

**COPELAND BOROUGH COUNCIL  
DELEGATED PLANNING DECISION**

1.	<b>Reference No:</b>	4/21/2181/OF1
2.	<b>Proposed Development:</b>	REPLACEMENT OF FOUR WOODEN SASH WINDOWS WITH UPVC SASH WINDOWS
3.	<b>Location:</b>	8 ACTON COURT, WHITEHAVEN
4.	<b>Parish:</b>	Whitehaven
5.	<b>Constraints:</b>	ASC;Adverts - ASC;Adverts, Conservation Area - Conservation Area, Flood Area - Flood Zone 2, Coal - Standing Advice - Data Subject To Change
6.	<b>Publicity Representations &amp;Policy</b>	Neighbour Notification Letter: YES  Site Notice: YES  Press Notice: NO  Consultation Responses: See report  Relevant Planning Policies: See report
7.	<b>Report:</b>	<p><b>SITE AND LOCATION</b></p> <p>This application relates to number 8 Acton Court, a ground floor flat contained within a block of 12 flats that are situated to the east of Flatt Walks in Whitehaven. The flats are situated within the Whitehaven Conservation Area and adjacent to the Grade II Listed Whitehaven Castle to the north and Grade II Listed air shaft to the east.</p> <p><b>PROPOSAL</b></p> <p>Planning Permission is sought for the replacement of four existing wooden sash windows with UPVC sash windows. The specifications for the windows are as follows:</p> <p>920 width x 1150 height, Roseview Ultimate 3 heritage UPVC, sliding sash, grained white finish in and out, 35mm cross rail, mechanically jointed corners, run thru sash horns, white premium fittings, clear</p>

acoustic sound insulation 6.8mm Planitherm Total Plus low energy glass with white warm edge spacer bar, heritage deep bottom rail, on glass authentic mitred astragal bar grid, split 1/2 to 1/2, tilt in for fire escape and cleaning, shark fin stops.

### **RECENT RELEVANT PLANNING APPLICATION HISTORY**

There have been no recent relevant planning applications.

### **CONSULTATION RESPONSES**

#### Whitehaven Town Council

No objections.

#### Conservation Officer

This proposal seeks to change existing timber windows to uPVC on the grounds that the current windows are hard to maintain.

I believe the following harm mitigating factors are relevant:

- Acton Court is a modern building and is not a heritage asset;
- The elevation in which three of the four windows are located is set back 15-20m from the edge of the pavement.

The following points of impact are also relevant:

- Acton Court contributes to the character and appearance of the conservation area, and the setting of curtilage listed Castle Mews, and Castle Park;
- The windows on the building have been specified to have a matching appearance, contributing to the mock-Georgian character the building adheres to;
- The building's windows are currently timber;
- The windows in question are on the elevation facing the main road and visible when approaching the building;
- The windows in question are on the ground floor.

Summary:

- Following a pre-application advice request in 2020 I paid a visit to the building and saw the windows, and I also travelled to Keswick Superglaze in Keswick, where I had a chance to see the Ultimate Rose windows that are being proposed.
- The proposal would have a small but noticeable impact on the unity and attractiveness of the main façade of this building, which contributes to conservation area character and appearance as well as the setting of the nearby curtilage listed Mews and the Castle Park

behind.

- This harm should be considered less-than-substantial, and at the lower end of that category. This is still, however, harm.
- The justification is not strong. Painting windows should be viewed as a worthwhile trade-off that allows the conservation area to remain special and distinct from other areas, and preserve the setting of the Mews and park. Reducing noise from outside would theoretically be more effectively managed by secondary glazing than by double glazing as the air gap is more conducive to audio insulation.
- The painting should not need to be carried out more often than ever two to three years or so, and residents may find it efficient to band together in order to split the scaffolding cost.
- If the windows' condition is suffering and this is making the painting less effective, I would recommend repairs to the windows, or replacement in timber. Well specified and maintained timber windows should last for many years.
- The main issues here are the uniformity of the façade glazing, the conspicuousness of the façade within the conservation area, the proximity of the building to a curtilage listed building, and the fact that timber is already in place, combined with a weak justification.
- For these reasons I am unable to support the proposal in this particular case and must recommend refusal.

