

## CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	<b>Reference No:</b>	4/25/2356/0E1
2.	<b>Proposed Development:</b>	APPLICATION FOR A CERTIFICATE OF LAWFULNESS FOR PROPOSED REAR DORMER TO EXISTING FIRST FLOOR BEDROOMS
3.	<b>Location:</b>	ELLERSLIE, BANKFIELD, BECKERMET
4.	<b>Parish:</b>	Beckermets with Thornhill
5.	<b>Constraints:</b>	ASC;Adverts - ASC;Adverts, Conservation Area - Conservation Area, Safeguard Zone - Safeguard Zone, Coal - Off Coalfield - Data Subject To Change, DEPZ Zone - DEPZ Zone, Outer Consultation Zone - Sellafeld 10KM, PROWs - Public Right of Way
6.	<b>Publicity Representations &amp;Policy</b>	See Report.
7.	<b>Report:</b>  <b>Site and Location</b>  The application site relates to a semi- detached dwelling located on an existing housing estate on Bankfield, within Beckermets.  The properties rear boundary is on the boundary with the Beckermets Conservation Area.  <b>Proposal</b>  This application seeks a Lawful Development Certificate for a proposed development.  As detailed in the application form, the proposal is for works to create a rear dormer extension to the existing first floor bedrooms.	

The proposed dormer will project 2.9 metres from the existing roof, with a width of 7.53 metres, and an overall height of 2.5 metres. It contains 3 upvc windows and will be suitably located to the rear roof slope.

### **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 responded confirming that they had no objections to the proposal.

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 B of the Town and Country Planning (General Permitted Development) (England) Order 2015 is applicable which relates to other alterations to the roof of a dwellinghouse.



## Cumberland Council

	<p>The provision of Schedule 2, Part 1, Class B of the GPDO 2015 are considered in turn below:</p> <p>In respect of the provisions of B:</p> <p>The proposal comprises the addition to the roof of a dwelling house.</p> <p>Therefore, in respect of the provisions of B.1 –</p> <p>(a) The property has not been granted permission to use the dwelling house as a dwelling house by virtue of Part 3 of the GPDO (change of use);</p> <p>(b) No part of the proposed works would exceed the height of the highest part of the existing roof;</p> <p>(c) No part of the proposed works would extend beyond the plane of any existing roof slope which forms the principal elevation of the dwellinghouse and fronts a highway;</p> <p>(d) The cubic content of the resulting roof space would not exceed the cubic content of the original roof space by more than 50 cubic metres in any other case;</p> <p>(e) It would not consist of or include—</p> <p>(i) the construction or provision of a verandah, balcony or raised platform, or</p> <p>(ii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe;</p> <p>(f) The dwellinghouse is not on Article 2(3) land.</p> <p>The proposed dormer will project 2.9 metres from the existing roof, with a width of 7.53 metres, and an overall height of 2.5 metres.</p> <p>It proposes to contain 3 upvc windows and will be suitably located to the rear roof slope.</p> <p>Based on the above provisions, the proposal is considered to be Permitted Development under Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015.</p>	
8.	<b>Recommendation:</b> Approval of Certificate of Lawfulness	
<b>Case Officer: Demi Crawford</b>		<b>Date : 08/12/2025</b>
<b>Authorising Officer: N.J. Hayhurst</b>		<b>Date : 15/12/2025</b>
<b>Dedicated responses to:- N/A</b>		