

## CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	<b>Reference No:</b>	4/25/2224/0F1
2.	<b>Proposed Development:</b>	Removal of existing conservatory, front porch and roof to existing side projection, and the construction of a single storey front and rear extension, first floor side extension, installation of new windows and doors plus internal and external alterations to an existing dwelling
3.	<b>Location:</b>	11 Lingmell Crescent, Seascale
4.	<b>Parish:</b>	Seascale
5.	<b>Constraints:</b>	<p>ASC Adverts</p> <p>Safeguard Zone</p> <p>Coal – Off Coalfield</p> <p>Key Species – Potential Area for Natterjack Toads</p> <p>DEPZ Zone</p> <p>Outer Consultation Zone – Drigg 3km</p> <p>Outer Consultation Zone – Sellafield 110km</p>
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 two storey semi-detached dwelling house in Seascale. The dwelling is situated on a street of similar semi-detached dwelling houses, each with comparable architectural features and finishes.</p> <p>The dwelling has front and rear gardens. The rear garden is elevated to the dwelling. A conservatory is in place to the rear. A porch is in place to the front. A single storey lean to element is situated to the side elevation.</p>	

## **Proposal**

The proposal involves:

- The removal of the existing porch to the front which is to be replaced with a larger porch, measuring approx. 2m x 3.11m, with a height to eaves of approx.2.35m and an overall height of approx.3.6m.
- The removal of the existing conservatory to the rear which is to be replaced with a single storey lean to kitchen/dining extension, measuring approx. 3.98m x 7.629m, with a height to eaves of approx. 2.5m and an overall height of approx. 3.4m.
- The erection of a first floor bedroom and bathroom extension above the existing lean to side element, measuring approx. 3.804m x 7.189m, with a height to eaves of approx. 5m and an overall height of approx. 7.6m, matching the eaves and ridgeline of the main house.

External finishes to be used within the development include dashed rendered walls, brick chimney, slate roof, UPVC windows and doors, all to match the existing dwelling.

## **Relevant Planning History**

N/A

## **Consultation Responses**

### Parish Council

No objections.

### Public Representations

The application has been advertised by way of neighbour notification letters issued to adjacent properties. No resulting representations have been received to date.

## **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 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 the 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 Seascale. The development would provide a single storey extension to the rear, first floor extension to the side and porch to the front 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 development should meet high quality standards.

The proposal would result in a single storey extension to the rear elevation of the dwelling. The extension would be of a commensurate scale and massing to the host dwelling. The contemporary architectural features and finishes of the extension would reflect the modern character of the application property.

The proposed development also includes a first floor extension to the side of the dwelling. The finishes and form of the first floor extension would match those of the application property. There are examples of other first floor additions to the side within the street scene such that the proposed first floor extension would not conflict with the character of Lingmell Crescent.

An existing porch at the site is to be removed and replaced with a larger porch. The proposed porch would have a larger footprint than the existing porch, with this element of the proposal measuring approx. 2m x 3.11m. Although this element of the proposal would have a width and depth greater than the existing porch at the site, it is considered that the larger porch would provide a symmetry and balance to the front of the property which would achieve a satisfactory visual relationship with the application property. Similarly, it is noted that there are various examples of porches and additions to the front elevations of properties within Lingmell Crescent, such that the proposed porch would not be out of character with the street scene.

The application property has front and rear gardens, the majority of which would be retained within the development. The proposal would therefore retain an adequate level of outdoor space available to the dwelling.

The scale and design of the development would not, therefore, adversely alter the existing building or street scene, nor would it result in 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 development 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 single storey extension would be positioned to the rear of the property, approx.0.6m from the shared side boundary with the adjoining property at 9 Lingmell

Crescent. The extension would project approx. 3.98m beyond the rear elevation. As this element is comparable in projection, height, scale and massing to the existing conservatory to the rear, this element of the proposal would not have a significant adverse impact upon the existing amenity standards of the neighbouring property.

The proposed first floor extension would have windows fronting onto the rear and front gardens of the application property itself, preserving the privacy of the neighbouring property at 13 Lingmell Crescent. The application site is slightly lower than the property at 13 Lingmell Crescent such that the proposed first floor extension would not appear significantly overbearing when viewed from this neighbouring property.

The proposed porch would be sufficiently separated from neighbouring properties so as not to have any adverse impact upon adjacent residential amenity.

On balance, it is considered that the proposal would retain suitable standards of residential amenity.

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

Given the proximity of the single storey extension to the shared side boundary, it is considered appropriate to remove permitted development rights from the side elevation of this extension, to preserve the amenity standards of the adjoining property going forward.

#### Highway Safety

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

The application property does not have off street parking provision. However, on street parking is available which does not appear to be oversubscribed, providing suitable parking for the property.

The proposal therefore complies with Policy CO7 of the Copeland Local Plan in this regard.

#### Flood Risk

Strategic Policy DS6 of the Copeland Local Plan looks to ensure flood risk is reduced and mitigated through appropriate measures within development.

The application site is within Flood Zone 1, with low risk of flooding. The development would not significantly increase the risk of flooding at the site or within the surrounding area.

The proposal therefore complies with Policy DS6 of the Copeland Local Plan in this regard.

#### 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.

	<p>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> <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> <ol style="list-style-type: none"> <li>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 25<sup>th</sup> June 2025  Location/ Block Plan, 25-24-P-L, scales 1:1250 and 1:500, received 25<sup>th</sup> June 2025  Proposed Site Plan, 25-24-P-01 Revision B, scale 1:200, received 25<sup>th</sup> June 2025  Plans as Proposed, 25-24-P-05 Revision B, scale 1:100, received 25<sup>th</sup> June 2025  Elevations as Proposed, 25-24/P-06 Revision B, scale 1:100, received 25<sup>th</sup> June 2025</li> </ol> <p>Reason</p> <p>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.</p>



## Cumberland Council

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or in any Statutory Instrument revoking or re-enacting that Order with or without modification) no further windows, including dormer windows, or other openings on the south west side elevation shall be formed without the prior written approval of the Local Planning Authority upon an application submitted to it.

### Reason

The Local Planning Authority wishes to retain control over any proposed alterations/extensions in the interests of the appearance of the site and the amenities of adjacent properties.

### 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.

#### Development Low Risk Area - Standing Advice

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: Mining Remediation Authority - GOV.UK

	<p><b>Statement</b></p> <p>The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against, primarily, the development plan policies, any duties applicable and also all material considerations, including Local Plan policy, the National Planning Policy Framework and any stakeholder representations that may have been received. In this context, having identified matters of concern with the application as originally submitted and, if applicable, following negotiations with the applicant, acceptable amendments and solutions to the proposal have been received. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal.</p>
<p><b>Case Officer:</b> L White</p>	<p><b>Date :</b> 18/08/2025</p>
<p><b>Authorising Officer:</b> N.J. Hayhurst</p>	<p><b>Date :</b> 21/08/2025</p>
<p><b>Dedicated responses to:-</b> N/A</p>	