts a highway and forms the side elevation of the dwellinghouse;

(f) The proposal does not involve enlarging the existing property externally therefore, would not (i) extend by more than 4 metres in depth from the rear wall of the original dwelling, and (ii) does not exceed 4 metres in height;

(g) The proposal is not located on article 2(3) land;

(h) The proposal does not have more than a single storey;

(i) The proposal does not involve altering the height of the eaves of the dwellinghouse;

(j) The proposal does not involve enlarging the dwellinghouse;

(k) The proposal does not consist of (i) the construction of a verandah, balcony or raised platform, (ii) the installation, alteration or replacement of a microwave antenna, (iii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, nor (iv) an alteration to any part of the roof of the dwellinghouse;

(l) The dwellinghouse was not built under Part 20 of this Schedule (construction of new dwellinghouses).

In respect of the provisions of A.2, the proposed development is not located on Article 2(3) land.

In respect of the provisions of A.3;

a) The materials to be used in the proposal are to be similar in appearance to those in the

	<p>existing dwelling house;</p> <p>b) The proposals would not involve the instillation of any upper-floor windows to a wall or roof slope forming the side elevation of the dwellinghouse.</p> <p>The conversion of part of the garage to enlarge the kitchen is not considered to constitute development as the garage currently forms part of the domestic use of the dwellinghouse therefore this change would not incur a material Change of Use. Also, internal works to incorporate the existing utility room to the kitchen are not deemed to constitute a material Change of Use, nor do they involve exterior alterations. Further, the proposed instillation of bifold doors to the rear property is considered permitted development under Schedule 2, Part 1, Class A of the GPDO 2015. Therefore, the proposals are lawful.</p> <p>Conclusion</p> <p>It has been adequately demonstrated that the proposed development comprising instillation of 1no. set of bifold doors, removal of 1no. ground floor window and internal alterations to enlarge the kitchen involving incorporating the existing utility room and part of the existing garage to the existing kitchen meets the requirements and constitutes permitted under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015.</p>	
8.	<p>Recommendation:</p> <p>Approve</p>	
Case Officer: E. Turner		Date : 28/03/2025
Authorising Officer: N.J. Hayhurst		Date : 28/03/2025
Dedicated responses to:- N/A		