

## CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	<b>Reference No:</b>	4/22/2233/0F1
2.	<b>Proposed Development:</b>	RETROSPECTIVE APPLICATION FOR THE RETENTION OF A SINGLE STOREY REAR EXTENSION WITH FIRST FLOOR BALCONY
3.	<b>Location:</b>	31 WATERS EDGE CLOSE, 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>	See Report
7.	<b>Report:</b> <b>SITE AND LOCATION</b> <p>This application site relates to a detached dwelling which is situated on a modern housing estate to the south of Kells in Whitehaven. The dwelling occupies a coastal location and has extensive views across the open land and Solway Firth to the west.</p> <p>The property benefits from a small open area of garden to the front which fronts on to the access driveway. A larger fenced are of garden space lies to the rear.</p> <b>PROPOSAL</b> <p>Retrospective planning permission is sought for the retention of a single storey extension to the rear of the property.</p> <p>The extension projects 3.8 metres to the rear of the dwelling and extends across the whole rear elevation. The extension provides and additional kitchen dining area and is faced externally with brick to match the existing dwelling.</p>	

The roof of the extension is utilised as a balcony and is bound by a 1.5m. high balustrade which runs around the perimeter of the roof area. This balustrade is supported by a metal frame and has been fitted with obscure glazing.

## **RELEVANT PLANNING APPLICATION HISTORY**

4/13/2103/0F1 – Erection of 40 dwellings and associated infrastructure - Approved

## **CONSULTATION RESPONSES**

### Whitehaven Town Council

No objections but would ask for neighbour consultations to be carried out.

### Public Representations

The application has been advertised by way of consultation letters issued to the 2 neighbouring properties. No representations have been received as a result of this consultation process.

## **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 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 2021-



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Council**

2016.

The policies relevant to this application are as follows: -

Policy DS1 – Development Strategy

Policy DS4 – Design and Development Standards

Policy H14 – Domestic Extensions and Alterations

**Other Material Planning Considerations**

National Planning Policy Framework (NPPF)

Cumbria Development Design Guide

**ASSESSMENT**

The key issues raised by this proposal are the principle of development, its scale and design and its potential impacts on residential amenity.

Principle of Development

The proposed application relates to a detached property which is located on a modern housing estate to the southwest of Kells. Policy H14 supports extensions and alterations to residential properties subject to detailed criteria, which are considered below.

On this basis, the principle of development is therefore considered to be acceptable, and the extension satisfies Policy HS14 of the Copeland Local Plan and the National Planning Policy Framework.

Scale and Design

Policy DS4 and section 12 of the NPPF seek to promote high quality designs. Policy H14 supports house extensions where the scale, design and materials of the proposed development would not adversely alter the character or appearance of the existing building, street scene or wider surrounding area.

The single storey extension projects 3.8 metres from the rear elevation of the dwelling and extends across the width of the whole rear elevation. It is utilised as an extension to the existing kitchen/dining room.

The extension has been designed with a flat roofed which allows the roof to be used as a balcony platform which is accessed from a doorway at first floor level. The balcony is bound by a 1.5 metre high obscure screen which is supported by a metal frame.

The extension is faced externally with facing brick to match the existing dwelling.

The extension is not visible from the front of the property and would have limited impact on the streetscene.

The proposed single storey rear extension, given its scale and design would not impact upon

the appearance of the property itself, nor would it impact upon the character of the area.

On this basis, the proposal is considered to meet Policy DS4 and H14 of the Copeland Local Plan and NPPF guidance.

### Residential Amenity

Policy H14 and section 12 of the NPPF seek to safeguard good levels of residential amenity.

The extension is located to the rear of the property and is sited adjacent to a detached garage associated with the adjoining dwelling located immediately to the northeast. The garage provides a screen which limits the impact of the extension upon the amenities of the occupiers of this property.

The extension is set back from the western boundary and the existing garden fence provides an element of screening. Given this relationship the siting of the extension is considered to be appropriate and does not result in any significant impact upon the amenities of the occupiers immediately to the west.

The main issue raised by the application relates to the use of the roof of the extension as a balcony. A 1.5 metre high fully obscured screen has been installed around its perimeter and this provides some mitigation in terms of overlooking. The balcony overlooks the garage roof to the northeast which helps to restrict views into the adjoining garden area. The section of the extension adjacent to the boundary with the adjoining property to the west is only 1.8 metres in projection which limits the ability to use this section of the platform. This together with the obscure screen helps to mitigate any potential overlooking issues.

No objections have been submitted from the occupiers of the adjoining properties.

The main length of the balcony faces southeast. Although there are new dwellings under construction to the rear of the property the separation distances involved and also the offset siting of the dwellings in relation to the application site helps to limit any potential overlooking issues. This relationship and also the presence of the obscure screen helps to provide adequate mitigation.

A condition can be imposed on the decision notice to ensure that the existing obscure screen is maintained in its current form for the lifetime of the development.

On this basis, the proposal as built is considered to satisfy Policy H14 of the Local Plan and the guidance set out in the NPPF.

### **Planning Balance and Conclusion**

The application seeks retrospective planning permission for the retention of a single storey extension with a balcony on its roof.

The extension is considered to be of an appropriate in scale and design. The relationship with the existing dwellings surrounding the site and the provision of a 1.6m. high obscure glazed screen provides sufficient mitigation to reduce the impact on the occupiers of the adjoining



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	<p>dwelling in terms of overlooking.</p> <p>On balance, the extension represents an acceptable form of development which accords with the policies set out within the Copeland Local Plan and the guidance in the NPPF.</p>
8.	<p><b>Recommendation:</b></p> <p>Approve</p>
9.	<p><b>Conditions:</b></p> <ol style="list-style-type: none"><li>1. 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: -<ul style="list-style-type: none"><li>- Site Location Plan, scale 1:1250, received on 26<sup>th</sup> May 2022</li><li>- Block Plan, scale 1:500, received on received on 26<sup>th</sup> May 2022</li><li>- Existing and Proposed Layout Plans and Elevation Plans, scale 1:50, received on received on 26<sup>th</sup> May 2022</li></ul><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></li><li>2. Notwithstanding the details illustrated on the approved plans, the 1.5 metre high obscure glazed balustrade which has been erected around the perimeter of the first floor balcony shall be retained at all times for the lifetime of the development.<p>Reason</p><p>For the avoidance of doubt and to protect residential amenity in the local area in accordance with Policy DS4 of the Copeland Local Plan 2021-2039.</p></li></ol>

	<p><b>Informative</b></p> <p>Note 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:  <a href="http://www.gov.uk/government/organisations/the-coal-authority">http://www.gov.uk/government/organisations/the-coal-authority</a></p> <p><b>Statement</b></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><b>Case Officer:</b> C.Wotton/N.J. Hayhurst</p>	<p><b>Date :</b> 04/04/2025</p>
<p><b>Authorising Officer:</b> N.J. Hayhurst</p>	<p><b>Date :</b> 04/04/2025</p>
<p><b>Dedicated responses to:-</b> N/A</p>	