



Appeal Decision

Site visit made on 16 December 2020

by R Walker BA Hons DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 December 2020

Appeal Ref: APP/Z2315/D/20/3259684

Cemetery Lodge, Cemetery Lane, Burnley, Lancashire BB11 5QB

- 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 Mark Foley against the decision of Burnley Borough Council.
 - The application Ref HOU/2019/0600, dated 3 December 2019, was refused by notice dated 29 June 2020.
 - The development proposed is kitchen and garage extension with balcony over kitchen.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on:
 - The character and appearance of the host property, a non-designated heritage asset; and
 - The amenity of users of the cemetery.

Reasons

Character and appearance

3. The appeal property is a detached dwelling, positioned just beyond an entrance gate to the cemetery. Formally within the grounds, and forming a gateway lodge to the cemetery, it now sits within its own garden separated by a timber fence.
4. It is an attractive property and the main parties agree that it, and the cemetery, are non-designated heritage assets. It has a relatively compact form but its steep roof, external chimney stack, materials, window and door detailing all contribute to a sense of grandeur. In my view, its architectural interest stems from its age, form, fabric and architectural features. Moreover, its close relationship to the driveway leading into the cemetery, despite the boundary fence, retains a clear functional historical interest.
5. Views of the top of the arched doorway and a large portion of the external chimney stack can be seen over the fence. These elements contribute to the understanding of the southern elevation being its original principle elevation, facing toward the cemetery driveway.
6. The proposed extension would be a physical addition to the property, unlike the fence. It would be a much greater height and would physically obscure the

- doorway and part of the chimney stack. In doing so it would erode the architectural interest and the historical functional link with the cemetery.
7. Contemporary design, can, in some circumstances, be an appropriate approach to an extension or alteration of a historic building. However, in this case, the proposal would overtly clash and contrast with the vernacular style of the existing house. It would extend a significant length from the property and although single storey, its length would be at odds with its original plan form. The length of extension would be unduly stark, would not be perceived as visually subservient and, along with the proposed balcony and windows presenting to the driveway, would not appear respectful of the historic character of the building.
 8. As well as resulting in the erosion of features that contribute to its significance as a non-designated heritage asset, the proposed extension would appear as an incongruous addition in a prominent location. I therefore find that the proposal would significantly harm the character and appearance of the host dwelling.
 9. Paragraph 197 of the National Planning Policy Framework (the Framework) relates to non-designated assets and says that any direct or indirect effects to such assets need to be balanced against other factors, having regard to the scale of any harm.
 10. I recognise that extending the property might meet the appellants need for increased accommodation, improving the living conditions within the property and providing an elevated external area with increased sun. These aspects are supported by the Framework and do weigh in favour of the scheme. However, I afford these benefits limited weight as the benefits to the public would be limited. As such, I am not persuaded that these benefits outweigh the harm I have identified to the character and appearance of the host property.
 11. The proposal would therefore conflict with the requirements of Policies HE3 and HS5 of Burnley's Local Plan (2018) (LP) and the Framework. These stipulate, amongst other things, that proposals affecting non-designated heritage assets should relate appropriately in terms of siting, style, scale, massing, height and materials.

Cemetery

12. The proposed balcony would be positioned immediately adjacent to a driveway leading into the cemetery and, although there are trees nearby, it would be clearly appreciated by visitors in this part of the cemetery.
13. The driveway is not the main access road into the cemetery. However, it remains an access and visitors walking along, and in the vicinity of it would be aware of noise from the balcony.
14. There would be the potential for noise and disturbance from occupants of the property using the garden. However, the elevated and prominent nature of the balcony would result in a level that would, in my view, be harmful to the peace and tranquillity that visitors of the cemetery would reasonably expect.
15. I therefore find that the proposal would harm the amenity of users of the cemetery. As such, the proposal would be contrary to the requirements of Policy SP5 of the LP. This stipulates, amongst other things, that proposals are

expected to ensure there is no unacceptable adverse impact on the amenity of adjacent land users, including by reason of overlooking.

Other Matters

16. The proposal would have no effect on the living conditions of the occupants of other neighbouring properties in the area and would not harm the protected open space designation. However, the absence of harm are neutral matters that weigh neither for nor against the proposal.

Conclusion

17. I have taken account of all the other matters raised including the benefits of the proposal. However, none changes the balance of these findings and the harm I have identified to the character and appearance of the host property, as a non-designated heritage asset and the amenity of users of the cemetery.
18. For the reasons given above, the appeal is dismissed.

Robert Walker

INSPECTOR