



Housing & Development Control,
Burnley Council, Environmental Health, 1st Floor,
Parker Lane, Burnley,
Lancashire, BB11 2BY

Re: Full Planning Application: Installation of two roof lights, expansion of front window area for lower ground floor, removal of rendering and paint to expose original aspect.

Re: Certificate of Lawful Development (section 192 of the Town and Country Planning Act 1990): Change of use from Class C3 - Single dwelling, to Class C4 - Small 6-bedroom HMO for 6 occupants.

Property: 84 Westgate, Burnley, Lancashire BB11 1RY

21st September 2023

Planning Statement

Dear Sir/Madam,

Introduction

The proposal is for a change of use of the existing dwelling (C3) to a six-bedroom HMO for occupation for up to 6 people (Class C4) via a certificate of lawful development. The only external alterations proposed, and thus at issue for the full planning application, are the insertion of two rooflights in the rear roofslope, excavating a small area to the front of the property to allow more light into the basement windows, and removing the paint & render to the front and rear of the property to allow the original brickwork to be restored.

Internally, it is proposed to install a kitchenette in the roofspace, along with ensuite bathrooms in a number of bedrooms.



Planning History (selected) APP/2003/1120 Certified 7 January 2004 Use of premises for residential use

Application Site

The existing property is a three-bedroom terraced house. It lies within the Canalside Conservation Area and within the Weavers' Triangle. This is an area that represents the core section of the industrial canal length in Burnley. The area is one of the most important Victorian industrial districts. The area is characterised by a mixture of buildings, including Georgian and Victorian terraced housing. The surrounding area is also characterised by a mixture of uses.

Relevant Planning Policies

Under the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the Local Planning Authority is required to determine planning applications and other similar submissions in accordance with the Development Plan in force unless material considerations indicate otherwise.

- Burnley's Local Plan (Adopted July 2018):
- SP4: Development Strategy SP5:
- Development Quality and Sustainability HE2:
- Designated Heritage Assets IC1:
- Sustainable Travel IC3: Car Parking Standards
- Burnley Houses in Multiple Occupation and Small Flats SPD, adopted April 2022. (The focus of this SPD is proposals for Houses in Multiple Occupation and small flats (including studios and self-contained bedsits). Its particular focus is on conversions and changes of use such as this proposal).
- Burnley Council Standards for Houses in Multiple Occupation 2018 (Referred to in Burnley's HMO SPD, with a Statement to the effect that it is desirable for a License to be
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sought in tandem with an application for planning permission in the event of a Large ‘sui generis’ HMO, which this is no longer proposed to be).

- Technical Housing Standards – Nationally Described Space Standards 2015 (Burnley’s HMO SPD states that where these are not met, a proposal may be contrary to Local Plan Policy SP5).
- National Design Guide 2021 (Provisions incorporated into Burnley’s HMO SPD).
- National Model Design Code 2021 (Provisions incorporated into Burnley’s HMO SPD) NPPF 2021 Paragraph.60 (Whilst the NPPF features no specific guidance on the subject of HMOs although Paragraph.60 does require ‘that the needs of groups with specific housing requirements are addressed’).

Planning Appraisal

The main determining issues relating to the proposal are the principle of the converting the dwelling (C3) into a House of Multiple Occupation for 6 residents (Class C4) for the certificate of lawful development, and for the planning application the installation of roof lights and removal of paint and rendering and minor alterations to the front of the lower ground floor for safety reasons. Some of these could impact on the Canalside Conservation Area and have an impact on neighbouring residential amenities.

The principle of the development

The NPPF sets out that there is a presumption in favour of sustainable development. It recognises the role of the planning system in providing the required supply of housing to meet the needs of present and future generations and boost the supply of housing. This proposal is for the change of use of the building from an individual dwelling to a small, Class C4 HMO.

HMOs make a contribution to the private rented sector by catering for the housing needs of specific groups/households and by making a contribution to the overall provision of affordable or private rented stock. The application site is located in a sustainable location being well located in relation



to an adequate range of existing services and facilities in Burnley; and accessible by public transport, walking and cycling.

