

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/24/2268/OL1
2.	Proposed Development:	LISTED BUILDING CONSENT FOR ALTERATIONS COMPRISING THE REPLACEMENT OF REAR BASEMENT DOOR WITH A SASH WINDOW, CREATION OF FRONT BASEMENT COVERED LIGHT-WELL WITH ENLARGED WINDOW. THE RE-INTRODUCTION OF AN INTERNAL STAIRCASE TO THE BASEMENT. INTERNAL BASEMENT REFURBISHMENT TO RETURN IT TO A HABITABLE STANDARD AND THE INSTALLATION OF BEDROOM EN SUITE FACILITIES.
3.	Location:	46 LOWTHER STREET, WHITEHAVEN
4.	Parish:	Whitehaven
5.	Constraints:	ASC Adverts - ASC;Adverts, Conservation Area - Conservation Area, 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 the residential property, situated at 46 Lowther Street in Whitehaven. The building is mid terraced and located within the town centre and one of the busiest shopping streets in Whitehaven.

The building is Grade II Listed, situated adjoining several Grade II Listed Buildings and within the Whitehaven Conservation Area.

The listing entry for the property states the following:

*LOWTHER STREET 1. 1814 (North East Side) Nos 44 to 47 (consec) NX 9718 SW 6/79
II GV*

2. C18. Similar in style to Nos 39 to 42 (consec) but simpler in detail. 3 storeys, stuccoed. Nos 44 and 45 are identical, with inset doors in moulded openings, 1 sash window on ground floor and 2 on each upper floor. No 46 has a panelled door up 3 steps with fanlight, in moulded doorcase with detached pediment, and a triple sash window on each floor. No 47 has a panelled door up 3 steps, with round-headed fanlight, in a round moulded arch on consoles, and 2 sash windows on each floor.

Nos 44 to 48 (consec) and Nos 37 to 42 (consec) form a group.

Listing NGR: NX9724318248

PROPOSAL

Listed Building Consent is sought for alterations to the property. These works are proposed to allow the conversion to a 6 bedroomed HMO. The use of the property as a HMO does not require planning permission.

The alterations proposed consist of the following:

- Replacement of the rear basement door with a sash window;
- Creation of a covered light-well with enlarged window in the front basement;
- Tanking of the basement;
- The re-introduction of an internal staircase to the basement;
- The refurbishment of the internal basement to return it to habitable standard;
- The installation of bedroom ensuite facilities.

The scheme has been amended during the course of the application to reflect the issues raised as part of the consultation process.

CONSULTATION RESPONSES

Whitehaven Town Council

No objections.

Conservation Officer

1st response

Description: 46 New Lowther Street is a grade II listed, three storey mid-terraced town house with cellar. It dates from c.1720, with reconfiguration from the 18th, 19th and 20th centuries.

Conclusion: Recommend refusal

Assessment:

- Since my previous recommendation to refuse the application, it has been updated with a different arrangement of staircase linking the cellar with the new main house staircase at ground floor level. This is helpful as it retains the remains of the base of the original early 18th century newel stair.
- However, my concerns about the scale of impact in relation to the quality of supporting documentation and justification remain. I previously referred to this lack of information, but there is no more and the key questions remain unanswered.
- The fact that the historic context work is still copy/pasted from an email I wrote sets an extraordinarily low bar for engagement with the building.
- The heritage statement consists of three short paragraphs and no images, stating the proposals will be beneficial and that there are no other effects, which is uncritical bearing in mind I and several others previously called for the application to be refused on the grounds of its likely impact and scantiness of information.
- The following:
 - o Measured survey drawings of the cellar
 - o Photos of the cellar
 - o Existing and proposed section drawings of the cellar and staircase
 - o Detail drawings of new elements including staircase and cellar lining out
 - o Establishment of what constitutes good practice with respect to modifying historic buildings or converting cellars
 - o Engagement with building's significance
 - o Demolition drawing showing changes to walls, removal of joists etc. are just some of the things this application lacks.
- Additionally, the as-proposed cellar drawings do not appear to take in account any change to wall thickness, which should significantly affect the room dimensions, changing the appearance of the walls and reducing the width of clearances. This latter point might be of particular relevance around the base of the new staircase.

