

SCHEDULE A: Applications with Recommendation

15/0239

Item No: 03

Date of Committee: 10/07/2015

Appn Ref No:
15/0239

Applicant:
Mr & Mrs Cowper

Parish:
Hayton

Agent:
Dorli Newbery Structures

Ward:
Great Corby & Geltsdale

Location: Garages between Corner House and former Hare and Hounds, Talkin, Brampton

Proposal: Demolition Of Garage And Erection Of 2no. Bedroom Dormer House (Revision To Application 10/0325)

Date of Receipt:
23/03/2015 13:00:34

Statutory Expiry Date
18/05/2015 13:00:34

26 Week Determination

REPORT

Case Officer: Angus Hutchinson

1. Recommendation

- 1.1 It is recommended that this application is approved with conditions.

2. Main Issues

- 2.1 whether the site would be appropriate for residential use in the light of national/local planning policy objectives and sustainability;
- 2.2 the effect on highway safety/parking;
- 2.3 impact on the living conditions of neighbouring residents;
- 2.4 potential site contamination; and
- 2.5 impact on the character of the area.

3. Application Details

The Site

- 3.1 This application relates to what appears to have originally been a single storey dwelling that became a cobblers, and was subsequently converted to form a double garage. It currently has sandstone walls with corrugated sheeting on the roof and is located to the immediate south of the dwelling

known as Hunters House (formerly the Hare and Hounds PH), approximately 15 metres to the north of the crossroads leading to Castle Carrock, Brampton, Forest Head and Farlam. To the south there is a two storey dwelling known as the Corner House; and to the immediate west a one metre wide path and a single storey storage building externally constructed with sandstone and corrugated sheeting. The aforementioned storage building is part of the courtyard associated with Croft House which lies approximately 16 metres to the west of the application site. The Blacksmiths Arms PH is also within the immediate vicinity.

Background

- 3.2 In 2006, under application 06/1108, planning permission was given for the change of use of the garage to a dwelling that was subsequently renewed in January 2010 (application 09/0981).
- 3.3 In May 2010 (application 10/0325) planning permission was given to vary the permission granted under 06/1108 and 09/0981 with the approved plans showing the re-building of walls, the raising of roofline to increase the head height to form a first floor and erection of a flat roofed ground floor extension; the ground floor to consist of a kitchen/dining area, lounge, store, utility and wc/shower; the first floor to provide two bedrooms, a study and a bathroom; a chimney; two dormer windows on the east elevation; and the insertion of three roof lights, solar panels and a photo voltaic panel on the west elevation.
- 3.4 The current application effectively seeks to renew the permission granted under 10/0325.

4. Summary of Representations

- 4.1 This application has been advertised by the direct notification of the occupiers of four neighbouring properties in response to which 3 formal objections have been received (as well as footage of the site) on the following grounds:
 - 1. Parking is becoming an increasing problem in the village. This is due to a combination of factors. Firstly there are a number of teenagers who have recently passed their driving tests and who now own vehicles. Then there is the problem of limited parking elsewhere in the village forcing residents to park in the middle of the village. We have counted 19 vehicles which regularly park on the main road through the village although there are only 9 properties on this stretch of highway (two of them unoccupied at present). This does not include parking for visitors, fell walkers or customers of the Pubic House. We notice that on the application it states number of existing parking spaces 0, number proposed 0 difference 0;
 - 2. Building work would obviously incur quite a few tradesmen's vehicles not to mention delivery lorries and materials being temporarily stored/dumped either on the pavement or the highway;

3. The adjoining property (Corner House) is rented and the landlords cannot foresee the tenants staying if massive building work is going on - there will undoubtedly be a great deal of disruption and noise including jack hammering, mini diggers, dusty stone saws and hammer drilling etc. If they feel compelled to leave it will be almost impossible to find new tenants while building work is going on. Building work could last up to a year thus the landlords would suffer significantly financially;
4. Concerned about possible damage to neighbouring property - there is an existing chimney which straddles both the bathroom of the Corner House and the proposed development. The owners of the Corner House will not give their consent to building up under the Party Wall Act 1966;
5. Overall this application does not have a lot going for it with parking problems, having to store waste bins inside the property (in reality they will end up on the pavement causing an obstruction), general lack of space, and a lapsed permission. Generally its a bad idea and we hope it is rejected.
6. The plans show a bathroom to be built on the ground floor outside the footprint of the existing building. This would be a flat roof extension built on an alleyway that runs between Croft House and the existing garage building. The plans show that it is proposed that the wall of the new building is to be built against an outbuilding associated with Croft House which will prevent access for maintenance purposes.
7. The occupiers of Croft House have concerns as to where rainwater would drain to as the flat roof appears to come up roof level with their building.
8. The proposal will overlook Croft House.
9. The Court Yard referred to the recent Design and Access statement is part of Croft House and is therefore private, with no neighbouring properties having access to it. It is felt that the reference made to this yard in the aforementioned statement implied that other properties could access and were part of this area. This is not the case.
10. It is likely that drains flow from Croft House under the garages to join the main sewer and there are concerns that the proposed demolition and excavation will cause problems and to date there has been no communication with the occupiers of Croft House regarding the development from the current owners or their agents - it is believed that the applicants need the permission to begin this work and to build using a party wall.
11. It is alleged that the proposal will a) encroach on the foundations of the outbuilding and boundary wall of Croft House; b) encroach on the guttering; c) no reference has been made to the occupiers of Croft House regarding construction and joints to their building; and d) drainage is likely to connect to theirs.

