

## CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	<b>Reference No:</b>	4/24/2261/0F1
2.	<b>Proposed Development:</b>	ADDITION OF BAY WINDOW TO FRONT OF PROPERTY
3.	<b>Location:</b>	80 HIGH ROAD, WHITEHAVEN
4.	<b>Parish:</b>	Whitehaven
5.	<b>Constraints:</b>	<p>ASC;Adverts - ASC;Adverts</p> <p>Coal - Standing Advice - Data Subject To Change</p> <p>Key Species - POTENTIAL AREA for the Small Blue</p>
6.	<b>Publicity Representations &amp;Policy</b>	<p>Neighbour Notification Letter: YES</p> <p>Site Notice: NO</p> <p>Press Notice: NO</p> <p>Consultation Responses: See report</p> <p>Relevant Planning Policies: See report</p>
7.	<p><b>Report:</b></p> <p><b>SITE AND LOCATION</b></p> <p>This application relates to 80 High Road, a mid-terraced property situated in the Kells Area of Whitehaven.</p> <p><b>PROPOSAL</b></p> <p>Planning Permission is sought for the construction of a bay window on the front elevation of the property. The overall structure will project 0.4 metres from the front elevation, and it will be 1.6 metres in width.</p> <p>It has been designed with a flat roof with an overall height of approximately 1.8 metres.</p> <p>The walls will be finished in wet dash with sandstone surrounds, with the window finished in a ruberoid liquid waterproofing roof and white UPVC windows to match the existing property.</p>	

## **PLANNING APPLICATION HISTORY**

There have been no previous applications at this site.

## **CONSULTATION RESPONSES**

### Whitehaven Town Council

No objections.

### Public Representations

The application has been advertised by way of neighbour notification letters issued to 4 no. properties. 1 letter of support has been received as a result of this consultation which includes the following comments:

- The proposal to reinstate the bay window is a brilliant idea that will be a welcome renovation to the terrace of very elegant Victorian Homes.

## **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

Policy ENV3 – Biodiversity and Geodiversity

#### Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place

Policy DM18 – Domestic Extensions and Alterations



**Cumberland  
Council**

Policy DM25 – Protecting Nature Conservation Sites, Habitats and Species

**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 DS6PU – Design and Development Standards

Policy H14PU – Domestic Extensions and Alterations

Strategic Policy N1PU: Conserving and Enhancing Biodiversity and Geodiversity

**Other Material Planning Considerations**

National Planning Policy Framework (NPPF)

Wildlife and Countryside Act 1981

**ASSESSMENT**

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

Principle of Development

The proposed application relates to a residential dwelling within Whitehaven and it will provide a bay window on the front elevation.

Policy DM18 of the Adopted Local Plan and Policy H14PU of the Emerging Local Plan support 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, H14PU 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.

Policy H14PU also supports development where the scale, design and materials of the proposal would not adversely alter the character or appearance of the existing building, street scene or wider surrounding area.

The proposed bay window will be modest in scale as it is reinstating what was previously removed and will be appropriately sited on the front elevation. The design will reflect other bay windows within the immediate locality.

The walls will be finished in wet dash with sandstone surrounds, with the window finished in a ruberoid liquid waterproofing roof and white UPVC windows to match the existing property. The choice of materials used are considered acceptable for their use and will respect the character and appearance of the existing property, street scene and the wider residential area.

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

#### Residential Amenity

Policy ST1, Policy DM18, H14PU and section 12 of the NPPF seek to safeguard good levels of residential amenity of the parent property or adjacent dwellings.

The proposed bay window will have little impact on the residential amenity due to its modest scale and appropriate siting on the front elevation. Despite the new bay window projecting outwards from the front elevation, any potential overlooking and overshadowing issues are considered to be minimal.

Following a site visit, it was noted that there were other bay windows already in situ along the immediate neighbouring dwellings. The proposed bay window is therefore not considered to be excessively prominent within the locality and it is not considered to be excessively overbearing on the neighbouring properties.

It is therefore considered that the proposal satisfies Policies DM18, DM22, H14PU and the

	<p>NPPF guidance.</p> <p><u>Ecology</u></p> <p>Policies ST1, ENV3 and DM25 of the Copeland Local Plan and section 15 of the NPPF outline how the Council will protect and enhance the biodiversity and geodiversity within the Borough. These policies set out the approach towards managing development proposals that may have an effect on nature conservation sites, habitats and protected species.</p> <p>The application site is identified as being a potential area for the Small Blue Butterfly. However, the application is not supported by any ecology details as the site is located within a built-up residential area. On this basis it is considered that it would not be necessary to seek a protected species survey for this minor application as the works being carried out are minor and it is not considered that the development will disturb any habitats.</p> <p>It is therefore considered that the development complies with policies ST1, ENV3 and DM25 of the Copeland Local Plan and NPPF.</p> <p><u>Planning Balance and Conclusion</u></p> <p>This application seeks to construct a bay window on the front elevation.</p> <p>The proposal is considered to be of an appropriate scale and design within the street-scene and will not have any detrimental impact on the amenities of the neighbouring properties.</p> <p>The materials proposed are considered appropriate and suitable for their use.</p> <p>The supplication is not supported by any Ecology details.</p> <p>On balance, the proposal represents an acceptable form of development which accords with the policies set out within both the adopted Local Plan, the Emerging 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>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>2. Permission shall relate to the following plans and documents as received on the</li> </ol>

	<p>respective dates and development shall be carried out in accordance with them: -</p> <ul style="list-style-type: none"> <li>- Application Form, received 30<sup>th</sup> July 2024;</li> <li>- Site Location Plan, scale 1:1250, received 30<sup>th</sup> July 2024;</li> <li>- Location Plan, scale 1:500, received 30<sup>th</sup> July 2024;</li> <li>- Existing Elevations &amp; Sections, scale 1:100, received 30<sup>th</sup> July 2024;</li> <li>- Existing Plans, scale 1:50, received 30<sup>th</sup> July 2024;</li> <li>- Proposed Elevations &amp; Sections, scale 1:100, received 30<sup>th</sup> July 2023;</li> <li>- Proposed Plans, scale 1:50, received 30<sup>th</sup> July 2024;</li> </ul> <p>Reason</p> <p>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.</p> <p><b>Informative Note</b></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. Further information is also available on the Coal Authority website at: <a href="http://www.gov.uk/government/organisations/the-coal-authority">www.gov.uk/government/organisations/the-coal-authority</a></p> <p><b>Statement</b></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><b>Case Officer: Demi Crawford</b></p>	<p><b>Date : 19/09/2024</b></p>
<p><b>Authorising Officer: N.J. Hayhurst</b></p>	<p><b>Date : 23/09/2024</b></p>
<p><b>Dedicated responses to:- N/A</b></p>	