

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/25/2109/0F1
2.	Proposed Development:	ERECTION OF SINGLE STOREY GARAGE
3.	Location:	14 CENTRAL AVENUE, DISINGTON
4.	Parish:	Disington
5.	Constraints:	<p>ASC Adverts</p> <p>Coal – Standing Advice</p> <p>Outer Consultation Zone – Cycliffe 3km</p> <p>PROW's – Public Right Of Way</p>
6.	Publicity Representations & Policy	See Report
7.	<p>Report:</p> <p>SITE AND LOCATION</p> <p>This application site relates to 14 Central Road, a semi-detached property situated on an existing housing estate within Disington.</p> <p>The property benefits from a reasonable sized curtilage area to the front with an existing driveway and a reasonable sized curtilage area to the rear.</p> <p>PROPOSAL</p> <p>Planning permission is sought for the erection of a single-storey garage within the rear curtilage area. The garage is to be 7.32m by 8.09m and will have a total height of 2.5m with a flat roof design. The proposed materials are to be concrete brick to the external walls, rubberoid finish to the roof and a UPVC single door and wooden double doors.</p>	

RELEVANT PLANNING APPLICATION HISTORY

None.

CONSULTATION RESPONSES

Disington Parish Council

No objections.

Highways Authority

As this falls under our Service Level Agreement, this application does not need to be submitted to the LPA or LLFA; subject to the highway and drainage aspects of such applications being considered in accordance with the agreement. The highway and drainage implications of this application can therefore be decided by the LPA.

Countryside Access Officer

No response received to date.

Public Representations

The application has been advertised by way of 2 neighbour consultations being sent – No representations have been received as a result of this consultation process.

PLANNING POLICY

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 LP as commenced by Copeland Borough Council.

The LP 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 DS1 – Development Strategy

Policy DS4 – Design and Development Standards

Policy H14 – Domestic Extensions and Alterations

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 siting, design, scale and the potential impacts on residential amenity.

Principle of Development

The proposed application relates to a semi-detached property located within a residential housing estate. Policy H14 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 Policy HS14 of the Copeland Local Plan and the National Planning Policy Framework.

Scale and Design

Policy DS4 and section 12 of the NPPF seek to promote high quality designs. Policy H14 supports house extensions where the scale, design and materials of the proposed development would not adversely alter the character or appearance of the existing building, street scene or wider surrounding area.

The proposed single storey detached garage is to be sited within the rear curtilage area of the host dwelling and is to be 8.09m by 7.32m and have a flat roof element of 2.5m in height. The proposal is to be sited away from the host dwelling to the north of the curtilage area. The proposed siting is considered to be suitably located within the site. Although it is acknowledged that the proposal is large in scale, given that the host dwelling benefits from a large curtilage area and the proposal is single storey in height, the proposal is considered to be acceptable.

The design would not impact upon the appearance of the existing property and given the proposal is to be sited to the rear curtilage area, the proposal is not considered to impact

upon the character and appearance of the existing property, streetscene and the wider residential area.

On this basis, the proposal is considered to meet Policy DS4 and H14 of the Copeland Local Plan and NPPF guidance.

Residential Amenity

Policy H14 and section 12 of the NPPF seek to safeguard good levels of residential amenity.

No objections have been received from neighbouring properties. The proposed detached garage is to be sited to the rear curtilage area and will be approximately 5m from the neighbouring property. The existing boundary between the properties is a 2m high solid fence. Given the reasonable separation distance and the height of the proposed garage, it is not considered that the proposal would result in significant loss of light or dominance to neighbouring properties. The proposal does not include windows to the side elevation, therefore it would not result in harmful overlooking or loss of privacy concerns.

On this basis, residential amenity issues are considered to be minimal and therefore the proposal is considered to satisfy Policy H14 and the NPPF.

Highway Safety and Public Right Of Way

Policy H14 requires the operational car parking needs of the property to continue to be met.

There are no alterations to be made to the existing arrangements, and the proposal will not impact upon the use of the property.

There is a Public Right Of Way - 404002 that runs to the north of the site. Landscaping exists inbetween the proposal and the PROW which will limit the visibility of the proposal from the PROW. Given the scale and size of the proposal along with the distance to the nearest PROW it is not considered the proposal would have a detrimental impact upon the PROW or users of this route.

On this basis, the proposal is considered to comply with Policy H14 and the Cumbria Development Design Guide.

Biodiversity Net Gain

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.

The application details indicate that it is believed that if permission is granted for the development to which the application relates, the biodiversity net gain condition would not apply.

	<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 application seeks to erect a single storey garage within the rear curtilage area of the host property.</p> <p>The proposal is considered to be appropriate in scale and design and will not have any detrimental impact upon the amenities of the neighbouring properties, PROW or highway safety.</p> <p>On balance, the proposed works represent an acceptable form of development which accords with the policies set within the Copeland Local Plan and the guidance in the NPPF.</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 the Planning and Compulsory Purchase Act 2004.</p> <ol style="list-style-type: none"> 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 03/06/2025; - Certificate A, received 03/06/2025; - Dwg No 001, Proposed Elevation Plan and Site Location Plan, scale 1:50 and 1:1250 received 03/06/2025; - Dwg No 002, Proposed Block Plan, scale 1:200 received 03/06/2025. <p>Reason</p> <p>To conform with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.</p>

Biodiversity Net Gain

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

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

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan, if one is required in respect of this permission would be Cumberland Council.

There are statutory exemptions which mean that the biodiversity gain condition does not always apply. 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 of the statutory exemptions is considered to apply.

Applicable exemption: Householder Development

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: K. Bamford

Date : 03/07/2025

Authorising Officer: N.J. Hayhurst

Date : 21/07/2025

Dedicated responses to:- N/A