

CUMBERLAND COUNCIL
CONSULTATION RESPONSE

Proposal: Internal layout alterations to create ensuite bathrooms including thermally upgrading the internal face of external walls. A new rear external door along with replacing the existing rear external door with a window

Address: 46, New Lowther Street, Whitehaven

Reference: 4/24/2268/OL1

Date: 27/09/24

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:
 - Measured survey drawings of the cellar
 - Photos of the cellar
 - Existing and proposed section drawings of the cellar and staircase
 - Detail drawings of new elements including staircase and cellar lining out
 - Establishment of what constitutes good practice with respect to modifying historic buildings or converting cellars
 - Engagement with building's significance
 - 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.

Relevant Policies and Guidance:

The Planning (Listed Buildings and Conservation Areas) Act 1990 establishes a need "in considering whether to grant listed building consent for any works [for the Local Planning Authority to] have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest" [Section 16(2)]. This requirement also applies to the granting of planning permission affecting a listed building or its setting [Section 66(1)].

Section 72 of the 1990 Act states that "special attention shall be paid to the desirability of preserving or enhancing the character or appearance of [a conservation] area."

Paragraph 139 of the National Planning Policy Framework (NPPF) asserts that "Development that is not well designed should be refused [etc.]".

NPPF para. 203 states that "In determining applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation..."

NPPF para. 205 states, in the case of designated heritage assets, "great weight should be given to the asset's conservation", irrespective of whether potential harm is substantial, less-than-substantial, or total loss. Where harm to a designated heritage asset is less-than-substantial, it should be weighed against the public benefits of the proposal (para. 208).

Opportunities should be sought for new development within conservation areas and the settings of heritage assets that enhances or better reveals their significance. (para. 212)

Referring to assets in a conservation area, NPPF para. 213 states that loss of an element that makes a positive contribution to a conservation area should be treated as either substantial (under para. 207) or less-than-substantial harm (under paragraph 208).

The former Copeland Borough Council's Local Plan contains a number of relevant policies:

- Local Plan Policy ST1C(ii) highlights the importance of protecting, enhancing and restoring the Borough's cultural and heritage features and their settings.
- ST1D emphasizes the council's commitment to creating and retaining quality places.
- ENV4A stresses the importance of protecting listed buildings, conservation areas and other features considered to be of historic, archaeological or cultural value.
- ENV4B outlines support for heritage-led regeneration, ensuring assets are put to appropriate, viable and sustainable uses.
- DM27A outlines support in principle for developments that "protect, conserve and where possible enhance the historic, cultural and architectural character of the borough's historic sites and their settings".
- DM27C outlines the restriction in principle of development within conservation areas to that which preserves or enhances the character or appearance of the area.
- DM27D highlights the necessity of avoiding disrespectful alterations, substantial demolition, adverse effects on setting or views, or changes of use that harm the conservation or economic viability of a listed building.

Additionally relevant here, the emerging legacy Copeland area Local Plan (2021-38) also contains the following policy:

- Strategic Policy BE1PU: Heritage Assets Heritage assets and their setting will be conserved and enhanced by: Requiring a heritage impact assessment or heritage statement where the proposal would affect a heritage asset [...]

The Conservation Area Design Guide is a supplementary planning document adopted in 2017 that is a material consideration in the determination of planning applications within conservation areas in the legacy Copeland area. It is therefore applicable to this application.

Sammy Woodford,

Conservation and Design Officer