

**CUMBERLAND COUNCIL
DELEGATED PLANNING DECISION**

1.	Reference No:	4/25/2420/0F1
2.	Proposed Development:	PROPOSED REAR RAISED BALCONY
3.	Location:	MILL CLOSE, BECKERMET
4.	Parish:	Beckermet with Thornhill
5.	Constraints:	ASC Adverts - ASC;Adverts, Flood Area - Flood Zone 2, Flood Area - Flood Zone 3, Safeguard Zone - Safeguard Zone, Coal - Off Coalfield - Data Subject To Change, DEPZ Zone - DEPZ Zone, Outer Consultation Zone - Sellafield 10KM, PROWs - Public Right of Way, Main River Consultation Area - Main River Consultation Area
6.	Publicity Representations &Policy	See Report.
7.	Report:	<p>SITE AND LOCATION</p> <p>This application site relates to Mill Close, a detached property that is located within Beckermet. It is accessed via a private access track and set back from the main road.</p> <p>The property is located within a generous plot and benefits from a large sized curtilage area to the front and rear. The land to the rear slopes downwards towards Kirk Beck considerably. There is a public right of way that runs to the eastern elevation.</p> <p>The majority of the application site falls within Flood Zone 1; however, the curtilage area of the property closest to the adjacent river lies within Flood Zones 2 and 3.</p>

PROPOSAL

Planning permission is sought for the addition of a raised ground floor rear balcony constructed at approximately 1.6m above existing ground level, positioned above part of the rear extension approved under application reference 4/25/2050/0F1.

It will project 2.7m from the rear elevation and it will be 6.4m in width from the widest point.

The balcony will be accessed internally from the lounge and will provide additional external amenity space for the host property.

RELEVANT PLANNING APPLICATION HISTORY

4/25/2050/0F1 PROPOSED SINGLE STOREY REAR EXTENSION & INTERNAL ALTERATIONS

CONSULTATION RESPONSES

Beckermet with Thornhill Parish Council

No objections.

Environment Agency

We have no objections to the development as proposed, however we do wish to make the following comments:-

The red-edge boundary of the planning application includes an area that is located within Flood Zone 3, which is land defined by the planning practice guidance as having a high probability of flooding. The National Planning Policy Framework (paragraph 167, footnote 55) states that an FRA must be submitted when development is proposed in such locations. While the application boundary falls within Flood Zone 3, the proposed development is wholly within Flood Zone 1, which is land defined as having a low probability of flooding. As no development is proposed within Flood Zone 3, there are no tidal or fluvial flood risks that we would expect to be considered through a FRA. The risk of flooding from other sources has not been considered. It will be for the Local Planning Authority to decide whether or not the application should be supported by a FRA to consider the risk of flooding from other sources in this instance.

The Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA)

No objection to the proposed development as it is considered that it will not have a material effect on existing highway conditions nor will it increase the flood risk on the site or elsewhere.

Public Representations

The application has been advertised by way of 2 neighbour letters being sent to the adjoining



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properties.

No representations have been received as a result of this consultation process.

PLANNING POLICY

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 LP as commenced by Copeland Borough Council. The LP 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 DS1: Development Strategy

Policy DS4: Design and Development Standards

Policy DS6: Reducing Flood Risk

Policy H14: Domestic Extensions and Alterations

Strategic Policy CO6: Countryside Access

Strategic Policy N1: Conserving and Enhancing Biodiversity and Geodiversity

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 siting, scale and the potential impacts on residential amenity, impact on the Public Right of Way, flood risk and Biodiversity Net Gain.

Principle of Development

The proposed application relates to a detached residential property located at Mill Close in Beckermert.

Policy H14 supports extensions and alterations to residential properties subject to detailed criteria, which are considered below.

On this basis, the principle of development is therefore considered to be acceptable and the extension satisfies Policy HS14 of the Copeland Local Plan and the National Planning Policy Framework.

Scale and Design

Policy DS4 and section 12 of the NPPF seek to promote high quality designs.

Policy H14 supports house extensions where the scale, design and materials of the proposed development would not adversely alter the character or appearance of the existing building, street scene or wider surrounding area.

Planning permission is sought for the addition of a raised ground floor rear balcony constructed at approximately 1.6m above existing ground level, positioned above part of the rear extension approved under application reference 4/25/2050/0F1.

It will project 2.7m from the rear elevation and will be 6.4m in width from the widest point.

The balcony will be accessed internally from the lounge and will provide additional external amenity space for the host property.

The balcony is considered to be suitably located within the site and will adjoin the already approved single storey rear extension. It is acknowledged that the proposed balcony is exacerbated with the land levels to the rear curtilage area of the site, however as the proposal is located to the rear elevation, with minimal views from public vantage points it is considered that the proposal would not impact upon the character of the locality.

The proposed materials for the balcony are facing brick with a 1.1m glazed balustrade. They are considered suitable for their use given the already modern appearance of the property.

Given the isolated position and the lack of any defined design for the house types within this locality, the proposal is not considered to impact upon the character and appearance of the existing property, street scene and the wider residential area.

On this basis, the proposal is considered to meet Policy DS4 and H14 of the Copeland Local Plan and NPPF guidance.



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Residential Amenity

Policy H14 and section 12 of the NPPF seek to safeguard good levels of residential amenity. No objections have been received from neighbouring properties.

