

**COPELAND BOROUGH COUNCIL
DELEGATED PLANNING DECISION**

1.	Reference No:	4/21/2413/OB1
2.	Proposed Development:	VARIATION OF CONDITION 2 (PLANS) OF PLANNING APPROVAL 4/21/2148/OF1 DEMOLITION OF SIDE GARAGE AND ERECTION OF A SINGLE STOREY EXTENSION - THE PROPOSED ROOF TO HAVE A DIFFERENT PROFILE TO THAT APPROVED
3.	Location:	10 AIKBANK ROAD, WHITEHAVEN
4.	Parish:	Whitehaven
5.	Constraints:	ASC;Adverts - ASC;Adverts, Coal - Standing Advice - Data Subject To Change
6.	Publicity Representations &Policy	Neighbour Notification Letter: YES Site Notice: NO Press Notice: NO Consultation Responses: See report Relevant Planning Policies: See report
7.	Report: SITE AND LOCATION This application relates to 10 Aikbank Road, a semi-detached dormer bungalow located within Whitehaven. PROPOSAL In May 2021, planning permission was granted (ref: 4/21/2148/OF1) for the erection of a replacement single-storey side extension at this property. This current application seeks to vary condition 2 relating to the submitted plans for this application, in order to change the roof design to include a pitched roof to reflect the previous extension and a flat roof on the front elevation.	

RELEVANT PLANNING APPLICATION HISTORY

Planning Permission has previously been granted for the demolition of the side garage and the erection of a single storey extension (ref: 4/21/2148/0F1).

CONSULTATION RESPONSES

Consultees

Whitehaven Town Council – No objections.

Public Representations

The application has been advertised by way of neighbour notification letters issued to 2 no. properties - No objections have been received as a result of this consultation process.

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

Copeland Local Plan 2013 – 2028 (Adopted December 2013)

Core Strategy

Policy ST1 – Strategic Development Principles

Policy ST2 – Spatial Development Strategy

Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place

Policy DM12 – Standards for New Residential Developments

Policy DM18 – Domestic Extensions and Alterations

Other Material Planning Considerations

National Planning Policy Framework (NPPF)

The Planning Practice Guidance (NPPG)

Emerging Copeland Local Plan (ELP):

The emerging Copeland Local Plan 2017-2035 has recently been the subject of a Preferred Options Consultation. The Preferred Options Consultation builds upon the completed Issues and Options Consultation, which finished in January 2020. Given the stage of preparation, the emerging Copeland Local Plan 2017-2035 has only limited weight in decision making, but provides an indication of the

	<p>direction of travel of the emerging planning policies, which themselves have been developed in accordance with the provisions of the National Planning Policy Framework.</p> <p>ASSESSMENT</p> <p>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.</p> <p>In terms of the conditions attached to the previous decision notice (4/21/2148/0F1), development has commenced on site therefore, it is not necessary to repeat the condition relating to timescales. It has however been deemed necessary to repeat the other condition (3 and 4) attached to this permission in order to ensure the development is carried out as per the approved detail.</p> <p>The current application seeks to vary condition 2 of the original planning approval.</p> <p>The proposed amendment to this scheme seeks to include a lower pitched roof to reflect the previous extension and a flat roof on the front elevation. The proposed alteration will enable the applicant to carry out a more practical construction.</p> <p>The replacement single-storey side extension is considered to be modest in scale and design. The amended roof design with a lower height and flat roof will be stepped behind the principal elevation of the dwelling and therefore it will not be excessively prominent within the locality. On this basis, the alteration is not considered to have a detrimental impact on the character of the existing property or the overall street-scene.</p> <p>The proposed extension is located to the east of the neighbouring property no. 8 Aikbank Road, which is set considerably lower than the application site. On this basis, the flat roof design with a lower height is not considered to have a detrimental impact on any residential amenity.</p> <p><u>Planning Balance and Conclusion</u></p> <p>The revised information which seeks to amend the originally approved plans condition, satisfies the policy criteria and is considered to be in keeping with the surrounding properties. Overall, this is considered to be an acceptable form of development which accords with the guidance set out in the NPPG and the policies within the adopted Local Plan.</p>
8.	<p>Recommendation: Approve amendment of condition</p>

9.	<p>Conditions:</p> <ol style="list-style-type: none"> 1. - 2. This permission relates to the following plans and documents as received on the respective dates and development must be carried out in accordance with them: - <p>Site Location Plan, Scale 1:1250 @A4, Ref SK01-1, Received 15th September 2021; Proposed Elevation Plan, Scale 1:100 @A4, Ref SK01-7B, Received 5th November 2021; Proposed Floor Plan, Scale 1:100 @A4, Ref SK01-8B, Received 5th November 2021.</p> <p>Reason</p> <p>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.</p> 3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that order with or without modification) no new windows, doors or any other form of openings shall be constructed within any elevation of the development hereby permitted, other than those shown on the approved plans within this application, without the prior written permission of the Local Planning Authority. <p>Reason</p> <p>To ensure that any external alterations will not adversely impact on the amenities of the surrounding occupiers.</p> 4. The external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture to those of the existing building. <p>Reason</p> <p>To ensure a satisfactory appearance of the building in the interests of visual amenity.</p>
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	<p>Statement</p> <p>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.</p>
<p>Case Officer: C. Unsworth</p>	<p>Date : 09/11/2021</p>
<p>Authorising Officer: N.J. Hayhurst</p>	<p>Date : 09/11/2021</p>
<p>Dedicated responses to:- N/A</p>	