

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/24/2365/0F1
2.	Proposed Development:	PROPOSED FIRST FLOOR BALCONY
3.	Location:	28 THE FRONT, HAVERIGG
4.	Parish:	Millom
5.	Constraints:	ASC;Adverts - ASC;Adverts, Flood Area - Flood Zone 2, Coal - Off Coalfield - Data Subject To Change, Key Species - Known Sites for Natterjack Toads, PROWs - Public Right of Way
6.	Publicity Representations &Policy	See Report
7.	Report: SITE AND LOCATION <p>This application site relates to 28 The Front, a terraced property situated within the village of Haverigg. The property is located within close proximity to Haverigg Pool and is located within flood zone 2 and surrounded by flood zone 3.</p> PROPOSAL <p>Planning permission is sought for the erection of a first floor balcony to the front of the dwelling. The proposed balcony is to extend to the front elevation by 1.2m and have a total width of 4.2m. The balcony will be accessed from the first floor bedroom and will be sited on aluminum posts and metal framing. It has been designed with a toughened glass balustrade that is to be 1.1m in height around its sides.</p>	

RELEVANT PLANNING APPLICATION HISTORY

There have been no previous applications at this property.

CONSULTATION RESPONSES

Millom Town Council

No objections in principle.

Highways 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 as 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.

Environment Agency

No response to date.

Public Representations

The application has been advertised by way of a 5 neighbour notification letters being sent – No representations have been received as a result of this consultation process.

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 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 2021 - 2039 (LP):

Cumberland Council continued the preparation of the LP as commenced by Copeland Borough Council.

The LP was adopted by Cumberland Council on the 5th of November 2024 replacing the Copeland Local Plan 2013-2028 and the saved policies of the Copeland Local Plan 2021-2016.

The policies relevant to this application are as follows:-

Policy DS1 – Development Strategy

Policy DS4 – Design and Development Standards

Policy DS6 – Reducing Flood Risk

Policy H14 – Domestic Extensions and Alterations

Policy N1 – Conserving and Enhancing Biodiversity and Geodiversity

Other Material Planning Considerations

National Planning Policy Framework (NPPF)

Cumbria Development Design Guide

Wildlife and Countryside Act 1981

ASSESSMENT

The key issues raised by this proposal are the principle of development, its siting, scale, and the potential impacts on residential amenity, flood risk and ecology.

Principle of Development

The proposed application relates to a terraced property located within a residential area. Policy H14 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 Policy HS14 of the Copeland Local Plan and the National Planning Policy Framework.

Scale and Design

Policy DS4 and section 12 of the NPPF seek to promote high quality designs. Policy H14 supports house extensions where 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.

The proposed first floor balcony is considered to be suitably located to the property and is

relatively modest in scale. The double doors reflect those that already exist to the property as there is a Juliette balcony that is currently in situ. The design of the proposal is considered to reflect similar balconies within the locality some of which adjoin the property. There are a number of balconies along this sea front location.

On this basis, the proposal is considered to meet Policy DS4 and H14 of the Copeland Local Plan and NPPF guidance.

Residential Amenity

Policy H14 and section 12 of the NPPF seek to safeguard good levels of residential amenity. To date no objections have been received from neighbouring properties.

The proposed balcony is to replace an existing Juliette balcony. Overlooking issues were a consideration as part of this proposal given the height of the platform above ground level. The nearest residential property adjoins the host dwelling and to the eastern elevation there is a residential property that is located less than 10m away from the side elevation.

The neighbouring property already benefits from a balcony and this proposal intends on projecting the same distance. The application seeks consent for a 1.1m high screen, this is minimal in height. However, there are several properties on this terrace that benefit from balconies. It is considered that the proposal would not have a significant issue on loss of privacy and overlooking over and above what already exists to these properties.

Overshadowing issues were also considered, although due to the modest front projection, the orientation of the proposed balcony and the relationship to the neighbouring properties, it is not considered that the proposal would cause significant overshadowing.

On this basis, it is considered that the proposal will not cause a detrimental loss of amenity to the existing property or the surrounding properties and therefore the proposal is considered to comply with Policy H14 and the NPPF.

Highway Safety and Impact on the Public Right Of Way

Policy H14 requires the operational car parking needs of the property to continue to be met.

There are no alterations to be made to the existing arrangements for car parking arrangements. However, there is a Public Right Of Way 415009 that runs to the rear of the properties and a public bridleway 4150347 that is within close proximity. There will be some visibility of the proposed balcony from the footpath and bridleway. The proposal is moderate in scale and will be seen in context with the dwelling itself and as such will not have any detrimental impact on the users of the PROW or bridleway.

On this basis, the proposal is considered to comply with Policy H14 and the Cumbria Development Design Guide.

Flood Risk

Policy DS6 seeks that development will not be permitted where: there is an unacceptable risk



Cumberland Council

	<p>of flooding and or, the development would increase the risk of flooding elsewhere.</p> <p>The site lies in flood zone 2 and is surrounded by flood zone 3.</p> <p>The application is supported by a Householder Form from the Environment Agency. As the balcony will be at first floor level it is not considered to be at risk from flooding.</p> <p>The development complies with Policies DS6 and DS7 of the Copeland Local Plan and the provisions of the NPPF.</p> <p><u>Ecology</u></p> <p>Policy N1 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 are likely to have an effect on nature conservation sites, habitats and protected species.</p> <p>The application site is identified as a potential area for natterjack toads. The application is not supported by any ecology details as the site is located within a residential location and is to be erected on an existing hardstanding area. On this basis, it is considered that this is not a habitat that is likely to contain natterjack toads and so it would not be necessary to seek an ecological survey for this minor application.</p> <p>It is therefore considered that the development complies with Policy N1 of the Copeland Local Plan and the NPPF guidance.</p> <p>Planning Balance and Conclusion</p> <p>The application seeks to erect a first-floor balcony to the front elevation. Overall, it is considered that the proposal is an acceptable form of development which accords with the policies set out within the adopted Local Plan and the guidance within the NPPF.</p>
8.	<p>Recommendation:</p> <p>Approve (commence within 3 years)</p>
9.	<p>Conditions:</p> <p>1. The development hereby permitted must commence before the expiration of three years from the date of this permission.</p> <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>

	<p>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:-</p> <ul style="list-style-type: none"> - Application Form, received 29/10/2024; - Site Location Plan, scale 1:1250 received 29/10/2024; - Existing and Proposed Plans, scale 1:100 received 29/10/2024; - Flood Form, received 29/10/2024; <p>Reason</p> <p>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.</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: K. Bamford</p>	<p>Date : 19/12/2024</p>	
<p>Authorising Officer: N.J. Hayhurst</p>	<p>Date : 23/12/2024</p>	
<p>Dedicated responses to:-</p>		