

**CUMBERLAND COUNCIL
CONSULTATION RESPONSE**

Proposal: Roof replacement and removal of dormer window on front elevation

Address: 47 Duke Street, Whitehaven

Reference: 4/24/2175/OL1

Date: 04/06/24

Description: 47 Duke Street is one of a traditional row of early 18th century town houses. It is three storey and grade II listed.

Conclusion: No objection

Assessment:

- Consent is sought for removal of the front dormer window as part of otherwise like-for-like roof replacement. The dormer is causing water ingress, and is dilapidated and boarded up.
- The window is a historic feature, and has some significance because of that. However, it is in a relatively poor condition, cannot be seen from outside the property at street level, and cannot be access from inside the property as it is within an attic.
- The Whitehaven type does not prominently feature such dormers, and so I would view its loss as less-than-substantial harm, justified on the basis of improving the soundness of the roof, and mitigated for the above reasons.
- I would view there as being neutral impact on the character and appearance of the conservation area.

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)].

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.”

NPPF para. 197 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. 199 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. 202).

Referring to assets in a conservation area, NPPF para. 207 states that loss of an element that makes a positive contribution to a conservation area should be treated as either substantial (under para. 201) or less-than-substantial harm (under paragraph 202).

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 emphasises 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.
- 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".
- 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.

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