



**Lake District
National Park**

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**Report from the Head of Development Management to the
Development Control Committee**

Application number:	7/2025/2008
Application type:	Full Planning application
Applicant:	Mr & Mrs Pete & Lucy Connell
Location:	Emerald Bank, Newlands, Keswick, CA12 5TS
Grid reference:	323373 520349
Proposal:	Amendment to agreed scheme for garage together with retention of single garage (retrospective)
Report prepared by:	Abigail Holt, Planner
Report agreed by:	Kevin Richards, Planning Manager
Recommendation:	APPROVE with conditions

1 About this report

- 1.1 The case planner has prepared this report, assessment and recommendation taking into account our policies (known as the Development Plan), written representations we have received, and any other material considerations.
- 1.2 Material considerations are things that are relevant to our decision making and which we are able to take into account – for example site specific factors, or Government planning policy (the National Planning Policy Framework) and Government planning guidance (the National Planning Practice Guidance).
- 1.3 The Development Control Committee will determine the application at its meeting having regard to the provisions of the Development Plan, representations we have received, and all other material considerations, following a verbal and visual summary of the application by the case planner and, where applicable, after hearing any verbal representations made in accordance with our Policy for Public Speaking at Meetings.

- 1.4 Most applications are decided under powers delegated to the Head of Development Management. A small number of significant or more contentious applications are considered by our Development Control Committee as set out in our Scheme of Delegation.

2 Background and proposals

- 2.1 The application is being reported to Committee because the recommendation of approval is contrary to the objection from Above Derwent Parish Council.
- 2.2 The application site is Emerald Bank, an isolated detached dwelling situated within large grounds in the Newlands Valley. It is served by a road running to the west of the site.
- 2.3 Planning permission was previously granted at the site for a replacement dwelling and garage and new shed (7/2018/2030).
- 2.4 Permission is now sought to amend the agreed scheme for a new garage. This is a retrospective application, as works have already commenced. An amendment was made to the description to remove reference to retaining an existing single garage, as this does not require planning permission.

3 Representations

- 3.1 Above Derwent Parish Council (ADPC) object to the application for the following reasons:
 - ADPC has reservations about the future use of the "Annexe" as a separate dwelling or holiday let accommodation and requests planners recognise this possibility and impose an informative
 - Concern that the title of the planning application is not consistent with the content of the actual application, as it makes no reference to office space, bedrooms, or bathrooms.
 - ADPC would like to see the current screening by trees being maintained, whether by a landscaping condition or a Tree Preservation Order (TPO).
 - ADPC believe that intentional unauthorised development has taken place, and this should weigh negatively in the planning balance.
- 3.2 Local Highway Authority – No objection.
- 3.3 Lead Local Flood Authority – No objection.

4 Development plan policies and other relevant guidance

- 4.1 The relevant Development Plan comprises:
 - The Lake District National Park Local Plan 2020-2035
- 4.2 The following Lake District National Park Local Plan policies are relevant to this application:
 - Policy 01: National and international significance of the Lake District
 - Policy 02: Spatial strategy
 - Policy 04: Biodiversity and geodiversity
 - Policy 05: Protecting the spectacular landscape
 - Policy 06: Design and development

- Design Code Supplementary Planning Document
- 4.3 The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. It is a material consideration in the determination of planning applications.
- 4.4 There is no community plan in this area.

5 Main issues and assessment

- 5.1 The main issues in this assessment are:
- Principle
 - Character and appearance of the area
 - Amenity of neighbours
 - Trees

Principle

- 5.2 As a detached garage containing ancillary accommodation for the dwelling on the site, the proposed garage is considered acceptable in principle and consistent with the provisions of Policy 02. In the event that the ancillary accommodation is used as an independent unit this would be subject to separate planning control and I have included an informative to this affect.

