

## CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	<b>Reference No:</b>	4/25/2092/0F1
2.	<b>Proposed Development:</b>	PROPOSED GARDEN ROOM EXTENSION TO THE HOUSE AND GAMES ROOM/GYM EXTENSION TO THE GARAGE
3.	<b>Location:</b>	15 LARCH COURT, MOOR ROW
4.	<b>Parish:</b>	Egremont
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 property is located on residential housing estate to the southern periphery of Moor Row and compromises a large two storey detached dwelling. The property benefits from large gardens to the rear, driveway to the front, with a detached dual pitched roof single garage. The dwelling is set back from the adjoining carriageway at the end of a cul-de-sac.</p> <p>The housing estate compromises mainly larger scale modern detached family dwellings. The south east and south west boundaries are bound by agricultural land.</p> <b>PROPOSAL</b>  <p>The application seeks permission for the erection of a flat roof, single storey extension to the rear elevation to form a new garden room measuring 7.15m x 4.85m x 2.65m in height.</p> <p>In addition to the extension to the dwelling, the application proposes to extend the length of the existing garage to form a home gym/games room measuring 6.66m x 4.63m x 4.6m in height to the ridge and 2.1m to the eaves.</p> <p>The extensions would be a combination of flat and dual pitched roofs with a rubberised finish</p>	

on the garden room and a tile finish on the garage, facing brick walls and upvc windows and doors.

## **RELEVANT PLANNING APPLICATION HISTORY**

No relevant site history

## **CONSULTATION RESPONSES**

### Town Council

No objections

### Highways Authority/LLFA

The application should be determined by the Local Authority under the service level agreement.

### Public Representations

No representations received to date.

## **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:



**Cumberland  
Council**

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 2024 (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 village of Moor Row and it will provide extended living accommodation in the form of a large extension to the rear of the dwelling plus alterations to the existing garage. Policy H14 of the Local Plan 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 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, whilst 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 new single storey, garden room would connect into the existing living room and kitchen area infilling the L shape to the rear elevation. The flat roof design ensures the existing windows serving the upper floors could be retained unaltered by the proposal.

The flat roof design is not considered to detract from the modern appearance of the dwelling with the design as a whole being considered to be acceptable and in keeping with the character of the existing dwelling and surrounding area.

The proposed extension is to the rear of the property and is not readily visible from public vantage points and the garage only readily visible from the adjacent dwellings, it is considered that there would not be any negative effects on the street scene.

The extension to the dwelling is not near any boundaries with nearby properties. The proposed garage is sat close to the boundary of 17 Larch Court, the height of garage adjacent to the boundary is 4.6m to the ridge and 2.1m to the eaves. Although the combined length of the existing and proposed garage is 13m (7.5m extending beyond the rear elevation of the adjoining property) the proposal is not considered to have any significant overbearing effects given, the single storey nature of the garage with the eaves height being marginally higher than the existing boundary fencing.

The proposed extensions are considered to be of an acceptable scale in relation to the host dwelling and neighbouring dwellings.

The design and materials would replicate the materials used in the dwelling and therefore are acceptable.

The scale and design are considered to comply with policies within the Local Plan.

#### 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, no new openings would be made that would overlook adjacent properties.

The site is screened by an existing boarded fence to the side boundary and a post and wire fence to the south eastern boundary which backs on to open fields beyond the residential curtilage.

There are no significant residential amenity issues raised by the proposal above the existing situation or that could be created under permitted development rights and is therefore acceptable.

#### Highway Safety

The proposal would provide an additional living area at ground floor level which does not increase the number of bedrooms and retains the existing garage and driveway; therefore, the existing parking arrangements are considered to be acceptable.

#### Biodiversity Net Gain

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.



## Cumberland Council

	<p>Based on the information available this application is not considered to be one which will require the approval of a Biodiversity Gain plan before development is begun. It is a form of householder development and therefore the proposal falls within the list of developments except from providing Biodiversity Net Gain (De Minimis)</p> <p><u>Planning Balance and Conclusion</u></p> <p>The proposed extensions to the rear of both the dwelling and the garage are of an acceptable scale and design with no significant harm arising to neighbouring properties in terms of amenity. There are no significant impacts on the appearance of the dwelling or surrounding area, nor impacts on highway safety.</p> <p>On this basis the proposal is considered to be an acceptable form of development in line with policies within the 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> <ol style="list-style-type: none"><li>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 18 March 2025; Location Plan, scale 1:1250, drawing number 575 01001 Rev 01, received 18 March 2025 ; Proposed Block Plan, Scale 1:250, drawing number 575 01002 Rev 02, received 18 March 2025; Proposed Ground Floor Plan, Scale 1:50, drawing number 575 04001 Rev 02, received 18 March 2025; Proposed Elevations, Scale 1:100, drawing number 575 05001 Rev 02, received 18 March 2025;</li></ol>

Proposed Garage Extension Floor Plans and Elevations, Scale 1:100 drawing number 575 04101 Rev 02, received 18 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.

#### Informative Note

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Mining Remediation Authority on 0345 762 6846 or if a hazard is encountered on site call the emergency line 0800 288 4242.

Further information is also available on the Mining Remediation Authority website at:  
<https://www.gov.uk/government/organisations/mining-remediation-authority>

#### 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: De minimis

#### 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.



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<b>Case Officer: S. Smith</b>	<b>Date : 06/05/2025</b>
<b>Authorising Officer: N.J. Hayhurst</b>	<b>Date : 09/05/2025</b>
<b>Dedicated responses to:- N/A</b>	