

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/25/2080/0F1
2.	Proposed Development:	PROPOSED DEMOLITION OF EXISTING GARAGE & ERECTION OF SINGLE STOREY GARDEN ANNEX
3.	Location:	BROOM CLOSE, BRAYSTONES
4.	Parish:	Lowside Quarter
5.	Constraints:	<p>ASC Adverts</p> <p>Flood Area - Flood Zone 2 & 3</p> <p>Safeguard Zone</p> <p>DEPZ Zone</p> <p>Outer Consultation Zone - Sellafield 10KM</p>
6.	Publicity Representations & Policy	<p>Neighbour Notification Letter: YES</p> <p>Site Notice: NO</p> <p>Press Notice: NO</p> <p>Consultation Responses: See report</p> <p>Relevant Planning Policies: See report</p>
7.	Report:	
	SITE AND LOCATION	
	<p>The property is located within the open countryside to the west of Beckermest and comprises a two storey detached dwelling with a separate single storey garage. The property benefits from large gardens to the front and rear and a large driveway/parking area.</p>	

The dwelling and existing garage are set back from the adjoining carriageway with a mature hedge to the boundary.

The property is located adjacent to one other detached single storey dwelling and is bound by agricultural land and the highway.

PROPOSAL

The application seeks permission for the erection of a single storey outbuilding in replace of the existing garage to form a garden room and bedroom which is to be used as occasional annexed accommodation in association with the main dwelling house.

The detached flat roof double single pitched garage would be demolished to allow for the garden room/annex to be placed on site.

The building would be in the form of a dual pitched timber clad building with a grey slate roof and grey upvc windows and doors.

RELEVANT PLANNING APPLICATION HISTORY

No relevant site history

CONSULTATION RESPONSES

Parish Council

No response to date;

Highways Authority/LLFA

No objections.

Highlight that if connecting to the ordinary watercourse an appropriate permit is required prior to any work commencing on the watercourse. The LLFA surface water map show flooding close to the site and indicate 1 in 30 chance of occurring each year. If the application is approved the applicant must not commence works, or allow any person to perform works, on any part of the highway until in receipt of an appropriate permit allowing such works. They will need to contact Streetworks Central streetworks.central@cumbria.gov.uk for the appropriate permit.

Environment Agency

No objections; however, note that the red-edge boundary of the planning application includes an area that is located within Flood Zone 3, which is land defined by the planning practice guidance as having a high probability of flooding. The National Planning Policy Framework

(paragraph 167, footnote 55) states that an FRA must be submitted when development is proposed in such locations.

While the application boundary falls within Flood Zone 3, the proposed development is wholly within Flood Zone 1, which is land defined as having a low probability of flooding. As no development is proposed within Flood Zone 3, there are no tidal or fluvial flood risks that we would expect to be considered through a FRA. The risk of flooding from other sources has not been considered. It will be for the Local Planning Authority to decide whether or not the application should be supported by a FRA to consider the risk of flooding from other sources in this instance.

Public Representations

No representations have been received as part of the consultation process.

PLANNING POLICIES

Planning law requires 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:

The council has agreed to adopt the Local Plan on 5 November and full weight is given to the policies contained within.

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

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

The proposal is for ancillary accommodation to be used in connection with the existing dwelling with the main emphasis being use as a garden room and an additional ensuite bedroom space used in association with the main dwelling. All other facilities would be provided within the main dwelling house and as such no new dwelling is created.

On this basis, the principle of development is therefore considered to be acceptable and the development 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. Policy H14 of the Local plan seeks 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 brick garage to accommodate the proposal. The existing garage is 10.73m in length, 3m in width with the proposed replacement building measuring 6.47m x 6.5m and would be 5.2m in height.

The proposed dual pitched roof would be marginally higher than the existing detached garage, the increase in height above the existing arrangement and differing footprint are considered to be modest.

The scale of the garden room would be seen as ancillary in scale to the host dwelling. Although it would be located in close proximity to the boundary of the adjacent property, the neighbouring dwelling is off set from the boundary. The proposed building is considered to be of an acceptable scale in relation to the neighbouring dwelling.

The design of the proposed building is modern in appearance; however, when viewed in its domestic context and set back from the adjacent highway, there would be no negative effects arising from the proposal on the street scene or the setting of the host dwelling.

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.

