

**Application Recommended for REFUSAL
Rosehill With Burnley Wood**

HOU/2019/0607

Town and Country Planning Act 1990
Retrospective dormer to side elevation
144 Oxford Road, Burnley

Background:

The site is located within the defined development boundary as designated in Burnley's Local Plan.



The application site is located at the end of the terrace and forms a natural stone build with slate roof tiles. Surrounding properties (Oxford Rd, Russell Court and Tareleton Street) are of different house types which include vertical slate tile frontages, that represent large dormer loft roof designs.

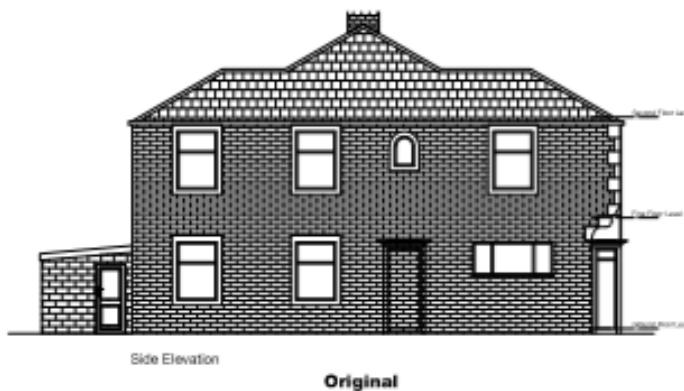
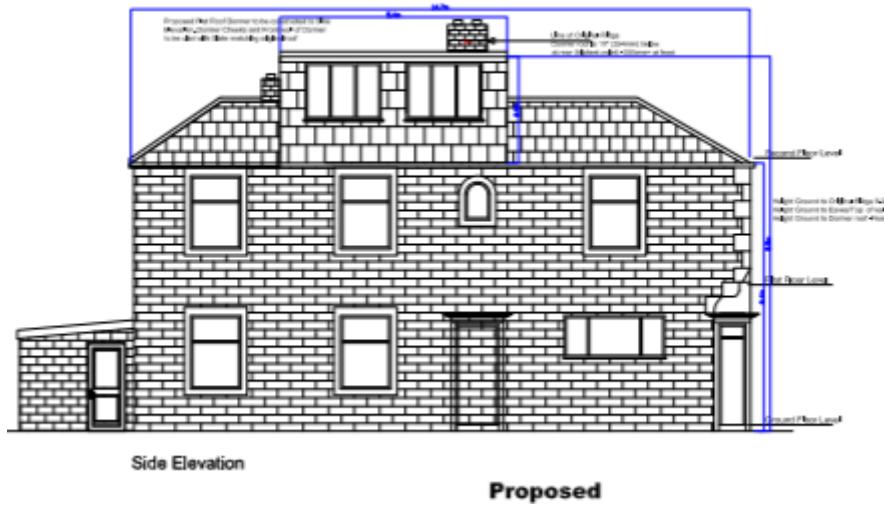
The previous agent representing the applicant was contacted by an Officer from the Planning Department in 2019 and advised the proposed scheme required planning permission.

This application states that in September 2019 works had begun in creating a dormer and the Planning Department advised planning consent was not required for a side dormer as it was classed as permitted development.

There has been no formal pre-app to suggest what advice was given. The proposed dormer is unauthorised at this stage.

Proposal

The application seeks retrospective consent for the side dormer extension which measures 5.4m in length and 2.5m in height. The converted roof space will provide a study area in order to improve accommodation on the ground floor.



Relevant Policies:

Burnley's Local Plan 2018

HS4 – Housing Development

HS5 – House Extensions and Alterations

HE1 – Identifying and Protecting Burnley's Historic Environment

HE2 – Designated Heritage Assets: Listed Buildings; Conservation Areas; and
Registered Parks and Gardens

SP5 – Development Quality and Sustainability

NPPF 2019

Site History:

No relevant history

Consultation Response:

An objection has been received in regard to the development being constructed without Planning Permission and Building Regulations Approval.

Planning and Environmental Considerations:

The site is located within the development boundary of the adopted Local Plan, as such policy SP4 states that development will be focused on Burnley and Padiham with development of an appropriate scale.