- The proposed insulation-backed plaster and cavity drain tanking system may be effective, although a question mark remains over for how long, and of the system's durability. For instance, if an unwary tenant or joiner inserts a nail through the lining to install a picture or doorframe, this can compromise its effectiveness and be difficult to fix. It will also have an impact on the internal character of the space.
- I am not sure how relevant this point is, but this plot is part of a strip of land reclaimed on the foreshore in the early 18th century. Whitehaven is also known for the general instability of the land underneath it. I therefore raise the question of whether works involving digging out a cellar floor in order to lay a new one, and of removing floor joists at ground floor level to permit insertion of a staircase, require additional assessment relating to ground and structural stability.
- I suggest that under policy BE1PU of the new Copeland Local Plan, a heritage impact assessment may be appropriate given the scale of change proposed.
- Though it is possible to successfully convert cellars, I must repeat my recommendation that this application be refused on the basis that there is a lack of detail in the supporting documentation, which prevents a fully informed decision being taken, and that based on the limited information to hand, the likely harm to the building is not justified or mitigated.

2nd response

Description: 46 New Lowther Street is a grade II listed, three storey mid-terraced town house with cellar. It dates from c.1720, with reconfiguration from the 18th, 19th and 20th centuries.

Conclusion: Recommend refusal

Assessment:

- Since my previous recommendation to refuse the application, more information has been supplied, in the form of technical data about the basement lining system, and additional drawings and a supporting statement.
- I retain concerns about the level of intervention required to bring the cellar into use, and whether this is necessary to achieving the refurbishment of the building. Given that this requires loss of some of the oldest fabric in the building, and the replacement of the central staircase, would the course of the action that best preserves the building not be to keep the cellar in use as a cellar, and the upper three floors as the habitable space?
- That question is not addressed, which means there remains considerable doubt about the strength of the justification, the level of harm, and the amount of detail being sufficient to allow an informed decision to be made. • It occurs to me that there may be several different strategies for how to address this challenge, each with very different levels of impact.

Summary

- As before, I remain supportive of the desire to improve this building.
- The level of impact on the building is high and the level of justification low, both explicitly in the application's supporting documentation, and implicitly in the additional space within the house that would be unlocked. In short, on the face of it, the house appears to be useable as it is and there isn't clear reason as to why this is not in fact the case, or that it would be the case with the cellar converted.
- An alternative design solution may capture the intended benefit while significantly reducing the level of harm, so I think there ought to be discussion of how else the problem could be tackled before it can be said to have been demonstrated that this approach is optimal.

3rd response

Description: 46 New Lowther Street is a grade II listed, three storey mid-terraced town house with cellar. It dates from c.1720, with reconfiguration from the 18th, 19th and 20th centuries.

Conclusion: Recommend refusal

Assessment:

- Since my previous two recommendations to refuse the application (if it is not withdrawn), more information has been supplied.
- I retain concerns about the level of intervention required to bring the cellar into use, and whether this is necessary to achieving the refurbishment of the building.
- That question is not addressed, which means there remains considerable doubt about the strength of the justification, the level of harm, and the amount of detail being sufficient to allow an informed decision to be made.
- The updates to the design in this round are principally the revision of the stair access means, instead adding a tall side extension. However, this still requires extensive work at basement cellar level for installation of an en suite shower room, and requires replacing the main staircase in the house, which is an attractive 19th century example.
- The as-existing floor plans appear not to show the house in its current arrangement (e.g. there's an en suite bedroom shown where the living room is currently at ground floor level).

Summary

- As before, I remain supportive of the desire to improve this building.
- The level of impact on the building is high (less-than-substantial, but at the higher end of that bracket) and the level of justification for the particular strategies is low.

- An alternative design solution may capture the intended benefit while significantly reducing the level of harm, so I think there ought to be discussion of how else the problem could be tackled before it can be said to have been demonstrated that this approach is optimal.
- As before, I am not able to support this proposal, and recommend the application be withdrawn and discussion take place about whether converting the cellar is necessary, and if so whether it could be accomplished in a less impactful way.

4th response

Description: 46 New Lowther Street is a grade II listed, three storey mid-terraced town house with cellar. It dates from c.1720, with reconfiguration from the 18th, 19th and 20th centuries.

