



CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

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| 1. | Reference No: | 4/25/2407/0F1 |
| 2. | Proposed Development: | INSTALLATION OF FRENCH DOORS TO THE UPSTAIRS BEDROOM AND ERECTION OF A BALCONY WITH BALUSTRADE (PART RETROSPECTIVE) |
| 3. | Location: | ATHEEN, 2 NETHERTOWN ROAD, ST BEES |
| 4. | Parish: | St. Bees |
| 5. | Constraints: | ASC Adverts - ASC;Adverts, Coal - Standing Advice - Data Subject To Change, Outer Consultation Zone - Sellafield 10KM, PROWs - Public Right of Way |
| 6. | Publicity Representations &Policy | See Report. |
| 7. | Report: | <p>Site and Location</p> <p>The application site relates to Atheen, a semi-detached bungalow located on Nethertown Road within St Bees.</p> <p>The dwelling slopes steeply downhill. The property is set within a generous sized plot with sloped driveway and garden to the front and sloped tiered garden area to the rear.</p> <p>Proposal</p> <p>The proposal seeks part retrospective planning permission for the installation of French doors to the rear bedroom and the erection of a balcony on the rear elevation.</p> <p>Part of the vertical supports for the balcony have already been erected, but works on site have ceased until this application has been determined.</p> <p>The balcony will project 2.8m from the rear elevation and will be 3.8m in width. The installation of a 1.8m wide set of French doors will be installed on the rear elevation onto the</p> |

balcony, from the rear upstairs bedroom.

The balcony will be 2.9m from ground level and will be constructed on brick facing pillars with a cast-iron lintel. It has been designed with a glass balustrade 1.1m in height.

Relevant Planning History

No previous applications at this site.

Consultation Responses

St Bees Parish Council

No objections.

Public Representations

The application has been advertised by way of neighbour notification letters issued to 4 properties.

1 objection has been received in response to this consultation – the comments received are summarised below:

- Proximity and size of the proposal and impact on my property
- Given the depth of the balcony, this would result in substantial overlooking into my garden and a consequential loss of privacy. It would also cause a loss of light to my patio area, which sits directly adjacent and below the proposed balcony at ground level.
- The proximity to the boundary line of the proposal along with the depth would also lead to a dominant feature from my garden and rear rooms.
- The proposed balcony extends 3 metres from the original property line which would create a dominant feature over my property given its proximity to the boundary.
- The submitted floor plans indicate that the new patio doors would require a much larger lintel to be installed into the party wall to accommodate french doors. Owing to the age of the properties, any works affecting or adjoining the party wall must be carefully considered to ensure the structural integrity of the wall and to prevent any damage to my property. These works however would need to comply with the Party Wall Act of 1996
- In summary, I believe the size and location of the proposed balcony requires refinement to reduce its impact on my property. In particular in terms of privacy, light, and in relation to the issues regarding proximity of the party wall and property boundary



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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 2001- 2016.

The policies relevant to this application are as follows:-

DS4: Design and Development Standards

Policy H14: Domestic Extensions and Alterations

Strategic Policy N3: Biodiversity Net Gain

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, countryside access and biodiversity net gain.

Principle of Development

Policy H14 of the Copeland Local Plan supports domestic extensions and alterations to residential properties subject to detailed criteria, which are considered below.

The proposed application relates to a residential dwelling situated within St Bees. The

development is for the installation of French doors to the rear bedroom and the erection of a balcony on the rear elevation.

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.

Part of the vertical supports for the balcony have already been erected, but works on site have ceased until this application has been determined.

The balcony will project 2.8m from the rear elevation and will be 3.8m in width. The installation of a 1.8m wide set of French doors will be installed on the rear elevation onto the balcony, from the rear upstairs bedroom.

The balcony will be 2.9m from ground level and will be constructed on brick facing pillars with a cast iron lintel. It has been designed with a balustrade and glass panels measuring 1.1m in height. The proposed external finish also includes beam and block decking. Whilst these aren't matching exactly to the host property, they are considered to be typical of the balcony designs already existing within St Bees, and therefore, are not considered to negatively affect the existing property or wider residential area in this regard.

An objection was received regarding the overall size of the structure, however the balcony is considered to be appropriately located within the site given the internal layout of the property with access from the rear bedroom, which also allows the balcony to remain subservient to the host property.

Further comments were received regarding the size of the lintel to be installed into the party wall to accommodate the new french doors and the structural integrity of the wall to prevent damage to the neighbouring property under The Party Wall Act. Unfortunately, the application cannot comment on any structural aspect of the proposal as this is not a material planning consideration and this may be covered under Building Regulations. Any works that require notification under The Party Wall Act are considered civil matters.

