



**COPELAND BOROUGH COUNCIL  
DELEGATED PLANNING DECISION**

1.	<b>Reference No:</b>	4/20/2431/OF1
2.	<b>Proposed Development:</b>	TWO STOREY REAR EXTENSION TO PROVIDE ADDITIONAL LIVING AND BEDROOM ACCOMMODATION
3.	<b>Location:</b>	59 BUTTERMERE AVENUE, WHITEHAVEN
4.	<b>Parish:</b>	Whitehaven
5.	<b>Constraints:</b>	ASC;Adverts - ASC;Adverts, Safeguard Zone - Safeguard Zone, Coal - Standing Advice - Data Subject To Change
6.	<b>Publicity Representations &amp; Policy</b>	Neighbour Notification Letter: YES  Site Notice: NO  Press Notice: NO  Consultation Responses: See report  Relevant Planning Policies: See report
7.	<b>Report:</b>  <b>INTRODUCTION</b> <p>The application site is located within a well-established residential area within the main town of Whitehaven. The host property forms that of a two storey end of terrace property with gardens areas to the front and rear of the property.</p> <p>Vehicular access is made from Buttermere Avenue and the property has space for off street parking on the driveway to the front of the house.</p> <b>PROPOSAL</b> <p>This application seeks planning permission for the erection of a two storey extension to the rear (western) elevation of the property. The extension would extend out from the original elevation of the property by 4.2 metres and have a width of 5.5. metres. The overall height of the building would be 7 metres – 5 metres to the eaves.</p>	

## **CONSULTATION RESPONSES**

### Whitehaven Town Council

No Objection

### Cumbria Highways and LLFA

The Highway Authority and Lead Local Flood Authority has no objection to the proposed development as it is considered that the proposal will not have a material affect on existing highway conditions nor does it increase the flood Risk on the site or elsewhere.”

### Public Representation

The application has been advertised by way of a neighbour notification letters issued to 5 no. properties.

No comments have been received as a result of this public consultation process.

## **PLANNING POLICY**

Planning law requires applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

### **Development Plan**

#### Copeland Local Plan 2013-2028 (Adopted December 2013)

##### Core Strategy

Copeland Borough Local Plan 2013 – 2028

- Policy ST1 – Strategic Development Principles
- Policy ST2 – Spatial Development Strategy

##### Development Management Policies (DMP)

- Policy DM10 – Achieving Quality Place
- Policy DM11 - Sustainable Development Standards
- Policy DM12 - Standards for New Residential Developments
- Policy DM18 – Domestic Extensions and Alterations

##### Other Material Planning Considerations

NPPF 2019

### **Assessment**

The key issues raised by this proposed are its scale, design and the potential impacts on residential amenity.

### The Principle of Development

The principle of the development accords in general terms with the aims of Policy ST1 and section 12

of the NPPF, both of which seek to promote high quality designs. Policy DM10 and DM18 seek to ensure domestic alterations are of an appropriate scale and design which is appropriate to their surroundings and do not adversely affect the amenities of adjacent dwellings.

#### Impact on Residential Amenity

Policy ST1, Policy DM18 and section 12 of the NPPF seek to safeguard good levels of residential amenity of the parent property or adjacent dwellings.

The main property to be affected by this proposal is the attached property to the north of the site, being No. 60 Buttermere Avenue. The rear elevations of this row of terrace houses face directly towards the west and a key material considerations within this assessment are the impact upon the amenity of No.60 in terms of loss of light, being over bearing and the loss of privacy.

Looking at these issues in order: In terms of the loss of light, there are three windows and one set of patio doors within the rear elevation of No. 60. From information obtained from a site visit to No.60, I am of the understanding that the patio doors served a kitchen/diner and that the window further along the rear elevation at ground floor level jointly serves this room. When applying the 45 degree test from the middle of the patio doors, it is estimated that the line taken from this would hit the corner of the proposed extension. However, given that there is an additional window further along the rear elevation, it is considered that the level of impact does not cause a harmful or unacceptable level of impact in terms of loss of sunlight or over shadowing. The window above the patio doors on the first floor serves a bathroom and, as this is not classed as a habitable room, it is not considered to cause an unacceptable impact.

