

**CUMBERLAND COUNCIL
DELEGATED PLANNING DECISION**

1.	Reference No:	4/26/2038/0E1
2.	Proposed Development:	APPLICATION FOR A LAWFUL DEVELOPMENT CERTIFICATE FOR THE CONVERSION OF AN EXISTING GARAGE INTO A NEW BEDROOM, A SMALL UTILITY ROOM, AND A W/C, ALL WITHIN THE EXISTING FOOTPRINT
3.	Location:	2 WINDSOR COURT, WHITEHAVEN
4.	Parish:	Whitehaven
5.	Constraints:	ASC Adverts - ASC;Adverts, Coal - Standing Advice - Data Subject To Change
6.	Publicity Representations &Policy	See Report.
7.	Report:	
	Site and Location	The application site relates to 2 Windsor Court; a semi- detached dwelling located on an existing housing estate within Whitehaven.
	Proposal	This application seeks a Lawful Development Certificate for a proposed development. As detailed in the application form, the proposal is for the conversion of the existing garage into a new bedroom, a small utility room, and a W/C. The proposal will be within the same footprint as the existing garage and is not an extension. 2 velux windows on the single storey roof slope are proposed.
	Relevant Planning History	4/89/1132/1 - SINGLE STOREY EXTENSION FOR KITCHEN, GARAGE AND, FRONT PORCH – Approve

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 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



Cumberland Council

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 proposal does not relate to an enlarged part of the dwellinghouse which extends beyond a wall forming a principal elevation of the dwellinghouse, nor a wall fronting a highway and forming a side elevation of the dwellinghouse – the enlargement has already been established by a previous planning permission;
- (f) The proposal is for the conversion of an existing garage, not an extension, and does not exceed 4m 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 is within 2 metres of a boundary, however it is an existing structure, not an extension;
- (j) The proposal already extends beyond a wall forming the side elevation of the dwellinghouse but it 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;

	<p>b) The proposal would not involve the instillation of any upper-floor windows to a wall or roof slope forming the side elevation of the dwellinghouse;</p> <p>c) The proposals do not include the development of an additional storey.</p> <p>The conversion of a single storey garage extension previously approved under application reference 4/89/1132/1 adheres to each element of Schedule 2, Part 1, Class A of the GPDO 2015. Therefore, the proposal is lawful.</p> <p>Conclusion</p> <p>It has been adequately demonstrated that the proposed development comprising the conversion of a single storey garage extension at 2 Windsor Court 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.</p>
8.	<p>Recommendation: Approval of Certificate of Lawfulness</p>
<p>Case Officer: Demi Crawford</p>	
<p>Authorising Officer: N.J. Hayhurst</p>	
<p>Dedicated responses to:- N/A</p>	

Date : 24/03/2026

Date : 25/03/2026