

## CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	<b>Reference No:</b>	4/25/2089/0F1
2.	<b>Proposed Development:</b>	ALTERATIONS AND EXTENSIONS INCLUDING RAISING OF ROOF TO PROVIDE LOFT BEDROOM SPACES AND NEW GARAGE AND STORE ROOM
3.	<b>Location:</b>	THE LAURELS, FRIZINGTON ROAD, CLEATOR MOOR
4.	<b>Parish:</b>	Cleator Moor
5.	<b>Constraints:</b>	ASC;Adverts - ASC;Adverts, Coal - Standing Advice - Data Subject To Change
6.	<b>Publicity Representations &amp;Policy</b>	See Report
7.	<b>Report:</b> <b>Site and Location</b> <p>The application site comprises a modern single storey detached dwelling house, situated to the eastern side of Frizington Road on the A5086, within Cleator Moor. The dwelling forms one of three bungalows on the northern entrance into Cleator Moor.</p> <p>The dwelling house has front and rear gardens. The rear garden slopes down towards the rear boundary, with open countryside extending beyond.</p> <p>Off street parking is available via a single garage and driveway to the front. Access is achieved from Frizington Road.</p> <b>Proposal</b> <p>Planning permission is sought for alterations and extensions to the dwelling, including raising the roof of the property to provide first floor accommodation within the roof space. The extended accommodation would create three additional bedrooms, two ensuite bathrooms, a closet and a store at first floor level.</p> <p>The proposal would increase the overall height of the roof by approx. 2.5m. Roof lights are</p>	

proposed within the front roof slope. Dormer windows and a solar voltaic panel array would be installed within the rear roof slope. The loft extension would be finished externally with rendered walls, timber or mineral fibre cladding to the dormers, modern roof tiles and upvc windows.

An existing garage and store, located alongside the shared boundary with the neighbouring property to the northeast, is also to be replaced within the proposed development. The proposed replacement building would be split level, taking into account the change in gradient of the land.

The proposed garage to the front of the outbuilding would measure approx. 2.2m (min) 2.8m (max) to the eaves, with an overall height of approx. 3.35m (min) 4.1m (max). The store to the rear would measure approx. 2.2m (min) 2.45m (max) to the eaves, with an overall height of approx. 3.45m (min) 3.6m (max). The building as a whole would have a footprint of approx. 10.05m x 3.45m and would be finished externally with rendered walls, tiled roof, and UPVC doors and windows.

### **Relevant Planning History**

N/A

### **Consultation Responses**

#### Town Council

Comment that no concerns have been raised.

#### Highway and Local Lead Flood Authority

The application falls under the Service Level Agreement. The highways and drainage implications of the proposal can be decided by the Local Planning Authority.

#### Public Representations

The application has been advertised by way of neighbour notification letters issued to adjacent properties. No comments 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



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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 5<sup>th</sup> 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)

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, highways safety and flood risk.

#### Principle of Development

The proposed application relates to a residential dwelling within Cleator Moor. The development would provide alterations and extensions to the existing dwelling as well as a replacement garage and store within the garden area of the dwelling.

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

The principle of development is therefore accepted within the context of Policy H14 of the

Copeland Local Plan.

### Scale and Design

Policy H14 of the Copeland Local Plan indicates that developments within the curtilage of existing properties will be permitted, provided that they would not adversely alter the existing building or street scene, and they would retain an adequate provision of outdoor amenity space to serve the property. Policy DS4 of the Copeland Local Plan indicates that all new developments should meet high quality standards.

The application site is situated upon Frizington Road, which houses a variety of dwelling houses of mixed architectural styles including traditional terraced properties as well as modern single storey and two storey dwelling houses. As a result, the street scene within Frizington Road does not have a strong building line or uniformity in housing scale or design.

The application property is situated at the northeastern end of Frizington Road, being one of three single storey dwellings to the southern side of the road before the road opens onto open countryside. The application property is the middle of this group of three. To the opposite side of the road are a range of two-storey dwellings.

The proposal would result in a first-floor extension to the dwelling, created by raising the height of the roof by approx. 2.5m. The roof extension would also feature dormer windows to the rear elevation. Roof lights are proposed to the front roof slope and a solar array is proposed to the rear.

Although the proposed first floor extension would involve a significant increase in the roof height of the application property, the dwellings on Frizington Road are of varying heights such that the height of the property, as extended, would not be significantly out of character with existing development along this section of Frizington Road.

The application dwelling is situated between two single storey detached dwellings. Although the proposed height increase would result in visual differences between the application property and the neighbouring properties in terms of height and roof slope, it is noted that permitted development rights are available to the property under Class AA of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, which would permit the enlargement of a dwellinghouse by construction of an additional storey, albeit with specific criteria and conditions to control design, scale and massing.

Given that the height of the dwelling could be increased using permitted development rights available within the Order, it is considered that the proposed height increase in this setting, would not warrant refusal of the application in this case.

The proposed loft extension would feature dormer windows across the rear roof slope. The position and scale of these windows are accepted as a suitable architectural feature for the host dwelling.

The development also proposes the replacement of the existing garage and store to the northeastern side of the property. The proposed outbuilding would compare to the existing



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outbuilding, in terms of footprint and form. The replacement garage and store would incorporate pitched rooves, which is considered an improvement to the existing design. There is adequate space within the garden area to accommodate the proposed outbuilding, whilst retaining suitable levels of outdoor amenity space.

On balance, the proposals would not adversely alter the existing building or street scene, nor would they result in the overdevelopment of the site.

