

**IVY COTTAGE AND ADJACENT GARDEN  
LONSDALE PLACE WHITEHAVEN CUMBRIA  
CA28 6DX FOR MR. MIKE GRAHAM  
NEW GARAGES AND GYM SHOWER ROOM AND HOME OFFICE.  
Planning Application Number: 4/25/2232/0F1  
NEW GARAGES AND GYM SHOWER ROOM AND HOME  
OFFICE FOR DOMESTIC USE  
15 LONSDALE PLACE, NEW ROAD, WHITEHAVEN**

**Written Representations Appeal  
Full Statement of Case**

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- Appendix 1 – Decision Notice
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## 1. Introduction

1. The appeal is being made on behalf of Mr Mike Graham (the appellant) in support of written representations planning appeal against the refusal of planning permission by Cumberland Council for development comprising:

New garages gym shower room and offices

2. This Statement of Case is to be read in conjunction with the supporting documents that accompanied the planning application. It sets out how the Local Planning Authority (LPA) did not determine the application in accordance with the relevant national and local planning policy guidance, and material considerations.
3. This Statement demonstrates how the proposed development complies with relevant national and local planning policy and guidance.

## 2. Reason for refusal

The Council's reasons for refusal as stated on the decision notice are as follows:

1. The combined scale, massing and siting of the proposed development are such that the development would not be commensurate or subservient to the application property and adjacent development, which in turn would have a detrimental impact upon the character of the host dwelling and the locality, contrary to Paragraph 135 of the National Planning Policy Framework, and Policies H14 and DS4 of the Copeland Local Plan.

2. The development would lead to an intensification of use of a substandard access with poor visibility at the access point, which would lead to conflict between pedestrians and vehicles and have an adverse impact upon highways safety at the A5094, contrary to Paragraphs 116 and 117 of the National Planning Policy Framework and Policy DS4 of the Copeland Local Plan.

3. The decision notice can be found in Appendix 1

4. This planning appeal sets out that the scale, design and appearance of the proposal would not have a negative impact on the setting of the property and the wider area, would not result in an incongruous form of development and would not have an overbearing and dominant effect on the neighbouring dwelling. We would argue that the proposed extension would also not have an adverse effect on the Listed Buildings in the vicinity.

## 3.0 Site and Surrounding Area

- 3.1 The site is located to the north of Whitehaven, west of the A595 Loop Road North. Whitehaven is a town and port on the north-west coast of England.

- 3.2 The application site area is approximately 0.032ha in size and is narrow and linear in shape. The site is located at grid reference x:298076, y:519327.

- 3.3 The site is accessed via the A5094 New Road and is located to the rear of the Lonsdale Place terraced dwellings. 7-19 Lonsdale Place are Grade II Listed dwellings (list entry number: 1207826). Immediately north of 7-19 Lonsdale Place is the Pelican Car Garage.

3.4 Residential uses bound the site to the north, south and west. To the east of the site lies a steep vegetated slope upon which there are mature trees are present. Beyond this lies the A595 Loop Road North. Further east of Loop Road North lies residential properties located in Coronation Drive and Victoria Road. To the west of the Site is Lonsdale Place which fronts New Road. Further west is the residential area of Bransty, open green field and the coast-line.

3.5 As a result of the steep verge, vegetation and trees previously mentioned, the Site is not visible from the A595 to the east and properties along this route. Further, the Site is not visible from the A5094 New Road due to its siting behind Lonsdale Place. Therefore, the Site is only visible from the rear of 7-19 Lonsdale Place from within the access. The Site is located approximately 45m east of the closest property along Lonsdale Place, and is screened by the existing boundary wall, as shown in drawing number 24/0405/08 submitted with the application.

3.6 Immediately north of the appeal Site is Labroe Cottage, which was constructed during the 1990s. This dwelling overlooks the Site and has an overbearing and dominant effect on Ivy Cottage with a bedroom window and a staircase landing window directly over-looking the Site. Further north is Ghyll Cottage, which was extended in the late 2010s to the same building line as Labroe Cottage.

3.7 The site is located within Flood Zone 1, and is not located with any Conservation Area, National Park or designated area.

## 4.0 Planning History

4.1 Outlined below is the planning history of the Site and its surroundings which are relevant to the proposal.

- 4/90/0558/0 – dwelling and garage to the rear of 15 Lonsdale Place, Whitehaven – approved 11/7/1990;
- 4/89/0516/0 – house and garage to the rear of 15 Lonsdale Place, Whitehaven – approved 15/2/1990;
- 4/03/1320/0 – outline application for two storey dwelling on plot at rear of Lonsdale Place, Whitehaven, Cumbria – refused 17/12/2003;
- 4/04/2251/0 – outline application for two storey dwelling on plot at rear of Lonsdale Place, Whitehaven, Cumbria – refused 5/5/2004;
- 4/06/2592/0 – outline application for dwelling house/cottage on land to the rear of 18 Lonsdale Place, New Road, Whitehaven – refused 11/10/2006;
- 4/11/2304/0F1 – erection of a summer room to the rear of the property at 19 Lonsdale Place, New Road, Whitehaven – approved 25/8/2011;
- 4/15/2239/0F1 – erection of a single storey extension providing dining room, dayroom and ground floor shower room at Ghyll Cottage, Lonsdale Place, New Road, Whitehaven – approved 13/7/2015.
- APPLICATION No: 4/24/2256/0F1 TWO STOREY FRONT ELEVATION EXTENSION FOR NEW MASTER BEDROOM, LIVING KITCHEN DINING ROOM

