

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/25/2126/0F1
2.	Proposed Development:	ERECT FIRST FLOOR EXTENSION ABOVE FAMILY ROOM TO FORM 2 NEW BEDROOMS. FINISHED WITH WET DASH RENDER AND MATCHING PITCH ROOF AND FLAT GREY ROOF CONCRETE TILES.
3.	Location:	3 CASTLE CLOSE, WHITEHAVEN
4.	Parish:	Whitehaven
5.	Constraints:	ASC Adverts Conservation Area Flood Area - Flood Zone 2 Coal - Standing Advice PROWs - Public Right of Way
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 a residential area to the south west of the Whitehaven town centre and comprises a two storey, four bedroom, detached dwelling set within a large plot.</p>

The property benefits from gardens to the front and rear with a detached garage and large driveway. The property is setback from the adjoining carriageway by a highway footpath. The site is located on a small cul-de-sac which comprises similar, larger modern, two storey properties.

PROPOSAL

The application seeks permission for the erection of an extension to the gable elevation above an existing family room to form two additional bedrooms at first floor level.

The extension would be constructed of a grey concrete roof with rendered walls and white upvc windows and rainwater goods. The extension would measure 6.7m x 6.5m and would have a height of 7.4m to the ridge when viewed from the front elevation. Due to the sloping nature of the ground the height of the extension would be 9m when viewed from the rear elevation. The difference in height between the existing and proposed ridgelines when viewed from the gable would be 2.15m.

RELEVANT PLANNING APPLICATION HISTORY

No relevant site history

CONSULTATION RESPONSES

Whitehaven Town Council

No negative objections or comments

Highways Authority/LLFA

The application should be determined by the Local Authority under the service level agreement.

Public Representations

The application has been advertised by way of neighbour notification letter - No objections 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 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 first floor 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 existing single storey part of the property has a dual pitched roof, with the new extension being a continuation of the dual pitched roofline on the main part of the dwelling. The continuation of the roofline allows two further bedrooms to be created; although the property, as a whole, would be seen as being large in scale when viewed from the adjacent highway, the proposed dual pitched roof would not be any higher than the main two storey part of the dwelling.

The increase in height above the existing arrangement with no increase in footprint is still considered to be of an appropriate scale when viewed in the context of the existing dwelling. In terms of the scale it is considered that there would be no negative effects on the appearance of the dwelling or street scene given the context of the large properties within the cul-de-sac.

The design has been chosen to reflect the existing property with the roofing materials and windows will match the existing property. The introduction of render to the extension and across the first floor of the property is considered to aid in breaking up the massing of the property. The design is not out of character with the dwelling and surrounding properties on the wider estate with no negative effects on the street scene arising from the proposed design.

The extension would be considered ancillary in scale to the host dwelling with the design and materials reflecting 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

Policy DS4 and section 12 of the NPPF seek to promote high quality designs, whilst Policy H14 of the Local Plan seek 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 property is set back 8.5m from the garage of the adjacent dwelling 2 Castle Close and 15.5m from the nearest window on the gable of number 2. It is also at an angle from the host property with the main outlook of number 2 facing towards the highway. Given the position of the alterations the proposed development is not considered to have any overbearing effects on the adjoining properties.

There would be no increase in overlooking from the extension with windows looking to the front and rear garden area, the nearest residential properties from the rear elevation being 40m away.

	<p>Overall, no significant residential amenity issues are raised by the proposal over and above the existing arrangement.</p> <p><u>Highway Safety</u></p> <p>The proposal sees an additional two bedrooms creating a 6 bedroomed property; the property has a large drive plus a detached garage with parking for in excess of 6 vehicles which would remain unchanged. This would accord with the Cumbria Design Guide and the existing parking arrangements are considered to be acceptable.</p> <p>There is nearby public right of way which runs adjacent to a small section of the garden area 70m to the north west and 40m to the north at the junction with the cul-de-sac. The route and enjoyment of its users would not be affected by the development.</p> <p><u>Other Material Issues</u></p> <p>A section of the rear garden area is bound by flood zone 2, this section of the garden is at a lower level and does not affect the area of the proposed extension.</p> <p>The rear boundary of the property also abuts the Conservation Area. The proposal is not considered to affect its setting.</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>There are exemptions to the biodiversity net gain requirement. An exemption applies to development which is the subject of a householder application. It is therefore accepted that the biodiversity net gain condition should not be applied in this case.</p> <p><u>Planning Balance and Conclusion</u></p> <p>The proposed extension to the dwelling 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. 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. **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: -

Application Form, received 31 March 2025;

Location Plan, scale 1:1250, received 31 March 2025;

Block Plan, Floor Plan and Section, scale 1:500 and 1:50, drawing reference 1 of 2 Rev A, received 31 March 2025;

Proposed Elevations, Scale 1:50, drawing reference 2 of 2 Rev A, received 31 March 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 Note

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 : 27/05/25

Authorising Officer: N.J. Hayhurst

Date : 27/05/2025

Dedicated responses to:- N/A