

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/24/2230/0F1
2.	Proposed Development:	EXTENSION OF BALCONY ON FRONT ELEVATION AT FIRST FLOOR LEVEL WITH BLACK COMPOSITE DECKING & A GLASS BALLUSTRADE WITH TINTED GLASS & STAINLESS STEEL UPSTANDS & HANDRAIL AND DECKING WITHIN THE GARDEN (RETROSPECTIVE)
3.	Location:	WEST WINDS, MOSSWELL TERRACE, WHITEHAVEN
4.	Parish:	Whitehaven
5.	Constraints:	ASC;Adverts - ASC;Adverts, Conservation Area - Conservation Area, 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: SITE AND LOCATION <p>This application relates to the dwelling known as West Winds, a detached property located off Mosswell Terrace, in Whitehaven. The property is accessed from a private driveway which runs adjacent to the dwelling known as Jameson House. There are residential dwellings to the north, residential gardens to the south and west and vacant land to the east.</p> <p>The property is situated within the Whitehaven Conservation Area.</p>	

PROPOSAL

Retrospective Planning Permission is sought for the retention of a balcony on the front elevation at first floor level and also the retention of an area of wooden decking within the garden area.

The balcony is surfaced with black composite decking and is bound by a glass balustrade with tinted glass and stainless steel upstands and handrail.

The balcony is 2.29m from the ground level. The balustrade on the south elevation is 1.5 metres high which lowers to 1.1m on the west elevation. It infills a gap on the first floor where there are existing stairs to access the dwelling. The extension adds 2.78sq m of balcony space but does not protrude further than the existing south elevation of the dwelling. The balustrade has been fitted with frosted glazing.

A timber and composite decked area has been created to the west of the dwelling measuring 3m x 6m with a height of 460mm.

RELEVANT PLANNING APPLICATION HISTORY

There have been no previous applications on the site.

CONSULTATION RESPONSES

Whitehaven Town Council

1st response

No objections.

2nd response

No objections.

Conservation Officer

1st response

Description: West Winds is not a heritage asset. It is a modern house constructed in the 1980s, and is located in a part of the conservation area with very little visibility, despite its raised position.

Conclusion: No objection

Assessment:

- I expect there to be little or no visibility of the new balcony from the settings of any heritage assets or the publicly accessible parts of the conservation area.
- The building itself is not a heritage asset.



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- The balcony appears designed and detailed to a reasonable level of attractiveness.
- I therefore anticipate neutral heritage impact and do not believe the balcony to be a poor piece of urban design.

2nd response

No additional comments.

Public Representations

The application has been advertised by way of a site notice, a press notice and neighbour notification letters issued to 5 no. properties.

One letter of objection has been received raising the following concerns:

- The balcony will create an overlooking issue for the dwelling and the neighbour;
- Decking has been constructed without planning permission;
- A window has been changed to doors.

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

Policy ST1 – Strategic Development Principles

Policy ST2 – Spatial Development Strategy

Policy ENV1 – Flood Risk and Risk Management

Policy ENV4 – Heritage Assets

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

Policy DM27 – Built Heritage and Archaeology

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 closed on the 28th March 2024.

The Planning Inspectors Final Report was received on 23rd September 2024. It is intended that the Local Plan will be adopted at the Full Council meeting on 5th November 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 the policies.

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

Strategic Policy BE1PU – Heritage Assts

Policy BE2PU – Designated Heritage Assets



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Other Material Planning Considerations

National Planning Policy Framework 2023 (NPPF)

Conservation Area Design Guide SPD

Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA)

ASSESSMENT

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

Principle of Development

The application relates to a residential dwelling within Whitehaven to provide an extended amenity space for the occupants. 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 development infills a vacant area to the west of the dwelling and adds decking to the garden to the north west. The dwelling is sited on a large plot, capable of accommodating this modest scale of development.

