

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/26/2163/0F1
2.	Proposed Development:	ALTERATIONS AND EXTENSION TO FORM NEW UTILITY ROOM AND BED/SITTING ROOM WITH ENSUITE SHOWER ROOM
3.	Location:	41 CONISTON AVENUE, SEASCALE
4.	Parish:	Seascale
5.	Constraints:	ASC Adverts - ASC;Adverts, Safeguard Zone - Safeguard Zone, Coal - Off Coalfield - Data Subject To Change, Key Species - Potential areas for Natterjack Toads, DEPZ Zone - DEPZ Zone, Outer Consultation Zone - Sellafield 10KM, PROWs - Public Right of Way
6.	Publicity Representations &Policy	See Report.
7.	Report: LOCATION This application relates to 41 Coniston Avenue, an end semi-detached property located on a cul-de-sac within Seascale. The application site benefits from a driveway with offroad parking and detached garage to the front of the property, and conservatory and a modest size garden to the rear. PROPOSAL Planning Permission is sought for the construction of a single storey side extension to replace the existing detached garage. The side extension will measure 6.8m externally from the side elevation and will span 6.6m in	

length from front to rear. It will provide a small utility room, and a bedroom with en-suite. It has been designed with a hipped roof with an eaves height of 2.5m and an overall height of 4.2m.

The extension includes a window and door down to an accessible ramp on the front elevation, two windows on the side elevation, and two small windows and a door on the rear elevation out onto the garden.

The extension will be finished with render, roof tiles and white upvc windows and doors to match the existing.

RELEVANT PLANNING APPLICATION HISTORY

There have been no previous planning applications at this property.

CONSULTATION RESPONSES

Seascale Parish Council

No response received to date.

Highways and LLFA

As this falls under our Service Level Agreement (SLA), this application does not need to be submitted to the Local Highway Authority or Lead Local Flood Authority; 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 Local Planning Authority.

PROW public footpath number 426003 lies adjacent/through the site, the Applicant must ensure that no obstruction to the footpath occurs during, or after the completion of the site works. The granting of planning permission would not give the applicant the right to block or obstruct the right of way and it must be kept open and unaltered for public use.

Resilience Unit

This response from the Joint Emergency Management and Resilience Team relates to emergency planning arrangements in the unlikely event of an incident occurring at Sellafield Ltd. The Sellafield site is currently covered by the provision of the Radiation (Emergency Preparedness and Public Information) Regulations 2019. **There are no objections to the proposed works.** However, it should be noted that the location of the property is situated within an area outside the site which, in liaison with Sellafield Ltd and the Office for Nuclear Regulation, special arrangements are made for residents/business premises, this area is referred to as the Detailed Emergency Planning Zone (DEPZ). As a direct result particular attention is paid to ensuring that people are aware of the appropriate action to take in the



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event of an incident at the Sellafield site.

In view of the fact that this application, if granted, could increase the number of persons in the area (including trade people) I would be grateful if you could advise the applicant to liaise with this office via emergency.planning@westmorlandandfurness.gov.uk to allow for further discussion to ensure the applicant and their trades people/contractors are aware of the appropriate information and actions to take should there be an incident at the Sellafield site.

Public Representations

The application has been advertised by way of neighbour notification letters issued to 3 no. properties. No objections were received as a result of this consultation.

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 (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 5th of November 2024, replacing the Copeland Local Plan 2013-2028 and the saved policies of the Copeland Local Plan 2001- 2016.

The policies relevant to this application are as follows:-

DS4: Design and Development Standards

Policy DS6: Reducing Flood Risk

Policy H14: Domestic Extensions and Alterations

Policy N1: Conserving and Enhancing Biodiversity and Geodiversity

Strategic Policy N3: Biodiversity Net Gain

Strategic Policy CO6: Countryside Access

Other Material Planning Considerations

National Planning Policy Framework (NPPF)

Cumbria Development Design Guide

Wildlife and Countryside Act 1981

The Conservation of Habitats and Species Regulations 2017 (CHSR)

ASSESSMENT

The key issues raised by this proposal are the principle of development, its scale and design and the potential impacts on residential amenity, impact on the PRoW, and biodiversity net gain.

Principle of Development

The proposed application relates to a residential dwelling situated within Seascale. The development would provide a single storey side extension for the existing 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 side extension will measure 6.8m externally from the side elevation and will span 6.6m in length from front to rear. It will provide a small utility room, and a bedroom with en-suite. It has been designed with a hipped roof with an eaves height of 2.5m and an overall height of 4.2m.

The extension is considered to be suitably located within the site to the side, and the proposed scale, massing and siting of the side extension is considered acceptable and is not considered to adversely alter the existing building or street scene due to replacing an existing garage, nor would it result in overdevelopment of the site.

The extension will be finished with render, roof tiles and white upvc windows and doors to match the existing. The use of matching materials ensures that the proposal compliments the



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existing property, and the wider residential area.

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.

Whilst amenity issues between the proposed extension and the neighbouring properties were considered, the proposed extensions would be suitably located within the site at the side and replaces an existing detached garage.

Although the proposal includes additional windows on the side, front and rear elevation, the proposed front elevation is set back 0.6m from the front elevation of the dwelling and will be located approx. 17m from the boundary with number 43 Coniston Avenue which is located across the cul de sac, and located approx. 16m from the rear elevation of the host property. Furthermore, the side elevation looks out onto open fields.