Conclusion: No objection

Assessment:

- I retain concerns about whether this use represents the optimum viable use for the building, or whether it is overly intensive. I am not sure why the building is unsuitable as a single private dwelling, a use it's had, as far as I'm aware, since it was built.
- Impact appears as follows:
 - o Externally little change from the front. Some change from the rear through removal of lean-to passage extension and replacement with a new passage from where the top of the cellar stairwell will descend. No harm.
 - o Cellar level. Proposed lining of cellar will have some impact. Addition of new staircase will involve removal of some fabric. Less than substantial harm.
 - o Ground floor. Apart from some inserted walls in the rear room to form a WC, the main change at this level is the replacement of the lean-to extension with a similar but more sturdy structure that will house the staircase down to the cellar. No harm.
 - o First floor. Further addition of en suite WCs. Less-than-substantial harm caused by reduction of width of front room, and loss of prominence of chimney breast. Some addition of extractors into shared kitchen rear wall – low level of less-than substantial harm
 - o Second floor. Equivalent to first floor.
 - o The revision of the scheme to retain the existing staircase has removed a major component of what appeared to be avoidable harm.
- Justification. I am not sure of the justification for converting the building into an HMO. It would seem that a single private dwelling would be the optimum viable use for the building, that there's nothing preventing this use being viable, and that other buildings would be better suited to adaptation into an HMO if there is a clear market need for such accommodation.



Cumberland Council

- Harm to the building through insertion of a staircase to the cellar, conversion of the cellar, subdivision of the large front rooms at first and second floor, and insertion of holes for extractor ducting through masonry, constitute less than substantial harm of a fairly low level and will need weighing against the public benefits of the proposal.

Historic Buildings and Places

1st response

Thank you for notifying HB&P about the above application for listed building consent. HB&P have reviewed the documentation available and agree with the comments already provided by your conservation officer that the scheme, as proposed, would harm the special architectural interest of this heritage asset.

In support of your CO's comments, we refer you to Chapter 6 of the book Whitehaven 1660 – 1800 by the Royal Commission on the Historical Monuments of England. P 87 provides discussion about the typical single width, two rooms deep plan form that was constructed in Whitehaven in the early 1700s, including the newel stair tower in the centre of the house and a rear stack to the rear wing (which isn't shown on the applicants plans?). The curved wall and recess in the basement is evidence of the original stair and this form of house and removal of the wall would harm our ability to understand and interpret the original structure. The text goes on to explain that the newel stair fell out of fashion and were replaced in most houses with straight stairs, in a similar manner to that which now exists at No 46. Like the curved wall is evidence of the original structure, the existing stair has significance in demonstrating how buildings were adapted as fashion changed, and the use of mahogany for the railing suggests this was a higher status dwelling at the time as well.

The only justification for replacing the stair is to create access to the basement, but both alterations would result in the loss of important historic building fabric and evidence of the original plan form and should be avoided.

In addition, we are concerned about the removal of the wall to the front first floor room to make it dual aspect. The loss of this wall would alter the original proportions and form of this room and the thickness of the wall suggests it was possibly originally an external wall.

We note and defer to your COs comments and advice about the appropriateness of using the cellar as habitable rooms. An options appraisal investigating alternative locations for a stair to access the basement may be needed.

2nd response

Thank you for notifying HB&P about the amended and additional information submitted for the above application for listed building consent. HB&P previously objected to the application due the harmful nature of the alterations proposed, principally the issues related to the removal and redesign of the stairs.

While we note the changes at basement level and the retention of the main section of the surviving curved walls to the original spiral stair, our overall concerns about the significance of the overall and need have not been addressed and an appraisal of alternative access options has not been submitted. Our concerns about the loss of the historic stair remain.

We recognise the desire to reinstate internal access to the basement, but both alterations would result in the loss of important historic building fabric and evidence of the original plan form and should be avoided. Subject to further design work and a heritage statement regarding the significance of the fabric involved, a compromise may be to consider a new stair in the kitchen parallel to the existing stair, thus avoiding any alterations to the main stair or the curved wall below. This, and other options should be explored to determine what is the most appropriate and least harmful way forward.

In addition, we are concerned about the removal of the wall to the front first floor room to make it dual aspect. The loss of this wall would alter the original proportions and form of this room and the thickness of the wall suggests it was possibly originally an external wall. Eight WCs for a 4 bedroom house is also excessive and requires substantial additional servicing. This could be streamlined to only those necessary to support the needs of the house and reduce the overall level of harm.

We defer to the advice of your conservation officer on all other conservation matters, including tanking the basement.

3rd Response

No response received.