12. The building will block light into the lounge and a double room serving Hunters House and will make the rooms seem very dark, and smaller.
13. The view will also be obstructed - not be able to see the fells and the village any more.
14. The sunrise will not be visible and the morning light into the two main rooms serving Hunters House will be very little.
15. Privacy will be taken away - i.e. will be able to see into the lounge of Hunters House from the back yard and rear windows.
16. When the previous planning permission ran out the owner of Hunters House spent thousands on this wall to have it renovated and then painted as before it was just blocks and was an eye sore to the village. The applicants previously had their chance with their planning permission and they did nothing and let it go.
17. The occupiers of Hunters House will be disturbed when the building was being knocked down.
18. It is alleged that the value of the property would decrease as it would become an end terrace reducing the price by 80,000 to 100,000.

5. Summary of Consultation Responses

Cumbria County Council - Highways & Transportation:- the scheme is the same as that approved under 10/0325, hence the response provided by this Authority to 10/0325 would apply to this application i.e. no objection.

Hayton PC: - no wish to comment.

British Gypsum: - no comments received.

6. Officer's Report

Assessment

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 6.2 In this case the development plan comprises the saved policies of the Carlisle District Local Plan 2001-2016 (CDLP) of which DP1, H1, CP2, CP5, CP6, CP12, and T1 are of particular relevance.
- 6.3 In relation to the emerging Local Plan, the City Council has prepared the "Carlisle District Local Plan 2015 – 2030 Proposed Submission Draft - February 2015" (CDLP 2015-2030) for consultation which commenced on the 4th March 2015. The consultation period on the CDLP 2015-2030 closes on the 20th April, beyond which the Council intends to submit the Plan for

independent examination in June 2015. The City Council resolved at their meeting of the 10th February 2015, with regards to the CDLP 2015-2030, that *“once published for consultation, weight be given to the Carlisle District Local Plan (2015 – 2030) as a material consideration when exercising Development Management policy decisions, in accordance with paragraph 216 of the National Planning Policy Framework”*. In exercising a decision on the proposal regard has therefore been had to the relevant policies and proposals within the emerging CDLP 2015-2030. The policy of the CDLP 2015-2030 of particular relevance is HO2.

- 6.4 At a national level, other material considerations include the National Planning Policy Framework, March 2012 (the Framework/NPPF), and Planning Practice Guidance (April 2014). Paragraph 215 of the NPPF highlights that due weight should be given to policies in such existing development plans according to their degree of consistency with the Framework. Paragraph 216 explains the weight that can be afforded to the policies of emerging plans. Paragraph 6 confirms that the policies set out in paragraphs 8 to 219 of the Framework, taken as a whole, constitute the meaning of sustainable development. Paragraph 14 of the NPPF highlights the presumption in favour of sustainable development which is referred to as “a golden thread”. For decision-taking this means approving development proposals that accord with the development plan; and where the development plan is absent, silent or out of date, grant permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits; or
- specific policies in this Framework indicate development should be restricted.

- 6.5 Paragraph 17 of the NPPF identifies 12 core planning principles including taking account of the different roles and character of different areas; supporting the transition to a low carbon future; contribute to conserving and enhancing the natural environment and reduce pollution; and conserve heritage assets.

- 6.6 Paragraph 55 of the NPPF goes on to explain that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities....

“For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:

- *the essential need for a rural worker to live permanently at or near their place of work in the countryside; or*
- *where such development would represent the optimal viable use of a heritage asset...*
- *where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or*
- *the exceptional quality or innovative nature of the design of the*

dwelling.”

- 6.7 In this context it is considered that the five main issues when determining this application are:
- 1) whether the site would be appropriate for residential use in the light of national/local planning policy objectives and sustainability;
 - 2) the effect on highway safety/parking;
 - 3) impact on the living conditions of neighbouring residents;
 - 4) potential site contamination; and
 - 5) impact on the character of the area.
- 6.8 In relation to 1) it is evident that Talkin is identified under Policy H1 of the CDLP (2001-2016) as a settlement suitable for small scale infill development subject to compliance with a number of criteria and is evidenced by local need to be in that location. Although no local need has been put forward for this application it should, however, be noted that such a requirement is neither stipulated in paragraph 55 of the NPPF nor Policy HO2 of the CDLP 2015-2030.
- 6.9 When considering the matter of highway safety and parking it is apparent that the proposal will lead to the loss of a double garage, and the creation of an additional dwelling without any off-street parking. In mitigation it is recognised that the garage is detached from the previous owner's property which is in itself contained. Any additional parking associated with the proposed dwelling should also be limited. It is in such circumstances that the Highways Authority has not objected to the proposal.
- 6.10 In relation to 3) and the living conditions of neighbouring residents the main areas of concern revolve around whether the proposal (with particular regard to the first floor accommodation) would be oppressive; cause overshadowing/losses in light (daylight/visible sky and sunlight); and/or be detrimental to the privacy of the occupiers of any neighbouring property.
- 6.11 When considering whether the proposal will cause an oppressive feature, the proposal is consistent with the frontages of Corner House and Hunters House. This aside, it will lead to a taller element closer to the boundaries of the neighbouring properties i.e. an increase in eaves height from 2.4 metres to 4.5 metres, and ridge height from 4.35 metres to 6 metres. However, the proposed ridge height is less than those at the Corner House and Hunters House; the neighbouring property at the Corner House does not have any windows on the north elevation facing the application site; and Croft House lies approximately 16 metres to the west of the application site. In relation to Hunters House the proposal is at right angles to the existing ground floor side window serving the lounge and first floor window serving a bedroom window. In the case of the lounge window this is equivalent to a secondary window with the main aspect being the conservatory and associated courtyard. In the

context of the respective distance apart, height of the proposed ridge and first floor bedroom window it is considered that the proposal will be readily apparent but not form an oppressive feature in itself sufficient to merit the refusal of permission.

