

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/24/2256/0F1
2.	Proposed Development:	TWO STOREY FRONT ELEVATION EXTENSION FOR NEW MASTER BEDROOM, LIVING KITCHEN DINING ROOM & REFUNCTIONING OF EXISTING SPACES
3.	Location:	IVY COTTAGE, LONSDALE PLACE, NEW ROAD, 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: Site and Location This application relates to Ivy Cottage, a detached property set to the rear of Lonsdale Place in Whitehaven. There are two detached dwellings to the north of the property known as Labroe Cottage and Ghyll Cottage and a terrace of Grade II Listed residential properties to the west. A beck runs to the east and south of the dwelling. The site is accessed through an archway between dwellings on Lonsdale Place and via a narrow access road to the west. Parking for the property is on street on Lonsdale Terrace. A separate parcel of land is located to the south west and utilised as garden space for the	

property.

Proposal

Planning Permission is sought for the erection of a two storey extension to the front (west) of the property. The internal layout of the dwelling will be remodelled to add a large open plan living/dining/kitchen room on the ground floor and master bedroom, ensuite and sitting room on the first floor. The existing footprint will include two bedrooms and a bathroom on the first floor and a study, powder room and utility room on the ground floor. A new orangery will be added to the east elevation.

The extension will project 7.7m to the front of the dwelling and be 7.2m in width. The orangery will be triangular measuring 3.3m x 3.4m x 4.9m.

The front extension will consist of two gables – one being shallow and provided as a feature. The overall ridge height will match the existing dwelling at 7m with the ridge running at a 90 degree angle to the existing dwelling. The orangery will feature a sloping roof being 4.1m at the highest point and 2.8m at the lowest.

There will be full length feature windows on the west elevation with 3 long windows on the south side elevation and a new front door. The north side elevation will be left blank.

The materials have been specified as follows:

Walls – local masonry and render

Roof – slate

Windows and doors – dark grey UPVC

Boundary treatments – existing masonry walls rebuilt

Gutters and downpipes – grey plastic.

The application has been accompanied by the following:

- Application form;
- Site Location Plan and Block Plan;
- 3D modelling images;
- Existing plans and elevations;
- Proposed plans and elevations;
- Proposed Block Plan;
- Sectional Elevation.



Cumberland Council

Relevant Planning Application History

There have been no previous applications on the site.

Consultation Responses

Whitehaven Town Council

No objections.

Highway Authority and Lead Local Flood Authority

As this falls under our Service Level Agreement (SLA) with your Council, this application does not need to be submitted to the Local Highway Authority or Lead Local Flood Authority; subject to the highway and drainage aspects of such applications being considered in accordance with the Agreement. The highway and drainage implications of this application would therefore have to be decided by the Local Planning Authority.

Public Representation

This application has been advertised by way of neighbour notification letters issued to five properties.

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

Planning Policy

Planning law requires that 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 (CS) (Adopted December 2013)

Core Strategy

Policy ST1 – Strategic Development Principles

Policy ST2 – Spatial Development Strategy

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 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 Report is 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 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 DS3PU – Settlement Hierarchy

Policy DS6PU – Design and Development Standards

Policy H14PU – Domestic Extensions and Alterations

Strategic Policy BE1PU – Heritage Assts

Policy BE2PU – Designated Heritage Assets

Other Material Planning Considerations

National Planning Policy Framework (NPPF) 2023

National Design Guide

Cumbria Development Design Guide

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

Assessment

The main issues raised by this application are the principle of development, the impact of the development on the character and appearance of the current dwelling and setting of the adjacent Listed Buildings and the impact on the residential amenities of occupiers of the adjoining properties.

Principle of Development

The proposed application relates to a residential dwelling situated within the settlement boundary for Whitehaven, as specified within Policy ST2 of the CS and DS3PU of the ELP. The proposal seeks to extend the residential property to provide extended living space and modernise the exterior of the dwelling. Policy DM18 of the CS and H14PU of the ELP supports extensions to residential properties subject to detailed criteria, which are considered below.

On the basis of the above, the principle of the development is considered to be acceptable.

The Effect on the Character and Appearance of the existing dwelling

Policies ST1, DM10 and DM18 of the Copeland Local Plan seek to create high quality developments which respond positively to the character of the site and the wider setting. Policy DM18 seeks to ensure domestic alteration area of an appropriate scale and design, which is appropriate to their surroundings.

Policy DS6PU and Policy H14PU also set out Design and Development Standards to ensure extensions do not adversely alter the character or appearance of the existing building, street scene or wider surrounding area.

Paragraph 130 of the NPPF seeks to safeguard high standards of amenity for existing and future users. Developments should add to the overall quality of the area, should be sympathetic to the local character, and should establish and maintain a strong sense of place. Developments should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping.

The National Design Guide also sets out ten characteristics to reflect the Government's

priorities for well-designed places. This planning practice guidance is given significant weight in the material planning considerations balance. The proposed scale, form and appearance are the main considerations/concerns in the assessment.