The Society for the Protection of Ancient Buildings

1st Response

We note the consultation responses of your Council's specialist Conservation Officer (of 20/08/24) and of consultee - Historic Buildings and Places (of 21/08/24). The Society full endorses and echoes the views and advice of both the Conservation Officer and Historic Buildings and Places as set out in their aforementioned consultation responses. We would also like to add the following comments:

- Where fabric is considered 'non-original' (e.g. the existing C19th stair), the fact that it is a later addition/alteration is not justification for its removal. In many cases, later additions and alterations have added positively to a building's interest and significance.
- The application contains no information (i.e. details of the works, specifications etc) required to convert the cellar to a habitable space. The technical implications (and any potential

unintended consequences on the building/fabric, and its inhabitants) also need to be fully understood in addition to considerations of potential impact on significance.

Conclusion & Recommendations

We advise that the application be withdrawn and the applicant engage in pre-application discussions with the local planning authority and the Council's Conservation Officer.

Should the applicant continue to pursue the current application in its current form then we advise that additional information and justification (for any harm and losses) is required. It should also be noted that while the proposals in their current form would likely constitute less than substantial harm, this is still a high test and requires clear and convincing justification. However, at present it is difficult to envisage that there is actually a case which could provide the necessary clear and convincing justification.

In the event that the proposals remain as currently detailed (and unrevised), and the application lacks the requisite details and clear and convincing justification, then we advise that it is contrary to:

- the aim of Section 16(2) of the Planning(Listed Buildings and Conservation Areas) Act 1990 2 and

- Section 16 of the National Planning Policy Framework, in particular paragraphs 195, 203, 205, 206, 208.

2nd Response

No response received.

3rd Response

No response received.

The Georgian Group

Advice and Recommendations

The Group notes that the LPA Conservation Officer, Historic Buildings and Places, and The SPAB have already offered detailed and expert comments on this application. We advise that we echo and support all of these comments. We particularly emphasise concerns with the proposed works to the staircase, and cellar. Staircase The Group strongly objects to the proposals to relocate the existing staircase. Whilst we acknowledge that the existing is non-original, it is an important part of the building's evolution and history and whilst being of a different form to the original (newel vs. dogleg) it is in an original location. We further emphasise that it is likely that the existing curved section to the cellar wall is likely the

remnants of the original newel stair and therefore of high evidential value. The Group additionally queries a more accurate age of the staircase and advise that offering its date as 'nineteenth century' is too broad to offer much insight into its significance. We recommend that a discussion is offered to try and determine a more precise age for the staircase. In the interest of brevity we strongly echo and support the concerns registered by the LPA Conservation Officer, Historic Buildings and Places and The SPAB. We particularly echo the advice that the proposed works would cause considerable and irreversible harm to the building's historic fabric and would erode the legibility of its evolved historic planform. We consequently draw attention to the requirements of NPPF (2023) paragraph 205.

We likewise echo the conclusions that the proposed benefit to provide internal access to the cellar is neither a clear or convincing justification for the harm that the works would cause. We therefore advise that the application fails to meet the requirements of NPPF paragraph 206.

1F Works

The Group echoes the concerns and advice offered by HB&P with the removal of the wall at 1F level between the existing front room and the ensuite. We support the advice that this is likely an original wall, defining the historic planform and room volumes of the 1F rooms, and that it should therefore be understood to be of high significance.

We therefore echo HB&P's advice that the loss of this wall would constitute irreversible loss of historic fabric and cause harm to the legibility of the building's historic planform and thereby to its evidential value and special architectural significance. We therefore again draw attention to the requirements of NPPF paragraphs 205 and 206. We advise that we do not consider that the demolition of the wall is either clearly or convincingly justified.

We recommend that the applicant omits this aspect of the proposals.

Cellar Works

The Group again echoes the advice and recommendations of the LPA Conservation Officer, HB&P and The SPAB regarding the proposed works in the cellar.

Other Works

We defer to the LPA Conservation Officer's advice and recommendations on all other aspects of the application not mentioned above.

Conclusion

When making a decision on all listed building consent applications or any decision on a planning application for development that affects a listed building or its setting, a local planning authority must 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. Preservation in this context means not harming the special interest of the building, as opposed to keeping it utterly unchanged. This obligation, found in sections 16 and 66 of the

Planning (Listed Buildings and Conservation Areas) Act 1990 (1), applies to all decisions concerning listed buildings. Under section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 they also have a duty to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

The Group advises that the proposed internal works would cause irreversible harm to the building's historic fabric, evidential value and special architectural significance as a grade II listed heritage asset.

We therefore recommend that the applicant withdraws this application and revises it to address the above advice and recommendations, and those of the LPA Conservation Officer and other consultees. If the applicant is unwilling to do so, listed building consent should be refused.

2nd Response

The Group has assessed the revised scheme, and we maintain concerns with the application.

