



## CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	<b>Reference No:</b>	4/25/2255/0L1
2.	<b>Proposed Development:</b>	LISTED BUILDING CONSENT FOR THE REPLACEMENT OF 10 NON-TRADITIONAL GROUND FLOOR WINDOWS IN THE REAR ELEVATION WITH GREY ALUMINIUM TOP HUNG CASEMENT WINDOWS
3.	<b>Location:</b>	38-42 LOWTHER STREET, WHITEHAVEN
4.	<b>Parish:</b>	Whitehaven
5.	<b>Constraints:</b>	ASC Adverts - ASC;Adverts, Conservation Area - Conservation Area, Listed Building - Listed Building, Coal - Standing Advice - Data Subject To Change
6.	<b>Publicity Representations &amp; Policy</b>	See report.
7.	<b>Report:</b>	<p><b>Site and Location:</b></p> <p>The application site comprises the property known as 38 – 42 Lowther Street, Whitehaven.</p> <p>The property is Grade II listed under two separate listings. The listing entries state the following:</p> <p><u>38 Lowther Street</u></p> <p><i>LOWTHER STREET</i> 1. 1814 (South West Side) No 38 NX 9718 SW 6/77</p>

*II GV*

2.

*C18. 3 storeys. Door up 3 steps, with traceried fanlight in round-arched moulded doorcase. 1 triple sash window on each upper floor.*

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

39-42 Lowther Street

*LOWTHER STREET 1. 1814 (South West Side) Nos 39 to 42 (consec) NX 9718 SW 6/78*

*II GV*

*2. C18. Similar houses, but differing in detail. Stuccoed, 3 storeys. All have moulded doorcases up 3 steps, with panelled doors, fanlights and pediments (No 39 pediment on consoles, Nos 41 and 42 with pilasters). No 39 has a triple sash window on each floor. No 40 has a sash window on ground floor and 3 on each upper floor. No 41 has a triple sash on ground floor and 2 single sashes each upper floor. No 42 has a triple sash window on ground floor and an oriel on 1st floor, and a triple sash on top floor.*

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

*Listing NGR: NX9723518223*

The application site is also situated within the Whitehaven Town Centre Conservation Area.

**Proposal:**

Listed Building Consent is sought for the replacement of ten non-traditional ground floor windows in the rear elevation of the building with aluminium framed casement windows – colour: anthracite grey.

This application initially sought Listed Building Consent for the replacement of ten non-traditional ground floor windows in the rear elevation of the building with uPVC framed casement windows; however, this was amended during the course of the planning application following the receipt of advice from the Conservation Officer.

**Consultation Responses:**

Whitehaven Town Council

No objections or comments.

Cumberland Council Conservation Officer



## Cumberland Council

### Response 1 – uPVC Windows

#### Assessment

- The existing windows detract from the appearance of the rear of the building, though this is only appreciable from the enclosed yard to the rear and from the interior.
- The windows appear to date from 1982, and are in poor condition. There is no dispute about the need for replacing them.
- It is proposed to replace them with double-glazed uPVC units in a similar style.
- There does not appear to be any justification in conservation terms for replacing them with UPVC windows as opposed to new timber windows in an equivalent style. UPVC tends to have a detrimental effect on the significance of 18th century listed buildings when compared with wood because of its anachronistic and budget appearance.
- Replacing these windows with new timber windows of equivalent appearance would not require listed building consent, and therefore could be carried out at any time.
- However, given the unattractive appearance of the existing windows, this would be a missed opportunity.
- In order to justify use of UPVC, benefit would have to be demonstrated in conservation terms (the building's preservation in architectural and historic aspects).
- Therefore, I suggest making use of a different style of window more in keeping with the appearance of the buildings. The following is based on the photos supplied, which are mostly at an angle, so precise details would likely need to be revised.
  - o For openings 1-4, a heritage style sliding sash design would be suitable. I would suggest a design with slim glazed units, mortice and tenon joints rather than welded mitres, run-through horns, and a single vertical glazing bar to match the appearance of the windows above.
  - o For windows 5-10, either single or paired side-hinged flush casements, depending on the aspect-ratio of the opening.

#### Summary:

- Though this is a listed building, the following factors are relevant here:
  - o Poor appearance of the existing windows, which could be replaced like-for-like without needing listed building consent;
  - o Concealed location, meaning the impact of changing to plastic windows is limited to this part of the building (which does not contribute importantly to its significance), nor the building's broader setting, the settings of any other heritage assets, or the conservation area.
- Given these details, which are unique to this section of this building, it would be possible to identify enhancement if it came in the form of improving the unattractive window designs of the 1982 scheme.
- Given that great weight and special regard are to be given to the building's conservation, I would view replacement with the proposed windows as failing to meet that requirement when compared with timber.
- Therefore, either like-for-like timber replacement (LBC not necessary), or improvement compared with the appearance of the current windows (with the benefit of LBC) appear to be two ways forward (new timber sliding sash and side-hung windows with slim double glazing would of course also count as improvement).

