

## CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

|    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                   |
|----|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. | <b>Reference No:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 4/26/2180/0F1                                                                                                                                                     |
| 2. | <b>Proposed Development:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | PROPOSED SINGLE STOREY FLAT ROOF EXTENSION FOR KITCHEN, UTILITY AND TOILET                                                                                        |
| 3. | <b>Location:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 9 HARBOUR VIEW, WHITEHAVEN                                                                                                                                        |
| 4. | <b>Parish:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Whitehaven                                                                                                                                                        |
| 5. | <b>Constraints:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | ASC Adverts - ASC;Adverts,<br>Coal - Standing Advice - Data Subject To Change,<br>Key Species - POTENTIAL AREA for the Small Blue,<br>PROWs - Public Right of Way |
| 6. | <b>Publicity Representations &amp;Policy</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | See Report.                                                                                                                                                       |
| 7. | <b>Report:</b><br><br><b>LOCATION</b><br><br>This application relates to 9 Harbour View, an end terraced property located within the Kells area of Whitehaven.<br><br><b>PROPOSAL</b><br><br>Planning Permission is sought for the construction of a single storey rear extension and internal alterations to provide an enlarged kitchen area with utility and WC.<br><br>The extension will project 3.7m from the rear elevation of the dwelling and it will project an addition 1.5m from the rear/side elevation to be 5m in overall width.<br><br>The proposed extension has been designed with a flat roof with an overall height of 3.0m with roof light above.<br><br>The extension will be finished externally with dry dash render, a rubber roofing system, and |                                                                                                                                                                   |

white upvc windows and doors.

## **RELEVANT PLANNING APPLICATION HISTORY**

There have been no previous planning applications at this property.

## **CONSULTATION RESPONSES**

### Whitehaven Town Council

No objections.

### Highways and 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.

### Countryside Access Footpath Officer

No comments received to date.

### Public Representations

The application has been advertised by way of neighbour notification letters issued to 2 no. properties. No objections were received as a result of this consultation.

## **PLANNING POLICIES**

Planning law requires 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



## Cumberland Council

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:-

Policy DS4: Design and Development Standards

Policy H14: Domestic Extensions and Alterations

Policy N1: Conserving and Enhancing Biodiversity and Geodiversity

Strategic Policy CO6: Countryside Access

Strategic Policy N3: Biodiversity Net Gain

### **Other Material Planning Considerations**

National Planning Policy Framework (NPPF)

Cumbria Development Design Guide

The Conservation of Habitats and Species Regulations 2017

### **ASSESSMENT**

The key issues raised by this proposal are the principle of development, its scale and design and the potential impacts on residential amenity, impact on the Public Right of Way, and Ecology 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 for the existing 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 extension will project 3.7m from the rear elevation of the dwelling and it will project an

addition 1.5m from the rear/side elevation to be 5m in overall width.

The proposed extension has been designed with a flat roof with an overall height of 3.0m with roof light above.

It is considered that the extension is suitably located within the site to the rear which allows the proposal to remain subservient.

Whilst the extension will extend to the boundary of the rear yard, a site visit confirmed that there were similar extensions within the immediate vicinity. The proposed scale, massing and siting of the extension is therefore considered modest and is not considered to adversely alter the existing building or street scene, nor would it result in overdevelopment of the site.

The extension will be finished externally with dry dash render, a rubber roofing system, and white upvc windows and doors. 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.

Whilst amenity issues between the proposed extension and the neighbouring properties were considered, the proposed extension would be suitably located within the site at the rear.

There is a single storey projection to the dwelling which provides a kitchen and separate store, which already extends to the rear boundary. The proposal will reconfigure the existing kitchen into the WC and utility room, whilst the store will become the new kitchen. The new extension is only therefore slightly enlarging the footprint to the rear/side adjacent to the shared access road.

On balance, despite there being a window proposed within the side elevation of the rear extension, this is not considered to detrimentally change the outcome for the neighbouring dwelling Trade Winds located approx. 5m across the access, as their ground floor side elevation is blank. On this basis, there are no additional overlooking or privacy issues considered to occur as a result of this development.