- 6.12 Nevertheless, the increase in massing represented by the proposal will have an impact with regard to both daylight/visible sky and sunlight. In the case of daylight/visible sky, and as indicated above, the proposal will lead to a two storey element (with an eaves height of 4.5 metres, and a ridge height of 6 metres). In comparison to the existing situation, the proposal will lead to a loss in daylight/visible sky when viewed from the ground floor lounge window of Hunters House. In mitigation, it is evident that this is already the case to a significant degree with regard to the impact of the existing building; and the primary aspect of the lounge is the conservatory and courtyard. As such, the loss in daylight/visible sky from the lounge window is considered to be of limited significance. In the case of the first floor bedroom window, and in the light of the north-south axis, the proposal will impact upon the evening sun but to such an extent that it does not justify the proposal being considered unacceptable. On this basis it is considered that the proposal is not sufficiently harmful to resist on grounds of losses in light to Hunters House. In the case of the Corner House and Croft House, it is considered that (because of the respective relationships, distances apart and the height of the proposed structure) daylight/visible sky is unlikely to be significantly affected; and the proposal will not lead to significant losses in light or cause overshadowing that merit the proposal being considered unacceptable.
- 6.13 When considering the matter of privacy, the ground floor lounge window at Hunters House is at right angles to a window which would serve the lounge of the proposed dwelling. The submitted plans indicate that the aforementioned window will be side hung and obscurely glazed to factor 3 or better. The existing garages are already served by a yard which the proposal does not materially alter. On this basis it is considered that the proposal will not exacerbate any losses in privacy for the occupiers of Hunters House sufficient to merit the refusal of permission. In the case of Croft House, the existing garage building is sited behind a single storey outbuilding with approximately 14 metres between facing walls. The submitted plans show that the ground floor of the proposed development would just consist of a door and the obscurely glazed lounge window; and the first floor would be served by three roof lights. As such it is considered that the proposal should not exacerbate any harm in terms of privacy to the occupiers of Croft House.
- 6.14 When considering any harm caused by noise and disturbance generated by the potential occupiers of the proposed dwelling this should be viewed against the current use of the building as a double garage.
- 6.15 In relation to 4) and the matter of contamination, the submitted Design and Access Statement states that in the 1900's the existing building appeared to be a single storey dwelling that became a cobblers shop, and subsequently converted into two (domestic) garages. A letter from the agent dated the 18th May 2010, which accompanied the previous application 10/0325, also stated that a hole was dug based upon which there appeared to be clean substrata below a depth of 300mm through to a depth of 900mm; above 300mm the

evidence indicated no significant contamination other than what would be expected from a domestic garage; and it is intended to provide a non permeable sheet over the whole site area thus preventing any possible seepage of any minor contaminants into the fabric of the new building. This issue was previously addressed by the imposition of a relevant condition.

- 6.16 Finally, when considering the design it is apparent that dormer windows are a feature already associated with existing properties in the Village such as Ash Tree House; the proposed external materials are typical of neighbouring properties; and the proposed scheme retains the variety in ridge heights.

Other Matters

- 6.17 It is appreciated that the occupiers of neighbouring properties have raised a series of other concerns such as drainage, access for maintenance, a private right of access, and the loss of view. In response, the submitted plan shows a drain leading to a new sewer connection with the other issues considered to be civil matters. Thus these matters are considered not to have sufficient weight to determine the outcome of the application.

Conclusion

- 6.18 In conclusion, it is considered that the site is appropriate in principle for residential use; any additional parking associated with the proposed dwelling would be limited; the proposal would not be oppressive; cause overshadowing/losses in light (daylight/visible sky and sunlight); and/or be detrimental to the privacy of the occupiers of any neighbouring property sufficient to refuse permission; not exacerbate any harm in terms of privacy or noise/disturbance for neighbouring residents; any issues associated with contamination was previously addressed by the imposition of a relevant condition; and the design safeguards the character of the area.

7. Planning History

- 7.1 In 2006, under application 06/1108, planning permission was given for the change of use of the garage to a dwelling that was subsequently renewed in January 2010 (application 09/0981).
- 7.2 In May 2010 (application 10/0325) planning permission was given to vary the permission granted under 06/1108 and 09/0981 with the approved plans showing the re-building of walls, the raising of roofline to increase the head height to form a first floor and erection of a flat roofed ground floor extension.
- 7.3 In the case of the former Hare & Hounds PH planning permission was given in 2004, application 04/0308, to convert it to a dwelling. In 2006, application 06/1195, permission was given to amend the scheme approved under 04/0308 by also including the erection of a conservatory and utility room.

8. Recommendation: Grant Permission

1. The development shall be begun not later than the expiration of 3 years beginning with the date of the grant of this permission.

Reason: In accordance 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).

