



Cumberland Council
Cumbria House
107-117 Botchergate
Carlisle
Cumbria CA1 1RD
Telephone 0300 373 3730
cumberland.gov.uk

TOWN AND COUNTRY PLANNING ACT 1990. (AS AMENDED)

NOTICE OF REFUSAL OF CONSENT

Mr Clive Smitham
22 Irish Street
Whitehaven
Cumbria
CA28 7BU

APPLICATION No: 4/22/2344/0F1

**ROOF PLATFORM TO PROVIDE EXTENDED FIRE ESCAPE WALKWAY &
HANDRAIL AND ACCOMODATE FIRE ESCAPE LADDER (RETROSPECTIVE)
22 IRISH STREET, WHITEHAVEN**

Mr Clive Smitham

The above application dated 15/08/2022 has been considered by the Council in pursuance of its powers under the above mentioned Act and has been REFUSED for the following reason(s):

Reasons for Refusal:

1. The retention of a roof platform to provide an extended fire escape walkway and handrail at first-floor level in this constrained location within close proximity to the bedroom windows of the adjoining residential property has an unacceptable impact in terms of overlooking and loss of privacy. It has an overbearing and dominant effect on occupiers of these properties and a roof terrace in this elevated location would result in noise and disturbance which would have a significant detrimental impact on the privacy of the occupiers of the adjacent properties. As a consequence the development is considered to be in conflict with Policies ST1, DM10 and DM18 of the Copeland Local Plan

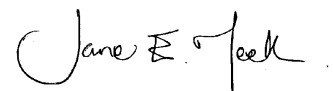
2013 – 2028, and section 12 of the NPPF which seek to ensure a good standard of amenity for all existing and future occupants of land and buildings.

2. The first-floor roof platform is inappropriately sited and represents an incongruous form of development within the locality. The scale and design, projecting beyond the existing rear elevation accentuates its prominence and it has a significant detrimental impact on the character and appearance of both the existing terraced property and the visual amenity of the wider area including the Conservation Area and Listed Building. This would therefore be in conflict with Policies ST1, DM10, DM18 and DM27 of the Copeland Local Plan 2013-2028 and section 16 of the NPPF and LBCA which seek to protect and enhance heritage assets.

Statement

The Local Planning Authority has acted positively and proactively in accordance with Copeland Local Plan policies and the National Planning Policy Framework in determining this application by identifying matters of concern with the proposal and raising those with the applicant/ agent. However, in this case it has not been possible to arrive at a satisfactory resolution for the reasons set out in the reason for refusal.

Please read the accompanying notice



Jane Meek
Assistant Director

21st April 2023

Thriving Place and Investment

REFUSALS (OUTLINE, FULL, RESEVED MATTERS)

DEVELOPMENT MANAGEMENT PROCEDURE (ENGLAND) ORDER 2015

PART 2

TOWN AND COUNTRY PLANNING ACT 1990

Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.
- Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.
- The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. [Further details are on GOV.UK](#).

Purchase Notices

- If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.