**& REFUNCTIONING OF EXISTING SPACES IVY COTTAGE, LONSDALE PLACE, NEW ROAD, WHITEHAVEN.**

Refused 23rd September 2024

• APPLICATION No: 4/24/2256/0F1 TWO STOREY FRONT ELEVATION EXTENSION FOR NEW MASTER BEDROOM, LIVING KITCHEN DINING ROOM & REFUNCTIONING OF EXISTING SPACES IVY COTTAGE, LONSDALE PLACE, NEW ROAD, WHITEHAVEN

Approved after appeal 18 February 2025

## **5.0 Proposed Development**

1. The proposal was submitted on 21<sup>st</sup> of May 2025 and sought permission for “New Garages Gym Shower room and Home Office for domestic use. At Ivy Cottage Lonsdale Place New Road Whitehaven (The site).
2. The planning application was determined by Cumberland Planning Authority on 20th April 2026
3. The following documents were submitted as part of the planning application:
  - Application Form;
  - Drawing set 21-05-2025-405 Mike Graham Gym: Consisting
  - Existing Block and location plans
  - Existing ground floor plans
  - Existing Elevations (2 sheets)
  - Proposed General arrangement Ground floor
  - Proposed First Floor Plan
  - Proposed elevations (2 sheets)
  - Proposed Block Plan
  - Proposed sectional Elevations (two sheets)
4. Once developed, the Site would provide a high-quality functional garaging space for both the client properties at 15 Lonsdale Place and the renovated and extended Ivy Cottage. It would also provide a gym shower room and office for the client use which would all be in keeping with the design, scale and massing of neighbouring properties and all previously approved developments and would respect the character of the local area.
5. The proposal includes the removal of a spoil heap enclosed by a mixture of old and new masonry and concrete walls. This spoil heap forms a raised garden which is out of context with the remainder of the rear areas of Lonsdale terrace which are in the main at a consistently lower level than the raised garden. The applicant applied for and was consented permission to build a summer room to the rear of the property at 12 Lonsdale Place, Note. While the property is behind 12 Lonsdale Terrace it belongs to the applicant who own properties at 15 Lonsdale Terrace and Ivy Cottage adjacent to the site.

The front of the proposal is set back from the rear lane access for Lonsdale Terrace to allow cars entering the garages room to turn into and out of the garages. It also has the added advantage of allowing other vehicles much easier access at the corner of 12 Lonsdale terrace. Making everyone's access for vehicles much easier particularly the owner of Ghyll Cottage and Labroe Cottage who have previously approved garages, because they have no main road frontage Labroe Cottage, Ghyll Cottage and Ivey Cottage Have a direct need to enter the lane to park the motor vehicles securely behind the terrace.

The new building height is not as tall as any of the cottages or the approved extensions. The building is designed to be proportionate to the size and location of all the approved building to the rear of Lonsdale Terrace including not only the three dwellings and two garages but also the offshoot extensions to Lonsdale Terrace house particularly the extension to 15 Lonsdale Terrace, a large two storey rear extension.

The building has been designed to be clad in sandstone masonry to match what remains and the rear lane wall and the new extension to Ivy Cottage. The roof will be slate matching existing heritage materials.

The building is design to be empathetic to the best elements of what has been allowed previously by the planning authority. It fair to say that some of the building approved have little or no empathy with the surroundings.

The design is of high quality, respects the character of the best of its surroundings and would enhance the setting and use of the adjoining listed buildings and others.

6. The local planning officer suggested in email contact that she was unhappy with the application for the following reasons.

Scale, Design and Massing – The proposed development would result in a quadruple garage and home office at ground floor level with gym, rest room and shower room at first floor level. The development would measure approx. 11.5m (max) x 12.6m (max), with a height to eaves of approx. 4.6m and overall height of approx. 6.6m. The accommodation would be arranged in an L shaped configuration and would be to the north west and front of the dwelling at Ivy Cottage. The scale, massing and position of the proposed development are such that it is considered that the development would not be commensurate to or subservient to the existing dwelling. The development would not, therefore, comply Policy H14 of the Copeland Local Plan in this regard.

