

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/26/2198/0E1
2.	Proposed Development:	APPLICATION FOR A LAWFUL DEVELOPMENT CERTIFICATE FOR TWO PROPOSED SINGLE STOREY EXTENSIONS TO THE REAR OF THE EXISTING DWELLING
3.	Location:	23 WILLOWSIDE PARK, HAVERIGG
4.	Parish:	Millom
5.	Constraints:	ASC Adverts - ASC;Adverts, Flood Area - Flood Zone 3, Coal - Off Coalfield - Data Subject To Change, Key Species - Potential areas for Natterjack Toads
6.	Publicity Representations &Policy	See report.
7.	Report: Site and Location The application site relates to 23 Willowside Park, a detached dwelling located on a residential estate within Haverigg. Proposal This application seeks a Lawful Development Certificate for a proposed development. As detailed in the application form, the proposal is for 2 single storey rear extensions to be added to the existing bungalow to provide an open plan kitchen dining area and a snug/study. The right side rear kitchen dining extension will project 4m from the rear elevation and will be 5.9m in width. It has been designed with a cross gable dual pitch roof with an eaves height of 2.4m and an overall height of 4m. The left side rear snug/study extension will also project 4m from the rear elevation and will be	

4.3m in width. This has also been designed with a cross gable dual pitch roof with an eaves height of 2.4m and an overall height of 4m.

Relevant Planning History

None relevant.

Relevant Planning Legislation

Town and Country Planning Act 1990 – Section 192 as amended by Section 10 of the Planning and Compensation Act 1991

Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

Consultation Responses

There is no statutory requirement to consult third parties including Parish Councils or neighbours. It may, however, be reasonable for a local planning authority to seek evidence from these sources if there is good reason to believe they may possess relevant information about the context of a specific application. This normally only relates to Lawful Use applications for existing uses. In this case, the application relates to a proposed development and seeks to establish that the works proposed fall within the definition of Permitted Development.

In this instance, the Parish Council were consulted for information and responded confirming that they had no objections to the proposal.

Despite this, views expressed by third parties on the planning merits of the case, or on whether the applicant has any private rights to carry out the operation, use or activity in question are irrelevant when determining the application.

Legal Considerations

For the purposes of clarification, a Lawful Development Certificate enables applicants to establish whether a proposed development is lawful for planning purposes. In this instance it is claimed that the proposed works fall within the definition of Permitted Development.

Assessment

The provision of Schedule 2, Part 1 Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GDPO) is applicable which relates to



Cumberland Council

enlargement, improvement or other alteration of a dwellinghouse.

The provision of Schedule 2, Part 1, Class A of the GPDO 2015 are considered in turn below:

In respect of the provisions of A. – The proposal comprises the enlargement, improvement or other alteration of a dwellinghouse

In respect of the provisions of A.1 –

(a) permission to use the dwellinghouse as a dwellinghouse has not been granted only by virtue of Class G, M, MA, N, P, PA or Q of Part 3 of this Schedule (changes of use);

(b) As a result of the works, the total area of the ground covered by buildings within the curtilage would not exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);

(c) No parts of the proposed works would exceed the highest part of the existing dwellinghouse;

(d) The height of the eaves following the proposals would not exceed the height of the eaves of the existing dwellinghouse;

(e) The proposal does not relate to an enlarged part of the dwellinghouse which extends beyond a wall forming a principal elevation of the dwellinghouse, nor a wall fronting a highway and forming a side elevation of the dwellinghouse;

(f) The proposal does not exceed 4m in height;

(g) The proposal is not located on article 2(3) land;

(h) The proposal does not have more than a single storey;

(i) The proposal is within 2 metres of a boundary, however the height of the eaves of the enlarged part would not exceed 3 metres;

(j) The proposal does not extend beyond a wall forming the side elevation of the dwellinghouse;

(k) The proposal does not consist of (i) the construction of a veranda, balcony or raised platform, (ii) the installation, alteration or replacement of a microwave antenna, (iii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, nor (iv) an alteration to any part of the roof of the dwellinghouse;

(l) The dwellinghouse was not built under Part 20 of this Schedule (construction of new dwellinghouses).

In respect of the provisions of A.2, the proposed development is not located on Article 2(3) land.

In respect of the provisions of A.3;

a) The materials to be used in the proposal are to be similar in appearance to those in the

	existing dwellinghouse; b) The proposal would not involve the instillation of any upper-floor windows to a wall or roof slope forming the side elevation of the dwellinghouse; c) The proposals do not include the development of an additional storey. The proposal therefore adheres to each element of Schedule 2, Part 1, Class A of the GPDO 2015. Therefore, the proposal is lawful. Conclusion Amended plans were sought to reduce the overall height of the extensions to the maximum 4m to fall within the definition of Permitted Development. On this basis, it has been adequately demonstrated that the proposed development comprising the erection of 2 single storey rear extensions at 23 Willowside Park meet the requirements and constitutes permitted under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015.	
8.	Recommendation: Approve Certificate of Lawfulness.	
Case Officer: Demi Crawford		Date : 21/08/2026
Authorising Officer: N.J. Hayhurst		Date : 24/08/2026
Dedicated responses to:- N/A		