Character and appearance of the area

- 5.3 Policy 06 states that development must reinforce the importance of local character by having regard to scale, height, density, layout, appearance and materials.
- 5.4 Emerald Bank is in an isolated wooded location, set back from the main public vantage points. The proposed garage would be located within a steeply sloping wooded site. As such, it would be largely obscured from public vantage points, including the road to the west, by landform and screening from vegetation.
- 5.5 The originally approved garage was to be constructed of Western Red Cedar vertical timber boarding cladding with a Cumbrian Burlington Natural slate roof. It would have vertically boarded timber doors, and a small aluminium clad glazed window on one side elevation.
- 5.6 The garage now being proposed would use local Burlington stone in random rubble format for the walls. While the internal measurements would be the same as the originally approved garage, the overall building footprint would slightly increase to 8 metres by 7.5 metres. It would similarly feature a pitched local Cumbrian natural slate roof laid in diminishing courses; however, the ridge height would be slightly higher than originally proposed, measuring 6.8 metres. This would accommodate loft space above the ground floor garage and workshop. Within this loft space on the south elevation there would be a large gable window. The proposed materials for the windows and doors would be the same as previously permitted.

- 5.7 Given the large grounds within which the garage would be situated, I consider the increased size of the proposed garage would be minimal and acceptable. The use of local stone and slate would not detract from the character of the area and would reflect the appearance of the main dwelling. Given the screening provided from the surrounding vegetation, the large gable window would not be publicly visible and is therefore considered acceptable.
- 5.8 I am satisfied that the development proposed is acceptable in terms of its impact on the character and appearance of the conservation area and that it satisfies the requirements of Local Plan Policies 01, 02, 05, 06, the Design Code SPD and the NPPF.

Amenity of neighbours

- 5.9 Policy 06 states that development must not have an unacceptable impact on the amenity of adjoining residents and users of the proposed development, due to visual intrusion, overlooking, overshadowing, overbearing effect, noise, light pollution or other adverse impacts.
- 5.10 The nearest neighbouring buildings are those at Rowling End at a distance of 150m to the north. The application site is sufficiently separate to not be seen in the context of these buildings. As such, I do not consider that there would be any impact upon the amenity of neighbours.
- 5.11 The development is acceptable in terms of its impact on amenity and satisfies the requirements of Local Plan Policy 06, the Design Code SPD and the NPPF.

Trees

- 5.12 The site is currently enclosed by a number of mature trees, though these are not subject to a TPO. The proposed garage would be located on an existing area of hardstanding. An Arboricultural Impact Assessment has been submitted as part of the application. This has concluded that all trees in the area surrounding the development will remain unaffected by the proposed works. I am therefore satisfied that the proposal would not pose a significant risk to the remainder of the neighbouring trees and is acceptable.
- 5.13 The parish council consider that the current screening provided by trees should be maintained, whether by a landscaping condition or a TPO. Given that the original application did not require a landscaping condition or TPO, I do not consider either necessary within this current application.

6 Conclusion

- 6.1 Having regard to the provisions of the development plan, in particular Lake District National Park Local Plan Policies 01, 02, 04, 05, 06, the Design Code SPD and other material considerations (including the provisions of the NPPF), the development is considered to be acceptable, subject to the conditions recommended.

RECOMMENDATION: APPROVE with conditions

Conditions/Reasons

- 1 The development hereby permitted shall be commenced before the expiration of THREE years from the date hereof.

REASON: Imposed in accordance with the provisions of Section 91 of the Town and Country Planning Act, 1990.

- 2 The development hereby permitted shall not be carried out otherwise than in conformity with the following submitted plans and details:
 - Planning Statement
 - Arboricultural Impact Assessment ref. Emerald Bank, Newlands
 - As-built garage plan dwg no. 2314-210 rev B
 - As proposed block plan dwg no. A11 work stage D
 - Location Plan

REASON: For the avoidance of doubt.

NPPF decision notice requirements

Town and Country Planning (Development Management Procedure) (England) Order 2015 Article 35(2) statement.

The Local Planning Authority did not identify problems arising in relation to dealing with the application

INFORMATIVE

This accommodation has been approved as ancillary accommodation to the main house and must be used for this purpose only. The accommodation is part of a single planning unit together with the main house.

Using the accommodation separately from the main house would amount to a material change of use that requires planning permission. For example a separate use could include use as a holiday let or occupation as a self-contained house. If a material change of use takes place without planning permission the use will be unauthorised and at risk of formal action. If an enforcement notice needs to be issued it would be served on everyone with an interest in the land. This would include any mortgagee. In assessing whether to take further action we can consider whether intentional unauthorised development has taken place.

If you have questions about how you can use the approved accommodation please contact us.

