

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/25/2282/0F1
2.	Proposed Development:	SIDE EXTENSION FOR PROVISION OF WET ROOM
3.	Location:	161 HIGH ROAD, WHITEHAVEN
4.	Parish:	Whitehaven
5.	Constraints:	ASC Adverts Coal – Standing Advice
6.	Publicity Representations & Policy	See Report
7.	Report: Site and Location The application site comprises a modern two storey semi detached dwelling house, situated on a main thoroughfare through Kells, in Whitehaven. The application property has front and rear gardens. Off road parking is available by means of a driveway within the front garden. A two storey extension has been constructed to the rear. Proposal The proposal involves the erection of a single storey side extension to provide a wet room to the north east corner of the dwelling, situated in place of an existing single story element alongside the shared boundary with 159 High Road. The proposed extension would have a width of approx. 2.6m (max) 2.2m (min), a depth of approx. 4.2m and an overall height of 3m. Proposed external finishes include pebble dash rendered walls, flat grey single ply membrane roof, white UPVC level 4 obscure glazed window and white plastic rainwater goods.	

Relevant Planning History

4/05/2868/0 – Rear extension at 161 High Road, Kells, Whitehaven – 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 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 side 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 development should meet high quality standards.

The proposal would result in a single storey extension to the side elevation of the dwelling. The extension would replace comparable development at the site albeit that the current proposal would result in a wider, flat roofed extension. The architectural features and finishes of the extension would complement those of the main dwelling.

There is sufficient space within the garden of the dwelling to comfortably accommodate the proposal. Likewise, the position of the extension, to the side of the property and behind an existing two storey element, is such that it would not have an adverse impact on the street scene of High Road.

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 single storey development would be situated to the side of the dwelling, alongside the shared boundary with 159 High Road. A small opening is proposed to the side elevation which would be obscure glazed.

Given that the proposal would replace an existing structure at the site, the modest scale and massing of the proposal and the obscure glazing proposed to the side elevation of the extension, the proposal would not result in a loss of residential amenity to the neighbouring property at 159 High Road. Given the proximity of the extension to the side boundary, a condition is suggested to ensure the proposed window is obscured and to prevent the insertion of further openings in the future.

On balance, with suitable conditions, 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 dwelling.

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 1, in an area at the lowest risk of flooding. The development would not significantly increase the risk of flooding at the site or within the surrounding area.

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. <u>Planning Balance and Conclusion</u> 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. The proposal is therefore considered an acceptable form of development which complies with the policies of the adopted Local Plan.
8.	Recommendation: Approve (commence within 3 years)
9.	Conditions: 1. The development hereby permitted must commence before the expiration of three years from the date of this permission. Reason To comply with Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004. 2. This permission relates to the following plans and documents received on the respective dates and development must be carried out in accordance with them: - Application Form, received 12th August 2025 - Proposed Plans and Elevations, Drawing No: 01 Rev: P1, scales 1:50, 1:100, 1:500 and 1:1250, received 12th August 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 obscure glazing in the window to the development hereby approved shall be fully implemented prior to the use of the extension and shall be retained at all times thereafter unless agreed in writing with the Local Planning Authority.

Reason

To safeguard the residential amenity of the occupiers of neighbouring dwellinghouses, in compliance with the National Planning Policy Framework and DS4 and H14 of the Copeland Local Plan.

4. 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 north side elevation shall be formed without the prior written approval of the Local Planning Authority upon an application submitted to it.

Reason

To safeguard the residential amenity of the occupiers of neighbouring dwellinghouses, in compliance with the National Planning Policy Framework and 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.

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 : 02/10/2025

Authorising Officer: N.J. Hayhurst

Date : 06/10/2025

Dedicated responses to:- N/A