#### Public Representation

The application has been advertised by way of a site notice and consultation letters issued to 3 no. neighbouring properties.

No consultation responses have been received as a result of this advertisement.

#### **PLANNING POLICY**

Planning law requires applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

#### **Development Plan**

Copeland Local Plan 2013 – 2028 (Adopted December 2013)

#### Core Strategy

Policy ST1 – Strategic Development Principles

Policy ST2 – Spatial Development Strategy

Policy ENV4 – Heritage Assets

## Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place

Policy DM27 – Built Heritage and Archaeology

### **Other Material Planning Considerations**

National Planning Policy Framework (NPPF)

Conservation Area Design Guide SPD December 2017 (CADG)

Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA)

National Design Guide (2019)

## Emerging Copeland Local Plan

The emerging Copeland Local Plan 2017-2035 was recently the subject of a Preferred Options Consultation. The Preferred Options Consultation builds upon the completed Issues and Options Consultation which finished in January 2020. Given the stage of preparation, the emerging Copeland Local Plan 2017-2035 has only limited weight in decision making, but provides an indication of the direction of travel of the emerging planning policies, which themselves have been developed in accordance with the provisions of the National Planning Policy Framework.

## **ASSESSMENT**

### Principle of the development

Policy DM18 of the Copeland Local Plan seeks to encourage domestic alterations subject to the scale, design and choice of materials being respectful of the parent property. Furthermore, the alterations should not create privacy or overlooking issues for the surrounding properties. Whilst the principle of replacing the windows in the property is acceptable this proposal raises issues with the application are the design and effect on the surrounding Conservation Area and setting of the adjacent Listed Buildings.

### Effect on the Heritage asset and Conservation Area

Policy ST1 ensures the retention of quality places by applying rigorous design standards that retain and enhance locally distinctive places.

Policies ENV4 and DM27 of the Copeland Local Plan relate to the protection and enhancement of the Conservation Area and seek to ensure that any alterations are in keeping and respect the existing character of the area. Policy DM10 of the local plan requires good design.

The Conservation Area Design Guide was adopted as a Supplementary Planning Document in 2017. This Guide was introduced to help property owners and developers to achieve good, respectful design and to protect the heritage that we share. It provides examples of authentic architectural components that contribute to the streetscape of the Conservation Area and demonstrates what should be retained, and how new building elements should be designed and constructed to

sensitively make their contribution whilst not harming the historic environment.

It is a Guide to future development and to assist the Council in managing change with and in the settling of the Conservation Areas. Section 2 offers guidance specifically on windows. It states that both uPVC sash windows and mock uPVC sash windows are an unacceptable alternative to traditional timber windows.

It also states a commitment by the local planning authority to protect and enhance the designation of the Conservation Area. It details that buildings and the spaces between them combine to create an area's special character and therefore the conservation should be on the quality of the whole area.

The LBCA sets out a clear presumption that gives considerable importance and weight to the desirability of preserving a heritage asset and its setting.

Section 66.1 requires that: *'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'*.

Section 72 requires that: *'special attention shall be paid to the desirability of preserving or enhancing the character or appearance'* of a conservation area.

The National Design Guide (2019) identifies a core characteristic as *'identity'*, recognizing that the local character makes places distinct as well as giving a sense of pride. Another documented core characteristic is for *'context'* whereby development should enhance its immediate and local surroundings.

Acton Court is a modern building and not considered to be a heritage asset, however it is situated within the Whitehaven Conservation Area and contributes to the setting of the Listed Whitehaven Castle and adjacent Castle Park. The building has been designed to be of a similar design to the adjacent Castle Mews to include decorative banding, conservation colours with prominent front doors and uniformed, symmetrical sliding sash timber windows. In this respect, although the building is pastiche, it has been carefully designed to be in keeping with the surrounding traditional architecture, due to its prominent position.

