

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/24/2295/0F1
2.	Proposed Development:	REPLACEMENT TIMBER WINDOWS TO PROPERTY
3.	Location:	3 CASTLE MEWS, WHITEHAVEN
4.	Parish:	Whitehaven
5.	Constraints:	ASC;Adverts - ASC;Adverts, Conservation Area - Conservation Area, Coal - Standing Advice - Data Subject To Change
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 This application relates to a mid-terrace dwelling that forms part of a larger building complex known as Whitehaven Castle. The former Castle is a Grade II listed building, and this dwelling constitutes a curtilage listed building. The site is located within the Whitehaven Town Centre Conservation Area.	

PROPOSAL

Planning Permission is sought for the replacement of the existing timber windows with double glazed timber windows on the front elevation of 3 Castle Mews.

A separate Listed Building Consent application has been submitted for the same works under reference 4/25/2064/OL1.

RECENT RELEVANT PLANNING APPLICATION HISTORY

Conversion of former cottages to residential use for 9 no. dwellings, approved in November 1989 (application reference 4/89/0942/0 relates).

CONSULTATION RESPONSES

Whitehaven Town Council

No objections.

Conservation Officer

1st response

Description: Castle Mews is a row of houses within the curtilage of Whitehaven Castle.

Conclusion: Request design revision and listed building consent

Assessment:

- By virtue of being within the curtilage of Whitehaven Castle, the houses of Castle Mews are part of its listing, and are therefore grade II listed.

- o This is because on the 1st July 1969, when the law accounting for curtilage of listed buildings to be considered part of their listings was created, and historically prior to that, the mews houses were associated with the main building (at that time in use as a hospital) functionally, by ownership, and by physical layout.

- o Decisions about what counts as within the curtilage of a listed building can be complex, but these three tests are considered the standard approach, and are to be applied both at the time of listing and historically, unless, as is the case here, the listing was made prior to 1969 when curtilage became legally defined.

- o As Whitehaven Castle was listed in 1949, the situation as regards ownership, layout and function is considered in 1969 and historically is therefore made.

- The window details are generally similar to the existing, with the exception of containing standard 24mm glazed units, spacers and plant-on glazing bars. This will lead to an

appearance that is rather chunky compared to the existing appearance, and the following options should be looked at instead:

- o Retaining single glazing and adding secondary glazing internally. If there is space to install secondary glazing, this could be a good option that combines the appearance of single-glazing with better thermal performance.

- o Making use of slim double-glazing, such as a 10mm or 12mm unit, installed with solid glazing bars.

- Due to the listed status, a listed building consent application should be made.

2nd response

Description: Castle Mews is a row of houses within the curtilage of Whitehaven Castle.

Conclusion: No objection

Assessment:

- The window details have been revised to make use of a slim double glazed unit. This requires omitting the spacer bar, however as the unit is much thinner, this shouldn't make much difference visually.
- I am satisfied that the proposed windows entail negligible impact on the building's significance, or that of surrounding heritage assets, and is justified through improving the performance and condition of the building.

National Amenities Society

No response received.

Public Representation

The application has been advertised by way of consultation letters issued to 3 no. neighbouring properties.

No responses have been received as a result of this consultation.

PLANNING POLICY

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 the 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 LP as commenced by Copeland Borough Council.

The LP 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 policies relevant to this proposal are as follows:

Strategic Policy DS1 – Settlement Hierarchy

Strategic Policy DS2 – Settlement Boundaries

Policy DS4 – Design and Development Standards

Policy H14: Domestic Extensions and Alterations

Strategic Policy N3: Biodiversity Net Gain

Strategic Policy BE1 – Heritage Assets

Policy BE2 – Designated Heritage Assets

Other Material Planning Considerations

National Planning Policy Framework (NPPF)

Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA)

Conservation Area Design Guide

ASSESSMENT

Principle Development

The proposed alterations to this domestic property are minor and relate to the replacement of the existing windows.

Policy H14 of the Local Plan supports extensions and alterations to residential properties subject to the scale, design and choice of materials being respectful of the parent property. Furthermore, the alterations should not create privacy or overlooking issues for the surrounding properties.