2. The approved documents for this Planning Permission comprise:
 1. the submitted planning application form;
 2. Location and Block Plans (Sheet 1 of 4), Existing Ground Floor and Elevation Plans (Sheet 2 of 4), Proposed Elevations and Eaves (Sheet 3 of 4); Proposed Floor Plans (Sheet 4 of 4);
 3. the Notice of Decision; and
 4. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: To define the permission.

3. Prior to the commencement of occupation the dwelling hereby permitted shall be painted externally in accordance with a detailed scheme submitted to and approved in writing beforehand by the local planning authority.

Reason: To ensure the proposal safeguards the character of the existing building in accordance with the underlying objectives of Policies CP5 and H1 of the Carlisle District Local Plan 2001-2016.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order), no extensions to the dwelling hereby permitted shall be carried out without the permission of the local planning authority.

Reason: The local planning authority wishes to retain full control over the matters referred to in order to protect the character, integrity and appearance of the building and its setting; and, safeguard the living conditions of neighbouring residents in accordance with Policies H1 and CP6 of the Carlisle District Local Plan 2001-2016.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order), no additional windows or rooflights shall be inserted without the prior consent of the local planning authority.

Reason: In order to protect the privacy and amenities of residents in close proximity to the site and to ensure compliance with

Policies H1 and CP6 of the Carlisle District Local Plan
2001-2016.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order), the ground floor lounge window on the west elevation shall be side hung and obscurely glazed factor 3 and above, and thereafter retained as shown on approved drawing Sheet 3 of 4.

Reason: In order to protect the privacy and amenities of residents in close proximity to the site in accordance with Policies H1 and CP6 of the Carlisle District Local Plan 2001-2016.

7. No development shall commence until an investigation and risk assessment, (in addition to any assessment provided with the planning application), has been completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the local planning authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the local planning authority. The report of the findings must include:

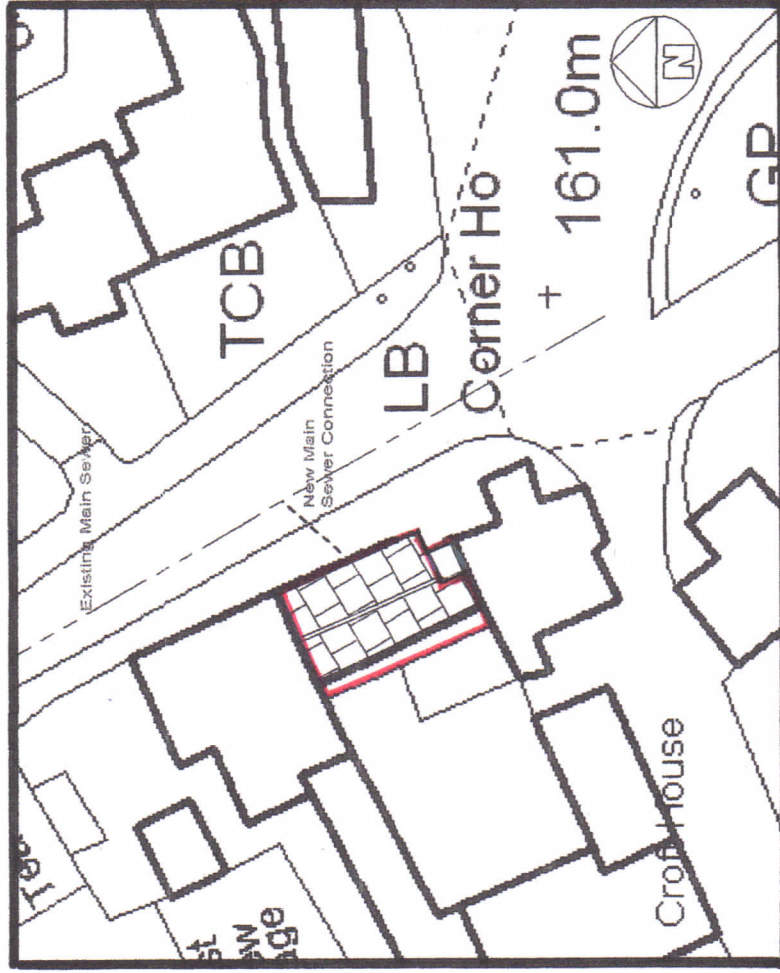
- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

Notes:

- The garage site is located between Corner House and the former Hare and Hounds Public House in Talkin.
- These drawings have been prepared based on the approved planning drawings by Hogg Robinson Builders Ltd. dated 24/03/2010.
- These drawings have been prepared for re-submission for planning permission following the lapse of application ref – 10/0325
- The proposed dwelling is exactly as per the lapsed application in scale, dimension, construction and finishes.



