

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/26/2136/0F1
2.	Proposed Development:	REAR EXTENSION FOR DISABLED ACCESS GROUND FLOOR BEDROOM AND SHOWER ROOM
3.	Location:	13 CHAPEL CLOSE, 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 13 Chapel Close, a semi-detached property located within an existing residential area of Mirehouse, Whitehaven. The property benefits from a small paved front garden, and a modest size garden to the rear. Proposal The proposal seeks planning permission for the construction of a single storey rear extension to the existing dwelling to provide the host property with a fully accessible bedroom and shower room. The single storey extension will project 7.95m from the rear elevation and will be 3.84m in width. It has been designed with a flat roof with an overall height of 3.1m which falls to 2.8m due to changes in levels. Proposed external finishes include render, Single ply roofing membrane and upvc windows and doors to match the existing.	

Relevant Planning History

No previous planning applications at this site.

Consultation Responses

Whitehaven Town Council

No objections.

Highways & LLFA

As this falls under our Service Level Agreement (SLA), this application does not need to be submitted to the Local Highway Authority or Lead Local Flood Authority; subject to the highway and drainage aspects of such applications being considered in accordance with the Agreement. The highway and drainage implications of this application can therefore be decided by the Local Planning Authority.

Public Representations

The application has been advertised by way of neighbour notification letters issued to 2 properties. 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:-



Cumberland Council

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, and biodiversity net gain.

Principle of Development

The proposed application relates to a residential dwelling situated within Whitehaven. The development would provide a single storey rear extension providing a bedroom and accessible shower room to support a user of the main dwelling.

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 single storey extension will project 7.95m from the rear elevation and will be 3.84m in width. It has been designed with a flat roof with an overall height of 3.1m.

Whilst the proposal is large in scale length ways, it has been designed to ensure the space is designed to the meets the needs of the applicant.

Following a site visit, it was evident that the proposal is dictated by the width of the existing dwelling, and the same scheme would have unlikely been achievable if the extension was to span the width of the dwelling, as there is an outbuilding connected to the boundary of number 12 Chapel Close, and a shared access that serves both of these dwellings. It is therefore considered that, despite its size, the proposed extension will be appropriately

located within the site.

Proposed external finishes include render, single ply membrane roof and upvc windows and doors to match the existing. The use of matching materials ensures that the proposal compliments the existing property, and the wider residential area.

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

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.

Amenity issues between the proposed extension and the neighbouring properties were considered given the extension is located on the boundary with number 14 Chapel Close. Despite the projection of the extension along the boundary with number 14 Chapel Close, the extension has been designed with a flat roof with an overall height of 3.1m which falls to approx. 2.8m given the slight level changes.

Whilst there may be some loss of light to the rear garden of number 14 Chapel Close as a result of the proposal, there are no additional overlooking or privacy issues considered to occur as no windows are proposed on the side elevation.

In addition, under current Permitted Development rights, for a dwellinghouse not situated within a Conservation Area or on a site of special scientific interest, a single storey rear extension can extend beyond the rear wall of a semi-detached dwellinghouse by up to 8 metres as long as prior approval is sought and no objections are received. This is considered to be a fall-back position which is a relevant consideration in the assessment of this application.

There were no objections received as a result of the consultation, and a site visit confirmed that a similar scheme also exists at number 11 Chapel Close.

On the basis of the above, the proposal is not considered to detrimentally harm residential 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



Cumberland Council

	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. <u>Planning Balance and Conclusion</u> The proposed development is of an appropriate scale and design for the site and locality, which would preserve the amenities of the parent property and wider residential area. The proposal is not subject to Biodiversity Net Gain. 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.
8.	Recommendation: Approve (commence within 3 years)
9.	Conditions: - 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. - 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 5th May 2026; - Proposed Block Plan, scale 1:200 drawing 26/0450/8, received 5th May 2026;

- Proposed Sections, scale 1:10 & 1:50 drawing 26/0450/7, received 5th May 2026;
- Proposed Elevations, scale 1:100 drawing 26/0450/5, received 5th May 2026;
- Proposed Floor Plan, scale 1:50 drawing 26/0450/4, received 5th May 2026;
- Existing Plans, scale 1:200 drawing 26/0450/3, received 5th May 2026;
- Site Location Plan, scale 1/1250 drawing 26/0450/3, received 5th May 2026;
- Existing Elevations, scale 1:100 drawing 26/0450/2, received 5th May 2026;
- Existing Plan, scale 1:100 drawing 26/0450/1, received 5th May 2026;

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

Development Low Risk Area – Standing Advice – Mining Remediation Authority

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

BNG 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.

Statement

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning



**Cumberland
Council**

	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 : 29/06/2026
Authorising Officer: N.J. Hayhurst		Date : 29/06/2026
Dedicated responses to:- N/A		