

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/25/2220/0F1
2.	Proposed Development:	PROPOSED ERECTION OF BALCONY/DECK TO REAR ELEVATION AND INSTALLATION OF BIFOLD DOOR TO ACCESS DECK FROM FIRST FLOOR LIVING ROOM
3.	Location:	BLUE MOUNTAINS, BIRKS ROAD, CLEATOR MOOR
4.	Parish:	Cleator Moor
5.	Constraints:	ASC Adverts Coal – Standing advice
6.	Publicity Representations & Policy	Neighbour Notification Letter: YES Site Notice: NO Press Notice: NO Consultation Responses: See report Relevant Planning Policies: See report
7.	Report:	SITE AND LOCATION The domestic property is located within a residential area on the northern periphery of Cleator Moor and comprises a two storey detached dwelling. The property benefits from gardens to the front and rear with an attached garage and driveway and is setback from the carriageway edge by a low brick wall. The site is located on one of the main throughfares within the town which has a mix of both modern and traditional properties of varying scales, including a small number of modern

larger scale two storey properties and modern bungalows: plus, both modern and traditional terraced dwellings. A new housing estate is located to the northeast of the site.

PROPOSAL

The application seeks permission for the erection of a raised balcony accessed by upvc bifold doors at first floor level to the property. The balcony would be 3.6m in projection and 6m in width

Previously the property had a smaller raised balcony area that was accessed by a set of double doors at first floor and an external staircase to the gable of the property; however, these have been removed due to safety reasons, the decked area at ground floor remains in place. The proposal would introduce a larger opening at first floor level with access onto the balcony area gained by way of the new bifold doors.

RELEVANT PLANNING APPLICATION HISTORY

No relevant site history

CONSULTATION RESPONSES

Cleator Moor Town Council

No response to date

Highways Authority/LLFA

No comments - The application is to be determined by the Local Authority under the service level agreement.

Public Representations

The application has been advertised by way of neighbour notification letter - No objections have been received as a result of this consultation process.

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:

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 2021- 2016.

The following policies are relevant to this proposal:

Strategic Policy DS1 - Settlement Hierarchy

Policy DS4 – Design and Development Standards

Policy H14 – Domestic Extensions and Alterations

Policy CO7 – Parking Standards

Other Material Planning Considerations

National Planning Policy Framework 2024 (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.

Principle of Development

The proposed application relates to a residential dwelling within Cleator Moor and it will provide extended external living space at first floor level in the form of a balcony to the rear of the dwelling.

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

On this basis, the principle of the development is therefore considered to be acceptable and the extension satisfies Policy H14 of the Copeland Local Plan 2021-2039 and the guidance within the NPPF.

Scale and Design

Policy DS4 and section 12 of the NPPF seek to promote high quality designs, whilst Policy H14 of the Local plan seek to ensure domestic alterations are of an appropriate scale and design which is appropriate to their surroundings and does not adversely affect the amenities of adjacent dwellings.

The balcony extension is to the rear of the property and would not be readily visible from a public perspective with only limited obscure viewpoints available from the estate roads and adjacent housing. The design is considered to be acceptable and not out of character with the dwelling and similar to the previous balcony which was in place to the rear of the property.

The balcony is considered to be ancillary in scale to the host dwelling with a total overall height (including the screening) of 5m. The design and materials would reflect the host dwelling and would not detract from the overall appearance of the property.

A further element to the balcony is screening; officers requested that the proposed screening was increased in height and of a solid construction to protect the privacy of the adjacent residential properties and occupiers of the host property. The screening has now been increased to a solid timber screen 1.8m in height, with clear glazing to the remaining balcony that has views onto open countryside and new housing estate which is approximately 48m from the proposed development.

The scale and design of the proposal is considered to comply with policy.

Residential Amenity

H14 of the Local Plan and section 12 of the NPPF seek to safeguard good levels of residential amenity of the parent property or adjacent dwellings.

Officers have requested that the balcony is reduced and stepped in further from the gable to reduce the impacts on the adjacent residential property which is single storey.

At present there are limited views gained from the property at first floor level given the previous balcony has been removed; however, the introduction of a larger raised balcony area 3.6m in projection x 6m in width could lead to views into the neighbouring properties that are not presently gained. At present, the views are limited to from within the dwelling at first floor level towards the rear of the property and obscure views of the garden areas to the north and south plus towards the rear of a large dwelling and garden area to the east.

The introduction of the solid screening outlined above would prevent overlooking, over and above the views that can be presently gained from the rear of the dwelling and is therefore considered sufficient to protect the amenity of the neighbouring properties and the host dwelling. No significant overlooking issues are raised to the rear given the distance from the new residential housing estate and the rear garden is bound by vacant vegetated land.

	When bearing in mind the height and the amended position off the boundary, the proposed development would not be considered to have any overbearing effects on the adjoining properties. Overall it is considered that no significant residential amenity issues are raised by the proposal. <u>Highway Safety</u> The proposal would not increase the internal living accommodation and would not lead to an increase in occupants; therefore, the existing parking arrangements are considered to be acceptable. <u>Biodiversity Net Gain</u> In terms of considering the proposal in relation to Biodiversity Net Gain, the development relates to a householder application which falls under an exempted category; therefore, does not trigger a requirement of a 10% Biodiversity Net Gain. <u>Planning Balance and Conclusion</u> The proposed extension to the dwelling is considered to be of an acceptable scale and design with no significant harm arising to neighbouring properties in terms of amenity. There are no significant impacts on the appearance of the dwelling or surrounding area, the proposal is therefore considered an acceptable form of development in line with policies within the Local plan.
8.	Recommendation: Approve (commence within 3 years)
9.	Conditions: 1. The development hereby permitted must commence 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. 2. This permission relates to the following plans and documents as received on the respective dates and development must be carried out in accordance with them: - Application Form, received 24 June 2025; Site Location Plan, scale 1:1250, drawing reference 612 01001 Rev 01, received 24 June 2025;

Proposed Floor Plans, scale 1:100, drawing reference 612 01003 Rev 3, amended plan received 3 November 2025.

Proposed Elevations, Scale 1:100, drawing reference 612 02001 Rev 4, amended plan received 15 December 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.

3. Prior to the balcony being brought into use the 1.8m high, solid timber screen panels outlined on amended plan ref: 612 02001 Rev 4 received 15 December 2025 shall be fully implemented and shall be retained at all times thereafter unless agreed in writing with the Local Planning Authority.

Reason

To safeguard the residential amenity of the occupiers of the neighbouring dwellinghouses, in compliance with the National Planning Policy Framework and Policy H14 of the Copeland Local Plan Adopted November 2024

Informative Note

Coal Mining Legacy

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:

<https://www.gov.uk/government/organisations/mining-remediation-authority>

Biodiversity Net Gain

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for development of land in England is deemed to have been granted subject to the condition (biodiversity gain condition) that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity

	Gain Plan, if one is required in respect of this permission would be Cumberland Council. There are statutory exemptions which mean that the biodiversity gain condition does not always apply. 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 of the statutory exemptions is 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: Sarah Smith	Date : 08/01/2026
Authorising Officer: N.J. Hayhurst	Date : 12/01/2026
Dedicated responses to:- N/A	