## Response 2 – Aluminium

- Details of the proposed aluminium windows have been submitted.
- I would view this as appropriate given the mitigating factors previously identified (condition and appearance of existing windows, enclosed location, need for security), providing a good overall compromise.

### **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 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.

Cumberland Council continued the preparation of the Copeland Local Plan 2021 - 2039 (LP) as commenced by Copeland Borough Council.

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

Policy DS4: Design and Development Standards

Strategic Policy N1: Conserving and Enhancing Biodiversity and Geodiversity

Strategic Policy BE1: Heritage Assets

Policy BE2: Designated Heritage Assets

### **Other Material Planning Considerations**

National Planning Policy Framework (NPPF).

National Design Guide (NDG).

Planning Practice Guidance (PPG).

Planning (Listed Building and Conservation Areas) Act 1990 (LBCA).

### **Assessment:**

Heritage



## Cumberland Council

The application is supported by a Planning Statement which includes an assessment of heritage value of the windows and elevation.

The existing timber casement windows detract from the appearance of the rear of the building, though this is only appreciable from the enclosed yard to the rear and from the interior. The existing windows appear to date from 1982 and are in poor condition. There is no dispute about the need for replacing them.

The design of the existing timber casement windows are not well refined and do not contribute positive to the heritage significance of the building.

The aluminium framed casement windows clearly utilise materials that are not traditional with a building of this era and design; however, given the condition and appearance of existing windows, their enclosed location and need for security, the replacement windows are considered to represent a neutral to slight positive impact on the heritage significance of the building.

### Ecology

The building to which this application relates falls within the planning and development trigger list for bat surveys contained within the Bat Conservation Trust Bat Surveys Good Practice Guidelines; however, given the location of the building, the nature of the works proposed, potential for the presence of and impact upon bats is negligible and a Bat Survey not therefore requested.

### **Conclusion**

The National Planning Policy Framework requires that proposed changes to the historic environment are based on a clear understanding of the significance of any heritage asset and their setting and providing information so that the likely impact of proposals can be assessed.

The historical development of the property, its character and appearance have been outlined and the scope of the works / interventions detailed and justified in a Planning Statement.

The rear elevation building has been the subject of considerable unfavourable and unsympathetic intervention over the recent decades.

The design of the existing timber casement windows are not well refined and do not contribute positive to the heritage significance of the building.

The aluminium framed casement windows clearly utilise materials that are not traditional with a building of this era and design; however, given the condition and appearance of existing windows, their enclosed location and need for security, the replacement windows are considered to represent a neutral to slight positive impact on the heritage significance of the

	<p>building.</p> <p>The development will assist in retaining the building in a long-term sustainable and optimum viable use.</p> <p>The development is considered to be in accordance with the provisions of the development plan when taken as a whole.</p>
8.	<p><b>Recommendation:</b></p> <p>Approve Listed Building Consent (start within 3yr)</p>
9.	<p><b>Conditions:</b></p> <p>1. The works hereby permitted shall begin not later than three years from the date of this decision.</p> <p>Reason</p> <p>To comply with the requirements of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.</p> <p>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:</p> <p>Application Form received 29<sup>th</sup> December 2025  Location Plan - Planning Portal Reference: PP-14026268v1 received 11<sup>th</sup> July 2025  Window Schedule 38/42 Lowther St. received 11<sup>th</sup> July 2025  Photographs of Rear Elevation received 16<sup>th</sup> July 2025  Email from Michael Sandelands dated 15<sup>th</sup> November 2025  Alitherm 400 Window Features and Specification Sheet received on the 15<sup>th</sup> November 2025</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>3. The listed building consent hereby approved relates solely to the replacement of windows W1 to W10 as identified on the approved plans and documents only. No additional windows, alterations to window openings, or replacement of any other windows shall be carried out without the prior written approval of the local planning authority.</p>



**Cumberland  
Council**

**Reason**

To ensure the development is carried out in accordance with the approved details and in the interests of safeguarding the character and appearance of the building and surrounding area in accordance with the provisions of Policy BE2 of the Copeland Local Plan 2021 – 2039.

**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:** C. Harrison

**Date :** 19.02.2026

**Authorising Officer:** N.J. Hayhurst

**Date :** 20.02.2026

**Dedicated responses to:-** N/A