The side balcony extends from the existing staircase used to access the property. It provides a raised seating area for the dwelling and is considered to be in keeping with the modern design. It is small in scale and does not protrude further than the existing rear elevation of the dwelling to the east.

The materials have been chosen to compliment the existing dwelling. Further to comments received from the neighbouring property, the balustrade has been fully frosted in order to mitigate overlooking concerns. A suitably worded planning condition is considered to be necessary to ensure that the balustrade remains as such for the lifetime of the development.

The timber deck is considered to be typical of a residential decking area.

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 safeguard good levels of residential amenity of the parent property or adjacent dwellings.

The proposals are located in the side and rear gardens. The projection for the balcony infills an existing gap in the dwelling, squaring an area and does not protrude further west or south than the existing elevations. Concerns were raised from the neighbouring property with regards to overlooking. Whilst the separation distances are in excess of 30m, much greater than the required 21m by Local Plan policy, the Applicant has fully frosted the balustrade in order to reduce any perceived overlooking. No objections were received from the neighbouring dwelling upon re-consultation.

The decking to the west is marginally higher than the 30cm that is permissible under the permitted development rights. On assessment, due to the separation distances involved, it is considered that there is unlikely to be an adverse impact on the amenity of any of the surrounding dwellings.

On this basis, the proposal will not have an adverse impact on residential amenity and it is considered to comply with Policy DM18 of the CS, Policy H14PU of the ELP and NPPF guidance.

Effect on the surrounding Conservation Area

Policies ENV4 and DM27 of the CS and BE1PU and BE2PU of the ELP relate to the protection and enhancement of the Conservation Area and seek to ensure that any alterations are in keeping and respect the existing character of the area. Policy DM10 of the CS and DS6PU of the ELP requires good design.

The LBCA sets out a clear presumption that gives considerable importance and weight to the desirability of preserving a heritage asset and its setting.

Section 66.1 requires that: *'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'*.

Section 72 requires that: *'special attention shall be paid to the desirability of preserving or enhancing the character or appearance'* of a conservation area.

Whilst the dwelling is within the Whitehaven Conservation Area, it does not have any heritage significance and the balcony and decking cannot be seen from any public viewpoints. The Council's Conservation Officer did not raise any objections to the proposal and considers that there is a neutral impact on the Conservation Area.



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	<p><u>Planning Balance and Conclusion</u></p> <p>The application seeks retrospective planning permission for a balcony and balustrade and area of decking which have been created to the existing residential property.</p> <p>On balance, the alterations are considered to reflect the character and appearance of the existing property. The proposals are of an appropriate scale and design and do not have any significant detrimental impact on the amenities of the adjoining properties. Planning conditions can be used to secure this.</p> <p>The additions have a neutral effect on the surrounding Conservation Area.</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>Recommendation:</p> <p>Approve (commence within 3 years)</p>
9.	<p>Conditions:</p> <ol style="list-style-type: none">1. 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: - Location and Block Plans, scales 1:1250 and 1:500, drawing number 001A, received 25th June 2024; Existing and Proposed Elevations, scale 1:50, received 25th June 2024; Floor, Framing and Isometric Plans, scale 1:50, received 25th June 2024; Heritage Statement, received 25th June 2024; Frosting Information, received 30th August 2024; Decking Plan, scale 1:50, received 30th August 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 2004.2. The balustrade must be fully obscured in accordance with the approved details in as such at all times.

	<p>Reason</p> <p>In order to ensure that the amenity of the neighbouring properties is maintained and in accordance with Policy DM18 of the Copeland Local Plan.</p> <p>Informative</p> <p>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.</p> <p>Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority</p> <p>Statement</p> <p>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.</p>
<p>Case Officer: Sarah Papaleo</p>	<p>Date : 07/10/2024</p>
<p>Authorising Officer: N.J. Hayhurst</p>	<p>Date : 09/10/2024</p>
<p>Dedicated responses to:- N/A</p>	