



**CUMBERLAND COUNCIL
DELEGATED PLANNING DECISION**

1.	Reference No:	4/26/2081/0F1
2.	Proposed Development:	PROPOSED BALCONY ON REAR ELEVATION
3.	Location:	RIVENDALE, WYNDHAM PLACE, EGREMONT
4.	Parish:	Egremont
5.	Constraints:	ASC Adverts - ASC;Adverts, Coal - Off Coalfield - 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 Rivendale, a detached property located on Wyndham Place within Egremont.</p> <p>The dwelling is located at the end of a private/shared access which serves a small cluster of dwellings, and is bound by the former East Road garage/land at East Road to the North and the A595 Egremont Bypass to the West. The River Ehen runs approx. 135m to the East.</p> <p>The property benefits from a modest sized curtilage with driveway and offroad parking to the front, and a garden with various outbuildings to the rear.</p> <p>Proposal</p> <p>The proposal seeks planning permission for the erection of a balcony at first-floor level on the rear elevation.</p> <p>The balcony will project 1.8m from the rear elevation and will be 5.7m in width.</p>

The balcony will be constructed from steel frame. It has been designed with a glazed balustrade with stainless steel frame at a height of 1.1m.

Relevant Planning History

4/97/0120/0 ERECTION OF DWELLING WITH GARAGE- Approve

Consultation Responses

Egremont Town Council

No objections.

Public Representations

The application has been advertised by way of neighbour notification letters issued to 1 property. No objections have been received in response to this consultation.

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



Cumberland Council

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, and biodiversity net gain.

Principle of Development

The proposed application relates to a residential dwelling situated within Egremont. The proposed development is for the erection of a balcony on the rear elevation.

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

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.

The proposed balcony will project 1.8m from the first floor rear elevation and will be 5.7m in width. It will be constructed from steel frame above the external ground patio level with stainless steel support on 50mm corner supports and has been designed to include a smoked glazed balustrade with stainless steel frame/handrail at 1.1m in height.

Whilst these materials don't specifically match the host property, they are considered to be typical of modern balcony designs, and therefore, are not considered to negatively affect the existing property or wider residential area in this regard.

The proposal is considered to be appropriately located within the site to the rear which allows the balcony to remain subservient to the host property.

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

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.

Following a site visit, it is apparent that the host property is located slightly lower than the adjacent former East Road garage/Land at East Road site which is currently vacant.

To the rear, the property is screened by mature trees and hedgerow which backs onto the A595. The neighbouring property Barturn is also set slightly further back than the host property and has no windows on its side elevation, and therefore no overlooking concerns are considered as a result of this scheme.

Taking into account the gradient and location of the site, 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 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. 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.

Planning Balance and Conclusion

The proposed development is of an appropriate scale and design for the site and locality.

It is not considered that the proposal would have any significant impact on residential



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	<p>amenity.</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:</p> <p>Approve (commence within 3 years)</p>
9.	<p>Conditions:</p> <p>1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.</p> <p>Reason</p> <p>To comply with Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.</p> <p>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: -</p> <ul style="list-style-type: none">- Application Form, received 12th March 2026;- Existing Plans & Elevations scale 1:50 & 1:100, drawing DH/KT/26/01, received 12th March 2026;- Site Location Plan, scale 1:1250, drawing DH/KT/26/02, received 12th March 2026;- Proposed Plans & Elevations, scale 1:50, 1:100 and 1:500, drawing DH/KT/26/02, received 12th March 2026; <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> <p>Informative Notes</p> <p>Biodiversity Net Gain – Exemption Applies</p> <p>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</p>

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 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 : 30/04/2026

Authorising Officer: N.J. Hayhurst

Date : 05/05/2026

Dedicated responses to:- N/A