

## CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	<b>Reference No:</b>	4/22/2486/0F1
2.	<b>Proposed Development:</b>	TWO-STOREY REAR AND SIDE EXTENSION AND RAISED DECK TO PROVIDE ADDITIONAL LIVING SPACE WITH RETROSPECTIVE RAISED REAR GARDEN LEVEL
3.	<b>Location:</b>	54 VALLEY PARK, WHITEHAVEN
4.	<b>Parish:</b>	Whitehaven
5.	<b>Constraints:</b>	ASC;Adverts - ASC;Adverts, 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>SITE AND LOCATION</b>  This application relates to 54 Valley Park, a detached property situated on an existing housing estate within Whitehaven. The site is located on a hill which slopes down towards the rear of the site.  <b>PROPOSAL</b>  Planning Permission is sought for the erection of a two-storey side and rear extension with rear raised deck and Retrospective Planning Permission for the raised rear garden level. The	

extension will provide an enlarged garage and an additional living room and WC on the ground floor and an additional master bedroom with en-suite on the first floor.

The extension will project 5.4 metres from the side elevation and it will have a depth of 13.5 metres and it will also project 2.4 metres from the rear elevation. The extension will continue the same pitched roof design as the existing property and it will include a cross gable roof on the rear elevation. The front elevation has been designed to include a garage door and roof light, the side elevation facing the boundary will include three windows and the rear elevation will include sliding doors on the ground floor and a two-bedroom windows on the first floor. The side elevation facing the garden will include a ground floor glazed floor to ceiling window. The proposal will be finished in render/stone, grey roof tiles and UPVC/Alu-clad timber windows and doors to match the existing property.

The raised deck will project 2.4 metres from the rear elevation and will be 3 metres in width. It will be located at ground floor level but, as the property is located on a hill, it will have a height of 1.1 metres from garden level and it includes access steps on the side elevation adjacent to the house. It will include a 1.1 metre-high balustrade along each edge of the platform.

The retrospective works relating to the garden level includes a 0.5m retaining wall with a 1.8 metre high-timber palisade fence above adjacent to the rear boundary. The overall garden level has been raised to this level.

## **RELEVANT PLANNING APPLICATION HISTORY**

There have been no previous planning applications at this property.

## **CONSULTATION RESPONSES**

### Whitehaven Town Council

Initial consultation - No objections.

Second consultation – No comments received.

### Public Representations

The application has been advertised by way of neighbour notification letters issued to 5 no. properties - One objection was received as a result of this consultation process which raised concerns regarding flooding.

No objections were received as part of the second consultation with the updated description and the original objector was happy that the drainage issues will be addressed by a pre-

commencement condition.

## **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**

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 ENV1 – Flood Risk and Risk Management

#### Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place

Policy DM18 – Domestic Extensions and Alterations

Policy DM24 – Development Proposals and Flood Risk

### **Other Material Planning Considerations**

National Planning Policy Framework (NPPF)

Cumbria Development Design Guide

### **Emerging Copeland Local Plan 2021-2038 (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 CO7PU – Parking Standards and Electric Vehicle Charging Infrastructure

## **ASSESSMENT**

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

### Principle of Development

The proposed application relates to a residential dwelling within Whitehaven and it will provide an enlarged garage and an additional living room and WC on the ground floor and an additional master bedroom with en-suite on the first floor and a raised deck/garden area in the rear garden. Policy DM18 supports extensions to residential properties subject to detailed criteria, which are considered below.

On this basis, the principle of the development is therefore considered to be acceptable and the extension satisfies Policies ST2, DM18 and the NPPF guidance.

### Scale and Design

Policy ST1 and section 12 of the NPPF 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.

The proposed two-storey extension will be appropriately located to the side of the property, and it will replace an existing single garage. It will be relatively modest in scale and the pitched roof design is considered to respect the character and appearance of the existing property and garage. As a result, the proposed extension will not be excessively prominent in the street scene. In addition, the materials will match the existing property, and this will therefore reduce the impact on the street scene.

In addition, the proposed raised deck and rear garden levels are considered to be modest in scale and design within the large garden.

On this basis, the proposal is considered to meet Policy DM18(A) and NPPF guidance.

#### 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.

Whilst amenity issues between the proposed extension and the neighbouring properties were considered, the side and rear extension is considered to be relatively modest in scale and it will replace an existing garage and utility room.

Given the proposed orientation of the extension to the north of the existing property, it is considered that the proposed side extension will not cause a significant loss of light or dominance on the neighbouring properties.

Due to the location of the neighbouring properties conservatory at no. 53 Valley Park, it is considered appropriate to protect neighbouring amenity and mitigate overlooking by ensuring obscure glazing is installed in the proposed side elevation windows. This can be secured by the use of a planning condition and therefore it is not considered that the extension will cause unacceptable overlooking or loss of privacy issues.