Main issues

- Impact on the character of the Conservation Area including design and appearance
- Impact on residential amenity

Design and Appearance

Paragraph 124 of the NPPF states the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Impact on the character of the Conservation Area and Design

With regards to the properties on Russel Court/Oxford Road, these properties sit outside the conservation area and their negative impact on the setting of Oxford Road does not justify further erosion of the quality of the streetscene. The application property forms part of a terrace of buildings and relates to the C19 townscape of the conservation area and the appropriateness of the design should be considered in this respect.

The application site lies within a conservation area and accordingly should be accompanied with a heritage assessment. The property also lies within the setting of St Stephen's Church, a grade II Listed Building and as such any changes that would be viewed within its context should be treated with an enhanced degree of sensitivity. The property is located within the Burnley Wood Conservation Area and accordingly special regard is to be paid to section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which confers upon the local planning authority a duty, amongst others, to "have special regard to the desirability of preserving or enhancing the character or appearance of a conservation area." Preservation in this context means protecting the character and appearance (significance) from harm as opposed to keeping it utterly unchanged and considerable weight should be given to any harm found to arise.

In assessing the impact of the proposal on the conservation area consideration must be given to the contribution that the site makes to the character and appearance (significance) of the conservation area. There is no published conservation area appraisal for Burnley Wood Conservation Area though the Burnley Wood Heritage Appraisal provides a sufficiently detailed character analysis that has been relied upon in the assessment of applications within the conservation area. Para 3.5.1 of the appraisal identifies the continuity of form and materials used in terrace blocks as contributing to the quality of the townscape. The notable qualities of the terraces are

their simple building forms sharing common roof lines, repetition of openings and universal use of the local sandstone and welsh slate.

This property forms an end terrace to Nos. 146-158 Oxford Road and No. 2 St Stephen's Street and is characterised by its projection beyond the frontage of the terrace, its corner entrance and hipped roof. It is noted that the terrace retains its original roof form and shape, albeit it with the loss of some chimney stacks and pots. In this context the form of the roof is a component part of the historic form of the terrace and one which adds to its positive contribution to the character and appearance of the conservation area.

The dormer appears to be relatively large when taking account of the proportions and the amount of original roof form it would replace. It would significantly disrupt the original roof form of the host building; compromise the integrity of the roofscape of the terrace as a whole; and would appear as a prominent and bulky addition to the roof which is considered an overbearing in scale and unbalanced in appearance. The dormer would have a reasonable degree of visibility from within the surrounding townscape (and certain parts of the conservation area) given the prominence of the host building within the terrace block and would draw the eye and appear as a prominently located and incongruous feature. It would not be sympathetic or subordinate to the roofscape of the terrace and would be highly visible within the surrounding townscape, particularly within views south towards the listed St Stephen's Church which it is read against.

The proposal would fail to preserve or enhance the character or appearance of the Conservation Area. It would have a negative effect on the original roof form of the terrace which is identified as a positive feature within the Conservation Area (Burnley Wood Heritage Appraisal), adding to its character and appearance. In relation to the level of harm, this is 'less than substantial harm' as set out in the NPPF and HE2. Considerable weight should be attached to this harm in determining the application. In accordance with NPPF para 196, Policy HE2(2) states that where proposals would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. There is nothing within the submission which would amount to a public benefit arising from the proposal.

Residential Amenity

Policy SP5 of the adopted Local Plan seeks to ensure that there is no unacceptable adverse impact on the amenity of neighbouring occupants or adjacent land users, including reasoning of overlooking. The scheme would not be detrimental to the amenity of neighbouring residents in terms of overlooking, loss of privacy or overshadowing and as such complies with policy HS4 part 3

Conclusion

For the reasons set out above it is considered that the applicant has not demonstrated public benefits to outweigh the less than substantial harm and as such has failed to provide a clear and convincing justification for the harm to the significance of the

conservation area. The proposal is therefore contrary to Local Plan Policies HE1 and HE2, the NPPF and the relevant statutory duty. The proposal would also conflict with Policy HS5 which requires proposals to be subordinate to and respect the architectural characteristics, scale and detailing of the host building and its setting.

Recommendation: REFUSAL

The proposed dormer is an unduly incongruous feature within the roofscape, which unbalances the overall appearance of the terrace of houses which it forms a part of, and the wider street scene. The proposal is therefore contrary to Local Plan Policies HE1 and HE2, the NPPF and the relevant statutory duty. The proposal would also conflict with Policy HS5 which requires proposals to be subordinate to and respect the architectural characteristics, scale and detailing of the host building and its setting.