

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/22/2344/0F1
2.	Proposed Development:	ROOF PLATFORM TO PROVIDE EXTENDED FIRE ESCAPE WALKWAY & HANDRAIL AND ACCOMODATE FIRE ESCAPE LADDER (RETROSPECTIVE)
3.	Location:	22 IRISH STREET, WHITEHAVEN
4.	Parish:	Whitehaven
5.	Constraints:	ASC;Adverts - ASC;Adverts, Conservation Area - Conservation Area, Coal - Standing Advice - Data Subject To Change
6.	Publicity Representations &Policy	Neighbour Notification Letter: YES Site Notice: YES Press Notice: YES Consultation Responses: See report Relevant Planning Policies: See report
7.	Report: Site and Location This application relates to 22 Irish Street, a terraced property located within Whitehaven Town Centre. The property is bound by Irish Street to the north, a public walkway to the west, a residential property to the east and a carpark to the south. The site benefits from a small rear single-storey flat-roofed extension and a small yard/parking space. The application site also lies within Whitehaven Conservation Area and is adjacent to a grade II listed mid-19 th Century building in the Italianate style (no. 19-20 Irish Street).	

Proposal

This application seeks retrospective planning permission for the retention of a roof platform to provide an extended fire escape walkway and handrail and to accommodate a fire escape ladder.

Following a site visit, the roof platform had been extended beyond the original proposal submitted. It now measures 4.6 metres in length and 6.4 metres in width with a height of 2.6 metres from ground level. It has been constructed out of wooden decking, and it includes a 1-metre-high wooden balustrade/handrail.

Relevant Planning Application History

There have been several planning applications at the property:

- Extension to Doctors Surgery (ref 4/89/1135/0) approved January 1990;
- Change of use from commercial (surgery and offices) to residential (ref: 4/13/2282/0F1) approved August 2013.

Consultation Responses

Whitehaven Town Council

No objections.

Copeland's Conservation and Design Officer

Recommend refusal.

- The submitted documents contain two different photographs of the structure, showing it in two different configurations. The smaller of these is fairly neat and unobtrusive in the general composition of the rear of the building, however, the larger structure conveys an appearance of mass that makes a negative impression.
- In itself, 22 Irish Street makes a slightly negative contribution to the setting of the adjacent 19-20 Irish Street (grade II listed), and on the character and appearance of the conservation area, due to the accretions and poor fenestration it has received.
- The smaller configuration appears to have had minimal impact on that contribution, being part of the general background of accretions, but the larger structure, more top-heavy and with greater projection, has a small but appreciable negative effect. I would view it as having had less-than-substantial harm on this modest non-designated heritage asset, towards the negligible end of the scale, and on the character and appearance of the conservation area, and the setting of the adjacent 19-20 Irish Street.



Cumberland Council

Public Representation

This application has been advertised by way of site notice, press notice and neighbour notification letters issued to two properties.

No formal objections have been received as a result of this consultation.

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 the 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 2013 – 2028 (Adopted December 2013)

Core Strategy

Policy ST1 – Strategic Development Principles

Policy ST2 – Spatial Development Strategy

Policy ENV4 – Heritage Assets

Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place

Policy DM18 – Domestic Extensions and Alterations

Policy DM27 – Built Heritage and Archaeology

Other Material Planning Considerations

National Planning Policy Framework

Planning (Listed Building and Conservation Areas) Act 1990 (LBCA)

Conservation Area Design Guide

Emerging Copeland Local Plan (ELP):

Cumberland Council are continuing the preparation and progression to adoption of the emerging Copeland Local Plan 2017-2038.

The emerging Copeland Local Plan 2017-2038 comprising the Publication Draft (January 2022) and Addendum (July 2022) have recently been examined by the Planning Inspector and their report on the soundness of the plan currently remains awaited.

As set out at Paragraph 48 of the National Planning Policy Framework (NPPF), Local Planning Authorities may give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan; the extent to which objections to relevant policies have been resolved; and the degree to which emerging policies are consistent with the NPPF.

Given the stage of preparation of the emerging Copeland Local Plan 2017-2038 some weight can be attached to policies where no objections have been received or objections have been resolved. The Publication Draft (January 2022) and Addendum (July 2022) provides an indication of the direction of travel of the emerging planning policies, which themselves have been developed in accordance with the provisions of the NPPF.