Advice and Recommendations

The Group thanks the applicant for having offered some revisions to the application, and we notably advise that it is welcomed that the proposed demolition of the remnants of the relict newel staircase in the cellar has been deleted from the scheme.

We advise however that this is the only revision which addresses the concerns registered in our previous letter. We therefore maintain the concerns, advice and recommendations, established in our previous letter of 5th September 2024.

Cellar Works

The Group notes that the applicant has offered further information in the revised DAHS regarding the proposed works to convert the cellar for residential usage. We register significant concerns however that it is proposed to introduce a vapour impermeable tanking system to both the floor and walls reliant on a sump pump. We highlight however that no section drawings have been provided to illustrate the proposed system.

We further register concerns that the proposed floor build up and wall linings will impact on the historic room volume and have the potential to mask the historic structure of the walls and any notable features such as the chimney breast. This may result in a harmful oversantisation of the space eroding its historic character and legibility of its historic function. We emphasise here that no photographs or detailed description of the cellar has been offered by the applicant to help support the assessment of the significance of the space and the impact of the proposed scheme of works thereon.

We therefore draw attention to the requirements of NPPF (2023) paragraphs 200, 201, 205 and 206.

We strongly recommend that the applicant provides more detailed information on the proposed works to the cellar to justify the proposed scheme.

Conclusion

When making a decision on all listed building consent applications or any decision on a planning application for development that affects a listed building or its setting, a local planning authority must 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. Preservation in this context means not harming the special interest of the building, as opposed to keeping it utterly unchanged. This obligation, found in sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (1), applies to all decisions concerning listed buildings. Under section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 they also have a duty to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

The Group advises that whilst we thank the applicant of having offered revisions and additional details, we maintain our advice that the proposed internal works would cause irreversible harm to the building's historic fabric, evidential value and special architectural significance as a grade II listed heritage asset.

We therefore again recommend that the applicant withdraws this application and revises it to address the above advice and recommendations, and those of the LPA Conservation Officer and other consultees. If the applicant is unwilling to do so, listed building consent should be refused.

3rd Response

Thank you for notifying The Georgian Group of a second round of revisions to application 4/24/2268/OL1 to undertake a scheme of renovation works at Grade II listed 46 Lowther Street, Whitehaven. The Group has assessed the revised application, and we maintain significant concerns with the harmful impact of the proposed scheme.

The Group previously offered comments on this application in letters dated 5th September 2024 and 27th September 2024. In these letters we raised significant concerns with the poor quality of the applicant's supporting documentation and with the irreversible harm that would be caused by the proposed demolition of the existing nineteenth-century staircase and the demolition of a wall at 1F level. We additionally registered concerns about the lack of details regarding the proposed cavity drainage system proposed for the basement.

The Group acknowledges that the applicant has submitted additional supporting documentation to explain the proposed cavity drainage system. We are however disappointed that no revisions, amendments or clarifications have been submitted to address our concerns with the poor quality of the Heritage Statement, with the proposals for the demolition of the staircase, or the demolition of the probable original 1F partition wall. The

Group consequently maintains our profound concerns, advice and recommendations on all of these points.

Damp Control

The Group thanks the applicant for having submitted additional information regarding the materials proposed for the cavity drainage system. We maintain overall concerns however regarding the appropriateness and necessity of this system. We register significant disappointment that the applicant has still not engaged with any of the numerous specialist advice and guidance documents on damp control in historic and traditional buildings (e.g. SPAB 2018 'Control of Dampness' Technical Advice Note; Historic England, et.al. 2022 'Investigation of Moisture and its effects on traditional buildings').

We advise that the applicant's failure to investigate the root cause of the damp accumulations continues to be of significant concern, and we advise that without understanding the cause, the harm that would attend the proposed management solution cannot be considered to be either clearly or convincingly justified under the terms of NPPF (2024) paragraph 213.

We thank the applicant for having provided additional photographs of the basement which clearly illustrate its state of disrepair and disuse with past failed dry-lining solutions particularly evident in photos 1 and 2. We also note that the floor appears to be a concrete slab (this is also noted in the DAS). Also noted in the DAS is that the wall finish 'appears to be off sand and cement probably with a lime element'. We strongly advise that none of these materials are vapour permeable and in combination may well be causing or exacerbating the damp accumulation problems within the walls.

We therefore strongly recommend that the applicant engages a specialist contractor with experience of damp management in traditional solid masonry buildings to investigate the root cause(s) of the damp accumulations and to develop a solution which addresses the cause.

