



Appeal Decision

Site visit made on 2 August 2022

by Mark Caine BSc (Hons) MTPL MRTPI LSRA

an Inspector appointed by the Secretary of State

Decision date: 7 September 2022

Appeal Ref: APP/Z2315/W/22/3293191

27-29 Manchester Road, Burnley BB11 1HG

- 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 Sabden Properties Ltd against the decision of Burnley Borough Council.
 - The application Ref FUL/2021/0427, dated 12 July 2021, was refused by notice dated 26 January 2022.
 - The development proposed is described as 'Proposed 2 bed apartment to the existing roof area'.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The name of the applicant provided in the appeal form is different to that given in the planning application form. However, an email has been submitted to confirm that Sabden Properties Ltd is the appellant. I have therefore used this name in the banner heading above.

Main Issue

3. The main issue is the effect of the proposed development on the streetscape, and the character and appearance of the Burnley Town Centre Conservation Area.

Reasons

4. The appeal relates to a dual fronted 3 storey former office building that contains commercial properties at ground floor level, with residential flats above. It is situated on a prominent corner location adjacent to the junction of Manchester Road and Hargreaves Street, within Burnley Town Centre. The prevailing character of the area is commercial, with the immediate context predominantly comprising 3 storey perimeter block buildings. The appeal site also sits within the Burnley Town Centre Conservation Area (BTCCA).
5. The terms of Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 require me to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.
6. I have been provided with limited information on the conservation area as a whole and its significance. However, the Council state that BTCCA is a notable example of a Victorian/Edwardian civic and commercial centre comprising buildings of fine mid-late nineteenth century architecture, particularly later

nineteenth century commercial buildings, and important surviving elements of architectural detailing and decoration. I have no reason to disagree with this, and on the basis of the evidence before me, consider the historic buildings and context to define the special interest and significance of the BTCCA.

7. It is uncontested between the main parties that the appeal building was constructed in 1979 and is of a modern design. I concur with the Council's view that the appeal building is architecturally unaccomplished when compared to the more ornate Victorian commercial and civic buildings in the area. Its scale and form also ensure that it does not compete with nor challenge the design and appearance of these neighbouring historic buildings. As a result, the appeal building makes a neutral contribution to the overall significance of the BTCCA.
8. Nonetheless, the proposal would be of an irregular shaped footprint and be of a substantial size and scale, occupying a vast proportion of the existing building's flat roof. This would provide significant additional visual bulk and dominance to the building and introduce a conspicuous form of development. This impact would be compounded by the use of the dark grey cladding, which would contrast with the much lighter stone materials, thereby drawing the eye, and further accentuating its visual prominence.
9. Furthermore, its raised height and bulky form would not only have an unsympathetic and awkward relationship with the appeal building but would sharply step up and jar against the predominance of the lower roof planes of the adjoining neighbouring properties on Manchester Road and Hargreaves Street. Despite being set back from the parapet walls, my site observations confirmed that the discordant effect of the proposal would be readily apparent from a number of vantage points, including from the north and south of Manchester Road, and along Grimshaw Street and Hargreaves Street.
10. The sloping topography and views of the site are also such that the additional height and bulk of the proposal would be seen as part of some of the nearby historic buildings' backdrops and would visually distract views of them. The proposal would therefore have an unduly dominating effect on the streetscape as well as a materially harmful effect on the significance of the BTCCA.
11. However, the harm that I have identified above is, 'less than substantial'. Paragraphs 199 and 200 of the Framework explain that great weight should be given to the conservation of a designated heritage asset, and any harm requires clear and convincing justification. In paragraph 202 it goes on to state that where a proposal would lead to less than substantial harm to the significance of such an asset, this harm should be weighed against the proposal's public benefits, and I will turn to these below.
12. The proposal therefore conflicts with Policies HE2 and SP5 of Burnley's Local Plan 2018 (Local Plan) which seek, amongst other matters, high standards of design, and to protect, promote and enhance the historic environment, and the significance of the heritage asset. It would also not accord with the design and heritage objectives of Sections 12 and 16 of the National Planning Policy Framework (the Framework) in this regard.

Other Matters

13. The appeal proposal would provide some economic and social benefits, making a contribution to the supply of housing. I have also been made aware that the

appeal building was previously empty and that all residential and retail units were taken up before construction, indicating the demand for them. However, the proposal is for only 1 apartment and any benefits in these respects would be contextually somewhat limited.

14. The appellant's frustrations about the Council's handling of the case are noted. In particular, the lack of communication and time that it took for the application to be determined. However, this has had no bearing on my determination of the appeal as I have only had regard to the planning merits of the case, on the basis of the evidence that is before me. In addition, the lack of an objection from neighbouring residents, ward councillors or consultees is not a determining factor in the consideration of an appeal.
15. In reaching my findings, I also note that the appellant considers that all of the concerns raised by the Council in the previously withdrawn planning application have been addressed in respect of the design, size, scale and massing of the proposal. However, for the reasons given above, I continue to find that the scheme conflicts with local and national planning policy.
16. My attention has been drawn to some shopfronts and other mansard roofs within the BTCCA. However, I have not been provided with the full details of these schemes or the circumstances that led to them being accepted. Accordingly, I cannot be certain their circumstances are directly comparable with those which apply in this case. I have, in any case, determined the appeal on its own planning merits.

Conclusion

17. Although the harm caused by the proposal would be less than substantial in Framework terms, it would nonetheless be significant, and any harm caused to a designated heritage asset is a matter that attracts considerable weight and importance. With that in mind, I find that the limited public benefits involved do not outweigh the harm that would be caused to the significance of the heritage asset.
18. As such, the proposal would unacceptably harm the streetscape and fail to preserve the character or appearance of the Burnley Town Centre Conservation Area. For the reasons given above, having taken account of the development plan as a whole, along with all other relevant material considerations, the appeal should therefore be dismissed.

Mark Caine

INSPECTOR