



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

### **Heritage Statement**

**Dear Sir/Madam,**

#### **Introduction**

The proposal is for a change of use of the existing dwelling to a six-bedroom HMO for occupation for up to 6 people (Class C4). The only external alterations proposed 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 render to the front 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**

APP/2003/1120 Certified 7 January 2004 Use of premises for residential use

**FUL/2023/0425** Change of use to 6 bed 9 occupant HMO - rejected

## **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. Appendices 1 and 2 shown the application site in the context of the neighbouring dwellings and surrounding area.

## **Policy Considerations**

Annex 2 of the NPPF defines the setting of a heritage asset as: *'The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral'*.

## **The National Planning Policy Framework**

Section 16: Conserving and enhancing the historic environment sets out the principal national guidance on the importance, management and safeguarding of historic assets within the planning process.

The aim of Section 16 of the NPPF is to ensure that Local Planning Authorities, developers, and owners of heritage assets adopt a consistent and holistic approach to their conservation and to reduce complexity in planning policy relating to proposals that affect them. To summarise, government guidance provides a framework which: Recognises that heritage assets are an irreplaceable resource; Requires applicants to provide proportionate information on the



significance of heritage assets affected by the proposals and an impact assessment of the proposed development on that significance; Takes into account the desirability of sustaining and enhancing the significance of heritage assets and their setting; Places weight on the conservation of designated heritage assets, in line with their significance; and Requires developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and impact, and to make this evidence (and any archive generated) publicly accessible.

Paragraph 197 of the NPPF requires that Local Planning Authorities to take account of the desirability of new development, making a positive contribution to local character and distinctiveness.

Paragraph 206 states; *'Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.'*

At a local level, Policy HE2 of the Burnley Borough Plans relates to Designated Heritage Assets. It states that,

*'1) Proposals affecting designated heritage assets and/or their settings will be assessed having regard to the desirability of sustaining and enhancing the significance of the asset and, where appropriate, securing a viable use most consistent with its conservation. All levels of harm should be avoided. Less than Substantial Harm (i.e., Harm)*

*2) Where proposals would lead to less than substantial harm to the significance of a designated heritage asset, the harm will be weighed against the public benefit of the proposal, including securing its optimum viable use.*



3) *In order to avoid harm to significance, proposals for works of alterations and extensions to a listed building or within a conservation area or historic park and garden will be expected to:*

- a. Conserve, and where appropriate repair or reinstate, those elements that contribute to the significance of the heritage asset including its design, character, architectural features of interest, appearance, structure and principal components;*
- b. Use traditional, local materials and respect local building techniques and details;*
- c. Respect existing hard and soft landscape features including open space, trees, boundary treatments (railings and gates) and surfacing;*
- d. Respect layout and historic patterns of development including street patterns, characteristics of grain, 94 plot boundaries and frontage widths.*

4) *In order to avoid harm to significance, development affecting the setting of a designated heritage asset will be expected to:*

- a. Maintain the aspects of the setting which contribute to its significance, including views into and out of it and the general relationship between the asset and the character of the surrounding landscape or townscape; and*
- b. Respect the character of existing architecture by having due regard to positioning and grouping of buildings, roofscapes and skylines, form, scale, enclosure, architectural styles, detailing, and use traditional or complimentary materials. Substantial Harm or Loss*

5) *Consent will not be granted for proposals that lead to substantial harm to or the total loss of the significance of a designated heritage asset, unless robust evidence can demonstrate that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:*

- a. The nature of the heritage asset is preventing all reasonable uses of the site;*



- b. No viable use of the heritage asset that can be found in the medium term through appropriate marketing that will enable its conservation;*
- c. Conservation by grant funding or charitable or public ownership of the asset is demonstrably not possible; and*
- d. The harm or loss is outweighed by the benefits of bringing the site back into use.'*

A draft Conservation Area Appraisal has been prepared in 2004, although never adopted by the Council. This therefore carries limited weight in the decision-making process. It highlights the fact that some *'fine examples of Victorian townhouses can be seen further down Westgate'* (paragraph 7.1.18).

### **Impact of the Proposal on the Significance of the Conservation Area**

The only external alterations proposed are the insertion of two rooflights in the rear roofslope of the building, removing some paint on the frontage of the building and render to the rear, to reveal the original material and excavating a small area to the front of the property to allow for more natural light to pass through the windows and fire escape.