Following a site visit, it is clear that other properties along this terrace have already extended in a similar way.

Taking into account the siting of the extension and the orientation of the existing property, the proposed extension design is acceptable, and it will not adversely harm the neighbouring amenity. The proposal therefore complies with Policies DS4 and H14 of the Copeland Local



## Cumberland Council

Plan in this regard.

### Impact on the Public Right of Way

Existing Public Rights of Way are protected by law and therefore do not need Policy protection, however Strategic Policy CO6 and The Countryside and Rights of Way Act 2000 seeks to exercise statutory rights of access.

On this basis, as the Public Right of Way 431056 is located within the 50m buffer zone, consideration must be given to the potential impacts on both the physical and amenity of the footpath.

PRoW 431056 begins approx. 10m to the West of the host dwelling, at the front of the property, and runs South to join the coastal path.

Whilst the extension may be seen from a small area of the PRoW, it will not interfere with the footpath, nor will it harm the physical footpath, or the amenity of the user.

The proposal is therefore considered to satisfy Policy CO6 and the NPPF guidance.

### Ecology and Biodiversity

Policy N1 outlines how the Council will protect and enhance the biodiversity and geodiversity within the Borough 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 exempt from these BNG requirements. In this instance the development is considered exempt from BNG as the development falls within the definition of a householder application.

In addition, the application site is identified as being a potential area for the Small Blue Butterfly. However, the application is not supported by any ecology details as the site is located within a built-up residential area, and the majority of the site is covered with hard standing. On this basis it is considered that it would not be necessary to seek a protected species survey for this minor application, as it is not considered that the development will disturb any habitats.

On this basis, 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.

|    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|----|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|    | <p><b><u>Planning Balance and Conclusion</u></b></p> <p>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.</p> <p>The proposal is not subject to Biodiversity Net Gain or ecology details. It is not considered the proposal will harm the PRow or its users.</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><b>Recommendation:</b></p> <p>Approve (commence within 3 years)</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 9. | <p><b>Conditions:</b></p> <ol style="list-style-type: none"> <li> <p>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> </li> <li> <p>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"> <li>- Application Form, received 9<sup>th</sup> June 2026;</li> <li>- Site Location Plan, scale 1:1250, received 9<sup>th</sup> June 2026;</li> <li>- Existing &amp; Proposed Block plans, scale 1:500 drawing LW/6, received 9<sup>th</sup> June 2026;</li> <li>- Existing Plan, scale 1:50 drawing LW/1, received 9<sup>th</sup> June 2026;</li> <li>- Existing Elevations, scale 1:50, drawing LW/2, received 9<sup>th</sup> June 2026;</li> <li>- Proposed Plan, scale 1:50 drawing LW/3, received 9<sup>th</sup> June 2026;</li> <li>- Proposed Elevations, scale 1:50, drawing LW/4, received 9<sup>th</sup> June 2026;</li> <li>- Proposed Elevations, scale 1:50, drawing LW/5, received 9<sup>th</sup> June 2026;</li> </ul> <p>Reason</p> <p>To conform with the requirement of Section 91 of the Town and Country Planning Act</p> </li> </ol> |

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.

#### **Public Right of Way**

The granting of planning permission would not give the applicant the right to block or obstruct the right of way adjacent to the development site. The right of way must be kept open and unaltered for public use, unless or until an order is made to divert, stop up or to temporarily close it comes into effect. The applicant should contact Copeland Borough Council in the first instance if they wish to discuss the process for an application for an order to divert, stop up or temporarily close a right of way.

#### **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. |                          |
| <b>Case Officer: Demi Crawford</b>        |                                                                                                                                                                                                                                                                                                                                                     | <b>Date : 03/08/2026</b> |
| <b>Authorising Officer: N.J. Hayhurst</b> |                                                                                                                                                                                                                                                                                                                                                     | <b>Date : 04/08/2026</b> |
| <b>Dedicated responses to:- N/A</b>       |                                                                                                                                                                                                                                                                                                                                                     |                          |