CUMBERLAND COUNCIL
DELEGATED PLANNING DECISION

1.	**Reference No:**	4/26/2272/0F1
2.	**Proposed Development:**	PROPOSED FIRST FLOOR BEDROOM EXTENSION OVER EXISTING GARAGE
3.	**Location:**	9 LAYFIELD LANE, CLEATOR MOOR
4.	**Parish:**	Cleator Moor
5.	**Constraints:**	ASC Adverts - ASC;Adverts, Coal - Standing Advice - Data Subject To Change
6.	**Publicity Representations &Policy**	See report.
7.	**Report:**	

LOCATION

This application relates to 9 Layfield Lane, a detached property located within a private residential cul de sac within Cleator Moor.

PROPOSAL

Planning Permission is sought for the construction of a first-floor side extension over the existing garage.

The extension will project 2.785m from the side elevation and will be 9.51m in length from front to back, with an eaves and ridge height to match the existing dwelling. The proposal also includes a smaller front projection of 1.3m with a hipped roof.

The extension will provide the dwelling with an additional bedroom and study at first floor.

The extension will be finished with facing bricks, concrete interlocking roof tiles and upvc windows and doors to match the existing.

RELEVANT PLANNING APPLICATION HISTORY

4/13/2175/0F1 FIRST FLOOR EXTENSION ABOVE EXISTING GARAGE TO FORM EN-SUITE BEDROOM PLUS FIRST FLOOR BALCONY TO REAR OF PROPERTY - Approve

CONSULTATION RESPONSES

Cleator Moor Town Council

No objections.

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.

Public Representations

The application has been advertised by way of neighbour notification letters issued to 2 no. properties.

Numerous objections from 1 property were received as a result of this consultation which are briefly summarised below:

- Overlooking 10 Layfield Lane garden/decking from front and side elevation windows.
- Concerns regarding obscure glazing may protect privacy when the window is closed, while an open section could allow a direct view onto our decking, following amended plans.
- We understand that the applicant works from home five days a week, so the study would be occupied for prolonged periods. Our concern is that views through the open side-hung window would significantly affect our privacy when using the decking and garden. The proposed study also appears to have other windows, and we would like to discuss whether this side window needs to open.
- Regarding the 2013 approval at number 9, our raised decking did not exist at that time. The archived photos show we had a greenhouse in our garden, before the raised decking and seating area were installed which are in place now. The current relationship between the proposed window and our decking is therefore now different. Although the archived drawings show two small side windows, the previous owner subsequently agreed to remove these from his intended scheme following our concerns. The extension was never built.
- Our preferred outcome is removal of the side window. If retained, we request permanent obscure glazing and a permanently fixed, non-opening fitting, secured by

an appropriate planning condition requiring these features to be retained.

- Remain concerned that the owners could apply in future to vary or remove these restrictions. Given how close the proposed window would be to our raised decking, our preference remains for it to be removed altogether. As the study already has another window, ask the applicants to reconsider removing it? If it is retained, please confirm that the final condition will require both the Level 5 obscure glazing and the non-opening arrangement to be retained thereafter, specifically to protect our privacy.

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 H14: Domestic Extensions and Alterations

Policy N1: Conserving and Enhancing Biodiversity and Geodiversity

Strategic Policy N3: Biodiversity Net Gain

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 scale and design and the potential impacts on residential amenity, and biodiversity net gain.

Principle of Development

The proposed application relates to a residential dwelling situated within Cleator Moor The development would provide a first floor extensions 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.

Policy DP3 of the NPPF states that one of the key principles for well-designed places is that development should respond to their context (the history, character and features of their site and its setting), so that they integrate with and enhance their surroundings; such as through the arrangement of development plots and buildings, the use of materials and architectural features, and the restoration, reuse and integration of heritage assets.

The extension will project 2.785m from the side elevation and will be 9.51m in length from front to back, with an eaves and ridge height to match the existing dwelling. The proposal also includes a smaller projecting element to the front of 1.3m with a hipped roof. The extension will provide the dwelling with an additional bedroom and study at first floor.

The extension is considered to be appropriately located within the site, over an existing single storey garage. The overall scale, massing and siting is considered acceptable and would therefore not result in over development of the site.

The extension will be finished with facing bricks, concrete interlocking roof tiles and upvc windows and doors to match the existing. The use of matching materials ensures that the proposal compliments the existing property, and the wider residential area.

The proposal therefore complies with Policies DS4 and H14 of the Copeland Local Plan, and the NPPF 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.

Amenity issues between the proposed extension and the neighbouring property were considered given the number of objections received.

A previous scheme was approved in 2013 for a larger proposal, which contained 2 side elevation windows, although this was never built and the permission has subsequently lapsed. Given the relationship between the existing dwelling and the neighbouring property has now changed, amended plans were sought as part of the assessment to ensure that the small side elevation window adjacent to Number 10 Layfield Lane decking/garden is fitted with L5 obscure glazing, and is non-opening to protect residential amenity, as the proposed first floor study is a habitable room.

Whilst the objectors' preferred outcome was the full removal of the side elevation window, It was not considered necessary to remove the window in its entirety, as it is considered that the use of an appropriately worded Planning Condition to secure these details is acceptable to mitigate against overlooking concerns.

Another objection raised concerns regarding overlooking from the proposed first floor front and rear windows. It is considered that the proposed first floor rear window will overlook the parent property garden, and the proposed front elevation window will overlook the host property driveway/Layfield Lane, which is similar to other extensions within the Layfield Lane cul de sac, and wider residential area.

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

Concerns regarding the applicants/future owners to apply to vary or remove these restrictions is not a material consideration to this decision. Any application that may be submitted in future would be determined on its own merits and cannot be used as justification to refuse this current application.

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

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

<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 except 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. 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. <u>Planning Balance and Conclusion</u> The proposed development will provide a first floor extension to the dwelling. It is considered to be 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 use of an appropriately worded Planning Condition to ensure the first floor study side elevation window is obscure glazed and non opening is considered acceptable to mitigate overlooking/privacy concerns raised. The proposal is not subject to Biodiversity Net Gain. 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)
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.

Cumberland Council

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 1st September 2026;
- Existing Survey, scale 1:100 drawing NKS / AT / 26 / 01, received 1st September 2026;
- A4 Window View (additional), received 27th September 2026;
- Proposed Scheme, drawing NKS / AT / 26 / 02, received 15th October 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. Prior to first occupation, the side elevation window in the proposed Study shall be fitted with Level 5 Obscure Glazing and shall be non-opening, as shown on drawing NKS / AT / 26 / 02 received by the Local Planning Authority on 15th October 2026. These details shall be permanently retained for the lifetime of the development thereafter and shall not be removed or altered without prior written consent from the Local Planning Authority.

In order to protect residential amenity in accordance with Policies DS4 and HS14 of the Copeland Local Plan 2021-2039.

Informative Notes

Development Low Risk Area – Standing Advice – Mining Remediation Authority

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

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. **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 : 06/11/2026**
Authorising Officer: N.J. Hayhurst	**Date : 06/11/2026**
Dedicated responses to:-	