The proposal therefore complies with Policies DS4 and H14 of the Copeland Local Plan in this regard.

### Residential Amenity

Policy DS4 of the Copeland Local Plan states that all new developments should maintain high levels of amenity. Policy H14 of the Copeland Local Plan indicates that house extensions will be permitted provided that the development would not harm the amenity of the occupiers of the parent property or adjacent dwellings.

The proposed extended roof space would feature a window within the first-floor northeast side gable. The plans indicate this window would serve a closet. Although at first floor level, this window would be reasonably separated from the neighbouring dwelling at The Ridge, with the proposed outbuilding between. It is therefore considered that the proposed gable window would not have significant adverse impact upon adjacent residential amenity.

All other windows to the main dwelling within this element of the proposal would have an outlook onto the applicants' own garden areas and/ or are in place currently, safeguarding amenity levels for neighbouring properties.

The proposed outbuilding would be situated alongside the northeast boundary of the application site. The proposed outbuilding compares in position, scale and massing to the existing outbuilding at the site. There are two windows proposed to the northeast side boundary of the proposed outbuilding. It is noted that there are two windows of comparable size and position within the existing outbuilding upon the site.

Given the intended use of the outbuilding as a garage and store, and that the proposal would replicate the siting, massing and fenestration of the existing structure at the site, it is considered that this element of the proposal would not result in the loss of residential amenity to the neighbouring property at the Ridge.

The proposal therefore complies with Policies DS4 and H14 of the Copeland Local Plan in this regard.

### Highway Safety

Policy CO7 of the Copeland Local Plan requires that all new development provide adequate parking provision.

The property currently has off street parking provision in place via a garage and driveway. These are to be retained within the development.

	<p>The proposal therefore complies with Policy CO7 of the Copeland Local Plan in this regard.</p> <p><u>Flood Risk</u></p> <p>Strategic Policy DS6 of the Copeland Local Plan looks to ensure flood risk is reduced and mitigated through appropriate measures within development.</p> <p>The application site is within Flood Zone 1, in an area with a low probability of flooding. The application details indicate existing drainage arrangements will be utilised within the development. The submitted details are considered suitable.</p> <p>The proposal therefore complies with Policy DS6 of the Copeland Local Plan in this regard.</p> <p><u>Biodiversity Net Gain</u></p> <p>Biodiversity Net Gain is mandatory from 12 February 2024 under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). The statutory framework for biodiversity net gain involves discharge of the biodiversity net gain condition following the grant of planning permission, to ensure the objective of at least 10% net gain will be met for a development.</p> <p>There are exemptions to the biodiversity net gain requirement. An exemption applies to development which is the subject of a householder application. It is therefore accepted that the biodiversity net gain condition should not be applied in this case.</p> <p><u>Planning Balance and Conclusion</u></p> <p>The proposed development is of an appropriate scale and design for the site and locality, which would preserve the amenities of the area and highways safety.</p> <p>The proposal is therefore considered an acceptable form of development which complies with the policies of the adopted Local Plan.</p>
8.	<p><b>Recommendation:</b></p> <p>Approve (commence within 3 years)</p>
9.	<p><b>Conditions:</b></p> <ol style="list-style-type: none"> <li>1. The development hereby permitted must commence before the expiration of three years from the date of this permission.</li> </ol> <p>Reason</p> <p>To comply with Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.</p>

2. This permission relates to the following plans and documents received on the respective dates and development must be carried out in accordance with them:
- Application Form, received 18<sup>th</sup> March 2025
  - Location Plan, DWG No. 24/0420/01, scale 1:1250, received 8<sup>th</sup> May 2025
  - Proposed Ground Floor Plan, DWG No. 24/0420/06, scale 1:50, received 8<sup>th</sup> May 2025
  - Proposed First Floor Plan, DWG No. 24/0420/07, scale 1:50, received 8<sup>th</sup> May 2025
  - Proposed Front Elevation, DWG No. 24/0420/08, scale 1:50, received 8<sup>th</sup> May 2025
  - Proposed Rear Elevation, DWG No. 24/0420/09, scale 1:50, received 8<sup>th</sup> May 2025
  - Proposed End Elevation, DWG No. 24/0420/10, scale 1:50, received 8<sup>th</sup> May 2025
  - Proposed End Elevation, DWG No. 24/0420/11, scale 1:50, received 8<sup>th</sup> May 2025
  - Proposed Sectional Elevations, DWG No. 24/0420/13, scale 1:50, received 8<sup>th</sup> May 2025
  - Proposed Block Plan, DWG No. 24/0420/12, scale 1:200, received 8<sup>th</sup> May 2025
  - Proposed Garage and Shed New Roof Elevations, DWG No. 24/0420/14, scale 1:50, received 8<sup>th</sup> May 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.

**Informative Note**

**Biodiversity Net Gain – Exemption**

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition)” that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the local planning authority, and
- (b) the local planning authority has approved the plan.

The planning authority, for the purposes of the Biodiversity Gain Plan is Cumberland Council.

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 one or more of the statutory exemptions or transitional arrangements is/are considered to apply.  
Applicable exemption: Householder development.

	<p><b>Statement</b></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><b>Case Officer: L. White</b></p>	<p><b>Date : 23/05/2025</b></p>
<p><b>Authorising Officer: N.J. Hayhurst</b></p>	<p><b>Date : 27/05/2025</b></p>
<p><b>Dedicated responses to:- N/A</b></p>	