Heritage – The application site is situated to the rear of the terrace of properties on New Road, the majority of which are Grade II Listed. The proposal would be accessible via the lane between the Grade II Listed buildings at 11 and 12 New Road. The lane also provides access to the rear of terraced properties and has notable character features including cobbling at ground level and stone walling. The lane itself is narrow throughout and contributes to the setting of the Listed Buildings adjacent. Your proposal would involve removal of the existing stone steps and walling fronting onto the lane and the erection of new structure of significant scale and massing which would be set back from the lane. The proposed position, scale and massing would interfere with the existing pattern of development upon the lane and would therefore have an adverse impact upon the character and setting of the adjacent Listed Buildings, in conflict with Strategic Policy BE1 of the Copeland Local Plan.

Highways – The proposed development would involve the creation of a quadruple garage which would utilise a single, narrow access between 11 and 12 New Road. Visibility from the lane is limited due to the front boundary walls of the dwellings and on street parking within New Road. The turning point within the access lane is also narrow, which would make manoeuvrability difficult. The proposal would result in an intensification of use of this access with no pedestrian standoff available and with potential for cars meeting within the lane having to reverse onto the A5094. The development would not, therefore comply with Policy DS4 of the Copeland Local Plan.

The officer cross reference her view with her superior officer and she upheld her view with his support.

We discussed this and exchanged pinions by phone and in email discussion and agreed a site visit may be beneficial.

7. We met on site with the applicant and had frank and meaningful discussions.

After the meeting I summarised!

Further to our meeting today.

The meeting was to discuss any possible way forward for the applicant to develop the site.

Further to your ongoing application for planning consent at the above site.

Having examined the submitted details, visited the site and discussed your proposal with my line manager, I am emailing with the following comments:

“Scale, Design and Massing – The proposed development would result in a quadruple garage and home office at ground floor level with gym, restroom and shower room at first floor level. The development would measure approx. 11.5m (max) x 12.6m (max), with a height to eaves of approx. 4.6m and overall height of approx. 6.6m. The accommodation would be arranged in an L shaped configuration and would be to the north west and front of the dwelling at Ivy Cottage. The scale, massing and position of the proposed development are such that it is considered that the development would not be commensurate to or subservient to the existing dwelling. The development would not, therefore, Comply Policy H14 of the Copeland Local Plan in this regard.

These were my original comments: I have expanded these in bold and italic”

- Planning policy is not always perfect, and this is a case in point.
- Firstly we agreed with the planning authority that the building would relate to the Ivy Cottage! The client owns both 15 Lonsdale Place and Ivy Cottage. The planning authority has advised this arrangement!
- ***Prior to making the application I sent the details to Nick Heyhurst to assist in determining the form of application. The applicant owns both Ivy Cottage and 15 Lonsdale Place and I sent Nick three sets of plans.***
- ***1 showed all the client's ownership and***
- ***2 showed the clients ownership of 15 Lonsdale Place and the application site***
- ***3 showed the clients ownership of Ivy Cottage and the application site.***
- ***Nick advised we adopted option 3 which included the land with Ivy Cottage***

- ***In retrospect, including the land with Ivy cottage has created a large part of your problem because the property can never be subservient to the parent dwelling as it is clearly well in front of it.!***
- ***I don't believe that we were deliberately misled but it must be said that if the land had been included in with the clients ownership of 15 Lonsdale Place there could have been no argument that the property could be considered in any way subservient to the parent property and this could take away a large part of your policy concerns regarding the scale and proportion of the building in relation to the parent dwelling. The works do relate to the client's use of both buildings but the garaging is certainly more pertinent to 15 Lonsdale Place as separate planning provision can be made for Ivy Cottage in front of Ivy cottage.***
- ***The building cannot clearly be subservient to the existing dwelling as the existing building is set right back at the bottom of the garden, however it is just a technicality as it will belong to the applicant who has property which the building to which the proposal is subservient.***
- ***If it were related to 15 Lonsdale Place, it would be subservient to the parent dwelling!***
- ***I believe in light of the poor information provided by the planning authority this policy should be set aside, or you could request that the application is re- titled to associate the application with 15 Lonsdale Place. If this was a route of least resistance, I would expect any retitled application to be free of charge as an act of good faith on behalf of the planning authority!***

Heritage – The application site is situated to the rear of the Lonsdale Place of properties on New Road, the majority of which are Grade II Listed.

- ***When we were refused planning permission for Ivy Cottage the Council used the same argument. This was overturned at appeal and the inspectorate found that the cottage extension had no detrimental impact on the grade 11 listed Place and that anything behind the Place was not significant to the listing.***
- ***Today we walked the full length of the north end of Lonsdale Place and you discovered the following which are all pertinent and set precedent for how your Planning authority have allowed development of larger and similar scale buildings to the rear of Lonsdale Place in the past and which also show that you do not have a coordinated policy regarding the development within the precincts of the grade 11 listed Lonsdale Place whether or not lands to the east of the Lonsdale Place do have any impact on the listing bearing in mind that the planning inspectorate found to contrary when determining the appeal for and extension at Ivy Cottage.***
- ***1 To the rear of 19 Lonsdale Place there is a large garage and sunroom for which you gave development permission in 2011. This flat roofed garage has a flat roof and is dry dash rendered totally out of character with anything else in the vicinity!***
- ***2 to the rear of 16 and 17 Lonsdale Place you gave permission for a large front extension to Ghyll Cottage in 2015. The original house had a mock Georgian facade, but the front extension has no such appearance.***
- ***3 to the rear of 15 Lonsdale Place you gave planning permission for a dwelling and garage in 1990.***

