

## CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	<b>Reference No:</b>	4/25/2170/0F1
2.	<b>Proposed Development:</b>	PROPOSED TWO STOREY PITCHED ROOF REAR EXTENSION
3.	<b>Location:</b>	POOLSIDE BARN, POOLSIDE, HAVERIGG
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.	<b>Report:</b>  <b>SITE AND LOCATION</b>  This application site relates to Poolside Barn in Haverigg, a detached property situated near Haverigg Industrial estate.  The property is a modern large, detached property and benefits from a reasonable sized curtilage area to both the front and rear. There is an existing driveway to the front.  <b>PROPOSAL</b>  Planning permission is sought for the erection of a two storey extension to the rear elevation that is to be 5.5m by 8.2m including the installation of a Juliette balcony to the rear elevation. The proposal also seeks consent for a single storey rear extension that is to be 9.2m in length with a flat roof design that is 2.8m in total height. The roof will incorporate a roof lantern to provide light.  The proposed materials are to be K-render finish to the external walls, concrete tiles to the	

roof and UPVC door and windows, all of which match the existing dwelling.

The proposed scheme has been modified during the course of the application with a reduction in the scale of the proposals.

### **RELEVANT PLANNING APPLICATION HISTORY**

4/15/2337 – Prior approval of proposed change of use of agricultural building to dwelling house - Approve

4/18/2113 – Erection of a three bedroomed house – Approve

4/19/2284 – Variation of condition 2 and 8 of planning approval 4/18/2113 for erection of a three bedroom house - Approve

### **CONSULTATION RESPONSES**

#### Millom Town 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.

#### Environment Agency

No response was received within the consultation period.

#### Countryside Officer

No response was received within the consultation period.

#### Public Representations

The application has been advertised by way of 3 neighbour consultations letters 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 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 DS1 – Development Strategy

Policy DS4 – Design and Development Standards

Policy H14 – Domestic Extensions and Alterations

Policy N1 – Conserving and Enhancing Biodiversity and Geodiversity

### **Other Material Planning Considerations**

National Planning Policy Framework (NPPF)

Cumbria Development Design Guide

Wildlife and Countryside Act 1981

### **ASSESSMENT**

The key issues raised by this proposal are the principle of development, its siting, design, scale and the potential impacts on residential amenity etc.

#### Principle of Development

The proposed application relates to a detached property located outside the village of Haverigg. 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 original submitted scheme was considered to be unacceptable in terms of scale and impact upon residential amenities. The agent has since provided amended plans which have reduced the size of the scheme and alterations have been made. The proposal now seeks consent for a single storey rear extension that is to be 9.2m in length and have a total height of 2.8m. The proposal also seeks to erect a two-storey extension above that extend 5.2m from the rear elevation. Whilst this proposal is large in scale, given the scale of the host dwelling and the neighbouring property, it is not considered that the amended proposal would be large enough to warrant refusal. Its use as ancillary accommodation to the main dwelling can be controlled by use of a suitably worded planning condition.

The modern design of the proposal would not impact upon the appearance of the existing property and given the designs of properties within this locality along with the rear location, 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 extension and alterations are within close proximity to the neighbouring property 'Laurel Cottage'. The proposal seeks to erect a two-storey aspect that extends 5.2m from the rear elevation. Between the two neighbouring properties there is an existing single-storey garage that forms a boundary between the properties. Due to the orientation of these properties and given the reduction in scale from the original submission it is unlikely the proposal would result in significant loss of light to the neighbouring property, Laurel Cottage'. It is also considered that with the existing arrangements to the site, with the detached garage forming a boundary, the proposal would not result in an overbearing or overdominant impact to the neighbouring properties.

The agent has removed the dormer windows from the side elevations of the original proposal, and there are no side windows to be installed within the first floor of the proposed extension. Whilst rooflights are proposed these are 1.7m above floor level. The proposal does incorporate side windows to the ground floor proposed extension, however, there is a solid boundary wall between the neighbouring properties and therefore, in this instance it is not



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considered necessary to place a condition to ensure they are obscure glazed for the lifetime of the development to prevent any overlook issues to adjoining property.