Due to the advanced stage of the Emerging Core Strategy, the policies within it carry significant weight and the application has been assessed under these policies, whilst giving some weight to the existing local plan.

Policy H14PU of the ELP includes the following criteria for the assessment of house extensions. It states that development will be permitted, provided that:

- a) The scale, design and materials of the proposed development would not adversely alter the character or appearance of the existing building, street scene or wider surrounding area;
- b) The extension or outbuilding would be subservient to the dwelling and would retain an adequate provision of outdoor amenity space to serve the property
- c) The extension or outbuilding would not materially harm the amenity of the occupiers of the parent property or adjacent dwellings through loss of natural light, overlooking, privacy, potential noise nuisance or the overbearing nature of the proposal, and;
- d) The operational car parking needs of the property would continue to be met as a result of the proposal.

In a similar vein, the existing local plan permits house extensions so long as:

A The scale, design and choice of materials involved respect the character of the parent property with the use of pitched roofs where practicable

B They would not lead to a significant reduction in daylighting available to either the parent property or adjacent dwellings

C They would not create potential noise nuisance, security or privacy or overlooking problems for residents of either the parent property or adjacent dwellings

D They would not result in a loss of 50% or more of the undeveloped curtilage of the parent property.

The application site lies within a residential area of Whitehaven and is adjacent to both detached and terraced dwellings. These dwellings all have a traditional appearance with Grade II Listed Georgian terraces to the west and cottage type detached dwellings to the north.

The proposed scale, built form and massing with the large protrusion to the front of the dwelling is considered to significantly and adversely alter the character and appearance of the existing dwelling and the street scene within this locality. The front extension will double the length of the dwelling whilst maintaining the overall height – thus creating a dwelling that

is twice the size of the existing. This is considered to be an overdevelopment of the plot and the extension will dominate the existing dwelling, making it unrecognisable and eroding its existing simple traditional character.

Whilst the dwelling is situated to the rear of the row of dwellings on Lonsdale Place, the rear cobbled alley and block of detached cottages have a traditional setting, reflecting the historic character in the surrounding area. The scale and design of the extension will significantly alter the character of this part of Whitehaven with materials and a modern design that contrast starkly with the existing traditional character. This will introduce an awkward feature that is not in keeping with its surroundings.

In addition, the proposed materials affect the appearance of the extension and are not considered to be appropriate and fail to relate in a coherent manner to their surroundings.

On this basis, it is considered that the proposed results in an inappropriate form of development that has an adverse effect on the character and appearance of this residential area of Whitehaven. This conflicts with Policies ST1, DM10 and DM18 of the Copeland Local Plan 2013-228: Core Strategy and Development Management Policies DPD (the Local Plan), Policy H14PU of the Emerging Local Plan and guidance set out in the National Design Guide. These policies seek to ensure that developments are of an appropriate scale, design and material, which are appropriate to their surroundings and respond positively to the character of the area.

Impact of Development on Residential Amenities of Adjoining Properties

Policies ST1, DM10 and DM18 of the Copeland Local Plan and the NPPF seek to ensure developments do not adversely affect the amenities of adjacent dwellings. Draft Policy DS6PU and Policy H14PU also seek to ensure extensions do not materially harm the amenity of the occupiers of the parent property and the adjacent dwellings.

The application site lies adjacent and in close proximity to the dwelling to the north known as Labroe Cottage.

There are two windows within the south side elevation of Labroe Cottage – one to serve a landing and one to serve a bedroom.

The proposal includes the creation of a significantly scaled extension that will extend to the southern boundary of Labroe Cottage. It will bring the side elevation of Ivy Cottage in line with the neighbouring property and create a significant mass and bulk on the boundary. The roof height will match the existing parent dwelling. As this will be located in close proximity to the neighbouring dwelling, it is therefore considered to cause an unacceptable overbearing impact on the neighbouring habitable room window.

Furthermore, as the extension will be to the south of Labroe Cottage, the orientation would mean that there would be a significant loss of light to the bedroom and landing of the adjoining property.

Whilst no objections have been received from the neighbouring property, planning policy

requires that future occupants are also considered.

On this basis, due to the proposed scale, form, massing and proximity to the neighbouring dwelling, the extension would result in an unacceptable form of development which would result in loss of light and have an unacceptable overbearing impact which would have a significant adverse impact on the amenities of the occupiers of the adjacent property. Therefore, the proposal conflicts with Policies ST1, DM10, DM18 of the Local Plan, Policies DS6PU and H14PU of the Emerging Local Plan and section 12 of the NPPF, which seek to ensure that development safeguard good levels of general and residential amenity, maintain standards for residential development.

Effects on the setting of the adjacent Listed Buildings

Policy ENV4 and Policy DM27 of the CS and BE1PU and BE2PU of the ELP seek to protect, conserve and where possible enhance listed buildings and their settings.

