

SOUTH LAKELAND LOCAL AREA PLANNING COMMITTEE REPORT

Planning Application Reference No. SL/2024/0174

Proposal: Rear and side extension and partial loft conversion forming extended bedrooms, shower room and mezzanine to first floor level and utility, extended kitchen/dining and sitting area, extended bedroom and removal of porch to ground floor.

Location: 2 Rusland Crescent ULVERSTON LA12 9LT

Applicant: Mr and Mrs Gary and Helen O'Neill

Committee Date: 11th April 2024

Reason for Committee Level Decision:

The Parish Council has objected to the proposal and the application is recommended for approval.

Officer: David Gibson



Location plan

Scale 1:1250

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1.0 SUMMARY

- 1.1 Full planning permission is sought for the erection of an extension to the side and rear, a dormer window in the rear elevation, and a partial loft conversion.
- 1.2 One objection has been received from the Parish Council, and one objection have been received from adjoining neighbours.
- 1.3 It is considered that the proposed works would not have a significant adverse impact on the amenity of the neighbouring residents, would not have an adverse impact on the character of the area, and it would not have an adverse impact on highway safety.

2.0 RECOMMENDATION

- 2.1 The application is recommended for approval with conditions

3.0 THE PROPOSAL

- 3.1 Full planning permission is sought for the erection of a single storey side and rear extension of the dwelling and a dormer window to the rear.
- 3.2 The rear projection would have glazing in the rear elevation. This glazing takes up most of the rear elevation. A small covered area would also be erected to the rear.
- 3.3 The side extension would have a sloping roof and would be set back from the front elevation of the dwelling.

4.0 SITE DESCRIPTION

- 4.1 The site is a semi-detached dormer bungalow. The property has dwellings to the front, side and rear. Dormer windows exist in the immediate and wider area. Other properties in the area have been extended.
- 4.2 The property to the north has been extended to the rear. This property has windows in the rear elevation.
- 4.3 The boundary of the property to the east is located over 10 metres from the rear of the property, and the dwelling to the east is located over 20 metres from the rear of the application property.

5.0 SITE PLANNING HISTORY

- 5.1 None relevant to this application

6.0 CONSULTATIONS

6.1 Ulverston Town Council – Objections to the development

6.2 “This has been approved with the caveat of reducing the size or changing the plans for the large window which is overlooking the property opposite. This will reduce the impact of the neighbour’s privacy.”

6.3 Tree Officer – No objections subject to condition

7.0 REPRESENTATIONS

7.1 One objection has been received from a member of the public

7.2 43 Mountbatten Road – Objects to the development -

“1) Loss of Privacy Every window (9/10 in total) on the rear elevation of the proposed development looks directly at our property. The view through the double height windows from the elevated mezzanine area will be over the garden and into our main bedroom. The proposed dormer window overlooks our garden and offers uninterrupted views of our patio area and our living area. The size of the dormer would give us a loss of privacy and a feeling of enclosure.

2)Other Negative Effects We are concerned at the light pollution in the darker months. The double height windows will throw bright light across our property. Illuminating the whole area.”

8.0 RELEVANT PLANNING POLICY

8.1 Section 38(6) of the Planning & Compulsory Purchase Act 2004 provides that planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise.

South Lakeland

- South Lakeland Core Strategy - adopted 20 October 2010
- South Lakeland Local Plan Land Allocation Development Plan Document Policies - adopted 17 December 2013.
- South Lakeland Development Management Policies Development Plan Document - adopted 28 March 2019.

Other Material Considerations

National Planning Policy Framework (NPPF)

8.4 The NPPF sets out government's planning policies for England and how these are expected to be applied. This is a material consideration in planning decisions.

8.5 At the heart of the NPPF is a presumption in favour of sustainable development (Paragraph 11). However, Paragraph 12 confirms that the presumption does not change the statutory status of the development plan as the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan, permission should not usually be granted. In this case, the relevant sections of the NPPF are:

8.6 The following sections are considered relevant to this application:

9.0 PLANNING ASSESSMENT

The presumption in favour of sustainable development

9.1 Paragraph 8 of the National Planning Policy Framework (NPPF) introduces the overarching economic, social and environmental objectives central to achieving sustainable development.

9.2 Paragraph 9 of the NPPF is clear that these objectives should be delivered through the preparation and implementation of development plans and the application of the policies in the NPPF; they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.

Main Planning Issues

9.3 The main planning issues for this planning application are as follows:

- Visual Impacts
- Impact on residential amenity
- Drainage
- Biodiversity
- Highway Safety

Landscape and Visual Impacts

9.4 National and Local Policy requires development to take account of the settlement vernacular features and character. Policy CS1.1 requires that development is of a high quality and quality and that localised and appropriate

design is incorporated to retain distinctive character/ sense of place and to enhance the existing building. Policies CS8.2 and Policy CS8.10 require that the siting, design, scale and materials of all development should be of a character which maintains or enhances the quality of the landscape or townscape and, where appropriate, should be in keeping with local vernacular tradition. Policies DM1 and DM2 require that development responds appropriately to the proposal site's location context, local and settlement character and distinctiveness.

- 9.5 The proposed works would not be overly prominent when viewed from the public realm, with the majority of the works being located to the rear or set back from the front elevation. The proposed design and materials would ensure that it would assimilate well with the host dwelling. The proposed dormer is of a similar design to other dormers in the area. Although it is quite large, the applicant would have a fall back option because given the dormer's size and location it would be permitted development and would not require planning consent, if taken in isolation. Therefore, it is considered that the proposed development is acceptable in principle.
- 9.6 Overall the proposals are considered to be compliant with Policy DM2 and Policy DM3 of the DM DPD which requires that new development should be "well proportioned, positioned and in scale with its surroundings...by avoiding the creation of dominant or incongruous extensions and alterations to existing buildings."

