

CUMBERLAND COUNCIL
CONSULTATION RESPONSE

Proposal: Internal layout alterations to create ensuite bathrooms including thermally upgrading the internal face of external walls. A new rear external door along with replacing the existing rear external door with a window

Address: 46, New Lowther Street, Whitehaven

Reference: 4/24/2268/OL1

Date: 19/01/26

Description: 46 New Lowther Street is a grade II listed, three storey mid-terraced town house with cellar. It dates from c.1720, with reconfiguration from the 18th, 19th and 20th centuries.

Conclusion: No objection

Assessment:

- I retain concerns about whether this use represents the optimum viable use for the building, or whether it is overly intensive. I am not sure why the building is unsuitable as a single private dwelling, a use it's had, as far as I'm aware, since it was built.
- Impact appears as follows:
 - Externally little change from the front. Some change from the rear through removal of lean-to passage extension and replacement with a new passage from where the top of the cellar stairwell will descend. No harm.
 - Cellar level. Proposed lining of cellar will have some impact. Addition of new staircase will involve removal of some fabric. Less than substantial harm.
 - Ground floor. Apart from some inserted walls in the rear room to form a WC, the main change at this level is the replacement of the lean-to extension with a similar but more sturdy structure that will house the staircase down to the cellar. No harm.
 - First floor. Further addition of en suite WCs. Less-than-substantial harm caused by reduction of width of front room, and loss of prominence of chimney breast. Some addition of extractors into shared kitchen rear wall – low level of less-than-substantial harm
 - Second floor. Equivalent to first floor.
 - The revision of the scheme to retain the existing staircase has removed a major component of what appeared to be avoidable harm.
- Justification. I am not sure of the justification for converting the building into an HMO. It would seem that a single private dwelling would be the optimum viable use for the building, that there's nothing preventing this use being viable, and that other buildings would be better suited to adaptation into an HMO if there is a clear market need for such accommodation.
- Harm to the building through insertion of a staircase to the cellar, conversion of the cellar, subdivision of the large front rooms at first and second floor, and insertion of holes for extractor ducting through masonry, constitute less than substantial harm of a fairly low level and will need weighing against the public benefits of the proposal.

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

NPPF para. 203 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. 205 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. 208).

Opportunities should be sought for new development within conservation areas and the settings of heritage assets that enhances or better reveals their significance. (para. 212)

Referring to assets in a conservation area, NPPF para. 213 states that loss of an element that makes a positive contribution to a conservation area should be treated as either substantial (under para. 207) or less-than-substantial harm (under paragraph 208).

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.
- ENV4B outlines support for heritage-led regeneration, ensuring assets are put to appropriate, viable and sustainable uses.
- 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”.
- DM27C outlines the restriction in principle of development within conservation areas to that which preserves or enhances the character or appearance of the area.
- 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.

Additionally relevant here, the emerging legacy Copeland area Local Plan (2021-38) also contains the following policy:

- Strategic Policy BE1PU: Heritage Assets Heritage assets and their setting will be conserved and enhanced by: Requiring a heritage impact assessment or heritage statement where the proposal would affect a heritage asset [...]

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.

Sammy Woodford,

Conservation and Design Officer