

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/25/2068/OF1
2.	Proposed Development:	Retrospective planning consent to seek approval for removing the previously approved passageway to increase the kitchen and garage area. Part conversion of existing garage to form utility area.
3.	Location:	2 Lowther Road, Millom
4.	Parish:	Millom
5.	Constraints:	Coal – Off Coalfield Key Species – Potential areas for Natterjack Toads
6.	Publicity Representations & Policy	See Report
7.	Report: SITE AND LOCATION <p>This application site relates to 2 Lowther Road in Millom, a detached property which occupies a corner plot on an existing housing estate within Millom.</p> <p>The property is served by a large curtilage area to the front with an existing driveway. The garden area extends to the side and rear of the property.</p> PROPOSAL <p>Retrospective planning permission is sought for the removal of the previously approved passageway to extend the garage, utility and kitchen. This infill area is approx. 0.9m in width and does not involve any alterations to the height as the proposal seeks to infill a previously approved passageway. The material which has been used to infill the passageway is facing brick.</p>	

RELEVANT PLANNING APPLICATION HISTORY

None

CONSULTATION RESPONSES

Millom Town Council

No representations received.

Highways Authority

As this falls under our Service Level Agreement (SLA), this application does not need to be submitted to the Local Highway Authority or Lead Local Flood Authority; subject to the highway and drainage aspects of such applications being considered in accordance with the Agreement. The highway and drainage implications of this application can therefore be decided by the Local Planning Authority.

Public Representations

The application has been advertised by way of 1 neighbour consultation 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.

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 and ecology.

Principle of Development

The proposed application relates to a 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 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 work undertaken involve extending the previously approved passageway to increase the kitchen, utility and garage. The works are minor and the design of the proposal is similar to the previously approved works and reflect other examples within the locality.

The proposal is not considered to impact upon the character and appearance of the existing property, streetscene and the wider residential 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 works are retrospective and the proposal includes the retention of an infill to the previously approved passageway. The proposal is the same height as the existing dwelling and is built up to the boundary of the neighbouring property. Although this is within close proximity, given there are no side windows to the adjoining property and given the existing orientation of the properties, the works undertaken do not exert any overbearing impact. The applicant does not propose to install any side windows within the proposal, therefore there would be no loss of privacy.

On this basis, residential amenity issues are considered to be minimal and therefore the development 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 alterations to be made to the size of the previously approved garage to create a utility. However, it is considered there is suitable parking within the curtilage of the property to accommodate the proposal.

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

Ecology

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.

The application site is identifying as a potential area for natterjack toads. The application is not supported by any ecology detail. The works are retrospective, however, in any case, it is considered that this would not have likely been 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.

It is therefore considered that the development complies with Policy N1 of the Copeland Local Plan and the NPPF guidance.

	<p><u>Planning Balance and Conclusion</u></p> <p>The retrospective application seeks to retain an infill to the previously approved passageway to the existing dwelling.</p> <p>The retrospective works and alterations are considered to be appropriate in scale and design and will not have any detrimental impact upon the amenities of the occupiers 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. 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> <p>Application Form, received 26/02/2025; Dwg 25-08-P-L - Site Location Plan and Block Plan, scale 1:1250 and 1:500 received 26/02/2025; Dwg 25-08-P-02 - Floor Plans, scale 1:100 received 26/02/2025; Dwg 25-08-P-03 – Elevations, scale 1:100, received 26/02/2025;</p> <p>Reason</p> <p>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.</p> <p>Informative Notes</p> <p>Wildlife</p> <p>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:</p> <p>Natural England County Hall, Spetchley Road</p>

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.

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: K. Bamford

Date : 03/04/2025

Authorising Officer: N.J. Hayhurst

Date : 17/04/2025

Dedicated responses to:- N/A