

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/25/2167/0F1
2.	Proposed Development:	Extension to the rear of an existing dwelling to provide disabled accommodation
3.	Location:	98 Esk Avenue, Whitehaven
4.	Parish:	Whitehaven
5.	Constraints:	ASC Adverts Flood Area – Flood Zone 2
6.	Publicity Representations & Policy	See Report
7.	Report: Site and Location <p>The application site comprises a modern two storey semi detached dwelling house, situated in a residential area of Whitehaven.</p> <p>The dwelling has front and rear gardens, with the front being elevated to the dwelling and the rear being lower. The Cumbrian Coast Railway line runs behind the rear boundary of the property.</p> Proposal <p>The proposal involves the erection of a single storey extension to the rear of the dwelling, providing a bedroom, wc and hall. The extension would project approx. 4.6m beyond the rear façade of the property, have a width of approx. 3.7m and a height of approx. 3.4m. Proposed materials include felt roof, rendered walls, white UPVC windows and black rainwater goods. A sun tunnel would project above the roof line.</p>	

Relevant Planning History

4/19/2033/0F1 – Formation of driveway to front of property (within the curtilage) - Approve

Consultation Responses

Parish Council

No negative objections or comments raised.

Public Representations

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

Planning Policies

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 Local Plan as commenced by Copeland Borough Council.

The Local Plan 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 DS4: Design and Development Standards

Strategic Policy DS6: Reducing Flood Risk

Policy H14: Domestic Extensions and Alterations

Policy CO7: Parking Standards

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, highways safety and flood risk.

Principle of Development

The proposed application relates to a residential dwelling within Whitehaven. The development would provide a single storey extension to the rear of the dwelling.

Policy H14 of the Copeland Local Plan supports domestic extensions and alterations to residential properties subject to detailed criteria, which are considered below.

The principle of development is therefore accepted within the context of Policy H14 of the Copeland Local Plan.

Scale and Design

Policy H14 of the Copeland Local Plan indicates that developments within the curtilage of existing properties will be permitted, provided that they would not adversely alter the existing building or street scene, and they would retain an adequate provision of outdoor amenity space to serve the property. Policy DS4 of the Copeland Local Plan indicates that all new developments should meet high quality standards.

The proposal would result in a single storey extension to the rear western elevation of the dwelling. The extension would be of a commensurate scale and massing to the host dwelling. The architectural features and finishes of the extension would complement those of the main dwelling.

There is sufficient space within the rear garden of the dwelling to comfortably accommodate the proposal. Likewise, the position of the extension, to the rear of the property, is such that it would not have an adverse impact on the street scene of Esk Avenue.

The scale and design of the development would not, therefore, adversely alter the existing building or street scene, nor would it result in overdevelopment of the site.

The proposal therefore complies with Policies DS4 and H14 of the Copeland Local Plan in this regard.

Residential Amenity

Policy DS4 of the Copeland Local Plan states that all new developments should maintain high levels of amenity. Policy H14 of the Copeland Local Plan indicates that house extensions will be permitted provided that the development would not harm the amenity of the occupiers of the parent property or adjacent dwellings.

The proposed development would be situated alongside the shared boundary with the adjoining property at 100 Esk Avenue. The extension would be situated to the north of the neighbouring dwelling and garden. The orientation is such that the extension would not result in any significant overshadowing of the neighbouring property at 100 Esk Avenue. The neighbouring property has a relatively large open garden such that the addition of the extension alongside the shared boundary would not appear overly dominant or oppressive when viewed from 100 Esk Avenue.

The proposal includes openings to the rear and northern side elevation, overlooking the applicants' rear garden. Openings are not proposed along the southern side boundary. It is considered appropriate to secure this elevation remain free from openings by condition, to protect the privacy of the neighbouring property.

On balance, it is considered that the proposal would retain suitable standards of residential amenity.

The proposal therefore complies with Policies DS4 and H14 of the Copeland Local Plan in this regard.

Highway Safety

Policy CO7 of the Copeland Local Plan requires that all new development provide adequate parking provision.

The proposal would not involve the loss of any parking provision available to the proposal.

The proposal therefore complies with Policy CO7 of the Copeland Local Plan in this regard.

Flood Risk

Strategic Policy DS6 of the Copeland Local Plan looks to ensure flood risk is reduced and mitigated through appropriate measures within development.

The application site is within Flood Zone 2. The application has been accompanied by a Flood Risk Assessment, which sets out that floor levels for the proposal will be the same as those of the existing property, in line with standing advice. The submitted details are considered suitable.

The proposal therefore complies with Policy DS6 of the Copeland Local Plan in this regard.

Biodiversity Net Gain

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).

	<p>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>The application details indicate that it is believed that if permission is granted for the development to which the application relates, the biodiversity net gain condition would not apply.</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 single storey extension is of an appropriate scale and design for the site and locality, which would preserve the amenities of the area and highways safety.</p> <p>The proposal is therefore considered an acceptable form of development which complies with the policies of the adopted 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. <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"> 2. This permission relates to the following plans and documents received on the respective dates and development must be carried out in accordance with them: <ul style="list-style-type: none"> Application Form, received 19th May 2025 Site Location Plan, scale 1:1250, received 19th May 2025 Proposed Plans and Elevations, Drawing No. 02 Rev. P1, scales 1:50, 1:500, 1:1250, received 19th May 2025

Flood Risk Assessment, received 19th May 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.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2025 (or in any Statutory Instrument revoking or re-enacting that Order with or without modification) no further windows, including dormer windows, or other openings on the south side elevation shall be formed without the prior written approval of the Local Planning Authority upon an application submitted to it.

Reason

The Local Planning Authority wishes to retain control over any proposed alterations/extensions in the interests of the amenities of adjacent properties.

Informative Note

Biodiversity Net Gain – Exemption

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

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

The planning authority, for the purposes of the Biodiversity Gain Plan is Cumberland Council.

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 or more of the statutory exemptions or transitional arrangements is/are 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, primarily, the development plan policies, any duties applicable and also all material considerations, including Local Plan policy, the National Planning Policy Framework and any stakeholder representations that may have been received. In this context, having identified matters of concern with the application as originally submitted and, if applicable, following negotiations with the applicant, acceptable amendments and solutions to the proposal have been received. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal.
Case Officer: L White	Date : 09/07/2025
Authorising Officer: N.J. Hayhurst	Date : 14/07/2025
Dedicated responses to:- N/A	