The proposal seeks to erect a raised ground floor rear balcony constructed at approximately 1.6m above existing ground level, positioned above part of the rear extension approved under application reference 4/25/2050/0F1.

The balcony will face exclusively over the applicant's own private garden. The nearest neighbouring property 'Beckside' is approximately 10m away, the host dwelling is also set further back from the rear building line of Beckside.

The site also benefits from ample mature trees and boundary walls and hedging throughout. Given the orientation of the proposal in relation to the neighbouring properties, along with the separation distances involved it is not considered that the proposed balcony would result in an overbearing or un-neighbourly development resulting in dominance or loss of light to the adjoining properties.

On this basis, residential amenity issues are considered to be minimal and therefore the proposal is considered to satisfy Policy H14 and the NPPF.

Impact on the Public Right Of Way

Existing Public Rights of Way are protected in law and therefore do not need policy protection. The Countryside and Rights of Way Act 2000 introduced a statutory right of access on foot for open air recreation to mountain, moor, heath, down and registered common land. Policy CO6 of the Copeland Local Plan seeks to help residents and visitors exercise that right.

Although the application site lies within the 50-metre buffer of the Public Right of Way 425008, the proposed development is unlikely to be visible from a the public footpath.

The site visit confirmed the PROW runs along the shared access road adjacent to 'Bellevue' and as such, the proposal will not have any impact on the Public Right of Way.

Overall, the proposal is considered to satisfy CO6 of the Copeland Local Plan.

Flood Risk

Policy DS6 seeks that development will not be permitted where; there is an unacceptable risk of flooding and or, the development would increase the risk of flooding elsewhere.

Whilst part of the curtilage is located within Flood Zone 2 & 3, the area where the dwelling is located is located within Flood Zone 1.

To the south and east elevations of the curtilage area lies 'Kirk Beck' which is set lower than the host dwelling with considerable differences in land levels to the rear curtilage area. On

this basis, given the topography of the site, and existing hardstanding areas to the rear, it would be un-reasonable to request a flood risk assessment in this instance.

The Environment Agency have raised no objections to the proposal and advised that it is for the LPA to determine whether a FRA is necessary.

The Local Lead Flood Authority have no objection to the proposed development as it is considered that it will not have a material effect on existing highway conditions nor will it increase the flood risk on the site or elsewhere.

The proposal is therefore considered to comply with Policy DS6 of the Copeland Local Plan.

Biodiversity Net Gain

Policy N1 of the ELP seeks to ensure that new development will protect and enhance biodiversity and geodiversity and defines a mitigation hierarchy.

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 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.

Some developments are however except from these BNG requirements. 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.

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 Policies N1 and N3 of the Copeland Local Plan and the provisions of the NPPF.

Planning Balance and Conclusion

The application seeks to erect a raised balcony to the rear of the host property.

The proposal is considered to be appropriate in scale and design and will not have any detrimental impact upon the amenities of the neighbouring properties, flood risk or Public Right of Way.

The application is not subject to BNG.

On balance, the proposed works represent an acceptable form of development which accords with the policies set within the Copeland Local Plan and the guidance in the NPPF.



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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. 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. 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 15th December 2025;- Site Location Plan, scale 1:1250, drawing MC-MV-001, received 15th December 2025;- Site Block Plan, scale 1:500, drawing MC-MV-001, received 15th December 2025;- Existing Floor Plans & Elevations, scale 1:100, drawing MC-MV-002, received 15th December 2025;- Proposed Floor Plan, scale 1:50, drawing MC-MV-003, received 15th December 2025;- Proposed Elevations, scale 1:100, drawing MC-MV-004, received 15th December 2025;- Proposed North Elevation, scale 1:50, drawing MC-MV-005, received 15th December 2025;- Proposed South Elevation, scale 1:50, drawing MC-MV-006, received 15th December 2025;- Proposed East Elevation, scale 1:50, drawing MC-MV-007, received 15th December 2025;- Proposed West Elevation, scale 1:50, drawing MC-MV-008, received 15th December 2025;- Existing & Proposed Drainage Plan, scale 1:100, drawing MC-MV-009, received 15th December 2025;- Design & Access Statement DAS-001, received 15th December 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

Public Right of Way

It should be noted that FP 425008 is located adjacent to the development site. The applicant must be advised that:

- The granting of planning permission would not give them the right to obstruct, close or divert the public right of way
- The public right of way must be kept open and unaltered for public use until an order made to divert, stop up or to temporarily close it has been confirmed.

Coal

The proposed development site 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 Coal Authority on 0345 762 6848. Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority. Environmental permit

The Environmental Permitting (England and Wales)

Regulations 2016 require a permit to be obtained for any activities which will take place: on or within 8 metres of a main river (16 metres if tidal) on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal) on or within 16 metres of a sea defence involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert in the floodplain of a main river if the activity could affect flood flow or storage and potential impacts are not controlled by a planning permission For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activitiesenvironmental-permits> or contact our National Customer Contact Centre on 03708 506 506.

The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity. Statement The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations,



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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.

Biodiversity Net Gain – Exemption Applies

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 identifying matters of concern with the proposal and negotiating with the applicants acceptable amendments to address them. As a result the Local Planning Authority has been able to grant planning permission for an acceptable proposal in accordance with Copeland Local Plan policies and 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:- N/A