3 of the 4 windows to be replaced are sited around 15 metres from the edge of the pavement, with the elevation facing Flatt Walks. Flatt Walks is a busy, well used road linking the Whitehaven Conservation Area with the Corkickle Conservation Area with Castle Park, Castle Mews and Whitehaven Castle prominent features to the east. It is therefore considered that the windows are in wider public visibility and do have a positive impact on the quality of this part of the Conservation Area. Their change to UPVC will not create any public benefits. Local Policy and the NPPF seek to *'enhance or preserve the Conservation Area'* and the proposal is considered to weaken the setting.

The Conservation Area Design Guide provides guidance that states *'both uPVC sash windows and mock uPVC sash windows are an unacceptable alternative to traditional timber sash windows.'* Furthermore, the National Design Guide seeks to ensure that materials and construction details are selected with care for their context.

The Applicant has provided a justification for the deviation from the Borough's policies and guidance, stating that the benefits of the replacement windows would be to reduce maintenance and improve insulation.

The existing windows will require re-painting every two to three years, with maintenance to the timber by way of repair or replacement likely to last many years. Although it is accepted that uPVC windows would not have the same maintenance needs, this reason is not considered to be a suitable justification for the noticeable impact that the loss of the timber would create.

With regards to improved insulation, the Council are committed to ensuring that buildings within the Borough are as energy efficient as possible, with good insulation helping to ensure the longevity of a building. The Conservation Officer has detailed that secondary glazing is likely to be more suitable for reducing noise from the outside as the double glazing air gap is more conducive to audio insulation. Similarly, secondary glazing is likely to provide thermal insulation as well as it can help to seal in the heat and reduce energy bills. As there are other options available to the Applicant to achieve their desired outcomes, without any negative effect on the Conservation Area or setting of the Listed Building, it is considered that the proposal cannot be supported as the harm would outweigh the limited benefits.

The main façade is attractive and has a unity that contributes to the character and appearance of this part of the Conservation Area as well as the setting of the nearby curtilage listed Mews and the Castle Park behind. The approval of this application is likely to set a precedent for the other flats within this block to change their windows which would erode its overall character and appearance.

The National Design Guide considers that the surrounding context, beyond the site boundary should be considered, ensuring that development enhances positive qualities and improves negative ones. Should other flat owners also replace their timber windows with UPVC, this would create a more prominent cumulative harm to the Conservation Area and is likely to do irreversible damage.

On this basis, it is considered that the proposal is contrary to policies ENV4, DM10 and DM27 of the Copeland Local Plan, the Conservation Area Design Guide SPD, The National Planning Policy Framework and The National Design Guide.

#### Planning Balance and Conclusion

This flat forms part of a block of units that presents an attractive façade which is uniform in character. Its uniformity is strengthened by matching timber window frames throughout.

The limited benefits put forward as a justification for the replacement windows can be achieved by different means and have to be weighed against the adverse impact on the significance of the Conservation Area and setting of the Listed Building and for which considerable importance and weight should be attached. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area and setting of a Listed Building. It is considered that although the harm to the heritage asset would be limited, it is still harm and would outweigh the scheme's benefits.

For these reasons, the prominent windows would fail to preserve the character and appearance of

	<p>the Conservation Area and Listed Building and 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. There are no other mitigating circumstances that would outweigh the harm that would result from the proposed replacement windows.</p>	
8.	<p><b>Recommendation:</b> Refuse</p>	
9.	<p><b>Reasons for Refusal:</b></p> <p>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.</p> <p>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.</p> <p>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 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.</p> <p><b>Statement</b></p> <p>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.</p>	
<b>Case Officer: Sarah Papaleo</b>		<b>Date : 16/06/2021</b>
<b>Authorising Officer: N.J. Hayhurst</b>		<b>Date : 21/06/2021</b>
<b>Dedicated responses to:- N/A</b>		