The proposal also seeks to install a Juliette balcony to the rear elevation of the two-storey element. Some concerns were raised in relation to the potential of creating a balcony above the flat roof element. However, the agent has since provided amendments which clearly demonstrate no roof terrace is to be created as part of this proposal. There are open fields located to the rear elevation, it is not considered that the Juliette balcony would create any additional overlooking elements or loss of privacy to neighbouring properties.

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 that runs to the west of the site – FP 415010. The Countryside Officer has been consulted as part of the proposal, however, to date no comments have been received. The proposal would not directly impact upon the footpath given the proposal is located over 30m away from the route. However, an informative has been included to advise that if any works impact upon the footpath a separate permit will be required as necessary.

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

### Ecology

Policy N1 and section 15 of the NPPF outline how the Council will protect and enhance the biodiversity and geodiversity within the Borough. These policies set out the approach towards managing development proposals that are likely to have an effect on nature conservation sites, habitats and protected species.

The application site is identifying as a potential area for natterjack toads. The application is not supported by any ecology details as the site is located on an existing domestic curtilage area. On this basis, it is considered that this is not a habitat that is likely to contain natterjack toads and so it would not be necessary to seek an ecological survey for this minor application.

It is therefore considered that the development complies with Policy N1 of the Copeland Local Plan and the NPPF guidance.

### 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).

	<p>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>In terms of considering the proposal in relation to Biodiversity Net Gain, the development relates to a householder application which falls under an exempted category; therefore, does not trigger a requirement for 10% Biodiversity Net Gain.</p> <p><u>Planning Balance and Conclusion</u></p> <p>The application seeks to erect a two storey and single storey rear extension to the host dwelling.</p> <p>The proposed extensions as amended are considered to be appropriate in scale and design within the street-scene and will not have any detrimental impact upon the amenities of the neighbouring properties, highway safety or ecology.</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><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:- <ul style="list-style-type: none"> <li>- Application Form, received 20/05/2025;</li> <li>- Dwg No MEJ/2025/838/002 - Site Location Plan, scale 1:1250, received 20/05/2025;</li> <li>- Dwg No MEJ/2025/838/002A, Proposed Site Plan, scale 1:500 received 20/05/2025;</li> <li>- Dwg No MEJ/2025/838/006 Issue 2, Proposed First Floor Plan, scale 1:100 Amended Plans received 07/07/2025;</li> </ul> </li> </ol>



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- Dwg No MEJ/2025/838/007 Issue 2, Proposed Elevations, scale 1:100 Amended Plans received 07/07/2025;

- Dwg No MEJ/2025/838/008 Issue 2, Proposed Side Elevations, scale 1:100, Amended Plans received 07/07/2025.

### Reason

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.

3. The proposed extension hereby permitted shall be used and occupied only as ancillary residential accommodation to the existing dwellinghouse, and shall thereafter at no time be subdivided, occupied or sold as a separate, independent residential planning unit.

### Reason

To ensure the development accords with the provisions of Planning Policies H14 and H21 of the Copeland Local Plan and to safeguard the amenity of the locality, in compliance with the National Planning Policy Framework and Policy DS4 of the Copeland Local Plan.

### Informative Notes

#### Public Right Of Way

The granting of planning permission would not give the applicant the right to block or obstruct the public right of way shown on the attached plan.

The public right of way as indicated must be kept open and unaltered for public use until an order made to divert, stop up or to temporarily close it has been confirmed.

#### 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 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

	<p>apply.</p> <p>Applicable exemption: Householder Development.</p> <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>
<b>Case Officer: K. Bamford</b>	<b>Date : 10/07/2025</b>
<b>Authorising Officer: N.J. Hayhurst</b>	<b>Date : 12/08/2025</b>
<b>Dedicated responses to:- N/A</b>	