We advise that if the root cause of the damp is due to the historic use of non-vapour permeable materials, replacing the floor and wall finishes with materials which are compatible with the building's hygroscopic function (e.g. limecrete floor and lime plastered walls) and improving ventilation, may solve the problem without the need for a harmful cavity drainage system. We note that it is already proposed to remove the existing concrete slab floor, and we are consequently surprised that the applicant has not submitted any evidence of having considered replacing it with a vapour permeable alternative.

Conclusion

When making a decision on all listed building consent applications or any decision on a planning application for development that affects a listed building or its setting, a local planning authority must 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.

Preservation in this context means not harming the special interest of the building, as opposed to keeping it utterly unchanged. This obligation, found in sections 16 and 66 of the

Planning (Listed Buildings and Conservation Areas) Act 1990 (1), applies to all decisions concerning listed buildings. Under section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 they also have a duty to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

The Group advises that whilst we thank the applicant of having offered revisions and additional details, we maintain our advice that the proposed internal works would cause irreversible harm to the building's historic fabric, evidential value and special architectural significance as a grade II listed heritage asset.

We therefore again recommend that the applicant withdraws this application and revises it to address the above advice and recommendations, and those of the LPA Conservation Officer and other consultees. If the applicant is unwilling to do so, listed building consent should be refused.

4th Response

Advice and Comments

The Group registers significant concerns that the applicant's revised scheme proposes additional demolition of historic fabric (including removal of fabric from probable original external walls). Despite increasing the amount of demolition proposed, and simultaneously increasing the size of an existing extension, the scheme does not reduce harm elsewhere (notably the relocation of the principal staircase). We therefore maintain our objection to the application on heritage grounds.

The Group furthermore are unclear what is being proposed – we note that 2no. schemes are presented in the application – one for an HMO and one for apartment use. We strongly recommend that the applicant must clarify which scheme is proposed as this has a considerable bearing on our comments.

Relocation of Cellar Stair and New Extension

The Group advises that the other notable revision is the addition of a new two storey extension, replacing an existing WC outshut, to house a stairwell and additional WC,. We advise that the two-storey height of the proposed new extension stairwell is entirely unjustified, likewise the proposal will require the relocation of a potentially original doorway and historic window to provide access, and the demolition of a wall of unknown age or significance.

We additionally advise that the revision to relocate the cellar stair outwith the building would also render the applicant's main submitted justification for the demolition of the existing main staircase obsolete. The demolition of the existing staircase is however still proposed. The Group therefore strongly advises that the proposed relocation of the cellar stair would cause additional harm through loss of historic fabric without offering any clear or convincing

justifications. It consequently fails to meet the requirements of NPPF paragraphs 212, 213 and 215.

The Group maintains our strong objection to the proposal to demolish the existing staircase. Our concern on this point remains entirely unaddressed.

The Group maintains our objection to the poorly explained or justified proposals for drylining the basement. Our concerns and queries on this aspect of the proposed scheme are not addressed in the applicant's revised scheme.

1F Wall

The Group recognises that the applicant has revised the proposal to retain more of the wall (possibly original external) at 1F which we previously registered concerns with. We are, however, concerned that it is now 2 instead proposed to demolish the wall between the room and the stairwell. No method statement or discussion has been submitted to explain this aspect of the works. Reducing the thickness of this wall will result in the irreversible loss of historic fabric causing irreversible harm. We advise that despite this, no clear or convincingly justification has been submitted for this aspect of the scheme under NPPF (2024) paragraph 213.

Cellar Dry-Lining

The Group thanks the applicant for having provided additional supporting documentation for the proposed cavity drainage for the basement. Whilst we maintain that the use of traditional materials would be a preferable solution to damp management, we defer to your LPA Conservation Officer's expert advice.

Conclusion

When making a decision on all listed building consent applications or any decision on a planning application for development that affects a listed building or its setting, a local planning authority must 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. Preservation in this context means not harming the special interest of the building, as opposed to keeping it utterly unchanged. This obligation, found in sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (1), applies to all decisions concerning listed buildings. Under section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 they also have a duty to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

The Group advises that the proposed scheme of works is intensive and invasive with the potential to cause significant and irreversible harm (at the upper end of less than substantial) to the building's historic fabric, evidential value and special architectural significance as a grade II listed heritage asset.

We therefore again recommend that the applicant withdraws this application and revises it to address the above advice and recommendations, and those of the LPA Conservation Officer

and other consultees. If the applicant is unwilling to do so, listed building consent should be refused.

