

Our Ref: 784-B030271 – 108 Victoria Road Whitehaven

Your Ref: 4/23/2164/PIP

17 January 2024

Christopher Harrison
Principal Planning Officer
Development Management
Thriving Place and Investment
Cumberland Council
The Market Hall
Market Place
Whitehaven
CA28 7JG

Dear Mr Harrison,

**TOWN AND COUNTRY PLANNING ACT 1990 AS AMENDED
APPLICATION 4/23/2164/PIP: FOR TECHNICAL DETAILS CONSENT PURSUANT TO PLANNING-IN-
PRINCIPLE PERMISSION 4/19/2246/PIP – APPEAL REFERENCE: APP/Z0923/W/20/3246227
LAND TO THE REAR OF 108 VICTORIA ROAD WHITEHAVEN**

I am writing on behalf of Mr Roy Donnan, who owns land to the rear of 108 Victoria Road Whitehaven, and who has submitted this Technical Details Consent (TDC) for three dwellings pursuant to a Planning-in-Principle permission granted on appeal on 9th July 2020.

During the determination period, several aspects were raised which required addressing, these are summarised as follows:

1. Incorrect landownership certificates completed;
2. Issues regarding overlooking and design of the proposed scheme;
3. Highways issues; and
4. Drainage concerns.

Land Ownership Certificates

An objection was received which raised queries regarding the land ownership of the application site, noting that the red line boundary strayed into three different land parcels. Following investigation, it was determined that some landowners were known, and some were unknown, this subsequently meant that the incorrect Land Ownership Certificate was completed when the application was submitted.

We approached the Council and suggested that the Land Ownership section of the application forms be amended from Certificate A to Certificate C, confirming that we would serve the known landowner (a relative of the applicant) notice of the planning application, and that an advert be placed in a local newspaper as per the legislative requirements. The Council accepted this approach was acceptable.

We can confirm that the correct Land Ownership Certificate has been completed and resubmitted to the Council and that the known landowners have been served with written notice (as of 28th November 2023). We can also confirm that an advert has been placed in the Whitehaven News on both the online web page and physical copies of the paper (29th November 2023 edition). This therefore confirms that the land ownership and planning application Certificate issue has been resolved.

Design and Overlooking

Objections have been raised citing the proposed development could lead to a loss of privacy due to overlooking. Comments were also received noting the design of the two storey dwellings is not considered characteristic of the area.

We would first confirm that the design of the proposed scheme is reverting to the dwellings originally proposed, being two-storeys in height. The siting and massing of the dwellings has been amended to better fit the site and the topography such that the width of the properties has been reduced to achieve at least 3,000 mm separation (3,300 mm actual). We understand that this separation measurement has been agreed elsewhere on a site at Moresby, and so we would argue that there is a precedent for this distance. This letter is accompanied by a revised set of plans that we wish to submit for determination.

To counter the concerns raised over the design, we would point out that two storey dwellings are numerous in the vicinity, including along Victoria Road and in Rosemary Close to the east. The photograph below shows the split-level two-story dwellings located adjacent to the application site in Rosemary Close. Rosemary Close is equally elevated with existing dwellings located on Victoria Road situated on much lower ground levels to the west.



Photo 1: Two -storey dwellings located in Rosemary Close adjacent to the application site

The proposed design is a modern and contemporary interpretation of the local vernacular. Concern was raised by yourself and objectors regarding the visual appearance of the properties – the concern was the verticality of the gables and the contemporary approach to the building appearance and finishes. In response, the applicant's architect has reduced the height of the front gables and modified the fenestration to reduce and lower the overall impact. We consider that the visual impact of the revised development will be minimal, and that the development will be related to the hillside and will not impose the skyline. The two-storey design therefore responds to the specific characteristics and topography of the application site.

With regards to concerns relating to overlooking and impacts upon the privacy of occupiers of dwellings in Victoria Road, the submitted revised Block Plans include an overlay which indicates a 21m radii from the proposed terraces above the front garages – this distance was chosen as the standard used by many Local

Planning Authorities to require the minimum separation distances between the rear windows of two properties facing each other.

The proposed development would be well outside the recognised and accepted privacy distance of 21 metres front to front, back-to-back and also front to back even taking into account the gradient and difference in height. The submitted plans demonstrate that the rear elevations of 104, 106 and 110 Victoria Road would clearly fall outside of this viewing distance when viewed from the terraces. This distance is even greater if the measurement (i.e. 31.6m) were taken from the front windows of the proposed dwellings.

There is also a significant difference in the levels of several metres between the floor height of the proposed terraces and existing development along Victoria Road, making direct views from the proposed terraces to the existing development difficult. The submitted sections demonstrate that direct views from the terrace would be over the rooflines of these properties. We note that 108 Victoria Road partially falls within this 21m radius, however, as a result of the topography and levels differences, views from the proposed terrace within this radius would also be of the roof of the significant extension to this existing dwelling. Primary windows would not be affected and there would be no loss of privacy or reduction of amenities arising for No: 108 Victoria Road.

