

CUMBERLAND COUNCIL
CONSULTATION RESPONSE

Proposal: Outline application (with some matters reserved) & including approval of access and layout for erection of two self-build or custom build dwellings

Address: The Cross, Sneckyeat Road, Whitehaven

Reference: 4/25/2028/001

Date: 17/02/25

Description: The Cross is a grade II listed house dating from the early 19th century. The site is a former walled garden located to the north of it, which is within its curtilage for listing purposes.

Conclusion: Recommend refusal

Assessment:

- The site is the former walled garden of The Cross. Although now out of use, it retains its wall, which has a physical and formerly functional relationship to the house. It therefore contributes to its significance, and has significance of its own. It is part of a layout of supporting elements associated with the house including the carriage yard immediately to the rear, the coach house, the walled garden, and the gateways.
- The principle of creating a house in this location appears questionable and there is no clear justification for the need, which appears to only entail harm to these designated heritage assets.
- Being listed, listed building consent would be required to form the proposed opening that is shown in the wall to allow access to the two dwellings.
- The level of detail included with an outline application is not sufficient to allow the impact of the proposal to be understood on the listed structures. Therefore, a full application would be required, including a heritage statement that reviews the significance of the affected assets.
- Based on the outline layout, it appears that the aspiration is for very standard house design, of a form that might more typically be found in a new, volume development. The layout does not suggest the necessary sensitivity has been deployed in arriving at this foundation, on which the further design development would be based. In approving this application, we would be locking in foundational design decisions that are both lacking in detail and justification, and also point in an unconvincing direction, as far as they go.
- If the principle for developing a house (or houses) here could be established – and I don't believe it has - design would need to be sophisticated, sensitive and detailed.

Additionally:

- I have observed on a previous site visit in June 2021 that the wall near its eastern corner had received some repairs that had left it without copings and with its core open in places to the sky. This needs remedying, if it has not already, as damage will otherwise be sustained in only a few years.

- I also noted that the gate piers at the north corner of the garden wall, on the track, which are also considered within its curtilage, had been encroached upon by sycamore saplings, which will rapidly damage them if left.
- These are not related to my assessment of the impact; just observations.

Summary:

- Principle of developing a house here does not appear well established. Principle of developing two houses would presumably need to be greater than one. The approval of residential conversion of the Coach House does not appear to me to set a precedent for the construction of new houses within the Walled Garden.
- An outline application is not sufficient to allow the impact of such a proposal to be taken into consideration.
- A listed building consent would be needed due to the intention to insert an opening into the garden wall. The document assessing curtilage, which I previously provided, has been reproduced in the Heritage and Design Report with two of its four pages missing, including the part about the Walled Garden. It should be noted that list descriptions are not an inventory of what is covered by the listing, but a descriptive paragraph allowing the asset to be identified. This is why there is a process for assessing the extent of curtilage, and why the NPPF requires proposals affecting heritage assets to be assessed using relevant expertise where necessary.
- I suggest withdrawing the application, confirming what is likely to be acceptable or unacceptable in principle, and then submitting a full application, with listed building consent for works to the wall, for a scheme that is sufficiently sensitive and innovative to preserve or enhance the significance of the affected heritage assets.

Relevant Policies and Guidance:

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)]. This requirement also applies to the granting of planning permission affecting a listing building or its setting [Section 66(1)].

Paragraph 139 of the National Planning Policy Framework (NPPF) asserts that “Development that is not well designed should be refused”.

NPPF para. 210 states that “In determining applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation...”

NPPF para. 212 states, in the case of designated heritage assets, “great weight should be given to the asset’s conservation”, irrespective of whether potential harm is substantial, less-than-substantial, or total loss. Where harm to a designated heritage asset is less-than-substantial, it should be weighed against the public benefits of the proposal (para. 215).

Opportunities should be sought for new development within conservation areas and the settings of heritage assets that enhances or better reveals their significance. (para. 219)

The Copeland area’s Local Plan contains a number of relevant policies:

- BE1 provides 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 that increase the enhancement, promotion and interpretation of Copeland's architectural and archaeological resources;
- BE2 states that 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.
- DS4 outlines the Council's expectation that all new development will meet high-quality design standards that contribute positively to the health and well-being of residents.
- DS5 refers to the importance of achieving good standards of design in both hard and soft landscaping.

Sammy Woodford

Conservation and Design Officer