

CUMBERLAND COUNCIL
CONSULTATION RESPONSE

Proposal: LISTED BUILDING CONSENT FOR THE REMOVAL AND RECONSTRUCTION OF A CHIMNEY AT A REDUCED HEIGHT

Address: 3 MARINE TERRACE, WHITEHAVEN

Reference: 4/26/2232/OL1

Date: 27/08/26

Description: This is a substantial mid-terrace grade II listed house, dating to the latter half of the Victorian period.

Conclusion: No objection

Assessment:

- There is some harm in lowering the chimney as it is a distinctively tall feature. The properties can be viewed from Oakbank Road, to the rear, where the two remaining chimneys on the row are a notable feature.
- A structural report has been provided, advising that the chimney is at risk of collapse in wind conditions due to poor construction and material defects, and that it be taken down and rebuilt to a lower height due to the risk of tension forces occurring during a 1-in-50 year wind event.
- Due to the risk of structural collapse, I view the harm to the building's appearance as justifiable, and the proposal to rebuild the chimney to a lower height, as opposed to remove it completely, provides some mitigation to this harm.

Relevant Policies and Guidance:

Planning (Listed Buildings and Conservation Areas) Act 1990:

The Planning (Listed Buildings and Conservation Areas) Act 1990 establishes a need "in considering whether to grant listed building consent for any works [for the Local Planning Authority to] have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest" [**Section 16(2)**].

National Planning Policy Framework (2026):

Chapter 20. Conserving and Enhancing the Historic Environment:

Decision-making policy **HE4(1)**: Development proposals affecting the significance of a heritage asset, including its setting, should maintain or secure a use consistent with its conservation, and should conserve instead of harm (or minimise where not possible) that significance.

HE4(2): Any harm to the significance of a *designated* heritage asset (including from development within its setting) should have clear and convincing justification.

HE5(1): Proposals affecting heritage assets should be accompanied by an assessment of significance (including the contribution of setting) and of potential effect on significance. Detail should be proportionate to the assets' importance, and no more than necessary to understand the potential effect. This should draw on the Historic Environment Record, and appropriate expertise where necessary.

HE5(2): Assessments of these effects on significance should identify whether the proposals would have a positive effect, no effect, a harmful effect, or result in total loss of significance.

HE6(1): Substantial weight should be given to conserving the significance of a designated heritage asset, irrespective of the potential effect on significance.

HE6(3): "Any harm to a designated heritage asset will be a matter of considerable importance and weight..."

HE6(4): Harm to the significance of a designated heritage asset should be weighed against the public benefit.

HE6(5): Substantial harm to a designated heritage asset is grounds for refusal unless it is necessary to achieve substantial public benefits, or all of a list of conditions apply (see full text).

HE10(1): Where a proposal would result in the loss of all or part of a heritage asset, the development should not be approved unless all reasonable steps have been taken to ensure the new development will proceed, and the applicant should record and advance understanding of the significance of the asset to be lost in a manner proportionate to its importance and the potential impact on it. They should make this evidence accessible in the relevant Historic Environment Record and public depository, as appropriate.

Copeland Local Plan 2021-2038 (2022):

BE1: Heritage Assets

Decision-making should provide for the preservation and enhancement of built heritage assets by:

- Requiring a heritage impact assessment or heritage statement where the proposal would affect a heritage asset;
- Giving great weight to the conservation of Copeland's designated heritage assets when decision making;
- Ensuring that new development is sympathetic to local character and history;
- Supporting proposals for the appropriate reuse of vacant historic buildings, recognising that putting buildings into viable uses consistent with their conservation can help sustain and enhance their significance;
- Supporting proposals that increase the enhancement, promotion and interpretation of Copeland's architectural and archaeological resources;
- Strengthening the distinctive character of Copeland's settlements, through the application of high-quality design and architecture that respects this character and enhances the setting of heritage assets.

BE2: Designated Heritage Assets

- Development should preserve or enhance designated heritage assets (or important archaeological sites) and their settings. The more important the asset, the greater weight that will be given to its conservation. Proposals that better reveal the significance of heritage assets will be supported in principle. Any harm to, or loss of, the significance of a designated heritage asset will require clear and convincing justification.

Sammy Woodford

Conservation and Design Officer