CUMBERLAND COUNCIL
DELEGATED PLANNING DECISION

1.	**Reference No:**	4/26/2274/0F1
2.	**Proposed Development:**	DEMOLISH EXISTING DETACHED GARAGE, REPLACE WITH LARGER ATTACHED GARAGE
3.	**Location:**	WEST GARTH, SCALEGILL PLACE, MOOR ROW
4.	**Parish:**	Egremont
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 West Garth, a detached bungalow located on Scalegill Place, within Moor Row. The property benefits from a modest sized curtilage with a detached garage to the side.

PROPOSAL

Planning Permission is sought for the demolition of the existing detached garage, and construction of a larger one. The new garage will be adjoined to the existing dwelling and will project 6.4m from the side elevation. It will be 8.1m in length from front to rear. It has been designed with a dual pitched roof with an eaves height of 2.4m and an overall height of 4.5m. It contains 2 single access doors, 1 on the rear elevation and 1 on the front elevation, a garage door on the front elevation and a window on the side elevation.

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

RELEVANT PLANNING APPLICATION HISTORY

4/17/2426/0F1 - SINGLE STOREY FRONT EXTENSION AND REPLACEMENT OF EXISTING CONSERVATORY WITH SUN ROOM - Approve

CONSULTATION RESPONSES

Egremont Town Council

No objections.

Highways and LLFA

No comments received to date.

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 H14: Domestic Extensions and Alterations

Cumberland Council

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 Moor Row. The development would provide a new, larger garage 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 new garage will be adjoined to the existing dwelling and will project 6.4m from the side elevation and will be 8.1m in length from front to rear. It has been designed with a dual pitched roof with an eaves height of 2.4m and an overall height of 4.5m to match the overall height of the existing bungalow. It contains 2 single access doors, 1 on the rear elevation and 1 on the front elevation, a garage door on the front elevation and a window on the side elevation.

Whilst the new garage is larger than the existing one, it is considered to be appropriately

	located within the site to the side. The overall scale, massing and siting is considered acceptable and would therefore not result in over development of the site. The garage will be finished with render, concrete 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. <u>Residential Amenity</u> 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 extension would be suitably located within the site and replaces a smaller garage on site. Whilst the garage does propose a window on the side elevation adjacent to the rear boundary of numbers 1-2 Scalegill Place, this elevation is located 4.5m away from the boundary. There is also a 1.8-2m high boundary fence/hedgerow along this boundary which will screen the rear ground floor windows of the adjacent property from the proposed garage. On this basis, there are no detrimental overlooking or privacy issues considered to occur as a result of this development. Given the size of the garage, it is considered necessary to attach a planning condition to the approval which restricts the garage to domestic use only to further protect residential amenity. 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. 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 garage extension to the dwelling, by demolishing the existing detached garage. Overall, it is considered 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 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. 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 2nd September 2026;
- Site Location Plan, scale 1:1250, received 2nd September 2026;
- Existing Floor Plan, scale 1:100, received 2nd September 2026;
- Proposed Floor Plan, scale 1:100, received 2nd September 2026;
- Existing Front Elevation, scale 1:100, received 2nd September 2026;
- Proposed Front Elevation, scale 1:100, received 2nd September 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 garage must be used for the parking of private vehicles and the storage of domestic equipment only in association with the residential property known as West Garth and for no commercial or business purposes whatsoever.

Reason

To ensure that non-conforming uses are not introduced into the area.

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.

Cumberland Council

	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 : 26/10/2026**
Authorising Officer: N.J. Hayhurst	**Date : 26/10/2026**
Dedicated responses to:- N/A	