Background papers

Background papers are available for inspection on the planning application file unless otherwise specified on that file as confidential by reasons of financial/personal circumstances in accordance with the Local Government (Access to Information) Act 1985.

7/2025/2008

Emerald Bank, Newlands, Keswick, CA12 5TS

Amendment to agreed scheme for garage
(retrospective)



Site

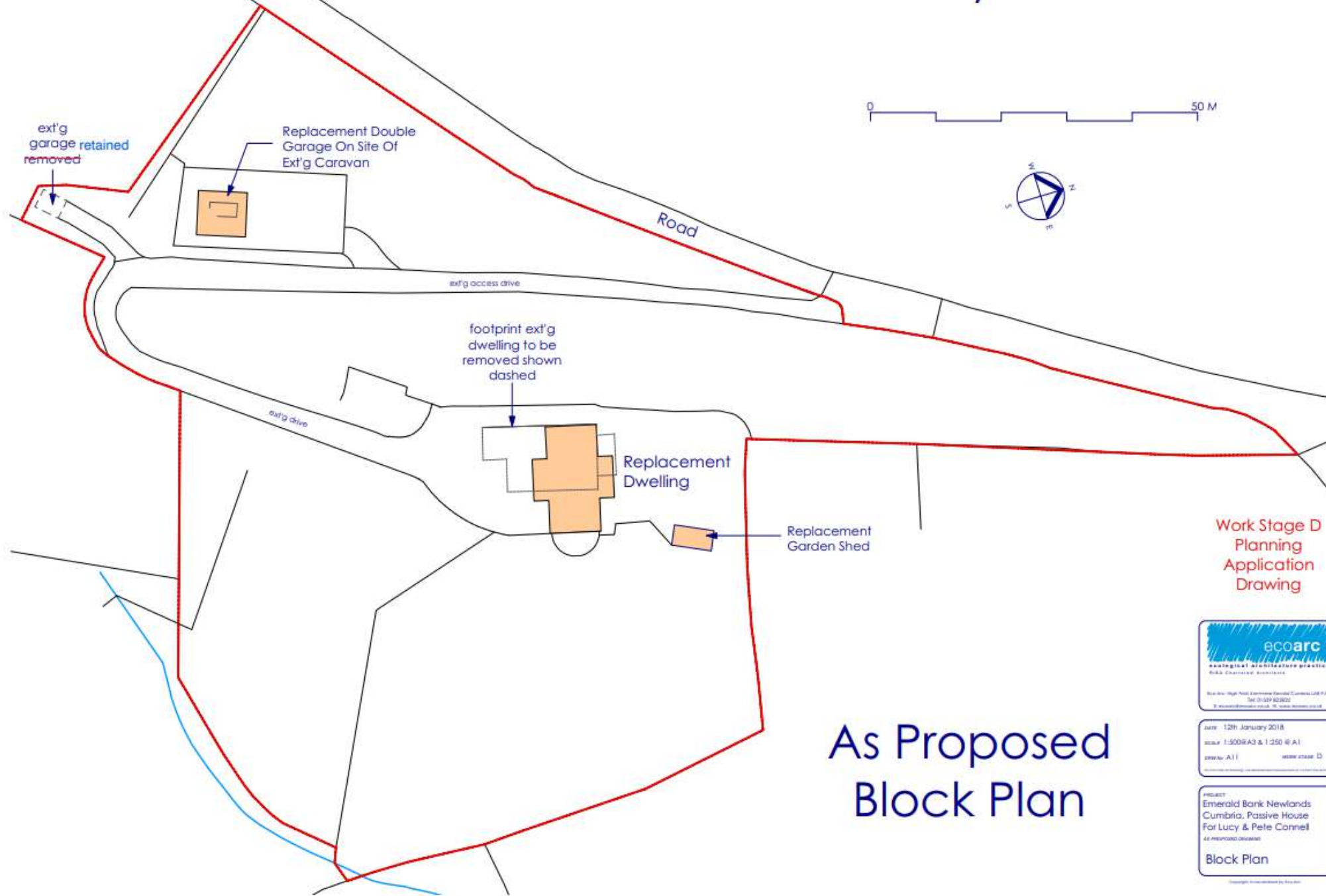
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Lake District
National Park Authority

