

## CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	<b>Reference No:</b>	4/25/2083/0E1
2.	<b>Proposed Development:</b>	APPLICATION FOR LAWFUL DEVELOPMENT CERTIFICATE FOR INTERNAL ALTERATIONS & A NEW EXTERNAL WALL & WINDOW WILL REPLACE AN EXISTING GARAGE DOOR; NEW EXTERNAL DOOR TO SIDE ELEVATION
3.	<b>Location:</b>	14 WINDERMERE GARDENS, MILLOM
4.	<b>Parish:</b>	Millom
5.	<b>Constraints:</b>	ASC;Adverts - ASC;Adverts, Coal - Off Coalfield - Data Subject To Change, Key Species - Potential areas for Natterjack Toads, PROWs - Public Right of Way
6.	<b>Publicity Representations &amp; Policy</b>	See Report
7.	<p><b>Report:</b></p> <p><b>Site and Location</b> The application site relates to, a detached residential dwelling located within Millom.</p> <p><b>Proposal</b> This application seeks a Lawful Development Certificate for a proposed development. As detailed by the application form, the proposal is for works to allow:</p> <ol style="list-style-type: none"> <li>1. Internal alterations to; remove and replace existing doors between the Dining and Snug, remove a timber arch between the Living and Dining rooms and Remove and reconfigure entry door into the Living Room from the Entrance Hall;</li> <li>2. New external side door; and</li> <li>3. Removal of existing garage door to the front elevation of the property and replacement of this with a brick built wall and uPVC window.</li> </ol>	

The proposed window to the front elevation will be located approximately 1m from ground level (when measured to the bottom of the window), approximately 1.5m in width and approximately 1m in height.

The proposed external door to the side elevation is to be located approximately 3m from the front elevation of the property.

### **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.

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



## Cumberland Council

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 existing dwelling house;
- b) The proposals would not involve the installation of any upper-floor windows to a wall or roof slope forming the side elevation of the dwellinghouse.

	<p>The replacement of the garage door with a window and wall to the front elevation of the property does not constitute a material change to the property, nor does the proposed ground floor door to the side elevation. Further, the proposed internal changes to the property do not constitute development. Overall, the proposals are considered too be permitted development under Schedule 2, Part 1, Class A of the GPDO 2015. Therefore, the proposals are lawful.</p> <p><b>Conclusion</b></p> <p>It has been adequately demonstrated that the proposed development comprising removal of garage door and its replacement with a window and wall, the installation of an external door to the side elevation and internal alterations at 14 Windermere Gardens meets the requirements and constitute permitted development as defined under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015.</p>	
8.	<p><b>Recommendation:</b> Approval of Certificate of Lawfulness</p>	
<b>Case Officer:</b> E. Turner		<b>Date :</b> 16/04/2025
<b>Authorising Officer:</b> N.J. Hayhurst		<b>Date :</b> 17/04/2025
<b>Dedicated responses to:-</b> N/A		