



Appeal Decision

Site Visit made on 30 November 2020

by Alison Partington BA(Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st December 2020

Appeal Ref: APP/Z2315/D/20/3259841

144 Oxford Road, Burnley, BB11 3HL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Richard Hughes against the decision of Burnley Borough Council.
 - The application Ref HOU/2019/0607, dated 5 December 2019, was refused by notice dated 13 July 2020.
 - The development proposed is a dormer loft conversion.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. A dormer window and other roof alterations currently exist on the property. However, the details on the plans submitted are different to that which exists on the site at present. For the avoidance of doubt, the determination of the appeal is made on the basis of the drawings as submitted, and not what is constructed on the property.
3. Within his evidence the appellant has suggested various alternative schemes he wishes me to consider should I conclude that the appeal scheme is not acceptable. However, I am normally required to deal with an appeal on the basis of the same plans that informed the Council's decision. The various suggestions are materially different to the scheme that is before me in this appeal. Given this, and bearing in mind the 'Wheatcroft' principles, I consider that it would not be appropriate for me to take these suggestions into account and have therefore determined the appeal on the basis of the plans that were submitted with the application.
4. The appellant has raised concerns regarding the Council's handling of the case, including the lack of communication and ability to negotiate an acceptable scheme. These are matters that would need to be taken up with the Council in the first instance and in determining the appeal I have only had regard to the planning merits of the case.

Main Issue

5. The main issue in the appeal is whether or not the proposal would preserve or enhance the character or appearance of Burnley Wood Conservation Area, the host property and the setting of the nearby Listed Building.

Reasons

6. The appeal site is located within Burnley Wood Conservation Area and close to St Stephen's Church which is a Grade II Listed Building. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant planning permission for development which affects a listed building or its setting, the decision maker 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. S72(1) of the Act requires special attention to be had to the desirability of preserving or enhancing the character and appearance of a conservation area.
7. The Burnley Wood Heritage Appraisal (March 2004) indicates that the area grew dramatically in the second half of the nineteenth century with a mixture of large stone built houses along Brooklands Road and Todmorden Road and areas of high density stone built terraced housing and mills. The tight grid iron pattern of streets, the consistent use of locally quarried stone and welsh blue slate and the continuity in the design of the terraces are key characteristics in the conservation area.
8. In contrast to the surrounding terraces the church is an imposing structure in the street scene. Its significance lies predominantly in its value as an attractive example of ecclesiastical architecture from this period and the contribution it makes to the street scene. The original terraces surrounding it reflect the housing for the parishioners the church was built to serve and so are an important part of its setting.
9. The appeal property is the end property in a residential terrace. The terrace has a simple form with a regular rhythm created by the fenestration, doors and chimneys and as a result it makes a positive contribution to the conservation area. In some respects the appeal property differs from the rest of the terrace: its front and rear elevation project beyond the rest of the terrace, its front door is located on the corner, and it has larger ground floor windows either side of this door which reflects its former use as a shop. Nevertheless, in other respects it shares common features such as the corbels along the eaves, the design of many of the windows and the stone detailing around the door.
10. The proposed dormer would be located on the side elevation of the property facing Brunswick Street and its scale and mass would be such that it would dominate this roof plane. Its lack of consistency with either the gently sloping ridge line of the main terrace, or the height of the hipped roof elements over the projecting front and rear part of the dwelling would make it an unsympathetic addition to both the host property and the rest of the terrace. Furthermore, it would compromise the integrity of the roofscape of the terrace and would give it an unbalanced appearance.
11. Given the long straight nature of Brunswick Street, this bulky addition to the roofscape would be a prominent feature when approaching in either direction. Its lack of subordination to the main roof would also be clearly visible when travelling southwards on Oxford Road and from within Russell Court. Although it would be less prominent in views when travelling in the other direction along Oxford Road, its scale and mass would result in part of it still being visible and its lack of respect to the roof form of the property and terrace would draw the eye.

12. The dormer would have hanging slates on all sides that would match the roof of the host dwelling and the rest of the terrace. However, this would be insufficient to lessen the detrimental visual impact it would have on the street scene as a result of its size and mass. Moreover, the proposed windows would neither reflect the style of the majority of the windows on the building and the terrace nor their vertical emphasis.
13. Whilst I note the unusual roof design on a number of properties to the north of the terrace, these dwellings are not located in the conservation area and the unsympathetic nature of this nearby infill development does not justify this proposal which, in not respecting the character of the original building and terrace, is harmful both to the host property and the wider conservation area.
14. My attention has been drawn to the fact that dormer windows have been provided on many of the modern houses to the south of the site. However, these dormers are much smaller and fit comfortably within the roof plane of their respective houses. As such, unlike the appeal proposal they are not dominant features on the host dwellings or the street scene. Furthermore, such features are not found on the traditional terraces, which are characteristic of the conservation area. The fact that the Council may have allowed the demolition of some areas of terraced housing within the conservation area does not provide any justification for allowing a dormer extension on the appeal property.
15. All in all, I consider that the proposed development would not preserve, and would unacceptably harm, the character and appearance of Burnley Wood Conservation Area, the host property and the setting of nearby Listed Building. Accordingly, it would be contrary to Policies HE1, HE2 and HS5 of the *Burnley Local Plan (adopted July 2018)* which seek to protect, promote and enhance the historic environment, and the significance of the heritage asset and ensure that extensions are subordinate to, and respect the architectural characteristics of, the host property. In terms of paragraph 196 of the *National Planning Policy Framework*, whilst the harm caused to the heritage assets would be less than substantial there are no public benefits that outweigh this harm.

Other Matters

16. I note the personal circumstances of the appellant's partner and the need to create additional space. However, personal circumstances seldom outweigh more general planning considerations, and it is likely that the dormer would remain long after the current personal circumstances cease to be material.
17. I understand that the appellant mistakenly thought that the work did not require permission. Whilst this is unfortunate it is not a reason to allow the development. Neither is the fact that the property is close to the boundary of the conservation area, or the anecdotal evidence from the appellant that people have told him they like the development.

Conclusion

18. For the reasons set out above I conclude that the appeal should be dismissed.

Alison Partington

INSPECTOR