The following policies are relevant to this proposal:

Policy DS1PU – Presumption in favour of Sustainable Development

Policy DS6PU – Design and Development Standards

Policy H14PU – Domestic Extensions and Alterations

Policy BE1PU – Heritage Assets

Policy BE2PU – Designated Heritage Assets

Assessment

Policy Context

This application seeks retrospective planning permission for the retention of a roof platform to provide an extended fire escape walkway and handrail and to accommodate a fire escape ladder.

Policies ST1, DM10 and DM18 of the Copeland Local Plan seek to create high quality developments while maintaining good levels of residential amenity. Developments should respond positively to the character of the site and the wider setting. Policy DM18 seeks to ensure domestic alteration area of an appropriate scale and design, which is appropriate to

their surroundings and do not adversely affect the amenities of adjacent dwellings.

Draft Policy DS6PU and Policy H15PU also set out Design and Development Standards.

Paragraph 130 of the NPPF seeks to safeguard high standards of amenity for existing and future users. Developments should add to the overall quality of the area, should be sympathetic to the local character, and should establish and maintain a strong sense of place.

Policy ENV4 and DM27 seek to protect the built heritage and maximise the value. DM27 supports development proposals which protect, conserve and where possible enhance the historic and cultural architectural character of the Borough's historic sites and their settings.

Draft Policy BE1PU and BE2PU also seek to protect heritage assets.

The Listed Building and Conservation Areas Act sets out a clear presumption that gives considerable importance and weight to the desirability of preserving a heritage asset and its setting.

Section 16 of the NPPF includes a requirement that when considering the impact of development proposals on designated heritage assets such as a conservation area, great weight should be given to the conservation of the asset's significance; however, less than significant harm should be weighed against the public benefits of a development.

The main issues raised by this application are the impact of the development on residential amenities of occupiers of the adjoining properties and the impact on the character and appearance of the roof platform and the wider impact on the character and appearance of the Conservation Area and the setting of the heritage assets.

Impact of Development on Residential Amenities of Adjoining Properties

The application site relates to a small, terraced property, which due to its narrow plot width lies in close proximity to the adjoining dwelling, no. 21 Irish Street. The bedroom window of the neighbouring property is approximately 1 metre away from the proposal.

The proposal includes the retention of a roof platform which has been created to provide an extended fire escape walkway and handrail at first-floor level. The roof platform is located 2.7 metres above the rear yard ground level and it includes a 1 metre timber balustrade along the side and rear elevations, facing the neighbouring properties garden and bedroom window.

Despite the applicant advising that the roof platform is to accommodate a fire escape ladder and not to be used as a raised patio, it is considered that the extended platform and new balustrade does facilitate a roof terrace. This development encourages the use of the flat roof as a terrace due to its size and permanence of the structure. It also faces south which maximises the amount of daylight and sunshine it receives. The extended platform and balustrade therefore allows the roof to function as a roof terrace (raised platform) and evidence has been provided showing that the roof terrace is being used as an external amenity area, including the hanging washing. On this basis, the impact of the proposed use

as roof platform/terrace must be considered, not just as a fire escape.

The proposal raises significant concerns due to the proximity to the boundary and especially the neighbouring bedroom window at no. 21 Irish Street. The proposal extends beyond the rear elevation of no. 21 Irish Street and it only includes a 1 metre high open-balustrade to the side. This proposal is therefore considered to have an unacceptable impact in terms of overlooking and loss of privacy into the adjoining neighbours, no. 21 Irish Street's garden and habitable windows on the rear elevation. The rear projection also creates a harmful and overbearing and dominant effect on the amenity of neighbouring properties.

The use of roof platform as an amenity area would also result in noise and disturbance which is likely to have a significant impact on the amenity of adjoining occupiers due to the close proximity to the neighbouring bedrooms.

In addition, the rear of this terrace is shielded from traffic noise along Irish Street and as such is a quieter environment, especially during the evening and night hours. Noise and disturbance from people on an elevated, open first-floor roof platform, is therefore likely to be cast along the rear of the terrace and be heard by other residents. On this basis, it is considered that the proposal will result in an unacceptable disturbance which will significantly harm residential amenity in terms of noise.

On this basis, due to its proximity and elevation, the roof platform has a detrimental impact on living conditions and privacy of the occupiers of adjoining residential properties. Therefore the proposal conflicts with Policies ST1, DM10, DM18 of the Local Plan and section 12 of the NPPF, which seek to ensure that development safeguard good levels of general and residential amenity, maintain standards for residential development, and would not create potential privacy problems for the residents of adjacent dwellings.

