

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/24/2316/0F1
2.	Proposed Development:	ERECTION OF FENCE
3.	Location:	7 ROSEMARY CLOSE, WHITEHAVEN
4.	Parish:	Whitehaven
5.	Constraints:	ASC;Adverts - ASC;Adverts, Coal - Standing Advice - Data Subject To Change
6.	Publicity Representations &Policy	See Report
7.	Report: Site and Location <p>This application relates to 7 Rosemary Close in Whitehaven. The property is detached and located within a cul-de-sac in a modern residential estate. The site is located higher than the road and the site is located on split levels. There is a driveway and reasonable sized curtilage area to the front and to the rear the land levels slope up towards the north-east of the proposal site. The rear boundary forms a boundary between the host dwelling and the properties located behind.</p> PROPOSAL <p>Planning permission is sought for the erection of a high fence. The existing brick wall of 0.6m is to remain, and a 1.86m high solid wooden fence will be installed on top of the existing wall.</p> <p>The applicant intends to remove the existing hedge that currently forms the boundary and replace it with the proposed fence. This will run approximately 15.4m in length along the boundary.</p> Relevant Planning Application History	

None

Consultation Responses

Whitehaven Town Council

None received to date.

Public Representations

The application has been advertised by way of neighbour notification letters issued to 2 properties – No representations have been received as a result of this consultation process.

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 ENV6 – Access to the Countryside

Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place

Policy DM18 – Domestic Extensions and Alterations

Policy DM22 – Accessible Developments

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.

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.

The Report on the Examination of the ELP was received on the 23rd September 2024. Given the advanced stage of preparation and with adoption pending, full weight can be attached to the policies of the ELP.

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 CO6PU – Countryside Access

Other Material Planning Considerations

National Planning Policy Framework (NPPF)

Cumbria Development Design Guide

Assessment

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

Principle of Development

The proposed application relates to a detached property located within a residential housing

estate. Policy DM18 supports extensions and alterations 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, DM10 and DM18 of the Local Plan 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 fence is considered to be appropriate in scale in relation to the host dwelling and the adjoining properties. The design is in keeping with other structures within the locality.

The proposal is also located to the rear curtilage area with no visibility from within the streetscene and therefore will not be prominent within the locality.

On this basis, the proposal is considered to respect the character and appearance of the existing dwelling and therefore, the proposal is considered to comply with Policies DM10 and DM18 and 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 proposal is located approximately 17m away from the neighbouring property. The land levels on the site are also lower than the neighbouring properties curtilage area. Therefore, given there is an appropriate separation distance and given the existing land levels on the site, the proposal would not create any unacceptable dominance or overshadowing to neighbouring properties.

On this basis, the proposal is considered to comply with Policy DM18 and the NPPF.

Highway Safety

Policy DM22 requires developments to be accessible to all users and encourages innovative approaches to manage vehicular access and parking.

There are no alterations to be made to the existing arrangements and the proposal will not impact upon the use of the property.

On this basis, the proposal is considered to comply with Policy DM22 and the Cumbria Development Design Guide.

Planning Balance and Conclusion

The proposed fence is of appropriate scale and design and would not have any detrimental



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	impact on the amenities of the adjoining properties or highway safety. It therefore represents an acceptable form of development which accords with the policies set out within the adopted Local Plan and the guidance in the NPPF.
8.	Recommendation: Approve
9.	Conditions: 1. The development hereby permitted must commence before the expiration of three years from the date of this permission. Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004. 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:- <ul style="list-style-type: none">- Application Form, received 24/09/2024;- Site Location Plan, scale 1:2500 received 24/09/2024;- Site Block Plan, scale 1:500, drawing number TA/2024/572, received 24/09/2024;- Proposed fence details, scale 1:100, drawing number TA/2024/572, received 24/09/2024 Reason: To conform with the requirements 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 site 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: Kerry Bamford		Date : 24/10/2024
Authorising Officer: N.J. Hayhurst		Date : 28/10/2024
Dedicated responses to:- N/A		