The photographs contained in Appendix 1 of this letter demonstrates the likely limited views of the properties located in Victoria Road immediately in front of the proposed development. The photographs confirm the point made above that overlooking and loss of privacy would not arise to any significant extent, due to the intervening 21m distance and the change in ground levels. It means that the most likely view from the terraces above the proposed garages would be beyond those properties located in Victoria Road and it would be across to the longer distant landscape and the sea in the background.

The layout drawing (08-01-2024 Victoria Road Proposed Layout A.pdf) also includes a 2m high fence along the northern boundary of the development, which would restrict the degree of over-looking and line of sight onto properties located in Victoria Road (see Section drawing). These sections are based on the viewpoint at eye level. We note that the applicant could erect this fence without the need for planning permission as it would be within the permitted development allowances under the Town and Country Planning (General Permitted Development) Order 1995 as amended.

Notwithstanding this difference in levels and separation distance, there is also existing vegetation and landscaping which would provide screening from some views. In addition, as they are an external space rather than habitable room, the proposed terraces would only be utilised on a very infrequent basis.

Whilst we recognise that this application is a technical details consent, we would highlight that the Planning Inspector's decision on the Permission in Principle appeal found that the development of the site for up to five dwellings was acceptable and would not harm the character or appearance of the area. In response to our recent email exchanges (dated 6th November 2023), you:

"agreed that any development will result in some overlooking and perception of overlooking of the properties to the front of the site."

And you further stated that:

"I am not averse [to] the presence of windows and doors etc. within the front elevations."

In light of the above, we do not consider that the revised drawings submitted with this letter would lead to significant overlooking or loss of privacy for adjoining occupiers. They are now considered the minimum the applicant is prepared to reduce the scheme, given that smaller dwelling types would not be financially viable, given the significant costs to install the access road. To refuse planning permission in this case would be contradictory to other planning decisions made in the locality and would fail to recognise the precedent set by other existing development already located adjacent to the application site, notably Rosemary Close and elsewhere.

Highways and Access

The Cumberland Council highway consultation response dated 28th June 2023, advised that they had no objection to the proposed development and that the geometric design of the access road complied with the design guidance for private shared driveways in terms of width, gradient, service strips, visibility onto Victoria Road, visibility along the access road, and drainage. The response raised three points, point 1 and 3 related to highway matters and point 2 related to drainage matters. These points are addressed below and in the same order as in the Cumberland consultation.

1. Carriageway Construction details.

The Cumberland consultation response noted that to avoid a pre-commencement condition the details of the carriageway construction should be provided. The attached drawing number B030271-TTE-00-ZZ-DR-H-SK04/ P02 includes the carriageway construction details for a Shared Surface Road, which is suitable for up to 25 homes. The construction details comply with the Cumbria Development Design Guide.

2. Maintenance access for the lower geo-cellular attenuation tank.

This aspect is addressed in the response from Kingmoor Consulting, which is referred to below.

3. Access for Refuse Lorries

The turning head for the access road has been redesigned to accommodate refuse lorries as shown on the left-hand panel of the attached drawing number B030271-TTE-00-ZZ-DR-H-SK04/ P02. Discussions have been held with Cumberland refuse collection at Whitehaven to determine the size of the refuse vehicles and the Waste Manager, Shirley Proctor-Dow, has confirmed that the refuse vehicle is the Dennis Eagle Pheonix 2-17N. This vehicle is included in the Autotrack library and has been used to assess the swept path requirements. The vehicle specification is shown on the attached drawing.

The right-hand panel of drawing number B030271-TTE-00-ZZ-DR-H-SK04/ P02 shows the swept path for the Dennis Pheonix 2-17N refuse lorry. This shows that the proposed access with Victoria Road can accommodate the refuse lorry, and the lorry wheels (blue lines) all remain on the carriageway when turning to or from Victoria Road. The refuse lorry can progress along the access road within the available road space.

The redesigned turning head can accommodate the refuse lorry; the wheels (blue lines) are contained within the carriageway and the body shell (black lines) overswings to a small extent but would remain within the application red line.

Drainage

Issues relating to drainage have been addressed by Kingmoor Consulting who has responded with the attached letter (ref: 23-191c002.pdf), drainage report (ref: 23-191r001 Drainage Report_compressed.pdf) and revised drainage drawing (ref: 23-191 DWG001C.pdf).

Conclusion

This letter and the accompanying documents therefore addresses all the outstanding matters you have raised with us relating to the design, overlooking, transport and drainage matters.

Our client would therefore now wish the application to go forward to determination based on the updated documents submitted with this letter. I would be grateful if you could confirm when this is likely please.

If you have any queries or wish to discuss this application for a Technical Details Consent in more detail, then please do not hesitate to contact me.

Yours sincerely,

Graham Hale BA (Hons) MSc MRTPI
Associate
For and on behalf of Tetra Tech Ltd

APPENDIX 1 – PHOTOGRAPHS OF EXISTING PROPERTIES LOCATED IN VICTORIA ROAD WHEN VIEWED FROM THE APPLICATION SITE



Photograph 1 – View of 108 Victoria Road from Plot 1



Photograph 2 – View of 108 Victoria Road from Plot 2



Photograph 3 – View of 106 Victoria Road from Plot 3