



## CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	<b>Reference No:</b>	4/24/2066/0F1
2.	<b>Proposed Development:</b>	REPLACE CONSERVATORY WITH KITCHEN EXTENSION AND CONVERT GARAGE TO UTILITY ROOM, TOILET AND STORE
3.	<b>Location:</b>	5 PARK DRIVE, 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>	<p><b>SITE AND LOCATION</b></p> <p>This application relates to the dwelling at 5 Park Drive. It is situated within a residential estate in Whitehaven and surrounded by other residential properties. Park Drive runs to the east of the property with James Drive to the west.</p> <p><b>PROPOSAL</b></p> <p>Planning Permission is sought to replace the existing conservatory with a kitchen extension and convert the garage to a utility room, toilet and store.</p> <p>The existing conservatory is glazed with French casement doors. The replacement extension will be on the same footprint and remain mostly glazed with a flat roof and the addition of a fence to the existing terrace. The garage will be converted to provide liveable space, but this</p>

does not require planning permission.

Due to the levels on site, the floor level will be at 0.6m above ground level – this reflects the existing situation for this dwelling. A terrace is to be created to the rear of the property which will be accessed by a small flight of steps.

### **RELEVANT PLANNING APPLICATION HISTORY**

Side extension above existing garage and remove porch and rebuild ground floor extension, approved in December 2020 (application reference 4/20/2416/0F1 relates).

### **CONSULTATION RESPONSES**

#### Whitehaven Town Council

No objections.

#### Public Representations

The application has been advertised by way of neighbour notification letters issued to 5 no. properties.

No responses have been received as a result of these advertisements.

### **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



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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 DM22 – Accessible Developments

Policy DM24 – Development Proposals and Flood Risk

**Emerging Copeland Local Plan 2021-2038 (ELP):**

Cumberland Council are continuing the preparation and progression to adoption of the ELP.

The Local Plan Examination Hearing Sessions were completed in March 2023.

The appointed Planning Inspector issued their post hearing letter in June 2023, which identified the next steps for the examination.

The appointed Planning Inspector has now considered all representations and the discussions that took place during the Local Plan Examination Hearing Sessions in 2023 and has identified a number of amendments or 'modifications' that are required in order to ensure the ELP is sound i.e. positively prepared, justified, effective and consistent with national planning policy.

A six week public consultation seeking views on the proposed modifications to the ELP commenced on Wednesday 14th February 2024 and will close on the 28<sup>th</sup> March 2024.

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 advanced stage of preparation of the ELP full weight can be attached to policies where no objections have been received or objections have been resolved. Once the consultation on the main modifications to the ELP is complete significant weight can be afforded to the policies of the ELP where modifications are proposed.

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

**Other Material Planning Considerations**

National Planning Policy Framework 2023 (NPPF)

Cumbria Development Design Guide

**ASSESSMENT**

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

Principle of Development

The proposed application relates to a residential dwelling within Whitehaven to provide a replacement extension on the footprint of the existing conservatory. Policy DM18 of the CS and H14PU of the ELP support extensions and alterations to residential properties subject to detailed criteria, which are considered below.

On this basis, the proposal is considered to satisfy Policies DM18 of the CS, H14PU of the ELP and the NPPF guidance.

Scale and Design

Policy ST1 of the CS, DS1PU of the ELP and section 12 of the NPPF seek to safeguard good levels of quality and attractiveness. Policy DM10 and DM18 of the CS and H14PU of the ELP 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 replacement extension will be sited to replace the existing conservatory on the rear of the property. It will not project past the rear elevation of the dwelling and will reflect the existing situation. Due to the topography of the plot, the floor level will be 0.6m above the ground level of the plot. This is reflected in the surrounding dwellings due to the steep slope of the land on this particular estate. An area of terracing is to be created outside the rear extension to match the adjoining property.

The design is considered to be consistent with the neighbouring properties and will be of an appropriate appearance and in context with the dwelling. It will provide a more permanent construction than the existing conservatory and is therefore supported.

On this basis, the proposal is considered to meet Policy DM18 of the CS, H14PU of the ELP and the NPPF guidance.

Residential Amenity

Policy ST1 and DM18 of the CS, H14PU of the ELP and section 12 of the NPPF seek to



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	<p>safeguard good levels of residential amenity of the parent property or adjacent dwellings.</p> <p>The proposal will be located to the rear of the property with a proposal to convert the integral garage to the side of the property. The existing situation will not change for the neighbours. It is therefore unlikely that there any overdominance or any loss of light will result.</p> <p>All neighbouring dwellings have been consulted with no responses received from any.</p> <p>On this basis, the proposal will not have unacceptable adverse impact on the residential amenity and it is considered to comply with Policy DM18 of the CS, Policy H14PU of the ELP and NPPF guidance.</p> <p><u>Planning Balance and Conclusion</u></p> <p>The application seeks planning permission for a replacement extension in place of the existing conservatory and internal alterations to convert the garage which does not require planning permission.</p> <p>On balance, the proposed alterations are considered to reflect the character and appearance of the existing property and reflect similar situations within the locality. The proposal is of an appropriate scale and design and would not have any significant detrimental impact on the amenities of the adjoining properties.</p> <p>Overall, it 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> <ol style="list-style-type: none"><li data-bbox="161 1473 1485 1547">1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.</li></ol> <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"><li data-bbox="161 1832 1414 2022">2. Permission shall relate to the following plans and documents as received on the respective dates and development shall be carried out in accordance with them: - Application form, received 26th February 2024; Location and Block Plan, scales 1:1250 and 1:100, drawing number 19/0397/01,</li></ol>

received 26th February 2024;

Proposed Block Plan, scale 1:200, drawing number 19/0397/07, received 26th February 2024;

Foundation Plan Sub Structure and Drains, scale 1:50, drawing number 19/0397/03, received 26th February 2024;

Floor Plan, scale 1:50, drawing number 19/0397/04, received 26th February 2024;

Proposed Elevations, scale 1;100, drawing number 19/0397/05, received 26th February 2024;

Proposed Section, scale 1:50, drawing number 19/0397/06, received 26th February 2024.

#### 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

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 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: Sarah Papaleo**

**Date : 22/04/2024**

**Authorising Officer: N.J. Hayhurst**

**Date : 22/04/2024**

**Dedicated responses to:- N/A**



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