

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/25/2289/0E1
2.	Proposed Development:	LAWFUL DEVELOPMENT CERTIFICATE FOR PROPOSED SIDE EXTENSION TO EXISTING DWELLING
3.	Location:	6 GILL CLOSE, WHITEHAVEN
4.	Parish:	Whitehaven
5.	Constraints:	Coal - Development Referral Area ASC Adverts PROWs - Public Right of Way
6.	Publicity Representations & Policy:	See report.
7.	Report: Site and Location The application site relates to a detached residential bungalow located within Whitehaven. Proposal This application seeks a Lawful Development Certificate for a proposed development. As detailed by the application form, the proposal is for works to create a single storey side extension. The proposed rear extension would have height under 4m, depth 3.8m and width of approximately 4.3m. Relevant Planning Legislation Town and Country Planning Act 1990 – Section 192 as amended by Section 10 of the Planning and Compensation Act 1991	

Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

Consultation Responses

There is no statutory requirement to consult third parties including Parish Councils or neighbours. It may, however, be reasonable for a local planning authority to seek evidence from these sources if there is good reason to believe they may possess relevant information about the context of a specific application. This normally only relates to Lawful Use applications for existing uses. In this case, the application relates to a proposed development and seeks to establish that the works proposed fall within the definition of Permitted Development. In this instance, the Parish Council were consulted for information and did not respond.

Despite this, views expressed by third parties on the planning merits of the case, or on whether the applicant has any private rights to carry out the operation, use or activity in question are irrelevant when determining the application.

Legal Considerations

For the purposes of clarification a Lawful Development Certificate enables applicants to establish whether a proposed development is lawful for planning purposes. In this instance it is claimed that the proposed works fall within the definition of Permitted Development.

Assessment

The provision of Schedule 2, Part 1 Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GDPO) is applicable which relates to enlargement, improvement or other alteration of a dwellinghouse.

The provision of Schedule 2, Part 1, Class A of the GPDO 2015 are considered in turn below:

In respect of the provisions of A. – The proposal comprises the enlargement, improvement or other alteration of a dwellinghouse

In respect of the provisions of A.1 -

- (a) permission to use the dwellinghouse as a dwellinghouse has not been granted only by virtue of Class G, M, MA, N, P, PA or Q of Part 3 of this Schedule (changes of use);
- (b) As a result of the works, the total area of the ground covered by buildings within the curtilage would not exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);

- (c) No parts of the proposed works would exceed the highest part of the existing dwellinghouse;
- (d) The height of the eaves following the proposals would not exceed the height of the eaves of the existing dwellinghouse;
- (e) The enlarged part of the dwellinghouse will not extend beyond a wall forming a principal elevation of the dwellinghouse, nor a wall fronting a highway and forming a side elevation of the dwellinghouse;
- (f) The proposal is for a single storey side extension to a detached dwellinghouse and is to extend from the side elevation of the existing dwellinghouse and shall not exceed 4 metres in height;
- (g) The proposal is not located on article 2(3) land;
- (h) The proposal does not have more than a single storey;
- (i) The proposal would not be within 2 metres of a boundary;
- (j) The proposal would extend beyond a wall forming the side elevation of the dwellinghouse but would not exceed 4 metres in height, does not have more than a single storey and would not have a width greater than half the original dwellinghouse;
- (k) The proposal does not consist of (i) the construction of a verandah, balcony or raised platform, (ii) the installation, alteration or replacement of a microwave antenna, (iii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, nor (iv) an alteration to any part of the roof of the dwellinghouse;
- (l) The dwellinghouse was not built under Part 20 of this Schedule (construction of new dwellinghouses).

In respect of the provisions of A.2, the proposed development is not located on Article 2(3) land.

In respect of the provisions of A.3;

- a) The materials to be used in the proposal are to be similar in appearance to those in the existing dwellinghouse;
- b) The proposals would not involve the installation of any upper-floor windows to a wall or roof slope forming the side elevation of the dwellinghouse;
- c) The proposals do not include the development of an additional storey.

The development of a single storey rear extension adheres to each element of Schedule 2, Part 1, Class A of the GPDO 2015. Therefore, the proposals are lawful.

Conclusion

It has been adequately demonstrated that the proposed development comprising the development of a single storey side extension at 6 Gill Close meets the requirements and

	constitutes permitted under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015.	
8.	Recommendation: Approval of Certificate of Lawfulness	
Case Officer: Elisabeth Turner		Date : 13/10/2025
Authorising Officer: N.J. Hayhurst		Date : 13/10/2025
Dedicated responses to:- N/A		