In terms of the impact of the extension being over bearing upon the occupiers of No.60. The extension has been set in approximately 1 metre from the boundary and it is considered that this element of the design will help to reduce the impact of the extension and it is therefore considered to be acceptable on this point.

In terms of loss of privacy, the extension has only one window proposed within the first floor side (northern) elevations and this window serves a landing area and is shown on the plans submitted to be obscurely glazed. It is considered that creation of further windows at any level on the northern side elevations could cause a harmful impact upon the amenity of the neighbouring properties in terms of loss of privacy.

Therefore, it is considered both proportionate and expedient to apply two conditions, the first to ensure that the window shown within the northern side elevation at first floor level is obscurely glazed and is retained as such for the lifetime of the development. The second condition to prevent any further windows being inserted at any level on the northern side elevation.

On this basis, the proposal is considered to meet policy DM18 and the NPPF guidance.

	<p><u>Scale, Design and Impact on Character</u></p> <p>The application site is located within a well-established residential area of the town of Whitehaven. The scale and design of the proposed extension is both proportionate and appropriate with the character of the host property.</p> <p>The application form confirms that the materials to be used on the external surfaces of the proposed extension will match those of the existing host property. However, in order to ensure that the development is constructed in matching materials and thereby safe guarding the character of the surrounding area, it is considered to be expedient to attached a condition to require this.</p> <p>Based upon the above consideration, it is considered that the design and scale of the proposed extension would not cause any harmful impaction upon the character of the local area.</p> <p>On this basis, the proposal is considered to meet DM18 (A) policy and the NPPF guidance</p> <p><u>Conclusion</u></p> <p>Overall, this is considered to be an acceptable form of development which accords with the policies set out within the adopted Local Plan and the guidance in the NPPF.</p>
8.	<p><b>Recommendation:</b></p> <p>Approve (commence within 3 years)</p>
9.	<p><b>Conditions:</b></p> <ol style="list-style-type: none"> <li> <p>The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.</p> <p>Reason</p> <p>To comply with Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.</p> </li> <li> <p>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: -</p> <p>Location Plan Scale 1:1250 Drawing No. 04010 Received with the application on the 27<sup>th</sup> October 2020</p> <p>Site Plan Scaler 1:250 Drawing No. 04011 Received with the application on the 27<sup>th</sup> October 2020</p> </li> </ol>

Existing and Proposed Elevations Plan Scale 1:100 Drawing No. 04001 Rev 01 Received with the application on the 27<sup>th</sup> October 2020

Proposed Ground Floor and First Floor Plan Scale 1:50 Drawing No 04001 Rev 01 Received with the application on the 27<sup>th</sup> October 2020

Existing Ground Floor and First Floor Plan Scale 1:50 Drawing No 01001 Rev 01 Received with the application on the 27<sup>th</sup> October 2020

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 external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture to those of the existing building.

Reason

To ensure a satisfactory appearance of the building in the interests of visual amenity.

4. The first floor landing window within the northern side elevation of the development hereby approved must be glazed with obscure glass (Pilkington Level 4) and retained as such for the lifetime of the development.

Reason

To safeguard the amenities of occupiers of adjoining properties.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that order with or without modification) no external alterations (including replacement windows and doors) or extensions, conservatories, dormer, or enlargement shall be carried out to the Extension hereby approved.

Reason

To safeguard the character and appearance of the development in the interests of visual amenity.

**Informative**

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 Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:

[www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

**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: Adrian Adams**

**Date : 15/12/2020**

**Authorising Officer: N.J. Hayhurst**

**Date : 21/12/2020**

**Dedicated responses to:- N/A**