



## CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	<b>Reference No:</b>	4/26/2053/0B1
2.	<b>Proposed Development:</b>	VARIATION OF CONDITION 2 (PLANS) TO INSTALL AN ADDITIONAL FULLY OBSCURED WINDOW TO NEW BATHROOM OF PLANNING APPLICATION 4/25/2348/0F1 REMOVAL OF EXISTING OUTBUILDING & SECTIONS OF EXISTING ROOF & CONSTRUCTION OF NEW FRONT, REAR & SIDE EXTENSIONS
3.	<b>Location:</b>	PENHAVEN, NORTH LANE, HAVERIGG
4.	<b>Parish:</b>	Millom
5.	<b>Constraints:</b>	ASC Adverts - ASC;Adverts, Coal - Off Coalfield - Data Subject To Change, Key Species - Potential areas for Natterjack Toads, PROWs - Public Right of Way
6.	<b>Publicity Representations &amp; Policy</b>	See Report.
7.	<b>Report:</b>	<p><b>Site and Location</b></p> <p>This application relates to a detached bungalow, known as Penhaven, which fronts onto North Lane, located within the northwest of Haverigg. Access to the site is achieved from North Lane to the front of the site.</p> <p><b>Planning History</b></p> <p>4/25/2015/0F1 - DEMOLITION OF AN EXISTING BUNGALOW AND THE CONSTRUCTION OF A NEW SINGLE STOREY DWELLING WITH INTEGRAL GARAGE AND ASSOCIATED LANDSCAPING</p> <p>4/25/2348/0F1 - REMOVAL OF EXISTING OUTBUILDING AND SECTIONS OF THE EXISTING ROOF AND THE CONSTRUCTION OF NEW FRONT, REAR, AND SIDE</p>

## EXTENSIONS TO AN EXISTING DWELLING

### **Proposal**

This current application seeks to vary condition 2 of planning consent 4/25/2348/0F1 to allow the installation of an additional fully obscure glazed window to the main bathroom on the side elevation of the dwelling.

Condition 2 secures the approved plans/drawings for the site:

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: -

- Application Form, received 15th October 2025;
- Site Location Plan, scale 1:1250, drawing 24-36-P-L, received 15th October 2025;
- Site Block Plan, scale 1:500, drawing 24-36-P-L, received 15th October 2025;
- Proposed Site Plan, scale 1:250, drawing 24-36-P-15, received 15th October 2025; -
- Existing Plans, scale 1:100, drawing 24-36-P-02, received 15th October 2025;
- Proposed Plans, scale 1:100, drawing 24-36-P-11, received 15th October 2025;
- Existing Elevations, scale 1:100, drawing 24-36-P-03, received 15th October 2025; -
- Existing 3D Sketches 01, drawing 24-36-P-04, received 15th October 2025;
- Existing 3D Sketches 02, drawing 24-36-P-05, received 15th October 2025;
- Proposed 3D Sketches 01, drawing 24-36-P-13, received 15th October 2025;
- Proposed 3D Sketches 02, drawing 24-36-P-14, received 15th October 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.

### **Consultation Responses**

#### Millom Town Council

No objections.

#### Highways and LLFA

The Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) can confirm that we 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.

#### United Utilities

No comments received to date.



## Cumberland Council

### Public Representation

This application has been advertised by neighbour notification letters issued to 2 properties. No objections have been received as a result.

### **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 the 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 2001- 2016.

The following policies are relevant to this proposal:

Strategic Policy DS1: Settlement Hierarchy

Strategic Policy DS2: Settlement Boundaries

Policy DS4: Design and Development

Standards Policy H14 – Domestic Extensions and Alterations

Policy N1: Conserving and Enhancing Biodiversity and Geodiversity

Strategic Policy N3: Biodiversity Net Gain

Policy CO7: Parking Standards

### **Other Material Planning Considerations**

National Planning Policy Framework (2024)

National Design Guide (NDG)

Cumbria Development Design Guide (CDG)

Wildlife and Countryside Act 1981

The Conservation of Habitats and Species Regulations 2017 (CHSR)

## **Assessment**

Under Section 73 of the Town and Country Planning Act 1990, an application can be made to vary or remove a condition associated with a permission. The effect of an application under Section 73 is the issue of a new permission sitting alongside the original permission, which remains intact and unamended. The NPPG outlines that to assist with clarity it states that decision notices should also repeat the relevant conditions from the original permission unless they have already been discharged. As a Section 73 application cannot be used to vary the time limit for implementation this condition must remain unchanged from the original permission.

