

**CUMBERLAND COUNCIL
DELEGATED PLANNING DECISION**

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| 1. | Reference No: | 4/23/2116/0F1 |
| 2. | Proposed Development: | PROPOSED DEMOLITION OF EXISTING CONSERVATORY AND ERECTION OF NEW SINGLE STOREY EXTENSION TO REAR OF PROPERTY |
| 3. | Location: | 46 HILLCREST AVENUE, 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: | <p>LOCATION</p> <p>This application relates to 46 Hillcrest Avenue, a semi-detached property located on an existing housing estate within Whitehaven. The site benefits from an existing single-storey conservatory within the rear garden.</p> <p>PROPOSAL</p> <p>Planning Permission is sought for the erection of a replacement single-storey rear extension to provide a new sunroom. The extension will project 3.2 metres from the rear elevation of the dwelling and it will be 4.8 metres in width. It has been designed to include a lean-to roof with</p> |

an overall height of 3.6 metres and an eaves height of 2.2 metres. The rear elevation will include two windows and the side elevation facing the patio will include patio doors. The side elevation along the boundary will be blank. It will be finished externally with dash render, grey concrete roof tiles and white UPVC windows and doors to match the existing property. It will also be lit by 2 skylights.

RELEVANT PLANNING APPLICATION HISTORY

Planning Permission has previously been granted for a two-storey extension (ref: 4/03/1161/1).

CONSULTATION RESPONSES

Consultees

Whitehaven Town Council – No objections.

Public Representations

The application has been advertised by way of neighbour notification letters issued to 5 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

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 2013 – 2028 (Adopted December 2013):

Core Strategy



Cumberland Council

Policy ST1 – Strategic Development Principles

Policy ST2 – Spatial Development Strategy

Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place

Policy DM18 – Domestic Extensions and Alterations

Other Material Planning Considerations

National Planning Policy Framework (NPPF)

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

ASSESSMENT

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

Principle of Development

The proposed application relates to a residential dwelling within Whitehaven, and it will provide a replacement sunroom. 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 rear extension will be relatively modest in scale and appropriately located within the site, behind the main element of the existing dwelling. This will ensure that the proposal appears subservient to the main dwelling, and it will not be excessively prominent within the locality. The design is considered to be suitable for its use as a replacement sunroom. In addition, the choice of materials are considered to respect the existing character and appearance of the existing property.

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

Residential Amenity

Policy ST1, Policy DM18 and section 12 of the NPPF seek to safeguard good levels of residential amenity of both the parent property and adjacent dwellings.

Whilst potential amenity issues between the proposed extension and the neighbouring properties were considered, the extension will be relatively modest in scale and design. It will be appropriately located to the rear of the parent property and the orientation of the existing dwelling and extension to the north of the adjoining neighbour, no. 48 Hillcrest Avenue will ensure the proposal will not result in a significant reduction in daylight or appear overbearing for the neighbouring properties.

The blank side elevation adjacent to no. 48 Hillcrest Avenue will also improve the appearance and perception of overlooking from the conservatory which currently includes high level windows along the boundary.

In addition, under current permitted development rights, an extension could project 3 metres from the rear elevation, with an overall height of 4 metres without the requirement for formal planning permission. This fall-back position is a material consideration in the assessment of this application. As the projection and height is not significantly larger than what is possible under permitted development, this proposal is considered to be satisfactory and therefore the proposal will not have a detrimental impact on the neighbouring amenity.

No concerns have been raised as part of the neighbour consultation process.



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| | <p>On this basis, it was considered that the proposal will not have any adverse impacts on the neighbours and therefore the proposal is considered to satisfy Policy DM18 and the NPPF guidance.</p> <p><u>Planning Balance and Conclusion</u></p> <p>Overall, the replacement single-storey rear extension is considered to be of an appropriate scale and design and will not have any detrimental impact on the amenities of the adjoining properties. The proposal therefore 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>Recommendation: Approve (commence within 3 years)</p> |
| 9. | <p>Conditions:</p> <ol style="list-style-type: none"><p>The development hereby permitted must commence before the expiration of three years from the date of this permission.</p><p>Reason</p><p>To comply with Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.</p><p>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><p>Application Form, received 24th April 2023; Site Location Plan, scale 1:1250, drawing no. 001 Mod B, received 31st May 2023; Proposed Location Plan, scale 1:1000, drawing no. 001 Mod A, received 24th April 2023; Block Plan, scale 1:500, drawing no. 001 Mod A, received 24th April 2023; Existing Floor Plans and Elevations, scale 1:100, drawing no. 002 Mod A, received 24th April 2023; Proposed Floor Plans and Elevations, scale 1:100, drawing no. 003 Mod A, received 24th April 2023.</p><p>Reason</p><p>To conform with the requirement of Section 91 of the Town and Country Planning Act</p> |

1990, as amended by the Planning and Compulsory Purchase Act 2004.

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

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 to grant planning permission in accordance with the presumption in favour of sustainable development as set out in the National Planning Policy Framework.

Case Officer: C. Unsworth

Date : 20/06/2023

Authorising Officer: N.J. Hayhurst

Date : 20/06/2023

Dedicated responses to:- N/A