5th Response

Thank you for notifying The Georgian Group of revisions to Application 4/24/2268/OL1 to undertake a scheme of works at Grade II listed 46 Lowther Street, Whitehaven. The Group last offered formal comments on this application in a letter dated 11th July 2025, since this letter we have however also been engaged in extensive informal discussions with the applicant team and the local planning authority.

Notable revisions to the scheme being now consulted on are the retention of the existing main staircase, the retention of the existing 1F ante-room without new or altered openings, subdivision of the 1F front room [Bedroom 5], and an additional bathroom/WC at 2F level.

Advice and Comments

Main Staircase

The Group thanks the applicant for revising the scheme to retain the existing nineteenth-century central staircase. This is welcomed and addresses one of the central tenets of our objection to the application. The Group is accordingly content to withdraw our objection on this point.

1F Ante-Room

The Group likewise welcomes the deletion of the proposal to alter the potentially primary phase wall at 1F level. We are again content to withdraw our withdrawal our objection on this point.

WCs

The Group registers some puzzlement that it is now proposed to introduce an additional shared WC at 2F level. This would take the total number of WC's in the property to 7no. when the property only has 6no. bedrooms, this feels excessive and to our eye is neither clearly nor convincingly justified. We recommend that if your LPA is minded to grant consent for the application you should be fully satisfied that this additional WC is clearly and convincingly justified under the terms of the NPPF (2024).

Cellar Dry-Lining

The Group maintains our deferral to your LPA's Conservation Officer to offer expert advice on whether the proposed cellar conversion works are appropriately justified under the terms of the NPPF paragraph 213.

Conclusion

When making a decision on all listed building consent applications or any decision on a planning application for development that affects a listed building or its setting, a local

planning authority must 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. Preservation in this context means not harming the special interest of the building, as opposed to keeping it utterly unchanged. This obligation, found in sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (1), applies to all decisions concerning listed buildings. Under section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 they also have a duty to pay 2 special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

The Group advises that despite the above mentioned welcome revisions, the proposed scheme of works continues to be for an intensive scheme of conversion of 46 Lowther Street to form a 6 bedroom HMO. The scheme of works will cause harm to the special architectural significance of the building as a grade II listed heritage asset.

We therefore advise that, if your LPA is minded to grant consent for the application, you must be fully satisfied that the harm which would be caused by the proposed scheme is clearly and convincingly justified, and/or offset by sufficient public benefits under the terms of the NPPF paragraphs 213 and 215.

Historic England

1st Response

Historic England provides advice when our engagement can add most value. In this case we are not offering advice. This should not be interpreted as comment on the merits of the application.

We suggest that you seek the views of your specialist conservation and archaeological advisers. You may also find it helpful to refer to our published advice at <https://historicengland.org.uk/advice/find/>

It is not necessary to consult us on this application again, unless there are material changes to the proposals. However, if you would like advice from us, please contact us to explain your request.

2nd Response

Thank you for your letter of 25 November 2025 regarding further information on the above application for listed building consent. On the basis of this information, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation adviser.

It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals. However, if you would like detailed advice from us, please contact us to explain your request.

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 2021 – 2039 (LP)

Cumberland Council continued the preparation of the LP as commenced by Copeland Borough Council.

The LP was adopted by Cumberland Council on the 5th of November 2024 replacing the Copeland Local Plan 2013-2028 and the saved policies of the Copeland Local Plan 2001-2016.

The relevant policies are as follows:

Strategic Policy DS1 – Settlement Hierarchy

Strategic Policy DS2 – Settlement Boundaries

Policy DS4 – Design and Development Standards

Strategic Policy BE1 – Heritage Assets

Policy BE2 – Designated Heritage Assets

Other Material Planning Considerations

National Planning Policy Framework (NPPF)

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

Conservation Design Guide SPD

ASSESSMENT

Principle of the development

Policies BE1 and BE2 of the LP 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'*.

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.

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 building is a Listed Building and situated within the Whitehaven Conservation Area.

The principle of improving the aesthetics and ensuring the continued use of the property are supported throughout local and national planning policy. It is therefore considered that the works to restore it should be encouraged in principle.

Works Proposed and Impact on Heritage Asset

The initial iterations of plans were considered to be intrusive and unacceptable, causing substantial harm to the fabric of the Listed Building and creating damage that would not be reversible.

Several amendments were submitted by the Applicant, with the proposals diluted each time in order to reduce the impact on the Listed Building and overcome objections from The Georgian Group, The Society for the Protection of Ancient Buildings and the Council's Conservation and Design Officer.