Policy SP1 of the Local Plan advises that Burnley Borough Council will take a positive approach when considering development proposal, that reflects the presumption in favour of sustainable development. It is not considered that the proposal would compromise the ability to achieve the Local Plan's strategic objective of sustainable development as set out in Policy SP1. Neither are there any direct conflicts with

the development strategy for the Borough as set out in Policy SP4 resultant from the proposal by virtue of its sustainable location.

Therefore, consideration will need to be given as to any policies within the NPPF relating to the impact of the proposal on the significance of the Conservation Area.

Impact on Conservation Area

The accompanying Heritage Statement has assessed the impact of the proposal in the significance of the Canalside Conservation Area. The proposed external alterations are relatively minor. They will allow the original brickwork to be restored to the front of the property, which is in-keeping with other properties in this terraced block. The proposed rear rooflights are reflected elsewhere in the character of the wider terrace block within which the site is situated and the proposed excavation work to the frontage is also mirrored in other properties, relatively minor and located at ground level, so will not adversely impact upon the significance of the heritage asset.

In light of this, the proposal accords with paragraph 197 of the NPPF and Policy HE2 of the Burnley Local Plan.



Impact on Amenity of Neighbouring Properties

Paragraph 130 of the NPPF emphasises that developments should ‘function well and add to the overall quality of the area’. This is reflected in strategic policies SP4 and SP5 of the Local Plan, which require developments to take account of the different roles and character of different areas as well as ensuring developments function well and relate appropriately to their context.

The property is located within a terraced group of dwellings. The host property is typical of houses in the area in terms of age and design. The proposed change of use from a 3 bedroom dwelling to a 6 bedroom HMO with capacity for up to six occupants could lead to a material change in the density of occupation of the building and could result in increased footfall, but no more than a busy single dwelling would expect.

Whilst this potentially would impact upon the character of the area, given the location of the building in an area that comprises a mixture of uses, and being in a highly sustainable location, it is not considered that the proposal will result in a significant loss of neighbouring amenity. A continued residential use will be sympathetic to the local character and history. The proposed rooflights will not result in a significant loss of privacy, and the other external alterations will not affect residential amenity. The proposal will not result in any additional overlooking to neighbouring properties, given the mixture of other uses located to the front and rear of the site. The proposal will not alter the street layout.

Parking Provision

As set out above, the site is located in a highly sustainable location, with good public transport links and a wide variety of shops and services nearby and numerous parking spaces to the rear. Given the sustainable location of the site, the potential intensification of the use of the building (from zero occupants at present to six) is unlikely to result in an increase in requirement for parking, and it is considered that the proposal will not result in an unacceptable impact on highway safety, and would therefore be in accordance with paragraph 111 of the NPPF.



Residential Internal Space Standards

Policy SP5 of the Local Plan seeks to ensure that developments provide a good level of amenity for future occupiers. This is reinforced by the HMO SPD. This includes living accommodation that is of an appropriate size, offers appropriate outlook and adequate natural daylight, protects privacy and ensures an appropriate juxtaposition of rooms to prevent general noise and disturbance issues. This also includes providing good quality outdoor amenity space and adequate waste storage. Room sizes and facilities The HMO SPD refers to a need for HMOs to accord with space standards for licensed HMOs which are defined within the Burnley Council Standards for Houses in Multiple Occupation 2018. It also refers to a need for HMOs to meet space standards identified within the Technical Housing Standards – Nationally Described Space Standards 2015, and states that noncompliance with either of these sets of standards can be considered contrary to SP5. The proposal meets the Nationally Described Space Standards 2015 in terms of floor area and ceiling height and therefore it is concluded that the proposal will not be harmful to the amenity of future occupiers. Conclusion In light of the above assessment, it is considered that the proposal accords with both national and local planning policy and will represent an appropriate development for this sustainable location.

Sincerely

Ramy E. A. Mottalib
Director, Hanok Holdings Ltd.



Appendix 1 – Front Aspect

Application site





Appendix 2 – Rear Aspect

Application Site