Residential Amenity

- 9.7 Policy DM1 of the DM DPD requires that development should ensure the delivery of acceptable levels of amenity, privacy and overshadowing for existing, neighbouring and future users and occupants. An objection has been received, which relates to the potential for the creation of an overbearing impact, loss of light, and loss of view towards to the sea as a result of the proposal.
- 9.8 The proposed development to the rear would have a relatively large projection. The extension would project approx. 3m along the northern boundary and would have a flat roof minimising the impact on the property to the north of the site. With regards to the property to the south, this property is approximately 10m from the proposed side extension. This part of the proposed extension is single storey and has a sloping roof away from the neighbouring property and therefore would have a limited impact.
- 9.9 Objections have been received from a neighbour and from the Parish Council relating to loss of privacy. The proposed high level glazing in the rear extension would be located approximately 10 metres from the rear boundary with the

neighbouring dwelling to the east, and would overall be located over 20 metres from the rear elevation of the neighbouring property. The proposed dormer would be located approximately 18 metres from the rear boundary and approximately 29 metres from the rear elevation of the property to the east.

- 9.10. The new glazing at first floor level in the rear extension would be high level. It should be noted that internally the first floor would be set back from the windows at first floor level, further reducing the potential for any overlooking. Notwithstanding this, the separation distance of approximately 20 metres between the proposed rear windows and the neighbour's rear elevation is sufficient to protect the privacy and amenity of the neighbouring residents.
- 9.11 Given the above, the proposal would not have a significant impact on the neighbouring properties. The extensions would be seen as a compromise between the need for space by the applicant and an acceptable impact on the neighbouring residents.
- 9.12 Due to the location of the development, the layout of the property and its neighbours, and the separation distances involved there will be no overshadowing impact or significant loss of privacy from this development to the properties to the side and rear. Accordingly, the proposal is considered to comply with Policy DM1.

Drainage

- 9.13 Surface water will be disposed of through the existing measures. The existing drainage is considered to be an appropriate arrangement that will not result in run off increasing the risk of flooding.
- 9.14 Based on the above the proposed development is considered to comply with Policy DM6 and DM7 of the Development Management Policies DPD and Para 159 of the NPPF.

Biodiversity

- 9.15 The NPPF para 170 (d) requires that proposals minimise impacts on and provide net gains for biodiversity this is echoed through Local Policies DM1 and DM4, which require that unless it can be demonstrated that it is not possible, all development proposals should result in net gains for biodiversity.
- 9.16 A condition will be placed on any permission requiring a bat or bird box be installed to ensure a net gain in biodiversity in accordance with the above policies.

Highway Safety

- 9.17 The development will not lead to an increase in the number of vehicles entering or leaving the site or need for car parking. The existing access arrangements

will not be altered. The access and level of parking on site is acceptable and would accord with Policy DM9 and the parking standards within the Cumbria Design Guide.

Other

- 9.18 A tree is located at the rear of the site. The Tree Officer has stated that the works are unlikely to impact on the tree but a Tree Protection Plan and Arboricultural Method Statement for the scheme should be submitted prior to works commencing on site.
- 9.19 It is considered that given the fact that the trees are located a significant distance from the proposal, and the tree is not protected, a standard condition will be placed on any approval stating that works cannot be carried out in close proximity to the tree. This will ensure that the tree is protected without the need for unnecessary expense for the owner of the property.

10.0 CONCLUSION

- 10.1 In summary, it is considered that the proposed development is in accordance with the development plan, there are no material considerations that indicate the decision should be made otherwise and with the planning conditions proposed, any potential harm would reasonably be mitigated.
- 10.2 Under Section 149 of the Equality Act 2010 Local Planning Authorities must have due regard to the following when making decisions (i) eliminating discrimination, (ii) advancing equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it, and (iii) fostering good relations between persons who share a relevant protected characteristic and persons who do not share it. The protected characteristics are age (normally young or older people) disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation.
- 10.3 In determining applications, the Council must ensure that all parties get a fair hearing in compliance with the provisions of Article 6 under the European Convention on Human Rights, as now embodied in UK law in the Human Rights Act 1998.

RECOMMENDATION

It is recommended that planning permission be granted subject to the following conditions:

Time Limit for Commencement

1. The development permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Approved Plans

2. The development hereby granted shall be carried out in accordance with the drawings hereby approved:

- i) 01B received 02/02/2024
- ii) 02B received 02/02/2024

Reason: To ensure a satisfactory development and to avoid any ambiguity as to what constitutes the permission.

Materials

3. The development hereby permitted shall be constructed entirely of the materials details of which are shown on the submitted application form and i) 01B received 02/02/2024 and ii) 02B received 02/02/2024 The approved materials shall be retained thereafter, unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure the development is of a high quality design in accordance with Policy DM2 of the Development Management Policies Development Plan Document and Policy CS8.10 of the South Lakeland Core Strategy.

Bat/Bird Box

4 Within 4 weeks from the completion of the development, a bat/bird box shall be installed within the site. The bat/bird box shall be retained for the life of the development. A native tree shall be planted within the first planting season following the substantial completion of the development.

Reason: To ensure the development achieves a net gain in biodiversity in accordance with Policy DM1 and DM4 of the Development Management Policies Development Plan Document.

Tree Protection

5 No fires shall be lit within 10 metres of the nearest point of the canopy of any retained tree, no equipment, machinery or structure shall be attached to or supported by a retained tree, no trenches shall be excavated or services installed in the root protection area and no mixing of cement or use of other contaminating materials or substances shall take place within the root protection area that seepage or displacement could cause them to enter a root protection area.

Reason: To ensure the protection and retention of important landscape features.