

**CUMBERLAND COUNCIL**  
**CONSULTATION RESPONSE**

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**Proposal:** Replacement timber windows to property

**Address:** 3 Castle Mews, Flatt Walks, Whitehaven

**Reference:** 4/24/2295/0F1

**Date:** 30/09/24

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**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.
  - This is because on the 1<sup>st</sup> 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.
  - 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.
  - 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:
  - 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.
  - 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.

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**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)].

Section 72 of the 1990 Act states that “special attention shall be paid to the desirability of preserving or enhancing the character or appearance of [a conservation] area.”

Paragraph 134 of the National Planning Policy Framework (NPPF) asserts that “Development that is not well designed should be refused”.

NPPF para. 197 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. 199 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. 202).

Opportunities should be sought for new development within conservation areas and the settings of heritage assets that enhances or better reveals their significance. (para. 206)

Referring to assets in a conservation area, NPPF para. 207 states that loss of an element that makes a positive contribution to a conservation area should be treated as either substantial (under para. 201) or less-than-substantial harm (under paragraph 202).

The former Copeland Borough Council’s Local Plan contains a number of relevant policies:

- Local Plan Policy ST1C(ii) highlights the importance of protecting, enhancing and restoring the Borough’s cultural and heritage features and their settings.
- ST1D emphasises the council’s commitment to creating and retaining quality places.
- ENV4A stresses the importance of protecting listed buildings, conservation areas and other features considered to be of historic, archaeological or cultural value.
- DM27A outlines support in principle for developments that “protect, conserve and where possible enhance the historic, cultural and architectural character of the borough’s historic sites and their settings”.
- DM27D highlights the necessity of avoiding disrespectful alterations, substantial demolition, adverse effects on setting or views, or changes of use that harm the conservation or economic viability of a listed building.

The Conservation Area Design Guide is a supplementary planning document adopted in 2017 that is a material consideration in the determination of planning applications within conservation areas in the legacy Copeland area. It is therefore applicable to this application.

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Conservation and Design Officer