The resulting plans provide the building with the versatility to be used for a six bedroomed HMO, whilst having as little effect on the fabric of the Listed Building as possible. Whilst the Conservation Officer is concerned about whether the use for an HMO is the optimum viable use for the building and why it cannot be retained as a single dwelling, this application only

	<p>seeks Listed Building Consent for alterations to the building. The use as a HMO to accommodate up to six people does not require planning permission.</p> <p>The Conservation Officer considers that the revision of the scheme constitute less than substantial harm of a fairly low level</p> <p>Whilst there is some harm to the building through the works for conversion, it is considered that the benefits of the continued use of the building outweigh this harm. The works are considered to be largely reversible and the limited external changes will not have any be an effect on the surrounding Conservation Area.</p> <p><u>Planning Balance and Conclusion</u></p> <p>The proposed works have been amended significantly to address the concerns raised by the Heritage bodies.</p> <p>The Conservation Officer has raised no objections to the final planned proposal and considers that there would be a less than substantial impact on either the Listed Building or the surrounding Conservation Area which can be justified when weighed up with the public benefits of the scheme. The works are therefore considered to be in accordance with Policies BE1 and BE2 of the Local Plan.</p> <p>In applying the tests of the Copeland Local Plan 2021-2039, the LBCA and the NPPF, the proposal as amended would preserve the heritage significance of the Listed Building and Conservation Area, so is therefore supported.</p>
8.	<p>Recommendation:</p> <p>Approve Listed Building Consent (start within 3yr)</p>
9.	<p>Conditions:</p> <ol style="list-style-type: none"> 1. The works hereby permitted shall be commenced before the expiration of three years from the date of this consent. <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> <ol style="list-style-type: none"> 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 2nd August 2024;
 Site Location Plan, scale 1:1250, received 2nd August 2024;
 Existing and Proposed Site Plan, scale 1:100, drawing number SNG-LS-HMO-SP, received 25th November 2025;
 Proposed Plans, scale 1:100, drawing number SNG-LS-LBC2-6HMO-A, received 25th November 2025;
 Front Elevations, scale 1:100, drawing number SNG-LS-LBC2-PFE, received 25th November 2025;
 Rear Elevations, scale 1:100, drawing number SNG-46LS-LBC2-PRE-C, received 25th November 2025;
 Design, Access and Heritage Statement, Revision C, received 25th November 2025;
 Water Proofing Solutions WPDOP058, received 2nd May 2025;
 Water Proofing Solutions WPDOP06, received 2nd May 2025;
 Cavity Drain Membrane Technical Data Sheet, received 2nd May 2025;
 Cavity Drain Membrane Product Sheet, received 2nd May 2025;
 Waterguard and Floor Drain Data, received 2nd May 2025;
 Guidelines of Wykamol-SumpFlo, received 2nd May 2025;
 Wykamol-SumpFlo Technical Data Sheet, received 2nd May 2025;
 Cavity Drain Membrane BBA Product Sheet, received 2nd May 2025;
 Basement Photographs, received 2nd May 2025;
 Proposed Basement Tanking Plan, received 25th November 2025;
 Demolition Drawing, received 25th November 2025;
 Existing & Proposed Section, scale 1:100, drawing number SNG-LS-LBC2-S-B, received 25th November 2025;
 Design Philosophy, received 2nd May 2025;
 CM8 Cavity Drain Membrane Product Sheet, received 25th November 2025;
 CM20 Cavity Drain Membrane Product Sheet, received 25th November 2025;
 CM20 Cavity Drain Membrane Declaration of Performance, received 25th November 2025;
 CM20 Cavity Drain Membrane Technical Datasheet, received 25th November 2025;
 CM8HD700 Cavity Drain Membrane Technical Datasheet, received 25th November 2025;
 CM8HD700 Cavity Drain Membrane Declaration of Performance, received 25th November 2025;
 Sanipro XR Product Sheet, received 25th November 2025;
 SumpFlo Product Sheet, received 25th November 2025;
 Waterguard and Floor Drain Product Sheet, received 25th November 2025;
 Proposed Services Layout Plan, received 25th November 2025.

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.

	<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>
<p>Case Officer: Sarah Papaleo</p>	<p>Date : 28/01/2026</p>
<p>Authorising Officer: N.J. Hayhurst</p>	<p>Date : 30/01/2026</p>
<p>Dedicated responses to:- N/A</p>	