CUMBERLAND COUNCIL
DELEGATED PLANNING DECISION

1.	**Reference No:**	4/26/2281/0B1	
2.	**Proposed Development:**	VARIATION OF CONDITION 2 (REVISION PLANS TO INCORPORATE BI_FOLDS DOORS ON REAR ELEVATION) OF PLANNING APPROVAL 4/26/2220/0F1 - CONSTRUCTION OF A 2 STOREY SIDE EXTENSION OVER THE EXISTING GARAGE INCLUDING THE INSTALLATION OF SOLAR PANELS, WITH EXTERNAL BRICK PILLAR AND ASSOCIATED LANDSCAPING, PLUS INTERNAL AND EXTERNAL ALTERATIONS TO AN EXISTING DWELLING	
3.	**Location:**	51 LOWTHER ROAD, MILLOM	
4.	**Parish:**	Millom	
5.	**Constraints:**	ASC Adverts - ASC;Adverts, Coal - Off Coalfield - Data Subject To Change, Key Species - Potential areas for Natterjack Toads, PROWs - Public Right of Way	
6.	**Publicity Representations &Policy**	Neighbour Notification Letter	Yes
		Site Notice	No
		Press Notice	No
		Consultation Responses	See Report
		Relevant Policies	See Report
7.	**Report:** **Site and Location**		

This application relates to 51 Lowther Road, a detached residential property located within the south west of Millom. The property is located upon a corner plot, sited at the junction of Lowther Road and Ennerdale Close. The property benefits from a large front, side, and rear garden, a driveway, and shed to be demolished as part of this development.

Proposal

In August 2026, planning permission was granted for the construction of a 2 storey side extension over the existing garage including the installation of solar panels, with external brick pillar and associated landscaping, plus internal and external alterations to an existing dwelling (application 4/26/2220/0F1 refers).

This current application seeks to vary condition 2 of planning approval 4/26/2220/0F1 relating to the submitted plans for this development. The proposal seeks to alter the previously approved rear window within the existing dwelling with a bifold door, and internal alteration to relocate the proposed dining room.

Consultation Responses

Millom Town Council

No objections in principle to this application.

Cumberland Council – Highway Authority & Lead Local Flood Authority

The Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) can confirm that we have no objection to the proposed development as it is considered that it will not have a material effect on existing highway conditions nor will it increase the flood risk on the site or elsewhere.

Public Representation

This application has been advertised by way of neighbour notification letters issued to 5 properties. No responses have been received to this statutory notification period.

Planning Policy

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 the 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 LP as commenced by Copeland Borough Council.

The LP 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.

Strategic Policy DS1: Settlement Hierarchy

Strategic Policy DS2: Settlement Boundaries

Policy DS4: Design and Development Standards

Strategic Policy DS6: Reducing Flood Risk

Policy DS7: Sustainable Drainage

Policy H14: Domestic Extensions and Alterations

Strategic Policy N1: Conserving and Enhancing Biodiversity and Geodiversity

Strategic Policy N3: Biodiversity Net Gain

Strategic Policy CO4: Sustainable Travel

CO7: Parking Standards

Other Material Planning Considerations

National Planning Policy Framework (2026)

National Planning Practice Guidance (NPPG)

Cumbria Development Design Guide

Assessment

Under Section 73 of the Town and Country Planning Act 1990, an application can be made to vary or remove a condition associated with a permission. The effect of an application under Section 73 is the issue of a new permission sitting alongside the original permission, which remains intact and unamended. The NPPG outlines that to assist with clarity it states that decision notices should also repeat the relevant conditions from the original permission

	unless they have already been discharged. As a Section 73 application cannot be used to vary the time limit for implementation this condition must remain unchanged from the original permission. In terms of the conditions attached to the previous decision notice (ref: 4/26/2220/0F1), condition 1 will be amended to ensure the timescales of the original approval is reflected. Condition 3 will be repeated to ensure that works are carried out as per the approved details. This current application seeks to vary condition 2 of planning approval 4/26/2220/0F1. Condition 2 relates to the approved plans for this application. The proposal seeks to amend the previously approved rear window within the existing dwelling with a bifold door, and internal alteration to relocate the proposed dining room. The proposed alterations to the external appearance of the scheme are considered to be acceptable in the context of the existing site and wider area. The proposal is not considered to have an adverse impact on neighbouring properties.
8.	**Recommendation:** Approve
9.	**Conditions:** <u>Standard Conditions</u> 1. The development hereby permitted must be commenced before the 25th August 2029. 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 must relate to the following plans and documents as received on the respective dates and development must be carried out in accordance with them:- - Application Form, received by the Local Planning Authority on the 7th July 2026. - Location/Block Plan, Scale 1:500 & 1:1250, Drawing Number: 26-26-P-L, Revision: -, received by the Local Planning Authority on the 7th July 2026. - Proposed Site Plan, Scale 1:200, Drawing Number: 26-26-P-01, Revision: -, received by the Local Planning Authority on the 7th July 2026. - Plans as Existing, Scale 1:100, Drawing Number: 26-26-P-02, Revision: -, received by the Local Planning Authority on the 7th July 2026.

Cumberland Council

- Elevations as Existing, Scale 1:100, Drawing Number: 26-26-P-03, Revision: -, received by the Local Planning Authority on the 7th July 2026.
- Existing 3D Sketches, Scale: - , Drawing Number: 26-26-P-04, Revision: -, received by the Local Planning Authority on the 7th July 2026.
- Plans as Proposed, Scale 1:100, Drawing Number: 26-26-P-05, Revision: B, received by the Local Planning Authority on the 9th September 2026.
- Elevations as Proposed, Scale 1:100, Drawing Number: 26-26-P-06, Revision: C, received by the Local Planning Authority on the 9th September 2026.
- Proposed 3D Sketches, Scale: -, Drawing Number: 26-26-P-07, Revision: C, received by the Local Planning Authority on the 9th September 2026.
- Email from Agent – Justification for Proposed, received by the Local Planning Authority on the 27th July 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.

Other Conditions:

3. The extension hereby permitted must be used and occupied only as ancillary residential accommodation to the existing dwellinghouse, 51 Lowther Road, and shall thereafter at no time be subdivided, occupied or sold as a separate, independent residential planning unit.

   Reason

   The extension is not considered appropriate for use as a separate residential unit in accordance with DS4 of the Copeland Local Plan.

Informative:

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 exemptions: The development falls under the definition of a householder application. **Statement:** The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and negotiating with the applicants acceptable amendments to address them. As a result the Local Planning Authority has been able to grant planning permission for an acceptable proposal in accordance with Copeland Local Plan policies and the presumption in favour of sustainable development as set out in the National Planning Policy Framework.
Case Officer: C. Burns	**Date :** 19.10.2026
Authorising Officer: N.J. Hayhurst	**Date :** 26.10.2026
Dedicated responses to:- N/A	