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THE TOWN AND COUNTRY PLANNING (PERMISSION IN PRINCIPLE)
(AMENDMENT) ORDER 2017 (as amended)

TECHNICAL DETAILS CONSENT STAGE

NOTICE OF REFUSAL

Tetra Tech Planning
Lakeland Business Park
Lamplugh Road
Cockermouth
CA13 0QT
FAO: Mr Graham Hale

APPLICATION No: 4/23/2164/PIP

A TECHNICAL DETAILS CONSENT (TDC) APPLICATION FOR THREE DWELLINGS PURSUANT TO A PLANNING-IN-PRINCIPLE PERMISSION GRANTED ON APPEAL ON 9TH JULY 2020 UNDER REFERENCE APP/Z0923/W/20/3246227 (COPELAND BOROUGH COUNCIL REFERENCE 4/19/2246/PIP). THIS TDC APPLICATION SEEKS TO PROVIDE THE NECESSARY TECHNICAL DETAILS TO SUPPORT DEVELOPMENT OF THE SCHEME.

LAND TO THE REAR OF 108 VICTORIA ROAD, WHITEHAVEN

Mr Roy Donnan

The Council in pursuance of its powers under the above mentioned Act hereby REFUSES permission for the Technical Details Consent Stage for the development described above for the following reason:

Reasons For Refusal

Reason 1

The proposed development by virtue of its location, levels, scale, form, massing and design does not respond positively to the character of the application site and its developed context, does not enhance local distinctiveness and does not deliver high quality design in conflict with the provisions of Policy ST1, Policy ENV5, Policy DM26 and Policy DM10 of the Copeland Local Plan 2013-2028, Policy DS6PU and Policy H6PU of the emerging Copeland Local Plan 2017-2038 and Section 12 of the National Planning Policy Framework.

Reason 2

The proposed dwellings by virtue of their overall height, levels, expansive glazing and raised balcony areas will result in unacceptable impacts upon the living conditions of existing residents of 106 – 110 Victoria Road through physical overlooking and perception of overlooking. This is in conflict with the provisions of Policy ST1 and Policy DM10 of the Copeland Local Plan 2013-2028, Policy H6PU of the emerging Copeland Local Plan 2017-2038 and Section 12 of the National Planning Policy Framework.

Statement

The Local Planning Authority has acted positively and proactively in accordance with the development 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 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



Nick Hayhurst
Head of Planning and Place
Inclusive Growth and Placemaking

27th September 2024

NOTIFICATION - 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](#).