In addition, the proposed rear deck and raised garden level are not considered to cause unacceptable overlooking issues. The proposed rear deck is suitably located in the large rear garden, away from the neighbouring properties and the existing boundary fence on top of the new retaining wall provides suitable screening. To further protect amenity, a planning condition is proposed to ensure that this screening remains in place and is maintained thereafter.

On balance, the proposal is considered to be acceptable. Taking into account the siting of the extension and the orientation of the existing property, the proposed extension design is acceptable and it will not adversely harm the neighbouring amenity. It is therefore considered that the proposal satisfies Policies DM18(B), DM18(C) and the NPPF guidance.

#### Highway Safety

Policy DM22 encourages innovative approaches to manage vehicular access and parking to avoid vehicles dominating the street scene.

	<p>The site access and off-street parking for two vehicles will remain unchanged to the front of the property. This is considered to meet the needs of the proposed 4-bedroom property.</p> <p>On this basis, the proposal is considered to comply with Policy DM22 and the standards set out in the Cumbria Development Design Guide.</p> <p><u>Drainage and Flood Risk</u></p> <p>Policy DM24 seeks to protect development against flood risk.</p> <p>As significant concerns were received regarding drainage and flood risk associated with proposed site, a planning condition has been attached to ensure the drainage scheme is agreed with the Local Planning Authority, prior to the commencement of the development. The drainage must also be fully operational prior to the first use of the extension and must be retained in perpetuity thereafter. This is considered to be appropriate to satisfy neighbouring concerns regarding flood risk.</p> <p>On this basis, the proposal is considered to meet Policy DM24 of the Copeland Local Plan.</p> <p><u>Planning Balance and Conclusion</u></p> <p>This application seeks to erect a two-storey side and rear extension, a raised deck and rear garden area to a detached property within Whitehaven.</p> <p>The proposed extension is considered to be of an appropriate scale and design and will not have any significant detrimental impacts on the amenities of the neighbouring properties or highway safety. To ensure that neighbouring amenity is protected it is considered appropriate to secure the installation of obscure glazing in the side elevation and the maintenance of the rear boundary fence by use of planning conditions.</p> <p>Concerns regarding flood risk and drainage can be dealt with by the use of a planning condition and the agent has agreed to the pre-commencement wording of this condition.</p> <p>On balance, subject to the inclusion of the planning conditions, the proposed extension and raised garden levels represents 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> <p><u>Standard Conditions</u></p> <p>1. The development hereby permitted must commence before the expiration of three</p>

years from the date of this permission.

**Reason**

To comply with Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

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: -

Application Form, received 19<sup>th</sup> December 2022;

Block Plan, scale 1:500, drawing 221004-02C, received 29<sup>th</sup> September 2023;

Proposed Ground Floor and Site Plan, scale 1:100, drawing 221004-02C, received 29<sup>th</sup> September 2023;

Site Location Plan, received 19<sup>th</sup> December 2022;

Existing Floor Plan and Elevations, scale 1:100, drawing 221004-01, received 19<sup>th</sup> December 2022;

Proposed Floor Plan and Elevations, scale 1:100, drawing 221004-02C, received 29<sup>th</sup> September 2023.

**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.

**Pre commencement condition**

3. Prior to commencement of development on the site a detailed surface drainage scheme must be submitted to and agreed in writing by the Local Planning Authority. The scheme must be implemented in accordance with the approved details and fully operational prior to the first use of the extension hereby approved and must be retained in perpetuity thereafter.

**Reason**

To ensure a satisfactory scheme of surface water disposal from the site and reduce the risk of flooding in accordance with Policy DM24 of the Copeland Local Plan.

Prior to first use condition

4. Prior to the first use of the extension hereby approved, obscure glazing must be installed within the right-side elevation windows in accordance with the approved plan. Once installed, the obscure glazing must be permanently maintained at all times thereafter.

Reason

To safeguard the residential amenity in accordance with Policy DM18 of the Copeland Local Plan.

Other conditions

5. The rear timber palisade boundary fence must remain in position in accordance with the Site Plan, drawing 221004-02C, received by the Local Planning Authority on 29<sup>th</sup> September 2023 and it must be maintained in accordance with the approved details at all times thereafter.

Reason

To safeguard the residential amenity in accordance with Policy DM18 of the Copeland Local Plan.

**Informative 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:

[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





**Cumberland  
Council**

	to grant planning permission in accordance with the presumption in favour of sustainable development as set out in the National Planning Policy Framework.	
<b>Case Officer: C. Wootton</b>		<b>Date : 20/10/2023</b>
<b>Authorising Officer: N.J. Hayhurst</b>		<b>Date : 23/10/2023</b>
<b>Dedicated responses to:- N/A</b>		