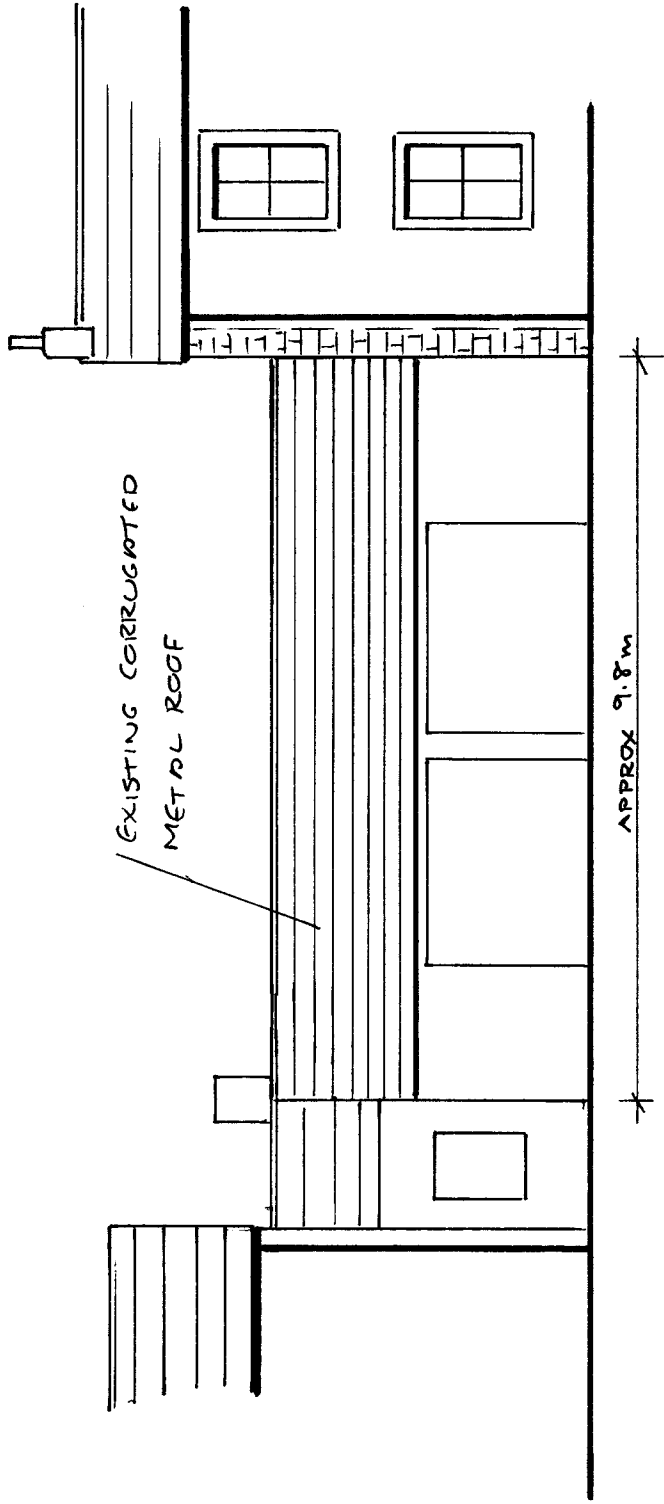
Block Plan - 1:500



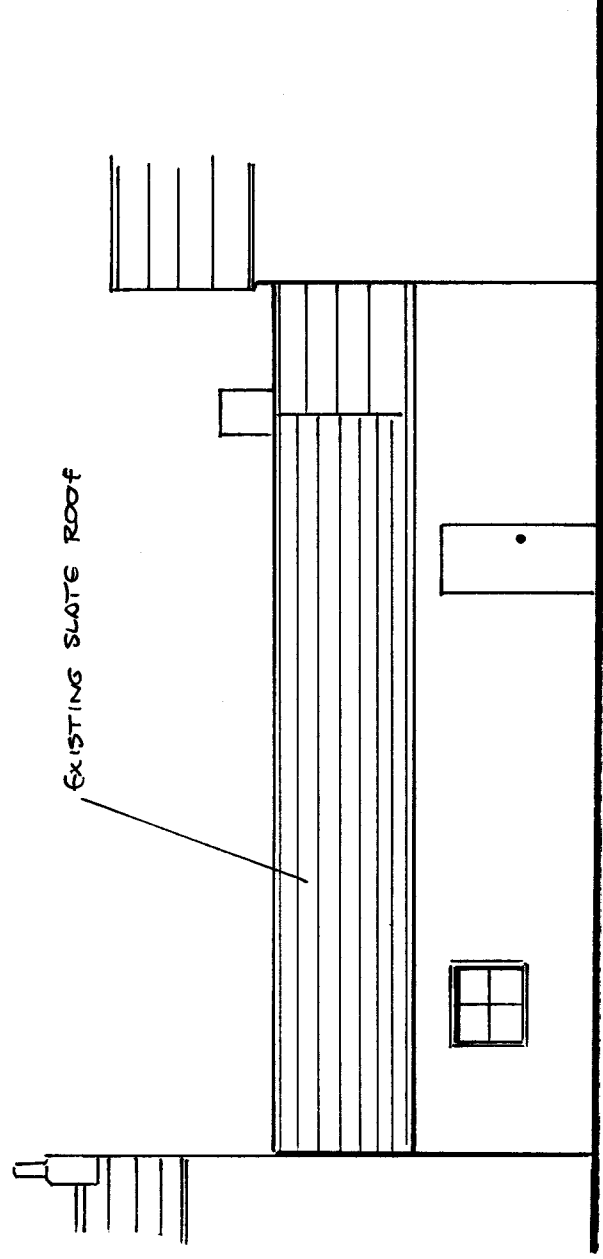
Location Plan - 1:1250

This drawing is to be read in conjunction with all other drawings in the series 2015/90/01 to 2015/90/04, and the Design and Access Statement.