- **4 to the rear of 15 Lonsdale Place a very large extension. I can't find any reference to this on the planning map. There is an enormous two storey rear offshoot out of scale with almost all the other small permitted development extensions, but it does indicate the council planning authorities willingness to consider large scale development to the rear of Lonsdale Place even to the west of the Lane.**
- **All along the rear of Lonsdale Place there are a great variety of large and small extensions to the rear of the dwelling often impacting on the rear fenestration of the dwellings. Some of these may have been permitted development and I'm sure some would also have benefited from planning permission.**

**Depending on your point of view it could be said that all of these impact on the setting of the grade 11 listed buildings, or you could take the planning inspectorate view that the works to the east of the rear lane have no impact and do not diminish the essence of the Grade 11 Places which are mainly listed for their fine front elevations in the Georgian style. This also would appear to be Copeland Borough Councils own historic view.**

The proposal would be accessible via the lane between the Grade II Listed buildings at 11 and 12 New Road. The lane also provides access to the rear of Lonsdale Place properties and has notable character features including cobbling at ground level and stone walling.

- Firstly, the applicant would be more than happy to consider cobbling as the finish for the land and forecourt. This is a matter of detail that we could discuss, and you could condition to retain and repair any intrinsic material finishes. My view was that the lane, whatever fabric was there originally, was in very poor condition and a new paved surface would be to everyone's advantage. I'm happy to accept that if indeed an ancient, cobbled lane is in any evidence then the applicant would be more than happy to retain such a finish.
- **I can reaffirm on behalf of the applicant Mike Graham that he would be more than happy to maintain and repair the existing cobbled paving to the rear lane. Mike would also cobble the new forecourt to the garages or use an alternative paving to maintain the ancient footprint of the original paving whichever meets the Councils planning authority conservation priorities the best.**
- This should be no reason to refuse the application.
- **In some of these cases the implementation of the planning approvals listed above have had a detrimental effect on the stone walls your authority aspires to protect yet have given permission for development which has diminished these walls. While the proposals would add to the loss of small parts of the remaining wall the application would at least replicate the wall and reuse the salvaged materials to face the proposals making it look at least as indigenous as the existing and rebuilt masonry walls.**
- **While the proposals would have similar effect on the remaining walls it would seem prejudicial to allow several others to remove the walls to allow new build parking and garaging and then deny the applicant the same privilege. T**
- **The applicant has had to and is in the process of taking down party garden walls which were unsafe and will replace them. It is the intention to use the masonry salvaged from these walls to dress to new**

***building making it look intrinsic to the rear lane area. You saw yourself where the wall had been taken down and rebuilt in the same masonry but several metres further back to allow for lane side parking in front Labroe cottage.***

The lane itself is narrow throughout and contributes to the setting of the Listed Buildings adjacent. Your proposal would involve removal of the existing stone steps and walling fronting onto the lane and the erection of new structure of significant scale and massing which would be set back from the lane. The proposed position, scale and massing would interfere with the existing pattern of development upon the lane and would therefore have an adverse impact upon the character and setting of the adjacent Listed Buildings, in conflict with Strategic Policy BE1 of the Copeland Local Plan.

- We have already taken a similar planning response to appeal and won. Your arguments are based on what you perceive as negative impacts on the Grade 11 listed Lonsdale Place which is a blinkered view not responding to any positive attributes of proposals. Yes the lane is narrow. It was designed over one hundred years ago! long before mankind could possibly have imagined that every household would have two cars and that there would be an additional three dwellings built on land behind this Lonsdale Place approved by your own authority.
- ***It's hard to imagine that having given permission for two dwellings and a garage and sunroom and the approval by appeal of the extension to Ivy Cottage and the related removal of large sections of the wall in question that your planning authority holds this section of wall in such high regard.***
- ***The raised garden area which forms the bulk of the applications site is not in any way an indigenous or planned raised area but is most probably waste from the other construction works carried out. The front of the wall has been removed, and the waste has been stacked between the existing masonry boundary walls, these walls were not designed as retaining walls; they are beginning to fail under the additional loads applied by the stored material.***
- ***The applicant and his neighbour adjacent to the south side of the arch at 11 Lonsdale Place have already taken down a section of the wall and moved it back to allow for much better access at the "t" junction. This replacement wall could represent where the wall was originally taken down to allow the spoil material to be tipped. This access improvement and repair have been carried out in concrete blocks and timber board fencing not at all intrinsic to the original wall. The applicant's proposals would include for the removal of the concrete blocks and replacement with masonry walls to match the existing masonry wall using salvaged masonry.***
- ***You personally expressed a liking for the masonry steps! These steps are most probably not original steps as they are set back behind the line of the lane wall to the line of the new concrete block wall and have only been installed sometime around when the building waste was stored in the garden to provide access to the garden on top of the waste***
- One of these houses Ivy cottage the parent dwelling has been in existence since before there was a local planning authority but the other two were approved by the local council in relatively recent times. The owners of these properties have motor vehicles and access the lane to get to their properties! Surely this was a planning consideration when these houses were permitted!