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 16.2 requires that: 'In considering whether to grant listed building consent for any works the local planning authority or 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'.

Paragraphs 205-214 of the NPPF in respect of heritage include a requirement that when considering the impact of development proposals on designated heritage assets such as listed buildings, great weight should be given to the conservation of the asset's significance; however, less than significant harm should be weighed against the public benefits of a development.

Numbers 7 to 19 Lonsdale Place are Grade II Listed, with the listing mentioning the arched carriage entrance that leads to Ivy Cottage. There is a cobbled access lane to the rear of Lonsdale Place with Ivy Cottage situated to the east. As such, due to the proximity to a terrace of Listed Buildings the proposed extension is likely to affect their setting. The modern design and choice of materials is considered to be at odds with the traditional character and appearance of both the Listed Buildings and the historic locality in general, creating an incongruous development.

On this basis, the proposal is considered to be contrary to Policies ENV4 and DM27 of the CS, BE1PU and BE2PU of the ELP and fails to meet the tests set out in the LBCA and the guidance in the NPPF.

Planning Balance and Conclusion

Section 12 of the National Planning Policy Framework and the National Design Guide clearly sets out that one of the key principles of the planning system is to secure high-quality design and a good standard of amenity for all existing and future occupants of land and buildings.

	<p>This aim is reflected in the Copeland Local Plan, particularly within policies ST1 D(i) and D(ii), DM10 and DM18.</p> <p>Policies DM10 and DM18 of the CS and DS6PU and H14PU set out the criteria on which this proposal has been assessed.</p> <p>The proposed extension is considered to be an inappropriate form of development that would exert an overbearing and dominant effect on the adjoining property creating amenity issues relating to loss of light. It would have a significant detrimental impact on the amenity of the adjoining occupiers habitable window.</p> <p>The scale, design and materials would be out of keeping with the character and appearance of the area and it would fail to relate in a coherent manner to its surroundings. The contrast in materials and scale would have an adverse impact on the character of the existing property and surrounding locality, which is of historic value.</p> <p>The NPPF and the National Design Guide place significant emphasis on high quality designs and therefore carry significant weight in the planning balance. The proposal is considered to produce an incongruous form of development that has a detrimental impact on the character and appearance of the detached property and the visual amenity of the wider residential area, contrary to the above design priorities.</p> <p>Furthermore, it is considered that the development will have an adverse impact on the setting of the Listed Buildings located to the west on Lonsdale Place.</p> <p>On balance, the proposal is considered to be an inappropriate form of development which is in conflict with Policies ST1, DM10 and DM18 of the adopted Local Plan and Policies DS6PU and H14PU of the Emerging Local Plan. Furthermore, the application does not meet the tests within the Planning (Listed Buildings and Conservation Areas) Act 1990 or guidance within the NPPF.</p> <p>It is considered that any benefits of the proposal do not outweigh the adverse harm identified to both local residents and the visual amenity of the area and therefore the application is recommended for refusal.</p>
8.	<p>Recommendation:</p> <p>Refuse</p>
9.	<p>Reasons for Refusal:</p> <ol style="list-style-type: none"> 1. The extension due to its scale, bulk, massing, siting and design would exert an overbearing and dominant effect on the neighbouring dwelling causing harm to the amenities of its occupiers. There would be an unacceptable dominance and loss of light for the neighbouring dwelling. As a consequence, the development is considered to be in conflict with Policies ST1, DM10 and DM18 of the Copeland Local Plan 2013 – 2028, Policies DS6PU and H14PU of the Emerging Local Plan and section 12 of the

	<p>NPPF which seek to ensure a good standard of amenity for all existing and future occupants of land and buildings.</p> <p>2. The extension due to its scale, design and appearance would result in an incongruous form of development which would have a significant detrimental impact on the character and appearance of both the existing property and the visual amenity of the wider area. The modern design would accentuate its prominence within the locality which would add to this impact. This would therefore be in conflict with Policies ST1, DM10 and DM18 of the Copeland Local Plan 2013-2028 Policies DS6PU and H14PU of the Emerging Local Plan and guidance set out in section 12 of the NPPF and the National Design Guide.</p> <p>3. The extension due to its scale and design would have an adverse impact on the setting of the terrace of properties on the adjacent Lonsdale Place which are listed buildings. The proposal is therefore considered to be in conflict with Policies ENV4 and DM27 of the Copeland Local Plan 2013-2028, Policies BE1PU and BE2PU of the Emerging Local Plan, the tests within the Planning (Listed Buildings and Conservation Areas) Act 1990 and paragraphs 205-214 of the NPPF which seek to protect Listed Buildings and their setting.</p> <p>Statement</p> <p>The Local Planning Authority has acted positively and proactively in accordance with Copeland Local 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 applicant/ 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.</p>
Case Officer: Sarah Papaleo	Date : 23/09/2024
Authorising Officer: N.J. Hayhurst	Date : 23/09/2024
Dedicated responses to:- N/A	