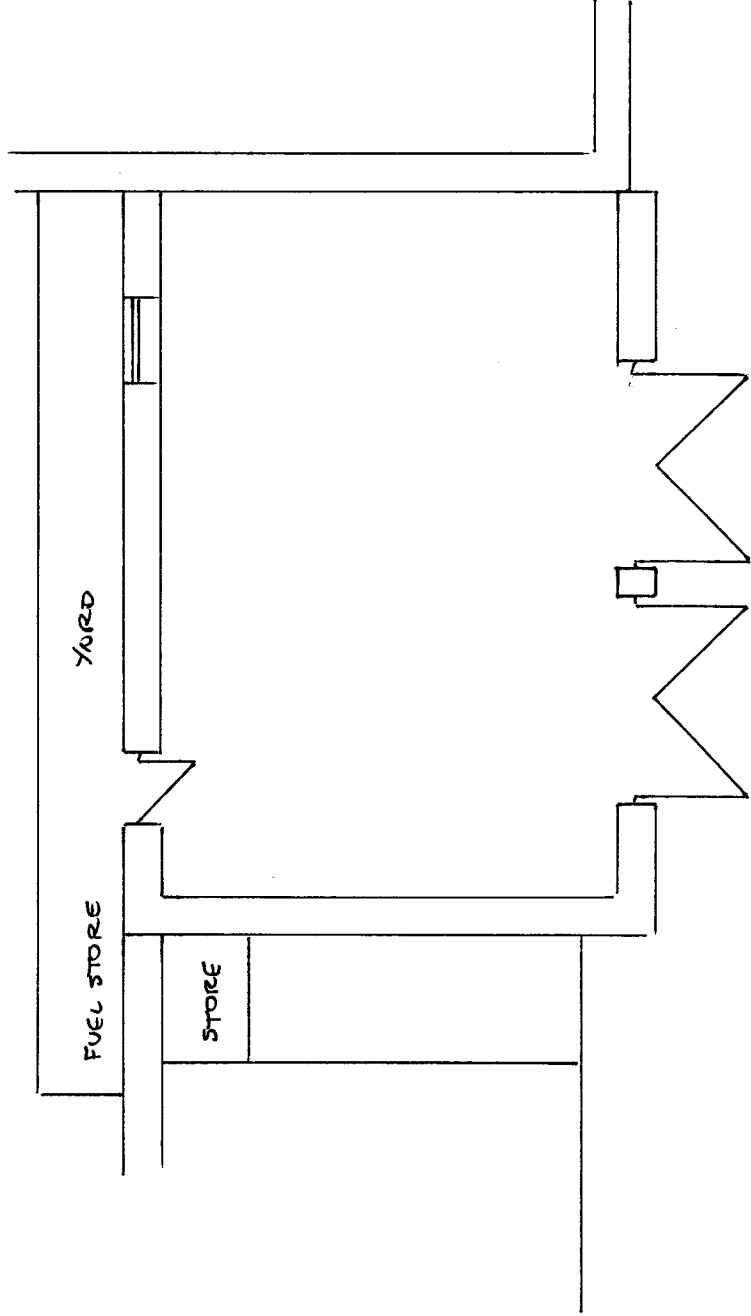
Scheme – Proposed Garage Conversion to 2 Bedroom Dwelling	
Address – The Nook, Talkin, Brampton, CA8 1LE	
Date – March 2015 Client – Mr and Mrs Cowper Scale – 1:1250/1:500 @ A3 Reference – 2015/90/01 By Dorli Newbery BEng(Hons) 01371859942 / 07946 584925 dorlinewbery@btinternet.com	Sheet 1 of 4



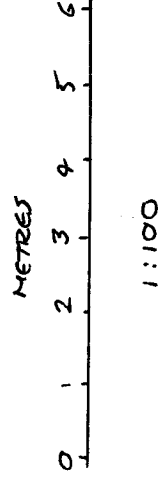
Existing Front Elevation (NE) - 1:100



Existing Rear Elevation (SW) - 1:100

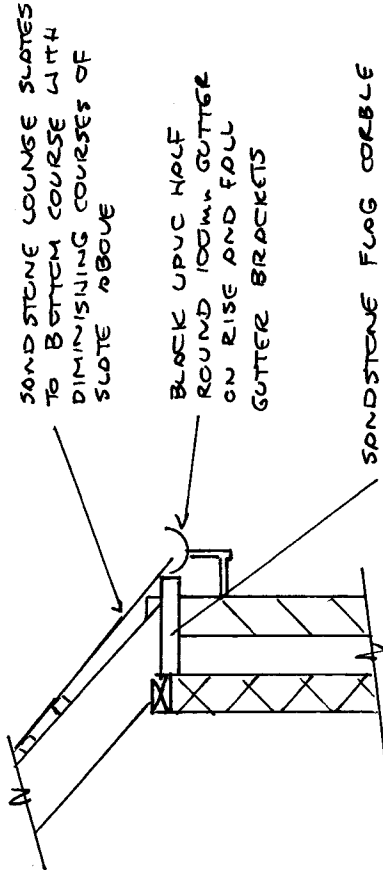
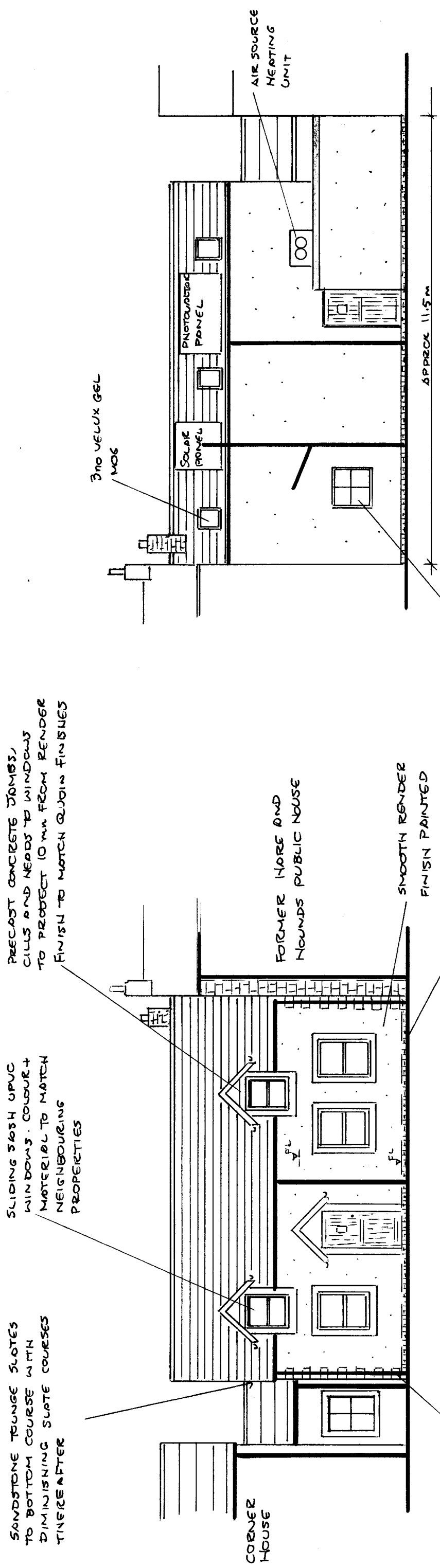