- What the applicant is proposing for his own improved access and amenity which will benefit others by improving the access.

Highways – The proposed development would involve the creation of a quadruple garage which would utilise a single, narrow access between 11 and 12 New Road. Visibility from the lane is limited due to the front boundary walls of the dwellings and on street parking within New Road.

Visibility from the lane may be limited but is not made any worse by the application details. Vehicles already use this access; the numbers are perhaps limited by convenience, but it is fair and reasonable to assume that all the householders if they so wish would have unresisted vehicular access to the rear lane.

The proposals have no detrimental impact on anyone existing use of the lane and do in fact improve access for everyone who wishes to use the lane for vehicular access whether they choose to or not.

- ***Forgetting for the moment the scale of the proposals I still find it difficult to see how you can believe that these proposals will make the existing situation any worse from a highway safety point of view!***
- ***You have now seen for yourself that there are already garaging and parking bays throughout the north end of the rear of Lonsdale Place and that the arch in Lonsdale Place is used regularly by all the residents. What the applicant wishes to achieve is a much safer and convenient arrangement for himself in a similar way that those who have either built new parking spaces or converted existing buildings into garages or built new garages all with the consent of the planning authority have done.***
- ***You attest that the client will create more traffic to the rear but he already has that right of access now and will be taking down the section of wall in front of Ivy Cottage to allow for parking cars related to the use of Ivy Cottage in front of that dwelling, which has been approved!***
- ***The client desire to therefore create garaging for himself in line with what the majority of the other residents of Lonsdale Place and the houses behind have done.***
- ***You have concerns about reversing onto the highway caused by additional traffic but the widening of the access at the "t" junction will make this less likely to happen than exacerbate it. Someone driving from the lane into the passage will have a much easier opportunity to reverse into a broader part of the lane where the width is expanded by the new garage forecourts. This will reduce the risk of anyone reversing out onto the highway and not increase it.***
- ***At present the New Road adjacent to Lonsdale Place has a speed limit of 40 miles per hour which is out of step with most built up areas where the speed limit is 30 mph. The national Highways are looking into reducing speed limits in built up areas and surely it is the role of local planning officials to take into account future planning when accessing highway risk.***

The turning point within the access lane is also narrow, which would make manoeuvrability difficult.

- This contradicts the details illustrated on the proposals plans which clearly shows that manoeuvrability in the vicinity of the proposals would be vastly improved; it would even include the viability of cars passing each other along the front of the forecourt of the proposals and improve the situation you refer to where cars may have to reverse onto the highway which you refer to below. The widening of the lane provides a viable alternative to such a manoeuvre.
- Regarding pedestrian access this is a totally existing situation and the proposals have absolutely no impact whatsoever on the potential for additional risk to pedestrian safety.
- The proposals have the potential to reduce street side parking, **by at least 6 cars. This in itself would have a minor positive impact on egress from the lane. See County Highways Design appendix 1, 15 Lonsdale Place has 7 no bedrooms, the fully extended Ivy Cottage will have 3no bedrooms.**

The proposal would result in an intensification of use of this access with no pedestrian standoff available and with potential for cars meeting within the lane having to reverse onto the A5094. The development would not, therefore, comply with Policy DS4 of the Copeland Local Plan

- ***I would welcome the Highway officers further consideration based on the additional mitigation offered here***

Given the concerns highlighted above, the Local Planning Authority is unable to support your proposal in its current format. It is open to you to consider amending your proposal. I would ask that you advise whether you intend to amend your proposal within 7 days of the date of this email, to avoid issue of any decision notice.

I feel that there may be some room for compromise in the applicants' proposals but we do find your planning negativity in general unfounded base on:

- A rigid application of a policy which clearly is unsuitable for the circumstance where the planning authority advised us on the form of application when they must have known in advance that the draconian application of policy would/**could** be applied.
- Not accepting previously overturned planning inspectorate views on the fact that development outside the Class 11 listed Lonsdale Place does not impact on the part 11 listing.
- Very flimsy highway negativity not even backed up by your own highway department.

The client may be prepared to amend the plans if you were prepared to meet with us to discuss any modifications to the proposals that you consider would overcome your concerns.