These alterations are not considered to have a harmful impact on the character of the Conservation Area. The proposed removal of paint/render to reveal the original brickwork will enhance the significance of the heritage asset. Neighbouring properties have this brickwork revealed (as can be seen in Appendix 1). The proposed excavation to the front of the property will have a neutral impact on the Conservation Area, as will the proposed rear rooflights. Neighbouring properties within the terrace of houses have rooflights of a similar scale and form, as can be seen in Appendix 2. The building will remain in residential use, albeit more intensive, which could result in an increase in on-street car parking. The site is located in a highly sustainable location, near to a wide variety of shops and services. It is unlikely in this sustainable location that there will be a parking issue as a result of the proposal. There would be opportunity for cycle storage in the rear garden.



Therefore, it is not considered that the impact on the character of the Conservation Area would differ greatly from the impact of a busy “traditional” household. In light of this, the proposal accords with Policy HE2 and it is considered that there will be no harm of the Conservation Area within which the site lies.

### **Conclusion**

It is considered that the proposal accords with both national and local policy in terms of assessing the impact that the proposal will have upon the significance of the Canalside Conservation Area, within which the site lies. The proposed alterations are relatively minor and not out of keeping with the terrace block within which the site lies. Furthermore, it is considered that the change of use proposed will not be harmful to the Conservation Area.

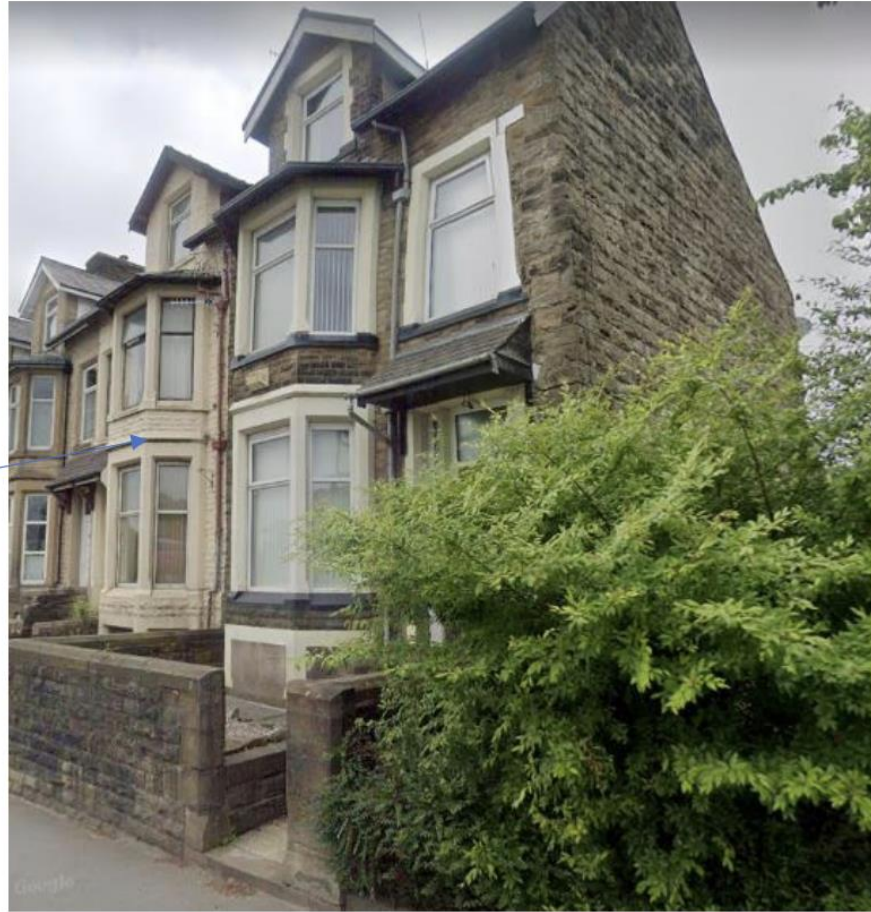
Sincerely

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



Appendix 1 – Front Aspect

Application site





Appendix 2 – Rear Aspect

Application Site