The Effect of the Proposed Development on the Character and Appearance of the Area and the Heritage Assets

The application site lies within Whitehaven Conservation Area and is adjacent to a grade II listed mid-19th Century building in the Italianate style. The listed building does include metal railings with modest projections along the rear elevation in an Italianate style.

The large extended roof platform projects beyond the ground-floor rear elevation and includes a 1-metre-high wooden balustrade along the side and rear elevations. The first-floor roof platform is therefore inappropriate in terms of its siting, scale and design. Its projecting beyond the existing rear elevation accentuates its prominence within the locality.

Given the siting, scale and design of the raised platform, the development is considered to have a significant detrimental impact on the existing character and appearance of area. There are no first-floor raised platforms of this scale along the rear elevation of the terraced row and therefore the first-floor roof platform which includes a wooden balustrade is considered to be an incongruous addition that has an adverse impact on the character and

appearance of the terraced property and the surrounding area.

The Conservation and Design Officer considered 22 Irish Street to make a slightly negative contribution to the setting of the adjacent 19-20 Irish Street (grade II listed building), and on the character and appearance of the conservation area, due to the accretions and poor fenestration it has received.

The Conservation and Design Officer also considered that the extended roof platform presents an appearance of mass that makes a negative impression. The larger structure appears more top-heavy and with greater projection, has a small but appreciable negative effect. The proposal is therefore not considered to preserve or enhance the character or appearance of the Conservation Area.

Overall, the Conservation and Design Officer considered the proposal to have had less-than-substantial harm on this modest non-designated heritage asset, towards the negligible end of the scale, and on the character and appearance of the conservation area, and the setting of the adjacent 19-20 Irish Street. The justification and minor benefits of the proposal are not considered to be sufficient to outweigh the harm identified to both local residents and the visual amenity of the area.

The proposal is visible from the surrounding public vantage points and the scale, design and materials are out of keeping with the character and appearance of the area. The development fails to relate in a coherent manner to its surroundings and the use of timber balustrade is inappropriate adjacent to the grade II listed building. It has a detrimental impact on the visual amenity of the wider area including the surrounding conservation area.

On this basis, it is considered that the proposed results in an inappropriate form of development that has an adverse effect on the character and appearance of Whitehaven Conservation Area. This conflicts with Policies ST1, DM10, DM18 and DM27 of the Copeland Local Plan 2013-228: Core Strategy and Development Management Policies DPD (the Local Plan). These policies seek to ensure that developments are of an appropriate scale, design and material, which are appropriate to their surroundings and respond positively to the character of the area, while preserving and enhancing the conservation area.

Planning Balance and Conclusion

Section 12 of the National Planning Policy Framework clearly sets out that one of the key principles of the planning system is to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

This aim is reflected in the Copeland Local Plan, particularly within policies ST1 D(i) and D(ii), DM10, DM18 and DM27.

Policies DM10, DM18 and DM27 set out the criteria on which this proposal has been assessed.

Despite the applicant advising that the roof platform is required to accommodate a fire escape ladder, it is considered that the extended platform and new balustrade facilitate a roof terrace. The retention of a roof terrace results in an inappropriate form of development that

	<p>would exert an overbearing and dominant effect on the adjoining properties. Its use would have a significant detrimental impact on the privacy of the adjoining occupiers habitable windows and garden.</p> <p>In addition, taking into account the tests within the LBCA and DM27 of the Copeland Local Plan, the proposal does not preserve or enhance the character of appearance of the area. The scale, design and materials are out of keeping with the character and appearance of the area and it fails to relate in a coherent manner to its surroundings. The first-floor roof platform is inappropriate in terms of its siting, scale and design. Its projecting beyond the existing rear elevation accentuates its prominence within the locality.</p> <p>The roof platform produces an incongruous form of development that has a detrimental impact on the character and appearance of the terrace and the visual amenity of the wider area including the sensitive conservation area.</p> <p>Overall, the proposal is considered to be an inappropriate form of development which is in conflict with Policies ST1, DM10, DM18 and DM27 of the adopted Local Plan. The minor benefits that would result from this proposal are not considered to be sufficient to outweigh the adverse harm identified to both local residents and the visual amenity of the conservation area.</p>
8.	<p>Recommendation:</p> <p>Refuse</p>
9.	<p>Reasons for Refusal:</p> <ol style="list-style-type: none"> 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.

Case Officer: C. Unsworth

Date : 13/04/2023

Authorising Officer: N.J. Hayhurst

Date : 21/04/2023

Dedicated responses to:- N/A