Emerald Bank Newlands Passive House for Lucy & Pete Connell



Work Stage D
Planning
Application
Drawing

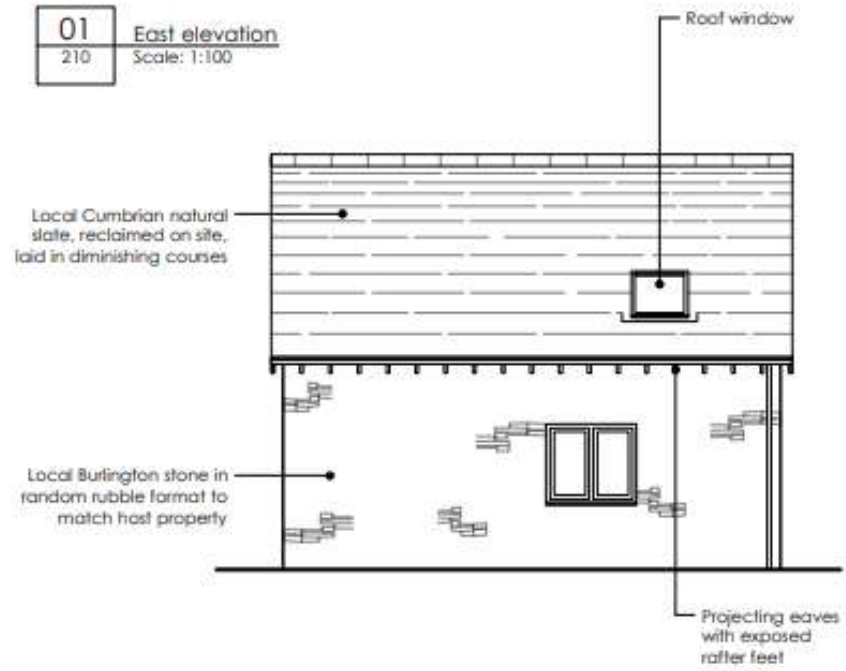
As Proposed Block Plan



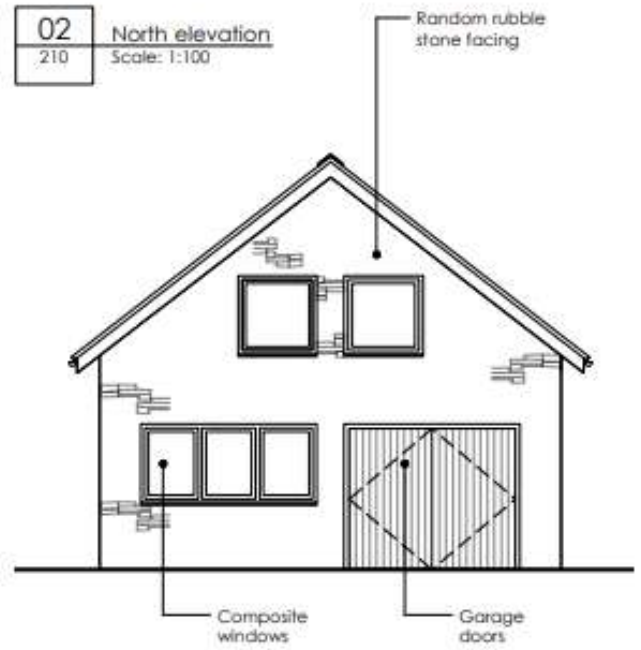
DATE: 12th January 2018
SCALE: 1:500 (A3) & 1:250 (A1)
DRAWN: A11
WORK STAGE: D

PROJECT:
Emerald Bank Newlands
Cumbria, Passive House
For Lucy & Pete Connell
AS PROPOSED DRAWING
Block Plan