In terms of the conditions attached to the previous decision notice (ref: 4/25/2348/0F1), condition 1 will not be repeated or amended as the permission has been implemented.

Condition 2 will be amended to reflect the information submitted with this application.

Condition 3 will be amended to reflect the new proposed drawing, however the wording of the condition which ensures that the master bedroom ensuite window as shown on drawing reference 24-36-P-11 (amended) remains obscure glazed will be included.

Conditions 4 will remain the same to ensure that the boundary fence as shown on Proposed Site Plan, drawing 24-36-P-15 shall be installed and maintained at a height not exceeding 1.8 metres.

Condition 5 relating to details for the solar panels will remain the same as this is yet to be discharged.

Condition 2 of planning consent 4/25/2348/0F1 relates to the approved plans/drawings for the site. This current application seeks to amend condition 2 to allow the installation an additional obscure glazed bathroom window to the side elevation.

The proposed revision to the plans to include a small, obscure glazed window in the bathroom side elevation is considered to be minor in the context of the overall site/proposed scheme approved under application reference 4/25/2348/0F1. Given that the window is proposed to be obscure glazed, and there are previous conditions repeated to ensure privacy for the adjacent property is preserved, the amendment is considered acceptable.



**Cumberland  
Council**

8.	<p><b>Recommendation:</b> Approve amendment of condition</p>
9.	<p><b>Conditions:</b></p> <ol style="list-style-type: none"><li>1. -</li><li>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"><li>- Proposed Plans, scale 1:100, drawing 24-36-P-11 (amended), received 16<sup>th</sup> February 2026;</li><li>- Proposed Elevations, scale 1:100, drawing 24-36-P-12 (amended), received 16<sup>th</sup> February 2026;</li><li>- Proposed 3D Sketches 01, drawing 24-36-P13 (amended), received 16<sup>th</sup> February 2026;</li><li>- Proposed 3D Sketches 02, drawing 24-36-P-14, received 16<sup>th</sup> February 2026.</li><li>- Site Location Plan, scale 1:1250, drawing 24-36-P-L, received 15th October 2025;</li><li>- Site Block Plan, scale 1:500, drawing 24-36-P-L, received 15th October 2025;</li><li>- Proposed Site Plan, scale 1:250, drawing 24-36-P-15, received 15th October 2025;</li></ul><p>Reason</p><p>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.</p></li><li>3. The master bedroom ensuite window as shown on drawing reference 24-36-P-11 (amended) shall be fitted with obscure glass and thereafter be permanently retained as such once installed.<p>Reason</p><p>To safeguard the amenities of occupiers of adjoining properties.</p></li><li>4. Prior to the occupation of the extensions hereby approved the boundary fence as shown on Proposed Site Plan, drawing 24-36-P-15 shall be installed and maintained at a height not exceeding 1.8 metres in accordance with details submitted to and approved in writing by the Local Planning Authority and shall not be raised to a height exceeding 1.8 metres thereafter.<p>Reason</p></li></ol>

To protect residential amenity in accordance with Policy HP14 of the Copeland Local Plan.

5. Prior to the first installation within the development hereby approved, details of the proposed solar panels will be submitted to and approved in writing by the Local Planning Authority. The development must be carried out in accordance with the approved details at all times thereafter and must not be altered without the prior consent of the Local Planning Authority.

Reason

To ensure a satisfactory appearance of the development in the interests of visual amenity in accordance with DS4 of the Copeland Local Plan.

**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 : 10/04/2026**

**Authorising Officer: N.J. Hayhurst**

**Date : 13/04/2026**

**Dedicated responses to:- N/A**