- ***You have now seen on site how at present the applicant's garden is elevated to the detriment of neighbour privacy and by its elevation is isolated from the parent building and garden. It is thought that the elevated garden has been created by dumping excavation waste for either the original building construction works or the latter additions at Ghyll Cottage Lobroe Cottage and even the extension to 15 Lonsdale Place. It is the applicant's intention whether he is able to build on the site***

**to remove this waste material which perhaps should have been carried out previously. The walls that the material is enclosed in were not designed as retaining walls and they are now failing as described elsewhere. 2/3 of the front wall are non-indigenous concrete blocks which were clearly built up much later and contribute little to the intrinsic environment and has no historic or architectural significance.**

- Mike Graham applied for a retrospective planning application when he built the summer house on the application site and the height of the summer house was determined by subsequent approval. It was agreed the preferred maximum height for the summerhouse combined with the raised garden would be no greater than the height of the existing garage behind 16 Lonsdale Place?**
- I estimate the eaves to be approximately summer house and garage to be 4.1 metres. The masonry wall and block wall enclosing the site are approximately 3 metres high with the elevated garden mean level approximately 1.8 metres above the mean lane level.**
- The eaves of the proposals are at present 4.450 mm. My experience is that the eaves height of a building is the general base measurement planning authorities use to determine the impact of the building's facade as the roof cannot often be seen from ground level.**

**I would conclude that your site visit was useful, you remain concerned about the size of the proposal and we may be able to reach some agreement on this. You maintain highway concerns even though it is clear that the passageway and rear lane are used daily by many if not all the residents off Lonsdale Place and the dwellings behind and that the applicant has the same privileges however at present has nowhere to park his vehicles other than the street parking on New Road. He will be able to park in front of Ivy Cottage when the appeal judgement proposals are fully implemented but this will only meet the parking needs of one dwelling, and he should still be entitled to park or garage vehicles related to his occupation of 15 Lonsdale Place. 15 Lonsdale Place has at present 7 occupiable bedrooms and the County Highways own standards would require this dwelling to have at least 4 parking spaces which can be achieved by the proposals as they stand.**

**On site you gave the impression that there was potential for some form of development to be agreed, if this is the case then it would also be true that you would be prepared to set aside these highway concerns?**

**You have admirable regards for the wall adjacent to the lane, however this has not been backed up by your own planning authorities past decisions which have in the main part allowed this wall to be decimated. The applicant's proposal, while wishing to remove a section of the masonry wall, also wishes to remove a section of the wall which was replaced with concrete blocks! The applicant's proposal also includes for the proposed building to be built in the same indigenous masonry be it further back from the original lane to allow for consideration of modern traffic needs.**

**Finally, you again maintain concerns about the location in relation to the Grade 11 listed Lonsdale Place. If this were a legitimate concern for your planning authority, then they have severely weakened their own argument by what they have already allowed in the past! Only recently the applicant had a planning decision overturned where the council did not provide sufficient evidence that there was real visual harm to the listed asset. The overturned decision was more in line with the planning authorities' historical approach to the Grade 11 listed**

***building where they have allowed a multitude of development which may or may not have impacted the Grade 11 listing.***

***I have attached modified plans to show the eaves of the building reduced by 550 mm to be the same eaves height as the existing sunroom and the garage to the rear of 14 Lonsdale Place. I trust this will go some way to alleviating your concerns.***

***As far as I understand there were no official policy objections from neighbours!***

## **6.0 National and Local Planning Policy Relevant to this Appeal**

The following sets out the relevant National and Local Planning Policies, which address the matters raised in the refusal reasons.

### **National Planning Policy Framework (NPPF) 2023**

The NPPF (2023) sets out the Government's planning policies for England and how these should be applied. It provides a framework within which locally prepared plans for housing and other development can be produced.

Paragraph 2 states that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in preparing the development plan and is a material consideration in planning decisions.

Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways – an economic objective, a social objective, and an environmental objective.

To ensure that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11).

For decision-taking this means:

- c) “approving development proposals that accord with an up-to-date development plan without delay; or***
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:***
  - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or***

**ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”** (paragraph 11)

Paragraph 12 states that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan, permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

In terms of decision making, paragraph 38 states that:

**“local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.”**

Paragraph 131 states that:

**“the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”**

Paragraph 135 states that planning decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;**
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;**
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);**

- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;**
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and**
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.**

Paragraph 138 states that

**“Local planning authorities should ensure that they have access to, and make appropriate use of, tools and processes for assessing and improving the design of development. The primary means of doing so should be through the preparation and use of local design codes, in line with the National Model Design Code.”**

The LPA does not currently have an adopted Design Code.

Paragraph 139 states that:

**“significant weight should be given to:**

- a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or**
- b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.”**

Paragraph 201 states that:

**“local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on**

***a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal."***

Paragraph 203 states that when determining applications, the LPA should take account of the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 205 states that:

***"when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation."***

Paragraph 208 states that:

***"where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal."***

#### **Relevant Adopted Local Plan Policies**

Planning law requires that applications for planning permission must be determined in accordance with the Local Development Plan unless material considerations indicate otherwise.