The main issues raised by the application relate to the design and the impact on the character and appearance of the surrounding Conservation Area and the setting of the adjacent Listed Buildings.

Design and the Impact on the Heritage Asset

Policies BE1 and BE2 of the LP relate to the protection and enhancement of the Conservation Area and seek to ensure that any alterations are in keeping and respect the existing character of the area. Policy DS4 of the LP requires good design.

The Conservation Area Design Guide (2017) sets out a commitment by the local planning authority to protect and enhance the designation of the Conservation Area.

The LBCA sets out a clear presumption that gives considerable importance and weight to the desirability of preserving a heritage asset and its setting.

Section 66.1 requires that: *'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'*.

Section 72 requires that: *'special attention shall be paid to the desirability of preserving or enhancing the character or appearance'* of a conservation area.

The replacement of the existing timber windows with double glazed units will result in a minor change to the exterior of the building.

The window details have been revised to make use of a slim double-glazed unit. This requires omitting the spacer bar, however as the unit is much thinner, this shouldn't make much difference visually.

Based on the information received, it is considered that the windows will entail negligible impact on the significance of the building or the surrounding heritage asset. Any minimal harm created is considered to be justified due to the improvement in energy efficiency of the building.

On balance, it is considered that the proposal is in accordance with policies DS4, BE1 and BE2 of the LP.

Biodiversity Net Gain

Policy N3 of the LP 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 above. 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 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 does not displace any biodiversity, therefore the proposal falls within the list of developments except from providing Biodiversity Net Gain (De Minimis). <u>Planning Balance</u> The proposal relates to a property which is located within the designated settlement boundary for Whitehaven The Conservation Officer considers that the completed works will be justifiable and have a minimal impact on the building and the overall character of the surrounding Conservation Area. Any minimal harm created is considered to be justified due to the improvement in energy efficiency of the building.
8.	Recommendation: Approve (commence within 3 years)
9.	Conditions: 1. 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. 2. 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 28th August 2024;

Site Location Plan, scale 1:1250, received 28th August 2024;
 Site Block Plan, scale 1:500, received 28th August 2024
 Existing and Proposed Elevations, scale 1:100, received 28th August 2024;
 Proposed Window Replacement Details, sheet 1 of 16, received 25th February 2025;
 Proposed Window Replacement Details, sheet 2 of 16, received 30th January 2025;
 Proposed Window Replacement Details, sheet 3 of 16, received 30th January 2025;
 Proposed Window Replacement Details, sheet 4 of 16, received 30th January 2025;
 Proposed Window Replacement Details, sheet 5 of 16, received 30th January 2025;
 Proposed Window Replacement Details, sheet 6 of 16, received 30th January 2025;
 Proposed Window Replacement Details, sheet 7 of 16, received 30th January 2025;
 Proposed Window Replacement Details, sheet 8 of 16, received 30th January 2025;
 Proposed Window Replacement Details, sheet 9 of 16, received 30th January 2025;
 Proposed Window Replacement Details, sheet 10 of 16, received 30th January 2025;
 Proposed Window Replacement Details, sheet 11 of 16, received 30th January 2025;
 Proposed Window Replacement Details, sheet 12 of 16, received 30th January 2025;
 Proposed Window Replacement Details, sheet 13 of 16, received 30th January 2025;
 Proposed Window Replacement Details, sheet 14 of 16, received 30th January 2025;
 Proposed Window Replacement Details, sheet 15 of 16, received 30th January 2025;
 Proposed Window Replacement Details, sheet 16 of 16, received 30th January 2025;
 Design, Access and Heritage Statement, received 28th August 2024.

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. The replacement windows must be of a timber construction in accordance with the approved plans and shall be maintained as such at all times thereafter.

Reason

In order to ensure that the heritage value of the curtilage listed building is retained and in accordance with Policies BE1 and BE2 of the Copeland Local Plan.

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 listed building consent in accordance with the presumption in favour of sustainable development as set out in the National Planning Policy Framework.	
Case Officer: Sarah Papaleo		Date : 30/04/2025
Authorising Officer: N.J. Hayhurst		Date : 02/05/2025
Dedicated responses to:- N/A		