

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/25/2278/0F1
2.	Proposed Development:	FIRST FLOOR BALCONY TO REAR
3.	Location:	WHISTLING JACKS, ROTTINGTON
4.	Parish:	St. Bees
5.	Constraints:	ASC;Adverts - ASC;Adverts, Coal - Standing Advice - Data Subject To Change, PROWs - Public Right of Way
6.	Publicity Representations &Policy	See Report
7.	Report: Site and Location <p>The application site comprises a two storey dwelling house and guest house, which was formerly a barn, situated in the hamlet of Rottington, to the north east of St Bees.</p> <p>The dwelling is attached to a residential barn conversion on its eastern side. A garden is in place to the north. The gable of a detached dwelling at Whinyeat is situated on the northern boundary of the garden.</p> Proposal <p>Planning permission is sought for a first-floor balcony to the rear of the property, to the northern side. The application is submitted as a householder development.</p> <p>The proposal has been amended throughout the course of the application. Originally, a balcony measuring approx. 3.351m x 2.324m, with a floor level of approx. 3.345m and a rail level of approx. 4.445m was proposed. This has since been amended to a balcony measuring approx. 3.351m x 1.235m, with a floor level of approx. 3.345m and a rail level of approx. 4.445m.</p>	

Proposed external materials are timber posts, timber decking, laminated glass panels with steel support posts. The Agent has indicated that the posts within the structure and the guard rail posts can be painted to match the existing windows.

Relevant Planning History

N/A

Consultation Responses

Parish Council

Although the balcony is capable of being seen from the road and from neighbours, it is not visually obstructive to any neighbours or to landscape views.

Public Representations

The application has been advertised by way of neighbour notification letters issued to adjacent properties.

One representation has been received with the following comments:

I can see from a business point of view for the Guest House a balcony may be beneficial. My concerns are given the strict criteria that was put in place by the then planning officials when all the surrounding farm buildings were developed around 2005/6. To allow a balcony would make most of the original conditions that were in place at the time of development pointless. In other words allowing the balcony would be inconsistent from the original specifications the planners put in place. Based on the contents of the previous regulations I will have to say I object.

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.



Cumberland Council

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 2001-2016.

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

Strategic Policy T1 – Tourism Development

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.

Principle of Development

The proposed application relates to a property within the hamlet of Rottington. The development would provide alterations to the existing property involving the installation of a first floor balcony on the northern elevation.

Policy H14 of the Copeland Local Plan supports domestic extensions and alterations to properties subject to detailed criteria, which are considered below. Strategic Policy T1 supports the enhancement of tourism development where it supports a specific activity or function.

The principle of the development is therefore accepted within the context of Policy H14 and Strategic Policy T1 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 application site is situated in Rottington, which has a rural character, brought about by the surrounding agricultural and countryside setting and the former agricultural use of a significant proportion of dwellings.

The application property is a barn conversion featuring simple architecture. External finishes include stone walls, slate roof and timber windows and doors, typical for the locality.

The proposed development would introduce a balcony to the first floor rear elevation.

Proposed finishes include timber support posts, glazed panels within steel supports. A representation has been received indicating that the proposed balcony would be inconsistent with the original specifications of the barn conversion.

The proposed balcony would be visible from the public highway which runs through Rottington, when travelling in a southern direction. Although it would be visible, the balcony would not limit views of the original building, due to the relatively simple, slimline proportions and transparent materials proposed. Likewise, the proposed balcony has been reduced throughout the course of the application to a more modest scale, which is considered commensurate with the simple architecture of the host property and surrounding development.

The application details indicate that the timber and steel supports within the proposal could be matched to the windows within the existing property. These measures would further ensure the balcony does not conflict with the character of the building and setting. It is therefore considered appropriate to secure that these finishes be included within the proposal by appropriate condition attached to any planning approval.

On balance, the proposals would not adversely alter the existing building or street scene.

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 balcony would have an outlook across the garden of the host property. The gable and southern boundary walls of the neighbouring property at Whinyeat are situated on the northern, rearmost boundary of the site. As the gable of this property does not feature any openings, the balcony would not affect the privacy of the occupiers of this property.



Cumberland Council

	<p>The front garden of Whinyeat is enclosed by low walling, which results in this area being visible from neighbouring properties and public vantage points. Given the open character of this garden, the existing first floor openings of the application property and the separation distance between the proposal and neighbouring front garden, it is considered that the proposal would not have a significant adverse impact upon the privacy of this neighbouring dwelling.</p> <p>The proposal therefore complies with Policies DS4 and H14 of the Copeland Local Plan in this regard.</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>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 development is of an appropriate scale and design for the site and locality, which would preserve the amenities of the area.</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> <p>1. The development hereby permitted must commence before the expiration of three years from the date of this permission.</p> <p>Reason</p>

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 received on the respective dates and development must be carried out in accordance with them:

Application Form, received 7th August 2025

Location Plan, Block Plan, Elevations and Sections, DWG No. 24/0441/02B Rev B, scales 1:1250, 1:200 and 1:50, received 18th November 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. The timber and steel posts to be used within the balcony extension hereby approved shall be finished and coloured to match the colour and stain of the existing windows. The colour shall be retained and maintained at all times thereafter and shall not be altered without the prior consent of the Local Planning Authority.

Reason

To ensure the development is compatible with the surrounding area, in accordance with Policies DS4 and H14 of the Copeland Local Plan.

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.



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.

Development Low Risk Area – Standing Advice

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

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 : 08/12/2025

Authorising Officer: N.J. Hayhurst

Date : 11/12/2025

Dedicated responses to:- N/A