

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/25/2327/0F1
2.	Proposed Development:	FIRST FLOOR SIDE EXTENSION WITH MODIFICATION TO REAR SINGLE STOREY ROOF
3.	Location:	24 TOWER HILL, WHITEHAVEN
4.	Parish:	Whitehaven
5.	Constraints:	ASC;Adverts - ASC;Adverts, Coal - Development Referral Area - Data Subject to Change, PROWs - Public Right of Way
6.	Publicity Representations &Policy	See Report
7.	Report: Site and Location <p>The application site relates to 24 Tower Hill, a semi-detached property situated in a residential area of Whitehaven.</p> <p>The site benefits from a small front garden with a driveway and offroad parking, a garage and a modest size rear garden.</p> <p>The dwelling is located on a hill that slopes downhill, as a result, the dwelling is elevated slightly higher than the adjoining property 25 Tower Hill.</p> Proposal <p>The proposal seeks planning permission for the erection of a first-floor extension over the existing garage to provide an additional bedroom/craft room and a larger family bathroom.</p> <p>Externally, the extension is proposed to be 8m in length from front to back and 2.6m in width. It has been designed with a dual pitched roof that matches the existing roof height.</p> <p>Proposed external finishes include cement render with decorative dash finish, concrete roof</p>	

tiles, white UPVC windows and doors and a white aluminium garage door all to match the existing dwelling.

The proposal also seeks to alter the roof of the existing rear single storey extension.

Relevant Planning History

No previous Planning Applications at this site.

Consultation Responses

Whitehaven Town Council

No comments received.

Local Highways Authority and Lead Local Flood Authority

As this falls under our Service Level Agreement (SLA), this application does not need to be submitted to the Local Highway Authority or Lead Local Flood Authority; subject to the highway and drainage aspects of such applications being considered in accordance with the Agreement. The highway and drainage implications of this application can therefore be decided by the Local Planning Authority.

Countryside Access Footpaths Officer

No comments received.

Public Representations - The application has been advertised by way of neighbour notification letters issued to 6 properties. No representations have been received in response to this consultation.

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



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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

Policy CO6: Countryside Access

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, Biodiversity Net Gain and Public Right of Way.

Principle of Development

The proposed application relates to a residential dwelling situated within Whitehaven. The development would provide a first-floor extension over the existing garage to the side elevation providing an additional bedroom and larger family bathroom.

The application also seeks permission for a minor alteration to the roof of the existing single storey rear extension.

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 proposed extension will be appropriately located to the side of the property above an existing garage. Externally, the extension is proposed to be 8m in length from front to back and 2.6m in width.

The design includes a continuation of the existing eaves and ridge height to match the existing property. As a result, the proposed extension will not be excessively prominent in the street scene, and the design and materials used are considered to respect the character and appearance of the existing property.

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.

Whilst amenity issues between the proposed extension and the neighbouring properties were considered, the proposed extension would be positioned to the side of the property. Whilst the extension lies in close proximity to the boundary with number 25 Tower Hill, the parent property already benefits from a pitched roof garage located on the side elevation that is already in excess of a single storey in height. It includes a side elevation window which it is proposed to be removed, and a blank elevation will remain at first floor level. The proposal will therefore reduce the number of openings compared to the current situation and therefore reduces overlooking impacts.

The increase in height proposed from the current height of the garage roof to the proposed overall height of the proposed extension is considered to be minimal.

The extension is therefore not considered to add any significant impact upon adjacent residential amenity in terms of overbearing impact or loss of privacy.

No concerns were raised as a result of the neighbour consultation process.

On balance, the proposal is considered to be acceptable. Taking into account the siting of the extension and the orientation of the existing property, the proposed extension design is



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acceptable, and it will not adversely harm the neighbouring 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 application property already benefits from off street parking provisions available to the front of the property via the existing driveway. These would be retained within the development and offer sufficient parking provision for the occupiers of the dwelling.

No objections were raised by Cumberland Highways Team as part of the proposal.

The proposal therefore complies with Policy CO7 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.

Impact on Public Right of Way

Existing Public Rights of Way are protected by law and therefore do not need Policy protection, however Strategic Policy CO6 and The Countryside and Rights of Way Act 2000 seeks to exercise statutory rights of access.

On this basis, as the Public Right of Way FP 431012 that links Loop Road South to Corkickle via Tower Hill is directly adjacent to the proposed development, consideration must be given to the potential impacts on both the physical route and the amenity of users of the footpath.

A site visit confirmed the PRoW runs to the front of the site adjacent to the proposal, However, the proposal will not interfere with the footpath, nor will it significantly harm the physical footpath, or the amenity of the user.

Furthermore, no comments were received from the Countryside Access Footpaths Officer. The proposal is considered to satisfy Policy CO6 and the NPPF guidance.

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.</p> <p>The proposal is not subject to Biodiversity Net Gain and will not interfere with the PRoW.</p> <p>The proposal is therefore considered an acceptable form of development which complies with the policies of the adopted Local Plan and provisions of the NPPF.</p>
8.	<p>Recommendation:</p> <p>Approve (commence within 3 years)</p>
9.	<p>Conditions:</p> <ol style="list-style-type: none"> 1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission. <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"> 2. Permission shall relate to the following plans and documents as received on the respective dates and development shall be carried out in accordance with them: - <ul style="list-style-type: none"> - Application Form, received 29th September 2025 - Site Location Plan, scale 1:1250, received 29th September 2025 - Existing Site Plan, scale 1:250, received 29th September 2025 - Proposed Site Plan, scale 1:250, received 29th September 2025 - Existing Floor Plans, scale 1:100, received 29th September 2025 - Proposed Ground Floor Plan, scale 1:50, received 29th September 2025 - Proposed First Floor Plan, scale 1:50, received 29th September 2025 - Proposed Roof Plan, scale 1:50, received 29th September 2025 - Existing Elevations, scale 1:100, received 29th September 2025 - Proposed Elevations, scale 1:100, received 29th September 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.

Informative Notes

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

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.

Statement

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received, and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development as set out in the National Planning Policy Framework

Case Officer: Demi Crawford	Date : 18/11/2025
Authorising Officer: N.J. Hayhurst	Date : 19/11/2025
Dedicated responses to:- N/A	