Windows would be present on all elevations apart from the side elevation adjacent to the neighbouring property which will be blank. It is intended to retain all boundary treatments including the boundary wall with the garage and adjacent property. There are no overlooking issues raised by the proposal.

The extension is set marginally off the boundary with adjacent dwelling and, given the single storey nature of the building and presence of the existing garage and buildings on the boundary within the neighbouring curtilage, the development is not considered to have any significant overbearing effects on the adjoining properties.

It is considered that there are no significant residential amenity issues raised by the proposal over and above the existing arrangement.

Proposed Use

It is considered that the building is acceptable as an annex to the main living accommodation and to ensure that the use remains in connection with the enjoyment of the domestic property, a planning condition is considered appropriate to ensure that the building is not sold or let separately from the main dwelling.

Highway/parking

The host property has a large parking area between the garage and gable of the dwelling which would be unchanged by the proposal. There is sufficient space for the size of the property, bearing this in mind the loss of the garage would not be significant and the existing parking arrangements are considered to be acceptable.

There are no anticipated changes to the existing highways arrangement that would require permits.

Flood Risk and Drainage

Part of the wider site is located within flood zones 2 and 3 however this section of the domestic curtilage is at a significantly lower level than the part of the site where the building would be placed, which is wholly located within flood zone 1. On this basis a flood risk assessment is not required. It is not anticipated that there would be an increase in surface water runoff rates above the existing situation.

	<p>The surface water drainage for the site would be into the existing private drainage route serving the garage. The applicant should ensure that the existing permits are reviewed in light of any potential increase in discharge arising from the proposal. An informative note is proposed to alert the applicant to this issue.</p> <p><u>Biodiversity Net Gain</u></p> <p>Policy N3 of the LP requires that all development, with the exception of that listed in the Environment Act must provide a minimum of 10% biodiversity net gain over and above existing site levels, following the application of the mitigation hierarchy set out in Policy N1 above. This is in addition to any compensatory habitat provided under Policy N1. It is stated net gain should be delivered on site where possible and where on-site provision is not appropriate, provision must be made elsewhere in accordance with a defined order of preference. In England, BNG is now mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). Applications must now deliver a Biodiversity Net Gain of 10%, resulting in more or better-quality natural habitat than there was before the development. Some developments are however except from these BNG requirements. Based on the information available this permission is considered to be one which will not require the approval of a Biodiversity Gain plan before development is begun because the application falls within the definition of a self-build property, therefore the proposal falls within the list of developments except from providing Biodiversity Net Gain.</p> <p>As this proposal is a form of householder development it is exempt from BNG requirements</p> <p><u>Planning Balance and Conclusion</u></p> <p>The proposed building is considered to be of an acceptable scale and design and would not result in any significant harm to the neighbouring properties in terms of amenity.</p> <p>There are no significant impacts on the appearance of the dwelling or the surrounding area and the existing parking arrangements are considered to be acceptable to serve the proposal. On this basis 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</p>

the Planning and Compulsory Purchase Act 2004.

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: -
Application Form, received 5 March 2025;
Design and Access statement received 5 March 2025;
Location Plan and Block Plan, scale 1:2500 and 1:500, drawing reference JH-BC-001 Rev A received 5 March 2025;
Proposed Floor Plan, scale 1:50 drawing reference JH-BC-004 Rev A received 5 March 2025;
Proposed Elevations, scale 1:50, drawing reference JH-BC-005 Rev A received 5 March 2025;
Proposed Drainage Plan, drawing reference JH-BC-006 Rev A received 5 March 2025;

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 extension hereby permitted must not be occupied at any time other than for purposes ancillary to the residential use of the dwelling, known as Broom Close, Braystones, must not be independently occupied, let or sold as a separate permanent dwelling, or used for any business purposes whatsoever.

Reason

The annex is not considered appropriate for use as a separate residential unit.

Informative Notes

1. If connecting to the ordinary watercourse, an appropriate permit is required prior to any work commencing on the watercourse.
2. The applicant must not commence works, or allow any person to perform works, on any part of the highway until in receipt of an appropriate permit allowing such works. They will need to contact Streetworks Central streetworks.central@cumbria.gov.uk for the appropriate permit.

	<p>Statement</p> <p>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.</p>
<p>Case Officer: Sarah Smith</p>	<p>Date : 24/04/25</p>
<p>Authorising Officer: N.J. Hayhurst</p>	<p>Date : 29/04/2025</p>
<p>Dedicated responses to:- N/A</p>	