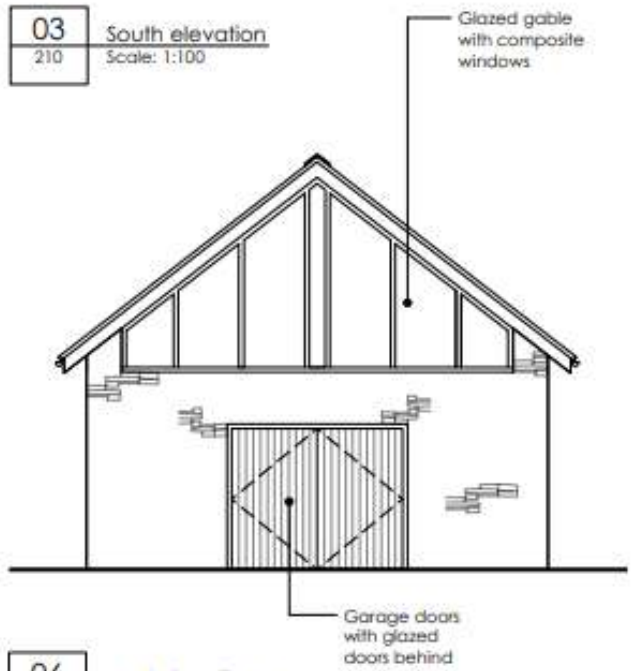
01 East elevation
210 Scale: 1:100



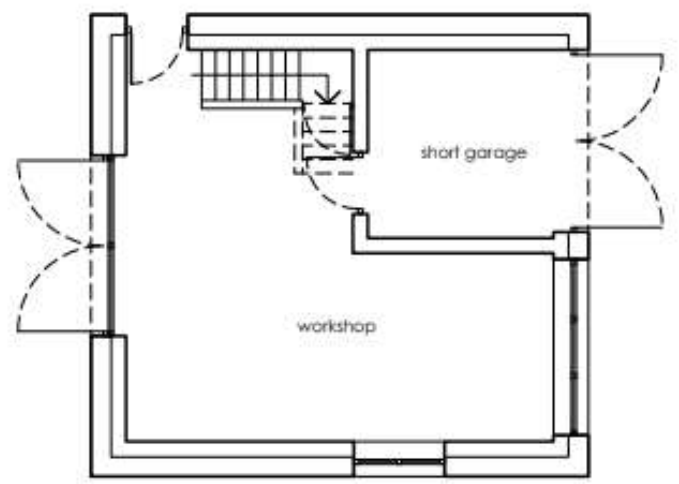
02 North elevation
210 Scale: 1:100



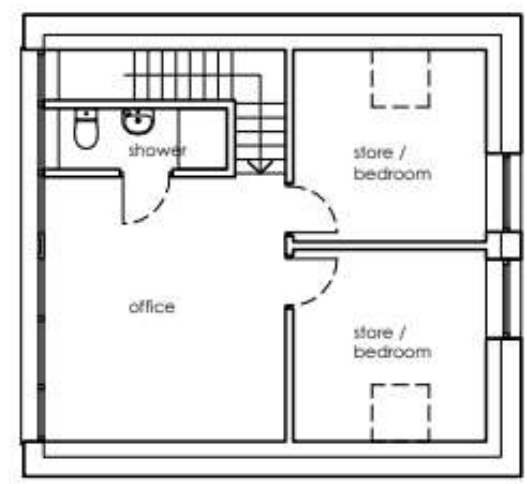
03 South elevation
210 Scale: 1:100



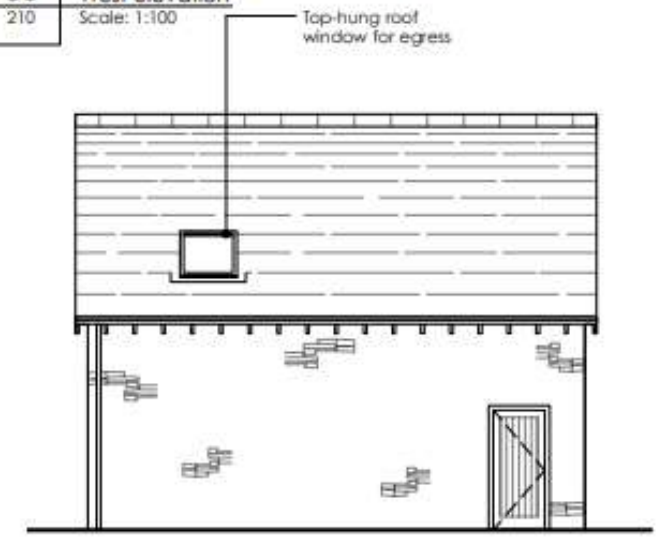
04 Ground floor plan
210 Scale: 1:100



05 Loft plan
210 Scale: 1:100



06 West elevation
210 Scale: 1:100









View to the
southeast