Existing Ground Floor Plan - 1:100



This drawing is to be read in conjunction with all other drawings in the series 2015/90/01 to 2015/90/04, and the Design and Access Statement.

Scheme – Proposed Garage Conversion to 2 Bedroom Dwelling
Address – The Nook, Talkin, Brampton, CA8 1LE
Date – March 2015 Client – Mr and Mrs Cowper Scale – 1:00 @ A3 Reference – 2015/90/02 By Dorli Newbery BEng(Hons) 01371859942 / 07946 584925 dorlinewbery@btinternet.com
Sheet 2 of 4

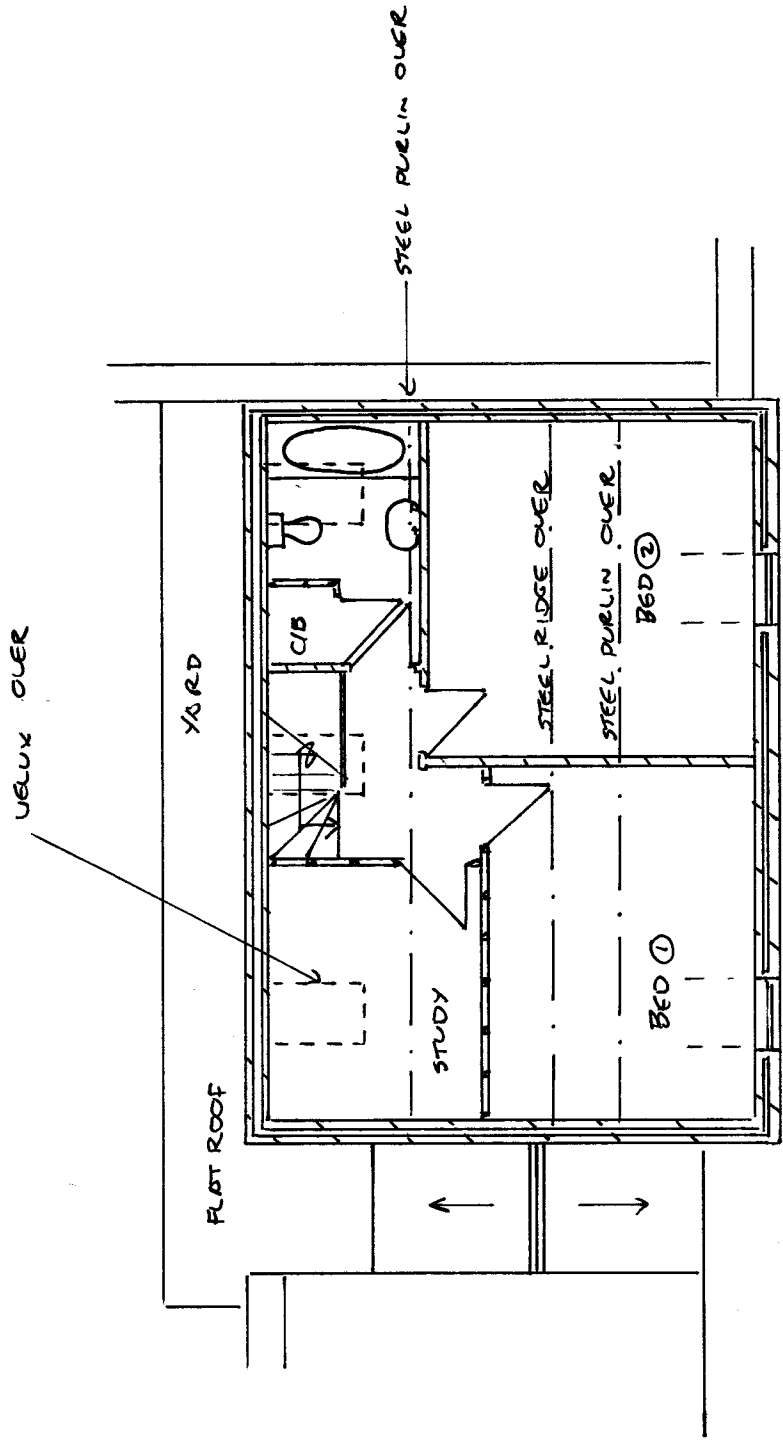


This drawing is to be read in conjunction with all other drawings in the series 2015/90/01 to 2015/90/04, and the Design and Access Statement.

