

COPELAND BOROUGH COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/22/2422/OF1
2.	Proposed Development:	REPLACEMENT OF WOODEN SASH WINDOWS WITH UPVC SASH WINDOWS
3.	Location:	8, 9, 10 ACTON COURT, WHITEHAVEN
4.	Parish:	Whitehaven
5.	Constraints:	ASC;Adverts - ASC;Adverts, Conservation Area - Conservation Area, Flood Area - Flood Zone 2, Coal - Standing Advice - Data Subject To Change
6.	Publicity Representations &Policy	Neighbour Notification Letter: YES Site Notice: YES Press Notice: YES Consultation Responses: See report Relevant Planning Policies: See report
7.	Report SITE AND LOCATION <p>This application relates to numbers 8, 9 and 10 Acton Court, 3 flats within a block of 12 flats situated to the east of Flatt Walks in Whitehaven. The flats are sited within the Whitehaven Conservation Area and lie adjacent to the Grade II Listed Whitehaven Castle to the north and Grade II Listed air shaft to the east. PROPOSAL Planning Permission is sought for the replacement of twelve existing wooden sash windows with UPVC sash windows.</p> <p>The specifications for the windows are as follows:</p> <ul style="list-style-type: none"> • UPVC sliding sash; 	

- Window style to match existing;
- External horns;
- External Georgian bar;
- Trickle vents • Double glazing.

RECENT RELEVANT PLANNING APPLICATION HISTORY

Replacement of four wooden sash windows and UPVC sash windows, refused in June 2021 (application reference 4/21/2181/0F1 relates).

CONSULTATION RESPONSES

Whitehaven Town Council

No objections.

Conservation Officer

I believe the following factors are relevant:

- Acton Court is a modern building and is not a heritage asset;
- The elevation in which nine of the twelve windows are located is set back 15-20m from the edge of the pavement;
- Acton Court consists of a mix of both houses and flats. There is no article 4 direction controlling window permitted development rights, and therefore controlling the appearance of the windows in the houses is outside the remit of the local planning authority. 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 were originally 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 will be specified in a pattern of panes and glazing bars that matches the existing windows

Summary:

There will be less-than-substantial harm on the conservation area and setting of the nearby Castle Mews, however this is minor and mitigating factors include the lack of historic significance of the

existing windows, the similarity of the new windows to the existing windows, the lack of standardisation of control that exists across the building, and that this proposal is for an entire section of the façade, so will preserve uniformity in that part.

Given those mitigations, I would view the proposal as justified.

Public Representation

The application has been advertised by way of a site notice, press 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)

Development Management Policies

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 (ELP).

The emerging Copeland Local Plan 2017-2038 comprising the Publication Draft (January 2022) and Addendum (July 2022) have recently been submitted for examination by the Planning Inspector.

As set out at Paragraph 48 of the National Planning Policy Framework (NPPF), Local Planning

Authorities may give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan; the extent to which objections to relevant policies have been resolved; and the degree to which emerging policies are consistent with the NPPF. Given the stage of preparation of the emerging Copeland Local Plan 2017-2038 some weight can be attached to policies where no objections have been received or objections have been resolved.

The Publication Draft (January 2022) and Addendum (July 2022) 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 NPPF.

The policies relevant to this proposal are:

Strategic Policy DS1PU: Presumption in favour of Sustainable Development

Strategic Policy DS3PU: Settlement Hierarchy

Policy DS6PU: Design and Development Standards

Policy H14PU: Domestic Extensions and Alterations

Strategic Policy BE1PU: Heritage Assets

Policy BE2PU: Designated Heritage Assets

ASSESSMENT

Principle of the development

Policy DM18 of the CS and H14PU of the ELP seek 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. The principle of replacing the windows in the property is acceptable and considered to be a minor alteration with no effect on the neighbouring amenity, however the main issues with the application are the design and effect on the surrounding Conservation Area and setting of the adjacent Listed Buildings.

Design and the Effect on the Heritage asset and Conservation Area

Policy ST1 of the CS and DS1PU of the ELP ensures the retention of quality places by applying rigorous design standards that retain and enhance locally distinctive places. Policies ENV4 and DM27 of the CS and policies BE1PU and BE2PU of the ELP 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 and DS6PU of the ELP require good design.

The Conservation Area Design Guide (2017) 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. The flats are located to the north of and adjoining two dwelling houses – numbers 11 and 12 Acton Court. These dwellings are of a similar design to the flats and it is not clear from the external view of the building which parts are flats and which are dwelling houses.

9 of the 12 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 features prominently 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 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.

However, the dwelling houses, numbers 11 and 12 Acton Court benefit from Permitted Development Rights, allowing them to change their windows to UPVC without the need to apply for planning permission. Furthermore, these windows could be changed to windows that do not reflect the fenestration of those existing, therefore creating a modern edition to this building that would be out of keeping with the setting of the Listed Building and local Conservation Area. Given that the proposed replacement windows reflect the fenestration and detail of the existing windows, albeit in UPVC as opposed to timber, it is considered that these are an acceptable compromise for the flats

	<p>and will largely protect the heritage design of the building.</p> <p>The Applicant has sited 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. Obviously, a change to UPVC would mean that little maintenance would be required for the lifetime of the windows. With regards to improved insulation, the Council is 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.</p> <p>The Conservation Officer has indicated that the proposals are justified. He considers there will be less-than-substantial harm on the conservation area and setting of the nearby Castle Mews, however this is minor and mitigating factors include the lack of historic significance of the existing windows, the similarity of the new windows to the existing windows, the lack of standardisation of control that exists across the building, and that this proposal is for an entire section of the façade, so will preserve uniformity in that part.</p> <p>On balance, it is considered that the proposal is in accordance with policies ENV4, DM10 and DM27 of the CS and Policies DS6PU, BE1PU and BE2PU of the ELP.</p> <p><u>Planning Balance and Conclusion</u></p> <p>Although the benefits of the proposal are limited to the occupiers of the flats, it is considered that the Council would not be justified in withholding planning permission for the change of windows as the adjoining dwelling houses could complete a similar development without the need for planning permission.</p> <p>These benefits and material considerations 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 is required to 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 the harm to the heritage asset would be limited and that this is unlikely to outweigh the local benefits and material considerations.</p>
8.	<p>Recommendation:</p> <p>Approve (commence within 3 years)</p>
9.	<p>Conditions:</p> <ol style="list-style-type: none"> 1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission. <p>Reason</p>

	<p>To comply with Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.</p> <p>2. Permission must relate to the following plans and documents as received on the respective dates and development must be carried out in accordance with them: -</p> <p>Site Location Plan, scale 1:500, received 25th October 2022; Photographs of windows to be replace, received 25th October 2022; Window details, 8 Acton Court, provided by Cumbria Superglaze, received 17th November 2022; Window details, 9 Acton Court, provided by Cumbria Superglaze, received 17th November 2022; Window details, 10 Acton Court, provided by Cumbria Superglaze, received 17th November 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> <p>Statement</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 planning permission in accordance with the presumption in favour of sustainable development as set out in the National Planning Policy Framework.</p>
Case Officer: Sarah Papaleo	Date : 13/12/2022
Authorising Officer: N.J. Hayhurst	Date : 16/12/2022
Dedicated responses to:- N/A	