
**CUMBERLAND COUNCIL
DELEGATED PLANNING DECISION**

1.	Reference No:	4/23/2216/0F1
2.	Proposed Development:	ERECTION OF A CONSERVATORY
3.	Location:	17 HAIG 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>SITE AND LOCATION</p> <p>This application relates to 17 Haig Avenue, a semi-detached residential property located within the Bransty area of Whitehaven. The site benefits from a large, sloped garden to the rear.</p> <p>PROPOSAL</p> <p>Planning Permission is sought for the erection of a single-storey solid roofed conservatory to the rear of the property.</p> <p>The extension will project 4.9 metres from the rear elevation, and it will have an overall width of 3.4 metres. It has been designed to include a hipped roof with an overall height of 2.908 metres. The proposed conservatory has been designed to include a red brick 0.6-metre-high dwarf wall with windows along the front elevation and patio doors and windows on the side elevation facing the parent property garden. The side elevation along the boundary adjacent to number 19 Haig Avenue will include high-level horizontal windows.</p>

The extension will be finished with pebble dash render, pewter grey roof tiles and upvc windows to match the existing.

RELEVANT PLANNING APPLICATION HISTORY

4/00/0280/0: DETACHED GARAGE - Approved

CONSULTATION RESPONSES

Whitehaven Town Council

No objections.

Public Representations

The application has been advertised by way of neighbour notification letters issued to 3 no. properties. No objections were received in response to this consultation.

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

Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place



Cumberland Council

Policy DM18 – Domestic Extensions and Alterations

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

ASSESSMENT

The key issues raised by this proposed 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 semi-detached residential dwelling in Bransty, within Whitehaven. The proposal will provide a single-storey conservatory 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 extension is a rear conservatory extension of hipped roof construction. The extension will project 4.9 metres from the rear elevation, and it will have an overall width of 3.4 metres. The overall height will be 2.908 metres.

The extension will be located to the rear of the property, behind the main element of the existing dwelling and it will be relatively modest in scale. This will ensure that the proposal appears subservient to the main dwelling, and it will not be excessively prominent within the locality. It will not be overbearing for the neighbouring properties and the design is considered to be suitable for its use.

The extension will be finished with pebble dash render, pewter grey roof tiles and upvc windows to match the existing. The choice of materials to match the existing dwelling will therefore ensure that the proposed extension is not out of character with other houses within the locality.

In addition, during my site visit, it was noted that there were similar extensions within the locality, with the adjacent neighbour at number 19 Haig Avenue having already erected a rear conservatory. The overall proposal will therefore respect the character and appearance of the existing property and the wider residential area. On this basis, the proposal is considered to meet Policy DM18 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 the parent property or adjacent dwellings. The proposed extension will have little impact on the residential amenity due to its scale and siting.

Overlooking and overshadowing issues between the proposed conservatory and the neighbouring properties were considered, although the extension will be modest in scale and appropriately sited within the large rear garden. The hipped roofed design will reduce any potential overshadowing issues.

The adjacent neighbour at number 19 Haig Avenue already has an existing conservatory whereby the side elevation along the boundary adjacent to the parent property includes high-level horizontal windows only. This, combined with the design of the proposed conservatory along this elevation and the presence of an existing boundary fence will screen the development and mitigate any potential overlooking issues.

In addition, under current permitted development rights, an extension could project 3 metres



Cumberland Council

	<p>from the rear elevation without the requirement for formal planning permission. This fall-back position is a material consideration in the assessment of this application. As the proposed projection is not significantly larger than what is possible under permitted development, this proposal is considered to be satisfactory and therefore it will not have a detrimental impact on the neighbouring amenity.</p> <p>On balance, it is considered that the proposal will not have any significant detrimental impact on the immediate residential amenity and therefore it is considered to meet Policy DM18 and the NPPF guidance.</p> <p><u>Planning Balance and Conclusion</u></p> <p>The application seeks Planning Permission for the erection of a solid roof conservatory on the rear elevation of a semi detached property. Taking into account the scale and design of the proposal and impacts on residential amenity the proposed extension is considered to be of an appropriate scale and design and will not have any significant detrimental impact on the amenities of the adjoining properties.</p> <p>On balance, the proposal 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:</p> <p>Approve (commence within 3 years)</p>
9.	<p>Conditions:</p> <ol style="list-style-type: none">1. The development hereby permitted must commence before the expiration of three years from the date of this permission. <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> <ol style="list-style-type: none">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: <p>Application Form, received 25th July 2023; Site Location Plan, scale 1:1250, received 25th July 2023; Proposed Site Plan, scale 1:200, received 25th July 2023; Proposed Elevations and Roof Plan, received 25th July 2023;</p>

Existing Photograph, received 25th July 2023;

Proposed side/rear photograph, received 25th July 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.

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: Demi Crawford

Date : 11/09/2023

Authorising Officer: N.J. Hayhurst

Date : 18/09/2023

Dedicated responses to:- N/A