

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/25/2081/0B1
2.	Proposed Development:	VARIATION OF CONDITION 2 (EXTERNAL CHANGES) OF PLANNING APPROVAL 4/23/2120/0F1 - RAISE THE ROOF HEIGHT, ERECT THREE STOREY SIDE AND REAR EXTENSION. TWO STOREY REAR EXTENSION AND PROVIDE A FIRST FLOOR REAR FACING TERRACE
3.	Location:	2 CHURCH WALK, 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: LOCATION This application relates to 2 Church Walk, a semi-detached property located within Millom. Church Walk contains a mix of terraced, semi-detached and detached dwellings. The site benefits from two garages attached to the side of the house and also a rear garden. The property is bound by Church Walk, an unclassified road to the front and a public right of way and fields to the rear. RELEVANT PLANNING APPLICATION HISTORY 4/23/2120/0F1 - Raise the roof height, erect three storey side and rear extension. Two storey rear extension and provide a first floor rear facing terrace – Approve 2/23/2120/0F1 – Non Material Amendment - Approved	

PROPOSAL

Planning permission was approved for the alterations and extension of this domestic property in 2023 under reference 4/23/2120/0F1.

The approved plans were subsequently revised under an application for a Non Material Amendment which was approved on 11th December 2023.

This application seeks to vary condition 2 which was attached to this permission to enable a variation in the design and appearance of the extensions to the property.

The alterations proposed comprise the following:-

- Replacement of the external render with timber cladding including insulation
- Structural reinforcement and minor increase in the height of the louvred barrier on the first floor terrace
- A minor extension to the first floor rear extension at first floor level to replicate the projection of the adjoining property. This includes a truncated corner

A structural appraisal has been submitted with the application to justify the revisions proposed.

CONSULTATION RESPONSES

Millom Town Council

No objections.

Highways and Lead Local Flood Authority

No objections.

Public Representations

The application has been advertised by way of neighbour notification letters issued to 3 no. properties.

No objections have been received as a result of this consultation process.

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 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 CO7: Parking Standards

Other Material Planning Considerations

National Planning Policy Framework (NPPF)

Planning Practice Guidance (NPPG)

Cumbria Development Design Guide

ASSESSMENT

Under Section 73 of the Town and Country Planning Act 1990, an application can be made to vary or remove a condition associated with a permission. The effect of an application under Section 73 is the issue of a new permission sitting alongside the original permission, which remains intact and unamended. The NPPG outlines that to assist with clarity it states that decision notices should also repeat the relevant conditions from the original permission unless they have already been discharged. As a Section 73 application cannot be used to vary the time limit for implementation this condition must remain unchanged from the original permission.

The proposed revisions to the approved plans are minor. The rear projection at first floor level has been designed with a truncated corner to ensure that it does not impact on the amenities of the adjoining property to the south beyond the original proposals.

The proposed alteration to the external materials is considered to be acceptable in this location. The dwelling is located on a side street and will not be readily visible from the main highway to the south. Its impact on the overall streetscene within the locality is minimal.

	<p><u>Revision to Conditions</u></p> <p>As works have commenced on site it is not relevant to include condition 1.</p> <p>The wording of condition 2 is revised to relate to the amended plans</p> <p>Condition 3 is repeated as it has not been formally discharged.</p> <p>Condition 4 is a new condition which is deemed necessary to ensure- that the details of the external cladding are agreed by the Local Planning Authority prior to its installation.</p>
8.	<p>Recommendation:</p> <p>Approve</p>
9.	<p>Conditions:</p> <ol style="list-style-type: none"> 1. - 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: - <ul style="list-style-type: none"> Application Form, received 07th March 2025 Site Location Plan, scale 1:1250, received 26th April 2023; Block Plan, scale 1:200, drawing 21BP Version 1, received 26th April 2023; Existing Plans, scale 1:100, drawing 21EP Version 1, received 26th April 2023; Existing Elevations, scale 1:100, drawing 21EE Version 1, 26th April 2023; Section A-A, scale 1:100, drawing 21SA Version 1, received 26th April 2023; Proposed Massing, scale 1:100, drawing 21PM Version 1, received 26th April 2023; Design and Access Statement, received 26th April 2023 Proposed Plans, scale 1:100, drawing number 21PP Version 4.0, received on 07th March 2025 Proposed Elevations, scale 1:100, drawing number 21PE Version 6.0, received on 07th March 2025 Structural Appraisal, scale 1:40, drawing number JDS-1229 – 01 Revision A, received on 07th March 2025 <p>Reason</p> <p>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.</p>

3. Prior to the installation of the first-floor rear roof terrace, a detailed design and specification for the side screening panels must be submitted to and agreed in writing by the Local Planning Authority. The screening panels must be installed in accordance with the approved details prior to the first use of the roof terrace and must be maintained at all times thereafter.

Reason

To ensure that the development is of a suitable design while protecting residential amenity in accordance with Policies DS4 and H14 of the Copeland Local Plan 2021-2039.

4. A sample of the external timber cladding shall be submitted to and approved in writing by the Local Planning Authority prior to its installation on any part of the development hereby approved.

Development shall be carried out in accordance with the approved details and shall be maintained at all times thereafter.

Reason

To ensure that the development is of a suitable design while protecting residential amenity in accordance with Policies DS4 and H14 of the Copeland Local Plan 2021-2039.

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: N.J. Hayhurst

Date : 16/05/2025

Authorising Officer: I. Fairlamb

Date : 16/05/2025

Dedicated responses to:- N/A