

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/25/2055/0F1
2.	Proposed Development:	PROPOSED TWO STOREY SIDE & REAR EXTENSION WITH LANDSCAPING WORKS TO CREATE OFF-STREET CAR PARKING SPACE
3.	Location:	1 EARLS ROAD, WHITEHAVEN
4.	Parish:	Whitehaven
5.	Constraints:	ASC Adverts Coal - Standing Advice
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:	<p>SITE AND LOCATION</p> <p>The property is located within the residential area of Bransty to the north east of Whitehaven town centre and comprises a two storey, three bedroom, semi-detached dwelling and benefits from gardens to the gable, front and rear with a detached garage located a short distance from the curtilage of the dwelling. The property is currently bound by a low wall and mature hedging to the front and part of the boundary with Brayton Terrace transitioning into a higher boundary wall to the rear section of the property.</p>

The application site is situated at the bottom of an inclined road, with the properties on the road being stepped to accommodate the difference in levels. The properties on Earls Road are of a similar vernacular as the host property including hipped roofs.

PROPOSAL

The application seeks permission for the erection of an extension to the gable elevation to form a new master suite with an expanded bedroom, ensuite and dressing room at first floor and an expanded kitchen and family area at ground floor. The extension would project 80cm further into the rear of the site than the existing rear elevation.

The extension would be finished with red concrete tile roof with rendered walls and white upvc windows and doors. The extension would measure 6.75m x 6.6m and would have a height of 8.8m from the ground level of the rear elevation and 10.16m when viewed from the gable due to the sloping nature of the ground.

The application has been amended during its consideration to include a hipped section of roof to reflect the design of the host property and the other dwellings nearby.

RELEVANT PLANNING APPLICATION HISTORY

No relevant site history

CONSULTATION RESPONSES

Whitehaven Town Council

No negative objections or comments

Highways Authority/LLFA

Initial comments were provided in relation to the parking area

“The applicant needs to supply a scaled plan showing what the visibility splays are for the proposed access, a set back of 2m in this area measured to the nearside carriageway in both directions is required. The applicant will have to consider reducing the height of the wall/hedge to create the required visibility splays. The junction next to the property is an area of concern, if a car is wanting to turn out of the junction North East and the applicant is turning South West out the driveway with the height of the hedge as it is it will not be apparent that a driveway exists, this could create conflict between vehicles. The applicant will have to consider reducing the height of the wall/hedge around the corner into the minor road so the driveway is visible from the minor road on approach to the junction.

Please can the applicant clarify the reduction in boundary wall height and draw the visibility splays to the nearside carriageway.”

Public Representations

The application has been advertised by way of neighbour notification letter – There has been 2 letters of representation. These set out the following concerns:-

Our main objection is the rear extension which is at least 80 cms. It will run right to the boundary and since it is south facing and 2 storeys high will block the sun from our property and especially the conservatory until late afternoon. Due to health issues the conservatory is in constant use for well being, quality of life and mental health. It is a nice warm environment.

5 and 6 Earls road have both extended their homes with no rear extension. There are no rear double height extensions on Earls road.

A further objection was received relating to the amended plans “There is no difference to how we feel to the height of the double storey side and rear extension. There have been 2 houses further up Earls with a side extension but this one is proposed to also have a rear extension.

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 2021-2039:

The council has agreed to adopt the Local Plan on 5 November and full weight is given to the policies contained within.

The following policies are relevant to this proposal:

Strategic Policy DS1 - Settlement Hierarchy

Policy DS4 – Design and Development Standards

Policy H14 – Domestic Extensions and Alterations

Policy CO7 – Parking Standards

Other Material Planning Considerations

National Planning Policy Framework 2024 (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.

Principle of Development

The proposed application relates to a residential dwelling within Whitehaven and it will provide extended living accommodation in the form of a two storey gable extension. Policy H14 of the Local Plan supports extensions and alterations to residential properties subject to detailed criteria, which are considered below.

On this basis, the principle of development is therefore considered to be acceptable and the extension satisfies Policies DS4 and H14 of the Copeland Local Plan 2021-2039 and the guidance within the NPPF.

Scale and Design

Policy DS4 and section 12 of the NPPF seek to promote high quality designs, whilst Policy H14 of the Local Plan seeks to ensure domestic alterations are of an appropriate scale and design which is appropriate to their surroundings and does not adversely affect the amenities of adjacent dwellings.

The scheme originally proposed a dual pitch extension to the same height as the ridge line on the main dwelling with a new projecting gable to the rear.

Concerns were raised with regards to the design of the roof being a dual pitch as the properties on the street are mainly of a hipped design to the gable elevations; plus, given its prominent location at the start of Earls Road, the extension was considered to detract from the appearance of the dwelling and the street scene as a whole. A further element in requesting a redesign of the roof was to reduce the massing of the proposal given the ground level to the gable is 1.5m lower than the internal floor levels which increases the massing of any extension to the property.

The roof has been amended to a half hipped design and although not a full hip, it reduces the massing and gives a better reference to the other hipped roofs along the street and would not have a negative effect on the appearance of the dwelling.