On this basis, the proposal therefore complies with Policies DS4 and H14 of the Copeland Local Plan.

Residential Amenity

Policy DS4 of the Copeland Local Plan states that all new development should maintain high



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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.

One letter of objection has been received which raises concerns regarding the proximity and size of the balcony and potential overlooking, loss of privacy and loss of light as a result.

Following a site visit, it is clear that the properties along Nethertown Road slope steeply downhill. Due to the topography and proximity to the beach/coastline, other properties within the vicinity have commonly erected raised terraces/balconies to their property. This can be seen on the neighbouring property 'Ammerland' which is adjacent to number 1 Nethertown Road but can be seen from the host property rear garden.

Even though the proposed balcony will be located on the boundary with number 1 Nethertown Road, beyond the fence is a stairway that appears to primarily provide access to the garden. The balcony for this dwelling is located on the opposite side of the rear elevation, adjacent to the boundary with 'Ammerland' and it is therefore considered that the balcony at 'Ammerland' would have just as much of an impact, if not more when both proprietors from 1 Nethertown Road and Ammerland are sat on their rear balconies.

In addition, the proposed balcony has been designed with a glass balustrade as opposed to solid sides, and thus, is considered to reduce the overall visual bulk and still allow light penetration. On this basis, despite the balcony being located on the shared boundary, the overall dominance and loss of light is not considered to be detrimental.

Notwithstanding this, following discussions in response to privacy concerns, the plans have also been amended to show level 5 obscure glazing along the side elevation glass balustrade with number 1 Nethertown Road. An appropriately worded planning condition will ensure that before the balcony is brought into use, that the privacy glass is installed and is retained for the lifetime of the development to further protect residential amenity.

Taking into account the gradient of the site, and the planning condition proposed, the proposed balcony design is acceptable, and it will not detrimentally harm the neighbouring amenity.

The proposal therefore complies with Policies DS4 and H14 of the Copeland Local Plan in this regard.

Biodiversity Net Gain

Policy N3 requires that all development, with the exception of that listed in the Environment Act must provide a minimum of 10% biodiversity net gain over and above existing site levels, following the application of the mitigation hierarchy set out in Policy N1. This is in addition to any compensatory habitat provided under Policy N1. It is stated net gain should be delivered on site where possible and where on-site provision is not appropriate, provision must be made elsewhere in accordance with a defined order of preference. In England, BNG is now

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| | <p>mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). Applications must now deliver a Biodiversity Net Gain of 10%, resulting in more or better-quality natural habitat than there was before the development.</p> <p>Some developments are however except from these BNG requirements. 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 the application is a householder therefore the proposal falls within the list of developments except from providing Biodiversity Net Gain. Based on the above, it is considered that the development complies with the requirements of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 and Policy N3 of the Copeland Local Plan and the provisions of the NPPF.</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. A planning condition proposed would help preserve the amenities of the parent property and neighbouring property.</p> <p>The proposal is not subject to Biodiversity Net Gain.</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: Approve</p> |
| 9. | <p>Conditions:</p> <p>1. 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: -</p> <ul style="list-style-type: none"> - Application Form, received 4th December 2025; - Site Location Plan, scale 1:1250, received 4th December 2025; - Site Layout Plan, scale 1:200, received 4th December 2025; - Existing and Proposed Floor Plans (amended), scale 1:100, received 13th January 2026; - Proposed Section, scale 1:20, received 4th December 2025; - Existing and Proposed Elevations, scale 1:100, received 4th December 2025; - Technical Drawings, received 4th December 2025; <p>Reason</p> |



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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.

2. Within 3 months from the date of the permission hereby approved the obscure glass panel/s adjacent to the boundary with 1 Nethertown Road shall be installed in accordance with the details shown on the following plans 'Existing and Proposed Floor Plans (amended)' received by the Local Planning Authority on 13th January 2026. The glazing within the panel/s should comply to obscurity level 5.

Once installed the glass panel/s shall be retained and maintained in accordance with the approved details at all times thereafter and shall not be removed or modified without prior written consent from the Local Planning Authority.

Reason

To protect residential amenity in accordance with Policies H14 and DS4 of the Copeland Local Plan.

Informative Notes

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.

Coal Authority – 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 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 : 06/02/2026

Authorising Officer: N.J. Hayhurst

Date : 09/02/2026

Dedicated responses to:-