

## CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	<b>Reference No:</b>	4/25/2368/OL1
2.	<b>Proposed Development:</b>	LISTED BUILDING CONSENT TO REDUCE CHIMNEY HEIGHT
3.	<b>Location:</b>	24 ROPER 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>	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 the mid terraced building at 24 Roper Street. It is currently utilised as a residential dwelling. Access is achieved directly onto Roper Street to the west with yard areas to the rear fronting onto Carter Lane.</p> <p>24 Roper Street is Grade II Listed and is situated within the Whitehaven Town Centre Conservation Area.</p>	

The listing entry for 24 Roper Street states the following:

Statutory Address:

23,24, ROPER STREET

The building or site itself may lie within the boundary of more than one authority.

District:

Cumberland (Unitary Authority)

Parish:

Whitehaven

National Grid Reference:

NX 97372 17986

Details

1. ROPER STREET 1814 (North East Side) Nos 23 & 24 NX 9717 NW 4/118 20.7.49. II GV  
2. C18. Stuccoed. 3 storeys. Base course has Ionic pilasters at ends, finishing under a moulded eaves cornice. The 2 entrance doors have Doric pilasters and broken semi-circular pediments with 3-quarter urns over centres. No 23 has 6 raised panels to door. 4 windows on ground floor and 6 each upper floor, all with plain architraves. 6 steps at front, with cast iron railings.

Nos 19 to 25 (consec) form a group.

Listing NGR: NX9737217986

## **PROPOSAL**

Listed Building Consent is sought for the reduction in the height of the existing chimney stack. This is structurally required as the chimney is at risk of failing. It has been reported to Cumberland Building Control as a dangerous structure.

## **CONSULTATION RESPONSES**

Whitehaven Town Council

No objections.

Conservation Officer

Conclusion: No objection

Assessment:



## Cumberland Council

- The chimney stack makes a positive contribution to the significance of the building, and to the character and appearance of the conservation area.
- The former is somewhat greater as the building is a grand house and the status symbol of a large chimney befits it. The latter is somewhat lesser due to the narrowness of the street; there is only a restricted view of the chimney from the public areas of the conservation area.
- The chimney has been surveyed and found to be significantly out of plumb, cracking, and at risk of collapse. It is therefore proposed to reduce its height.
- The flues inside are almost all out of use, so there is no impact of this to the use of any historic fireplaces inside.
- It is proposed to terminate the stack slightly above ridge height.
- There is less-than-substantial harm entailed to the building in reducing the prominence of the chimney, and negligible harm to the conservation area. This is justified by the danger to the public and to the building, and mitigated by the retention of the stack above ridge height, as opposed to its removed altogether
- I would therefore view the proposal as justified.

### National Amenities Society

No response received.

### 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 this consultation.

## **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 5<sup>th</sup> of November 2024 replacing the Copeland Local Plan 2013-2028 and the saved policies of the Copeland Local Plan 2021-2016.

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)

## **ASSESSMENT**

### Principle of the development

Policies BE1PU and BE2PU 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.



## Cumberland Council

	<p>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.</p> <p>The principle of ensuring public safety and that the dangerous structure is made safe carries significant weight within the planning balance.</p> <p><u>Works Proposed and Impact on Heritage Asset</u></p> <p>The works are minimal and include the removal of a portion of chimney that is thought to be more modern than the parent dwelling.</p> <p>The Conservation Officer remarked that there would be a less than substantial harm to the building in reducing the chimney height and that this would be justified by the retention of some of the chimney and the public benefits from the building being made safe.</p> <p>No objections were raised from statutory or neighbouring consultees.</p> <p><u>Planning Balance and Conclusion</u></p> <p>The Conservation Officer raised no objections to the proposal and considered that there would be a less than substantial impact on either the Listed Building or the surrounding Conservation Area. 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 2013-2028, the LBCA and the NPPF, the proposal would preserve the heritage significance of the Listed Building and Conservation Area, so is therefore 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>1. The works hereby permitted shall be commenced before the expiration of three years from the date of this consent.</li> </ol> <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"> <li>2. Permission shall relate to the following plans and documents as received on the</li> </ol>

	<p>respective dates and development shall be carried out in accordance with them: -</p> <p>Application form, received 30th October 2025;  Site Location Plan, scale 1:1250, received 30th October 2025;  Existing and Proposed Front Elevations, scale 1:100, drawing number JR/01, received 30th October 2025;  Existing and Proposed Rear Elevations, scale 1:100, drawing number JR/02, received 30th October 2025;  Heritage, Design and Access Statement, reference JR/03A, received 30th October 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><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>	
<b>Case Officer: Sarah Papaleo</b>		<b>Date : 10/12/2025</b>
<b>Authorising Officer: N.J. Hayhurst</b>		<b>Date : 15/12/2025</b>
<b>Dedicated responses to:- N/A</b>		