

**CUMBERLAND COUNCIL**  
**CONSULTATION RESPONSE**

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**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:** 27/05/25

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**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 18<sup>th</sup>, 19<sup>th</sup> and 20<sup>th</sup> 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.

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## 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 listing 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