

## CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	<b>Reference No:</b>	4/25/2194/0F1
2.	<b>Proposed Development:</b>	ALTERATIONS TO EXISTING CONSERVATORY, NEW FRONT DOOR ACCESS AND STEPS AND CONVERSION OF DETACHED GARAGE INTO ONE BEDROOM ANNEX
3.	<b>Location:</b>	94 BRANSTY ROAD, WHITEHAVEN
4.	<b>Parish:</b>	Whitehaven
5.	<b>Constraints:</b>	ASC Adverts  Coal – Standing Advice
6.	<b>Publicity Representations &amp; Policy</b>	See Report
7.	<b>Report:</b>  <b>SITE AND LOCATION</b>  <p>The application site comprises a two storey semi-detached dwelling house, situated in a residential area of Whitehaven.</p> <p>The application site is on Bransty Road, which connects to the A595 at the northern junction and the A5094 at the southern junction.</p> <p>The dwelling is situated to the eastern side of Bransty Road on a corner plot such that the side boundary fronts onto Crosfield Road. The site is set on an incline such that the dwelling is elevated to the front and side. Off street parking is provided via a detached double garage and driveway accessible via Crosfield Road. A conservatory exists to the side of the property, which also fronts onto Crosfield Road. The dwelling has front and rear gardens.</p>  <b>PROPOSAL</b>  <p>The proposal involves:</p>	

- Alteration to the existing conservatory comprising building up the dwarf walls to form a masonry structure with windows/ doors to each elevation, tiled roof and rendered walls.
- The insertion of a new front door opening with external access steps and rail from the front garden.
- Conversion of the existing detached garage to form a one bed annex for use by family members.

## **RELEVANT PLANNING APPLICATION HISTORY**

4/14/2200/0F1 – Placement of a temporary 20 foot ISO freight container to front of property - Approve

## **CONSULTATION RESPONSES**

### Town Council

No negative objections or comments raised.

### Public Representations

The application has been advertised by way of neighbour notification letters issued to five 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 5<sup>th</sup> 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 additional accommodation within an existing garage, the alteration of an existing conservatory and the insertion of a new front door opening with access steps.

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 development should meet high quality standards.

The proposal would result in the alteration and conversion of existing structures and the dwelling at the site with the addition of external access steps to the front of the property. There are examples of other steps to the front of properties along this part of Bransty Road. As a result, this alteration would not be out of character with development within the immediate locality.

The proposed external alterations to the garage and conservatory would retain the scale and massing of the existing structures. The finishes and form of the proposed alterations would replicate those in evidence within the application property and in the locality.

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 development 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 front door and access steps would be sufficiently separated from adjacent dwellings so as not to result in any significant loss of amenity to the occupiers of neighbouring properties.

The alterations proposed to the conservatory would result in the loss of the surrounding glazing which is to be replaced with a window/ door to each aspect. The proposed alterations would not have any greater impact upon adjacent residential amenity than the existing conservatory.

The existing garage at the site is situated alongside the south east rear and north west boundaries. Although the existing garage would be converted to a one bedroomed annex associated with the application property, the use of the structure for domestic activities would be commensurate with the existing residential use of the site and neighbouring properties. Proposed external alterations are limited to the removal of the existing garage door which is to be replaced with a window and the insertion of rooflights within the roof slope. The proposed works would therefore not result in any significant loss of adjacent residential amenity.

Given the proximity of the garage to the rear and side boundaries and adjacent dwellings, it is considered appropriate to remove permitted development rights relating to the garage, to safeguard the privacy of adjacent properties going forward. It is also considered appropriate to condition that the converted garage to retained as ancillary accommodation to the main

dwelling, rather than for use as separate accommodation, to ensure that the use remains compatible with the existing use.

Overall, with suitable conditions, it is considered that the proposal would not have any significant adverse impact upon adjacent 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 property currently has off street parking provision in place by means of the detached garage and driveway. Although the proposal would result in the loss of the existing garage, the retained driveway would provide suitable off street parking to serve the property.

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 proposed development would not result in the loss of significant undeveloped curtilage and would retain existing drainage provision within the proposal. It is considered that the proposal would not increase flood risk on or from the site.

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). 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.

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.

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.

#### Planning Balance and Conclusion

	<p>The proposed development is of an appropriate scale and design for the site and locality, which would preserve the amenities of the area and highways safety. Planning conditions can be used to control the use of the annex as ancillary accommodation.</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><b>Recommendation:</b></p> <p>Approve (commence within 3 years)</p>
9.	<p><b>Conditions:</b></p> <ol style="list-style-type: none"> <li>1. The development hereby permitted must commence before the expiration of three years from the date of this permission.</li> </ol> <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"> <li>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"> <li>- Application Form, received 6<sup>th</sup> August 2025</li> <li>- Block Plan, DWG01, scale 1:500, received 3<sup>rd</sup> June 2025</li> <li>- Proposed Plans, DWG02, scales 1:50, 1:100 and 1:1250, received 3<sup>rd</sup> June 2025</li> <li>- Proposed Garage Plans, DWG03 Rev A, scale 1:50, 1:75, 1:500 and 1:1250, received 6<sup>th</sup> August 2025</li> </ul> </li> </ol> <p>Reason</p> <p>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.</p> <ol style="list-style-type: none"> <li>3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (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 detached garage shall be formed without the prior written approval of the Local Planning Authority upon an application submitted to it.</li> </ol> <p>Reason:</p> <p>To safeguard the residential amenity of the occupiers of neighbouring dwellinghouses, in compliance with the National Planning Policy Framework and Policies DS4 and H14</p>

of the Copeland Local Plan.

4. The converted garage development hereby permitted shall be used and occupied only by the applicant and their family members as ancillary residential accommodation to the existing dwellinghouse, and shall thereafter at no time be subdivided, occupied or sold as a separate, independent residential planning unit.

**Reason**

To ensure the development accords with the provisions of Planning Policies H14 of the Copeland Local Plan and to safeguard the amenity of the locality, in compliance with the National Planning Policy Framework and Policy DS4 of the Copeland Local Plan.

**Informative Note**

**Coal Mining Legacy**

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 Mining Remediation Authority on 0345 762 6846 or if a hazard is encountered on site call the emergency line 0800 288 4242.

Further information is also available on the Mining Remediation Authority website at: Mining Remediation Authority - GOV.UK

**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.

	<p><b>Statement</b></p> <p>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.</p>
<p><b>Case Officer:</b> L White</p>	<p><b>Date :</b> 06/08/2025</p>
<p><b>Authorising Officer:</b> N.J. Hayhurst</p>	<p><b>Date :</b> 07/08/2025</p>
<p><b>Dedicated responses to:-</b> N/A</p>	