The adopted Local Development Plan consists of the:

- Copeland Local Plan 2013-2028 Core Strategy and Development Management Policies DPD (adopted December 2013)
- Copeland Local Plan 2013-2024 Proposals Map and Copeland Local Plan 2001-2016 Saved Policies (adopted June 2015)

Local Plan policies which are relevant to this planning appeal are:

- Policy ST1 – Strategic Development Principles
- Policy ST2 – Spatial Development Strategy
- Policy ENV4 – Heritage Assets
- Policy DM10 – Achieving Quality of Place
- Policy DM18 – Domestic Extensions and Alterations
- Policy DM22 – Accessible Developments
- Policy DM27 – Built Heritage and Archaeology

Policy ST1 outlines the Strategic Development Principles that inform and underpin the Borough's planning policies. Those that are relevant to the proposal are to:

***“protect and enhance the Borough's cultural and historic features and their settings, to apply rigorous design standards that retain and enhance locally distinctive places, improve build quality and achieve efficient use of land and to ensure development provides or safeguards good levels of residential amenity and security.”***

Policy ST2 follows on from this and outlines that:

***“development will be located in the Borough's settlements at an appropriate scale, within defined settlement boundaries, in accordance with the Borough's settlement hierarchy”.***

Policy ENV4 outlines that:

***“the Council's policy is to maximise the value of the Borough's heritage assets by protecting listed buildings and by strengthening the distinctive character of the Borough's settlements, through the application of high quality urban design and architecture that respects this character and enhances the setting of listed buildings”.***

Policy DM10 states that:

***“the Council will expect a high standard of design. Development proposals will be required to:***

- ***Respond positively to the character of the site and the immediate and wider setting and enhance local distinctiveness through:***
  - ***An appropriate size and arrangement of development plots***
  - ***The appropriate provision, orientation, proportion, scale and massing of buildings***
  - ***Careful selection and use of building materials which reflects local character and vernacular***
- ***Incorporate existing features of interest including landscape, topography, local vernacular styles and building materials.***
- ***Create and maintain reasonable standards of general amenity”.***

Policy DM18 states the extensions or alterations to dwellings will be allowed as long as:

***“the scale, design and choice of materials involved respect the character of the parent property with the use of pitched roofs where practicable, they would not lead to a significant reduction in daylight available to either the parent property or adjacent dwellings, they would not create potential noise nuisance, security or privacy or overlooking problems for residents of either the parent property or adjacent dwellings”.***

As stated, proposals which involve listed buildings must meet the requirements of Policy DM27. This policy outlines that

***“development proposals which protect, conserve and where possible enhance the historic, cultural and architectural character of the Borough’s historic sites and their settings will be supported. Development which affects listed buildings or their setting will only be permitted where it:***

- ***Respects the architectural and historic character of the building***
- ***Does not have a significant adverse effect on the setting or important views of the building”.***

Cumberland Council are continuing to prepare a new Local Plan (Emerging Copeland Local Plan 2021-2038 (ELP)) and Examination Hearings took place in March 2023. The Planning Inspector has provided the Council with a number of modifications to the Plan and a six-week public consultation on these modifications has taken place. The Council received the Inspector’s Final Report on 23 September 2024. The next step will be the consideration of the draft Local Plan by the Executive, which will be asked to support its adoption, with the final decision being taken by the Full Council.

Given the advanced stage of preparation of the ELP, weight can be attached to policies where there are no outstanding objections. Therefore, the following policies from the ELP are considered relevant:

- Policy DS1PU – Presumption in favour of Sustainable Development
- Policy DS3PU – Settlement Hierarchy
- Policy DS6PU – Design and Development Standards
- Policy H14PU – Domestic Extensions and Alterations
- Policy BE1PU – Heritage Assets
- Policy BE2PU – Designated Heritage Assets

Policy DS1PU outlines that:

***“the Council will take a positive approach to sustainable development by approving applications without delay where they accord with the Development Plan, unless material considerations indicate otherwise. The Council will work proactively with developers to highlight any areas where there is conflict with the Development Plan, and suggest solutions, at an early stage in the application process”.***

Policy DS3PU outlines the Council’s settlement hierarchy and the type of development that can take place in different settlements. The policy states that:

***“the Council will support development within the settlements specifically listed. Development must be proportionate in terms of nature and scale to the role and function of the settlement”.***

Policy DS3PU identifies Whitehaven as a Principal Town and states that it is the largest settlement in terms of population and the town will continue to be the primary focus for new development in the borough.

Policy DS6PU outlines high quality design standards which developments must meet. These state that new developments must:

- ***“Create and enhance locally distinctive places which are sympathetic to the surrounding context of the built, historic and natural environment and local landscape character.***
- ***Use good quality building materials that reflects local character and vernacular, sourced locally where possible.***
- ***Be built to an appropriate density that enables effective use of land, whilst maintaining suitable levels of amenity”.***

Policy H14PU states that

***“proposals for house extensions and alterations or additional buildings within the curtilage of existing properties will be permitted provided that:***

- ***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 extension or outbuilding would be subservient to the dwelling and would retain an adequate provision of outdoor amenity space to serve the property.***
- ***The extension or outbuilding would not materially harm the amenity of the occupiers of the parent property or adjacent dwellings through loss of natural light, overlooking, privacy, potential noise nuisance or the overbearing nature of the proposal.***
- ***The operational car parking needs of the property would continue to be met as a result of the proposal”.***