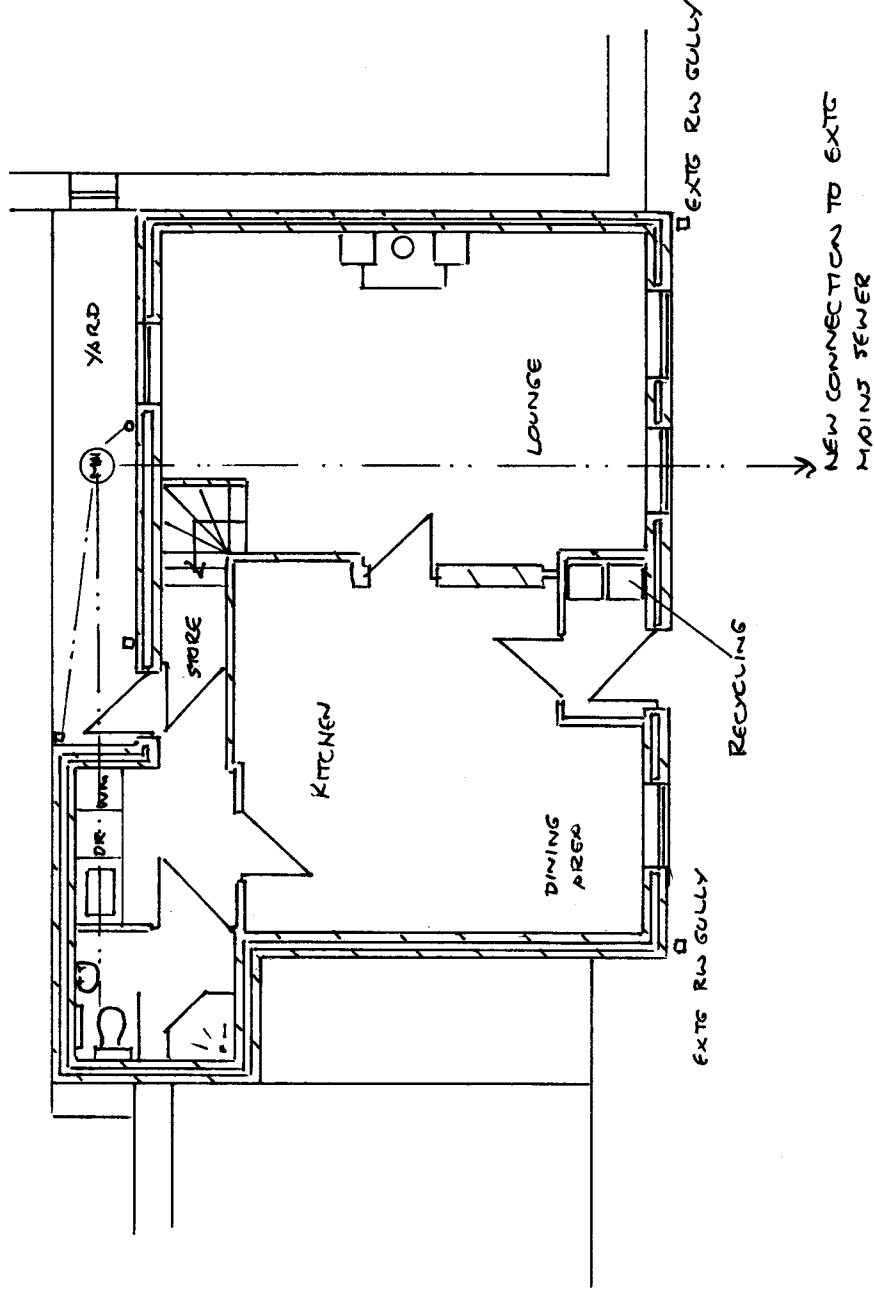
Scheme - Proposed Garage Conversion to 2 Bedroom Dwelling
Address - The Nook, Talkin, Brampton, CA8 1LE
Date - March 2015 Client - Mr and Mrs Cowper Scale - 1:00 / 1:20 @ A3 Reference - 2015/90/03 By Dorji Newbery BEng(Hons) 01371859942 / 07946 584925 dorlinewbery@btinternet.com

Proposed Side Elevation - 1:100

Proposed Eaves Detail - 1:20



Proposed First Floor Plan - 1:100



Proposed Ground Floor Plan - 1:100

This drawing is to be read in conjunction with all other drawings in the series 2015/90/01 to 2015/90/04, and the Design and Access Statement.

Scheme – Proposed Garage Conversion to 2 Bedroom Dwelling
Address – The Nook, Talkin, Brampton, CA8 1LE
Date – March 2015 Client – Mr and Mrs Cowper Scale – 1:100 @ A3 Reference – 2015/90/04 By Dorli Newbery BEng(Hons) 01371859942 / 07946 584925 dorlinewbery@btinternet.com

