



Planning (Listed Buildings and Conservation Areas) Act 1990.

4/21/2181/OF1

NOTICE OF REFUSAL OF LISTED BUILDING CONSENT

Mrs Sheila Hemsley
8 Acton Court
Whitehaven
CA28 7RD

**REPLACEMENT OF FOUR WOODEN SASH WINDOWS WITH UPVC SASH WINDOWS
8 ACTON COURT, WHITEHAVEN**

Mrs Sheila Hemsley

The above application dated 26/04/2021 has been considered by the Council in pursuance of its powers under the above Act and LISTED BUILDING CONSENT HAS BEEN REFUSED subject to the following reason:

Reasons for Refusal:-

1) The proposed removal of the existing timber window frames and their replacement with double glazed uPVC windows would have a noticeable and detrimental impact on the attractiveness of the main façade on this prominent building which contributes positively to the character and appearance of the Conservation Area, as well as the setting of the nearby curtilage listed Mews and the Castle Park beyond. The use of uPVC in this location would neither enhance nor preserve the character or appearance of the Conservation Area. The justification put forward by the applicant does not outweigh the identified harm.

As a consequence the development would be in conflict with Policies ENV4, DM10 and DM27 of the Copeland Local Plan and the details set out within the Copeland Conservation Area Design Guide.

2) This development could easily be replicated on the other flats within this block. Approval would make it difficult to resist further similar applications, setting an undesirable precedent that would impact on the attractiveness and uniformity of the glazing within the façade of the block which would result in further cumulative harm to the character and appearance of the Conservation Area and the setting of the adjacent Listed Buildings in conflict with Policies ENV4, DM10 and DM27 of the Copeland Local Plan and the details set out within the Copeland Conservation Area Design Guide.

Statement

The Local Planning Authority has acted positively and proactively in accordance with Copeland Local Plan policies and the National Planning Policy Framework in determining this application by identifying matters of concern with the proposal and raising those with the applicant/ agent. However, in this case it has not been possible to arrive at a satisfactory resolution for the reasons set out in the reason for refusal.

Please read the accompanying notice

A handwritten signature in black ink, appearing to read "N. S. Hayman". The signature is fluid and cursive, with a large loop at the end.

PP Pat Graham
Chief Executive

21st June 2021

LISTED BUILDING CONSENT / CONSERVATION AREA CONSENT

NOTICE

IMPORTANT: This permission refers only to that required under the Planning (Listed Buildings and Conservation Areas) Act 1990 and does not include any consent or approval under any other enactment or under the Building Regulations.

These Notes do not apply when consent is granted unconditionally.

Appeals to the Secretary of State

If you are aggrieved by the decision of the Authority to refuse your application or to impose conditions on the permission with which you are dissatisfied, you may appeal to the Secretary of State under Sections 20 and 21 of the Planning (Listed Buildings and Conservation Areas) Act 1990. All appeals are handled on behalf of the Secretary of State by the Planning Inspectorate.

If you want to appeal against this decision then you must do so within 6 months of the date of this notice, or such longer period as the Secretary of State may, at any time, allow. Although the Secretary of State can allow a longer period for giving notice of an appeal, he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

Appeals must be made electronically. You can find more information online at www.gov.uk/planning-inspectorate or using a form which you can get from the Planning Inspectorate Customer Support Team (0303 444 50 00).

Please note only the applicant possesses the right of appeal.

If Listed Building consent is refused, or granted subject to conditions, whether by the Local Planning Authority or by the Secretary of State, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any works which have been or would be permitted, he may serve on the Authority a Listed Building purchase notice requiring the Authority to purchase his interest in the land in accordance with the provisions of Section 32 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.