

**CUMBERLAND COUNCIL
DELEGATED PLANNING DECISION**

1.	Reference No:	4/23/2199/0L1
2.	Proposed Development:	LISTED BUILDING CONSENT FOR REPLACEMENT OF EXISTING GLAZED ROOF OVER KITCHEN IN REAR EXTENSION WITH SLATE ROOF INCLUDING ROOFLIGHTS
3.	Location:	10 HOWGILL STREET, WHITEHAVEN
4.	Parish:	Whitehaven
5.	Constraints:	ASC;Adverts - ASC;Adverts, Conservation Area - Conservation Area, Flood Area - Flood Zone 2, Listed Building - Listed Building, Coal - Standing Advice - Data Subject To Change
6.	Publicity Representations & Policy	Neighbour Notification Letter: NO Site Notice: YES Press Notice: YES Consultation Responses: See report Relevant Planning Policies: See report
7.	Report:	
	SITE AND LOCATION	
		This application relates to 10 Howgill Street – a terraced property situated within Whitehaven. There are residential dwellings to the north, Howgill Street to the east and a timber yard to the south and west. The dwelling is Grade II Listed and lies within Whitehaven’s Conservation Area.

The listing entry for the property states the following:

HOWGILL STREET 1. 1814 No 10 (with iron railings to front door) NX 9717 NW 4/58 20.7.49. II 2. C18. Stuccoed, 3 storeys, with coved cornice. Doorway with pediment, rustications, egg and tongue mouldings, iron railings, end panelled reveals. 2 12-paned sash windows on ground floor and 3 above, with architraves and cornices.

Listing NGR: NX9724017843

PROPOSAL

Listed Building Consent is sought for the replacement of the existing glazed roof with a slate roof including rooflights, over the kitchen on the rear extension.

The rear extension is a modern addition having been built in 2004.

CONSULTATION RESPONSES

Whitehaven Town Council

No objections.

Conservation Officer

1st Response

Conclusion: Request further information

Assessment: I am supportive of the principle of this proposal, which will bring the property improvements in both appearance and thermal performance (and, I would expect, noise level during rain).

I do not anticipate any impact on the character and appearance of Whitehaven conservation area.

I request confirmation on the following two points:

- That the Mk08 rooflights mentioned in the documents can be fitted with a flush-mounted flashing kit
- Whether it is proposed to match new slate to the existing slate on the solid part of the extension roof, or whether it is proposed to (re)slate both parts together.

2nd Response

Conclusion: No objection

Assessment: Since my last consultation response, updated info has been supplied stating that the Mk08 rooflights mentioned in the documents will be fitted with a flush-mounted



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flashing kit and that the extension roof will be completely reslated in a grey colour similar to Burlington.

I would view this proposal as entailing a small positive impact on the appearance of the house, and no impact on the conservation area.

Public Representation

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

No responses have been received as a result of these advertisements.

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

On 1st April 2023, Copeland Borough Council ceased to exist and was replaced by Cumberland Council as part of the Local Government Reorganisation of Cumbria.

Cumberland Council inherited the local development plan documents of each of the sovereign Councils including Copeland Borough Council, which combine to form a Consolidated Planning Policy Framework for Cumberland.

The inherited the local development plan documents continue to apply to the geographic area of their sovereign Councils only.

The Consolidated Planning Policy Framework for Cumberland comprises the Development Plan for Cumberland Council until replaced by a new Cumberland Local 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 (NPPF)

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

Conservation Area Design Guide

Emerging Copeland Local Plan (ELP):

Cumberland Council are continuing the preparation and progression to adoption of the emerging Copeland Local Plan 2017-2038.

The emerging Copeland Local Plan 2017-2038 comprising the Publication Draft (January 2022) and Addendum (July 2022) have recently been examined by the Planning Inspector and their report on the soundness of the plan currently remains awaited.

The Planning Inspector has now issued their post hearing letter, which identifies the next steps for the Examination. This includes proposed modifications to the plan to ensure a sound plan on adoption

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 relevant policies are as follows:

Strategic Policy DS1PI – Presumption in favour of Sustainable Development

Policy DS6PU – Design and Development Standards

Strategic Policy BE1PU – Heritage Assets

Policy BE2PU – Designated Heritage Assets

ASSESSMENT

Impact on Heritage Asset

Policy ENV4 and Policy DM27 of the CS and BE1PU and BE2PU of the ELP seek 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'*.



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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.

The works are to re-roof the modern extension to the rear of the property and include the addition of three roof lights.

The proposed materials of Burlington Grey roof tiles and an Mk08 rooflights which are to be fitted with a flush-mounted flashing kit are considered to be acceptable. In order to ensure that these specifications are installed, a suitably worded planning condition is proposed.

The works will be undertaken to an additional part of the building that is not original, having been added in around 2004. It cannot be seen from any public viewpoints and will not have any effect on the Conservation Area or the adjoining Listed dwellings. The Conservation Officer has fully assessed the proposal and considers that re-roofing with the inclusion of three roof lights will have a small positive effect and enhancement to the Listed dwelling.

Planning Balance and Conclusion

The proposed works are minor and will improve the appearance of the modern rear extension.

The Conservation Officer considers that the completed works will provide betterment for the heritage asset with no impact on the surrounding Conservation Area. The works are therefore considered to be in accordance with Policies ENV4 and DM27 of the Copeland Local Plan and Policies BE1PU and BE2PU of the Emerging Local Plan.

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 surrounding Conservation Area and so is therefore supported.

8. **Recommendation:**

Approve Listed Building Consent (start within 3yr)

9. **Conditions:**

1. The works hereby permitted shall be commenced before the expiration of three years from the date of this consent.

Reason

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.

2. 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: -

Application Form, received 12th July 2023;

Site Location Plan, scale 1:1250, drawing number 442 01002 01, received 12th July 2023;

Site Block Plan, scale 1:200, drawing number 442 01003 01, received 12th July 2023;

Existing and Proposed Floor Plans, scale 1:50, drawing number 442 01001 01, received 12th July 2023;

Existing and Proposed Elevations, scale 1:50, drawing number 442 02001 01, received 12th July 2023;

Proposed Section, scale 1:20, drawing number 442 06001 01, received 12th July 2023;

Heritage Statement, Flood Risk Assessment and Design and Access Statement, received 12th July 2023.

Reason

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.

3. The development must be undertaken in accordance with the materials listed within the application including Burlington Grey slates and Mk08 roof lights installed with a flush-mounted flashing kit. The development must be retained as such at all times thereafter.

Reason

In order to ensure a satisfactory appearance for the Listed Building and the



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Conservation Area and in accordance with Policies ENV4 and DM27 of the Copeland Local Plan.

Statement

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.

Case Officer: Sarah Papaleo

Date : 18/08/2023

Authorising Officer: N.J. Hayhurst

Date : 23/08/2023

Dedicated responses to:- N/A