On this basis, there are no additional overlooking or privacy issues considered to occur as a result of this development.

Taking into account the siting of the extension and the orientation of the existing property, the proposed extension design is acceptable, and it will not adversely harm the neighbouring amenity.

However, given that the proposal contains facilities to be operated as a self contained unit, a planning condition is proposed to ensure that the proposed extension remains ancillary to the use of the dwellinghouse, and should not be used as a separate residential unit.

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

Impact on the Public Right of Way

Existing Public Rights of Way are protected by law and therefore do not need Policy protection, however Strategic Policy CO6 and The Countryside and Rights of Way Act 2000 seeks to exercise statutory rights of access. On this basis, as the Public Right of Way FP 426003 is within the 50m buffer of the proposed development, consideration must be given to the potential impacts on both the physical and amenity of the footpath.

The Councils GIS mapping system confirmed the PRoW 426003 runs through the field adjacent to the host property to the West and is located approx. 15m from the boundary with 41 Coniston Avenue. The proposal will not interfere with the footpath, nor will it significantly

	harm the physical footpath, or the amenity of the user. <u>Ecology and Biodiversity</u> Policy N1 outlines how the Council will protect and enhance the biodiversity and geodiversity within the Borough and defines a mitigation hierarchy. Policy N3 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. 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 exempt from these BNG requirements. In this instance the development is considered exempt from BNG as the development falls within the definition of a householder application. The application site is also identified as a potential area for natterjack toads. The development is considered to have a de minimis impact on onsite habitat as the application site is not located within 200m of a watercourse (as indicated within the ALGE trigger list), and is within an existing built-up area and the site has already been cleared. Given the above, 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. On this basis, it is considered that the development complies with the requirements of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 and Policies N1 and N3 of the Copeland Local Plan and the provisions of the NPPF. Planning Balance and Conclusion The proposed development is of an appropriate scale and design for the site and locality, which would preserve the amenities of the parent property and wider residential area. The proposal will not harm the PRow or the amenities of the users of it. The proposal is not subject to Biodiversity Net Gain or Ecology details. The proposal is therefore considered an acceptable form of development which complies with the policies of the adopted Local Plan and provisions of the NPPF.
8.	Recommendation: Approve (commence within 3 years)



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9.	Conditions: 1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission. Reason To comply with Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004. 2. Permission shall relate to the following plans and documents as received on the respective dates and development shall be carried out in accordance with them: - - Application Form, received 28th May 2026; - Site location plan, scale 1:1250 drawing 26/0454/01, received 28th May 2026; - Site block plan, scale 1:200 26/0454/01, received 28th May 2026; - Existing ground floor plan, scale 1:50 drawing 26/0454/02, received 28th May 2026; - Existing elevations, scale 1:100 drawing 26/0454/03, received 28th May 2026; - Existing section, scale 1:50 drawing 26/0454/04, received 28th May 2026; - Proposed floor plan, scale 1:50 drawing 26/0454/05, received 28th May 2026; - Proposed front elevation, scale 1:50 drawing 26/0454/06, received 28th May 2026; - Proposed rear elevation, scale 1:50 drawing 26/0454/07, received 28th May 2026; - Proposed side elevation, scale 1:50 drawing 26/0454/08, received 28th May 2026; - Proposed section, scale 1:50, drawing 26/0454/09, received 28th May 2026; - Proposed site layout plan, scale 1:100 drawing 26/0454/10, received 28th May 2026; 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. 3. The extension (building) hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 41 Coniston Avenue and shall not be let or sold as a separate permanent dwelling. Reason The extension is not considered appropriate for use as a separate residential unit. Informative Notes
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Biodiversity Net Gain – Exemption Applies

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.

Highway Permit

Any works within or near the Highway must be authorised by the Council and no works shall be permitted or carried out on any part of the Highway including Verges, until you are in receipt of an appropriate permit from the LHA Streetworks team.

[https://www.cumberland.gov.uk/parking-roads-and-transport/streets-roads-and-pavements /street-licences-and-permits/street-permit-and-licence-fees-and-charges](https://www.cumberland.gov.uk/parking-roads-and-transport/streets-roads-and-pavements/street-licences-and-permits/street-permit-and-licence-fees-and-charges)
Please be advised that the Highway outside and or adjacent to the proposal must be kept clear and accessible at all times.

Detailed Emergency Planning Zone (DEPZ)

The location of the property is situated within an area outside the site which, in liaison with Sellafield Ltd and the Office for Nuclear Regulation, special arrangements are made for residents/business premises, this area is referred to as the Detailed Emergency Planning Zone (DEPZ). As a direct result particular attention is paid to ensuring that people are aware of the appropriate action to take in the event of an incident at the Sellafield site.

In view of the fact that this application, if granted, could increase the number of persons in the area (including trade people) I would be grateful if you could advise the applicant to liaise with this office via emergency.planning@westmorlandandfurness.gov.uk to allow for further discussion to ensure the applicant and their trades people/contractors are aware of the appropriate information and actions to take should there be an incident at the Sellafield site.



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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: Demi Crawford

Date : 21/07/2026

Authorising Officer: N.J. Hayhurst

Date : 22/07/2026

Dedicated responses to:- N/A