



## COPELAND BOROUGH COUNCIL DELEGATED PLANNING DECISION

1.	<b>Reference No:</b>	4/22/2111/OL1
2.	<b>Proposed Development:</b>	LISTED BUILDING CONSENT TO REPLACE SLOPED GARDEN TO CREATE FLAT GROUND; BUILDING THREE RETAINING WALLS (MOVING SOIL AS REQUIRED); REINSTATE BRICK PATHS AND NEW BRICK PATIO TO REAR; BUILD NATURAL POND
3.	<b>Location:</b>	3 FOXHOUSES ROAD, WHITEHAVEN
4.	<b>Parish:</b>	Whitehaven
5.	<b>Constraints:</b>	ASC;Adverts - ASC;Adverts, Conservation Area - Conservation Area, Listed Building - Listed Building, Coal - Development Referral Area - Data Subject to Change, Coal - Standing Advice - Data Subject To Change
6.	<b>Publicity Representations &amp; Policy</b>	Neighbour Notification Letter: NO  Site Notice: YES  Press Notice: YES  Consultation Responses: See report  Relevant Planning Policies: See report
7.	<b>Report:</b>  <b>SITE AND LOCATION</b>  <p>This application relates to 3 Foxhouses Road, a Grade II semi-detached property situated within the Corkickle Conservation Area in Whitehaven.</p> <p>The property is a residential dwelling and is situated within a row of other Listed properties.</p> <p>The listing entry for the property states the following:</p>	

*FOXHOUSES ROAD 1. 1814 (East Side) No 3 NX 9817 SW 8/39 11 GV*

*2. Circa 1840. Large early Victorian double-fronted villa, stuccoed with rusticated quoins, 2 storeys with attic dormers. Centre round-arched doorway with Doric porch, segmental headed sash window above it with keystone and cornice. Flanking 2 storeyed bay windows (the windows segmental headed with cornices).*

*Nos 1 to 20A (consec), Nos 22 and 23 form a group.*

## **PROPOSAL**

Listed Building Consent is sought for the following works:

- Flattening the existing sloped garden;
- Building three retaining walls;
- Re-instating the brick path and addition of a new brick patio to the rear of the house;
- Uncover the existing steps and build a retaining wall on both sides for support;
- Building a natural swim pond for plants and wildlife.

## **RELEVANT PLANNING APPLICATION HISTORY**

Listed building consent for alterations and repairs, approved in March 2012 (application reference 4/12/2087/OL1 relates);

Listed building consent for conversion from 6 flats back into a single residential dwelling, approved in June 2014 (application reference 4/14/2169/OL1 relates).

## **CONSULTATION RESPONSES**

Whitehaven Town Council

No objections.

Conservation Officer

This proposal details works to the garden of the property to make it more structurally sound and useable to a family.

From the existing plan, description and attached photos, the garden does not currently appear to be in a good condition.

The proposal appears justified and well designed. The terracing, rendered retaining walls and new pond will bring a change to the character of the garden, however I cannot find any evidence that it will harm its significance or that of the building; it is likely to allow them to be better appreciated.

I believe there will be a minor impact on the character and appearance of Corkickle Conservation Area (owing to limited visibility), which will be of a positive nature.

#### Public Representation

The application has been advertised by way of a site notice and press notice.

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 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 2021 (NPPF)

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

#### Emerging Copeland Local Plan (ELP)

The emerging Copeland Local Plan 2017-2035 has recently been the subject of a Publication Draft Consultation. The Publication Draft Consultation builds upon the previously completed Issues and Options and Preferred Options consultations. Given the stage of preparation of the Copeland Local Plan 2017-2035 some weight can be attached to policies within the Publication Draft where no objections have been received. The Publication Draft 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

### Policy context

Policy ENV4 and Policy DM27 seeks to protect, conserve and where possible enhance listed buildings and their settings.

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 16.2 requires that: *'In considering whether to grant listed building consent for any works the local planning authority or 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'.*

Paragraphs 184 – 202 of the NPPF in respect of heritage include a requirement that when considering the impact of development proposals on designated heritage assets such as listed buildings, great weight should be given to the conservation of the asset's significance; however, less than significant harm should be weighed against the public benefits of a development.

Limited information has been provided by the Applicant in respect of the heritage asset significance of the property and the impacts of the proposed development; however, the proposals have been fully reviewed and assessed by the Conservation Officer of the Council.

The heritage asset significance of the property is principally derived from its physical form/construction.

### Impact on Heritage Assets

The dwelling is Grade II Listed and within the Corkickle Conservation Area therefore proposals are required to protect, conserve and if possible, enhance the Borough's Historic sites. The works to the garden will improve the property as the amenity space is currently not in good condition and dangerous due to the uneven surfaces. The works will be in keeping with the existing dwelling and allow the garden to be stepped towards the rear boundary, creating a different character than existing, but without harm to the Listed Building.

The works will be undertaken to the rear of the property and are unlikely to be seen from any public viewpoints. The Conservation Officer considers that any impact on the Conservation Area is likely to be positive.

It is therefore unlikely that the proposal will have a negative effect on either the Conservation Area, the setting of the Listed Building or the Listed Building itself, in accordance with Policies ENV4 and

	<p>DM27 of the Copeland Local Plan.</p> <p><u>Conclusion</u></p> <p>The Conservation Officer considers that the completed works have not resulted in any harm to features of significance and overall the maintenance of the extension will benefit the property. The works are therefore considered to be in accordance with Policy DM27 of the Copeland Local Plan.</p> <p>In applying the tests of the Copeland Local Plan 2013-2028, the LBCA and the NPPF, the proposal would preserve the heritage significance of the listed building and so is supported.</p>
8.	<p><b>Recommendation:</b></p> <p>Approve Listed Building Consent (start within 3yr)</p>
9.	<p><b>Conditions:</b></p> <ol style="list-style-type: none"> <li> <p>The works hereby permitted shall be commenced before the expiration of three years from the date of this consent.</p> <p>Reason</p> <p>To comply with Sections 18 and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.</p> </li> <li> <p>Permission shall relate to the following plans and documents as received on the respective dates and development shall be carried out in accordance with them: -</p> <p>Site Location Plan, scale 1:1250, received 28th February 2022;  Block Plan, scale 1:500, received 28th February 2022;  Proposed garden plan, received 28th February 2022;  Design, Access and Heritage Statement, written by Carol Wilson, received 28th February 2022;  Plans and photographs of rear garden, written by Carol Wilson, received 28th February 2022.</p> <p>Reason</p> <p>To conform with the requirement of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.</p> </li> </ol>

	<p><b>Statement</b></p> <p>The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received, and subsequently determining to grant Listed Building Consent in accordance with the presumption in favour of sustainable development as set out in the National Planning Policy Framework.</p>
<p><b>Case Officer: Sarah Papaleo</b></p>	<p><b>Date : 21/04/2022</b></p>
<p><b>Authorising Officer: N.J. Hayhurst</b></p>	<p><b>Date : 22/04/2022</b></p>
<p><b>Dedicated responses to:- N/A</b></p>	