Strategic Policy BE1PU outlines how the Council require heritage assets to be conserved and enhanced. This will be done by:

- ***“Requiring a heritage impact assessment or heritage statement where the proposal would affect a heritage asset.***
- ***Giving great weight to the conservation of Copeland’s designated heritage assets when decision making.***
- ***Ensuring that new development is sympathetic to local character and history”.***

Policy BE2PU follows on from the above policy and states that:

***“development should preserve or enhance designated heritage assets and their setting. The more important the asset, the greater weight that will be given to its conservation”.***

## Grounds of Appeal

- The following section sets out the reasons why we consider the Local Planning Authority has not determined the application in accordance with all relevant national and local planning policy guidance and material considerations.
- The following section has been broken down into each reason for refusal and sets out why the appellant considers the development is acceptable in accordance with National and Local Development Plan Policies.
  - **Reason Number 1.**
- The combined scale, massing and siting of the proposed development are such that the development would not be commensurate or subservient to the application property and

adjacent development, which in turn would have a detrimental impact upon the character of the host dwelling and the locality, contrary to Paragraph 135 of the National Planning Policy Framework, and Policies H14 and DS4 of the Copeland Local Plan.

- When we submitted the application, we provided the local authority with three scenarios
  - a. The site related to both 15 Lonsdale Place and Ivy Cottage both of which belong to the applicant.
  - b. The site relates to Ivy Cottage
  - c. The sit relates to 15 Lonsdale Place

The planning authority advised relate it to Ivy Cottage! If it had been relative to 15 Lonsdale terrace it would have been subservient! If it had been a stan alone application not relevant to either dwelling this part of the refusal would have had no dwelling to be subservient to and would be moot. Same proposal three different outcomes with regard to subservience! The local authority Planning Department surely should have an unbiased opinion when advising and applicant, To advise one way to perverse ends not in the applicant's interest shows a disregard for a fair process.

- Whilst the proposal is of a modern design, the materials proposed are all in keeping with the neighbouring properties and the existing dwelling/boundary wall. The design is therefore of high quality and respects the character of its surroundings.
- “significant weight should be given to outstanding or innovative designs which...help raise the standard of design more generally in the area”.

- **Reason Number 2**

2. The development would lead to an intensification of use of a substandard access with poor visibility at the access point, which would lead to conflict between pedestrians and vehicles and have an adverse impact upon highways safety at the A5094, contrary to Paragraphs 116 and 117 of the National Planning Policy Framework and Policy DS4 of the Copeland Local Plan.

- The Council Planning authority have produced no evidence to support this assertion. Their own Highways Department did not even back them up. There is no evidence that their will be increase traffic just the opinion of the officer. There is already a private access road for use by all the residence of Lansdale Place and the dwellings to the rear. Two of these dwellings Labroe Cottage and Ghyll

Cottage to the rear have garaging arrangements approved by the same Local authority. One Ivy Cottage has parking arrangements clearly shown on plans approved after appeal.

- It can also be argued that existing buildings located nearby within the setting of the listed buildings in Lonsdale Place have a negative impact on the character and appearance of both existing property and the visual amenity of the wider area. In this regard, we would draw attention to Pelican Garage to the north, which is a less significant architectural design, and includes materials that do not necessarily reflect the immediate character of those found in Lonsdale Place. This contrasts with the appeal proposal, which would be of a high architectural standard and would incorporate materials which would reflect local character.

## Conclusions

- In light of the above, we contend that there are no planning grounds to dismiss this appeal and refuse planning permission.
- The proposal would provide a high-quality functional support facilities to two dwellings, which would be in keeping with the design, scale and massing of neighbouring properties, and would respect the character of the local area.
- No objections to the proposal were received from Whitehaven Town Council, the Highways Authority, and the Lead Local Flood Authority. The Planning Officer's Delegated Report confirms that the application had been advertised by way of neighbour notification letters issued to five properties, and no objections were received from members of the public.
- The scale, bulk and massing of the proposed extension is in keeping with both Labroe and Ghyll Cottages and Ivy Cottage,
- It is significantly more in keeping than the garage and sunroom behind 19 Lonsdale place, which was approved by the same authority.
- The materials proposed are all in keeping with the neighbouring properties and the existing dwelling/boundary wall. The design respects the character of its surroundings and would improve the standard of design and build quality in the immediate locality, and thereby enhance the setting of listed buildings.
- The proposal would not be visible from many public vantage points such as New Road and Loop Road North, meaning that there would be no detrimental impact

to the visual amenity of the wider area and would not be prominent within the locality.

- The Officer's delegated report did not rely on any independent assessment of the heritage value of Lonsdale Place, or the effects of the extension on the setting of the asset. Therefore, the judgement of harm to the listed building is not backed by professional evidence.
- For the reasons outlined above, we request that this appeal be allowed.

Regards

Geoff

GWL