The small projection beyond the rear elevation of the property and projection from the gable is deemed to be modest in scale and although the scale of the extension when viewed looking towards the gable would appear to be relatively large due to the sloping nature of the site, it is

still considered that the extension is not disproportionate in scale when considering the appearance of host dwelling.

The extensions would be readily visible from a public perspective from the adjacent highway; however, with the amended design it would not have any significant negative impacts on the users of the nearby highway in terms of scale and design.

The amended design is considered to be acceptable and not significantly out of character with the dwelling and surrounding area and would not be considered to have any negative effects on the street scene.

The extension is of a scale, design and appearance to reflect the host dwelling and would not detract from the overall appearance of the property and is considered to comply with policies within the Local Plan.

Residential Amenity

H14 of the Local Plan and section 12 of the NPPF seek to safeguard good levels of residential amenity of the parent property or adjacent dwellings.

The property is set back from the property to the south by about 9m, this distance includes the adjacent highway. The dwelling to the south does not have any windows facing onto the proposed extension. 2 Earls Road which adjoins the property would be 3.55m from the nearest point of the extension. This property has a conservatory located within the rear garden adjacent to the boundary which is a solid brick wall..

An objection has been raised in relation to the projection of the extension beyond the rear elevation and the potential effect on the extension and enjoyment of a conservatory including loss of light and overshadowing. The projection beyond the rear elevation is limited to 80cm and is offset from the boundary by 3.55m. Given the position of the extension to the existing gable and with the amended roof design it is considered that there would not be any significant loss of light or overshadowing from the extension that would warrant refusal of the application.

When bearing in mind the position of the alterations and limited projection beyond the rear gable, the proposed development would not be considered to have any overbearing effects on the adjoining property or dwelling to the south.

There would be no increase in overlooking from the extension with windows to the rear having the same views as the existing upper floor windows and the window to the gable would be looking onto a blank gable.

It is considered that no significant residential amenity issues are raised by the proposal over and above the existing arrangement.

	<p><u>Highway Safety</u></p> <p>The proposal does not increase the amount of bedrooms and would not require increased parking provision.</p> <p>A driveway similar to others on the street is proposed as part of the scheme; The applicant has confirmed that the hard surface would be constructed of permeable materials, and would not connect to a classified road. On this basis this element of the proposal would meet with permitted development regulations and would therefore not require planning permission.</p> <p>The applicant is proposing to remove the hedging to the boundary at the front and side to increase the visibility for vehicles using the adjacent lane to the rear of the properties on Earls Road. Although the Highway Authority have requested further information relating to the visibility from the drive, officers do not consider this to be reasonable given the drive could be constructed under permitted development rights.</p> <p><u>Biodiversity Net Gain</u></p> <p>Biodiversity Net Gain is mandatory from 12 February 2024 under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). The statutory framework for biodiversity net gain involves discharge of the biodiversity net gain condition following the grant of planning permission, to ensure the objective of at least 10% net gain will be met for a development.</p> <p>In terms of considering the proposal in relation to Biodiversity Net Gain, the development relates to a householder application which falls under an exempted category; therefore, does not trigger a requirement for 10% Biodiversity Net Gain.</p> <p><u>Planning Balance and Conclusion</u></p> <p>The proposed extension, as amended, is considered to be of an acceptable scale and design with no significant harm arising to neighbouring properties in terms of amenity. There are no significant impacts on the appearance of the dwelling or surrounding area.</p> <p>On this basis the proposal is therefore considered an acceptable form of development in line with policies within the Local plan.</p>
8.	<p>Recommendation:</p> <p>Approve (commence within 3 years)</p>
9.	<p>Conditions:</p> <ol style="list-style-type: none"> 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: -

Application Form, received 18 February 2025

Site Location Plan, scale 1:1250, drawing reference 2122-008-01 Rev B, received 18 February 2025

Proposed Site Plan, scale 1:200 drawing reference 2122-008-04 Rev C, amended plan received 4 June 2025

Proposed Ground Floor Plan, scale 1:50 drawing reference 2122-008-10 Rev C, received 18 February 2025

Proposed First Floor Plan, scale 1:50, drawing reference 2122-008-11 Rev D amended plan received 4 June 2025

Proposed Roof Plan, scale 1:50, drawing reference 2122-008-12 Rev E, amended plan received 4 June 2025

Proposed Elevations, scale 1:100, drawing reference 2122-008-20 Rev E, amended plan received 4 June 2025

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.

Informative Notes

Coal Mining Area

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:

<http://www.gov.uk/government/organisations/the-coal-authority>

Biodiversity Net Gain

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for development of land in England is deemed to have been granted subject to the condition (biodiversity gain condition) that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan, if one is required in respect of this permission would be Cumberland Council.

There are statutory exemptions which mean that the biodiversity gain condition does not always apply.

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one of the statutory exemptions is considered to apply.

Applicable exemption: Householder Development

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: Sarah Smith

Date : 02/07/2025

Authorising Officer: N.J. Hayhurst

Date : 04/07/2025

Dedicated responses to:- N/A