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**PENZANCE JEWISH CEMETERY, LESKINNICK TERRACE, PENZANCE TR18 2DG**

**REPLACEMENT HEADSTONE**

**BOARD OF DEPUTIES**

# **DESIGN AND ACCESS STATEMENT HERITAGE IMPACT ASSESSMENT**

February 2024

## **INTRODUCTION**

This document has been produced by Jon Pender, Chartered Town Planner, for the Board of Deputies for their sole use in relation to the Penzance Jewish Cemetery, Leskinnick Terrace, Penzance TR18 2DG. No responsibility is accepted for liability arising to any third party from the unauthorised use of this material.

## **THE SITE AND ITS SURROUNDINGS**

- The application site is in a tightly built-up residential area in the eastern part of the town, reached by narrow pedestrian lanes running behind Victorian terraced houses.
- The Cemetery measures about 20 metres by 15 metres and is surrounded by a high stone wall entered by a pedestrian door at its eastern end. This enclosed space is almost entirely occupied by some 60 historic marked graves, many of their headstones carved with elaborate Hebraic inscriptions and dates.
- The Jewish Cemetery is a grade II listed building, comprising the boundary walls with the remains of a Bet Toharah (cleansing house) plus 14 of the headstones. It was first listed on 23 February 2004 and amended on 1 October 2010. The site is also within the Penzance Conservation Area [PCA], first designated in 1969 and extended to cover the current application site in 1979.
- The applicants own the Cemetery that is cared for on a day-to-day basis by the Friends of the Penzance Jewish Cemetery, assisted by Penzance Town Council.

## **RELEVANT PLANNING HISTORY**

- In October 2013 listed building consent was granted for repair and maintenance works to the boundary walls and entrance floor (ref. PA13/08236). These works were completed in 2015, after details of the materials and mortar were approved (ref. PA15/01450).

## **DESIGN AND ACCESS STATEMENT**

- The application seeks listed building consent to replace, on a like-for-like basis, a headstone in the south-east corner of the Cemetery.
- The headstone is not one of the monuments specifically mentioned in the list description, but nevertheless having regard to Section 1(5)(b) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), it is assumed to be treated as part of the listed Cemetery.
- This headstone is an unadorned rectangular Delabole slate slab measuring about 60cms high, 40 cms wide and 5 cms thick. The last measurement includes the original slate together with a backing slate and the cement infilling. The headstone reads:

JOSEPH BARNET  
DIED 7<sup>th</sup> APRIL

5616  
1856

- The headstone erected in 1856 together with a few others of similar date in this corner of the Cemetery were destroyed by enemy bombing in the Second World War, and they were replaced shortly afterwards by identical simple slate headstones that still remain.

- At some point before the end of the 20<sup>th</sup> century, the replacement headstone for Joseph Barnett broke and was mended by cementing the fragments onto a backing slate. However, this "sandwich" is starting to fail and is increasingly apparent to people who regularly visit the Cemetery.
- Rather than let the headstone eventually collapse, it is proposed to replace it with an identical one in size, material and lettering. The Friends have consulted a local monumental mason (Mr S. Dyer) who will source the slate and carry out the necessary work.
- Photographs of this headstone and ones adjoining it accompany the application.

## **HERITAGE IMPACT ASSESSMENT [HIA]**

### Designated heritage asset

- The application site is a designated heritage asset because it is a listed building and within the PCA.
- In these circumstances, paragraph 200 of the National Planning Policy Framework [NPPF] calls for an assessment of these heritage assets to a level of detail proportionate to their importance and no more than is sufficient to understand the potential impact of the proposal on their significance.

### Significance of the heritage asset

- The list description accompanies this application. It details the history of the Cemetery, dating from the 18<sup>th</sup> century, and its survival which it is considered to make it "*amongst the best preserved [Jewish cemetery] outside London*".
- The list description confirms that: "*During 1941 the walls and some headstones in the south west [sic] corner suffered some bomb damage and were later repaired.*" The list description also says that this is a "*small cemetery with 14 listed headstones, as well as a number of other headstones which are not considered to be of significance in a national context.*"
- The list description refers as a source publication "The Lost Jews of Cornwall" (2000) by Keith Pearce and Helen Fry. The former has also produced a booklet "The Penzance Jewish Cemetery – A Concise History and Guide" (2015), and extracts relating to the headstone which is the subject of this application accompany it.
- Turning to the PCA, Cornwall Council's "Penzance Conservation Area Appraisal" (March 2010) discusses Lescudjack and "The Battlefields" part (which includes the application site) under the heading "Appraisal of Special Interest" in Section 4.5.9. The only reference to the application site is on page 61 which states: "*One of the hidden and much neglected treasures in Penzance can be reached through a covered alley – the Jewish Burial Ground.*" Other parts of this Section describe Lescudjack and "The Battlefields" as a large area of predominantly 19<sup>th</sup> century terraced housing with an ambiance predominantly of a hard townscape with little greenery. It also mentions the complex arrangement of rear lanes and alleys sharing the characteristics of high granite walls, slate roofs on rear extensions, chimneys and outbuildings. Section 4.5.10 identifies the planning issues affecting this part of Penzance but none relate specifically to the Jewish Cemetery.
- This means that while the Jewish Cemetery as a whole has some significance from particularly a historical point of view, the individual headstone that is the subject of this application is significant in itself only as one of the pieces of physical evidence of a relatively recent event in its history.

### Effects of the proposal on the significance of the heritage asset

- The above conclusions mean that when assessing the application against the statutory test and the relevant policies deserving weight, it should be in the context that the headstone in question has a limited significance in relation only to the listed Cemetery of which it forms part.
- The proposal has no effect on the character and appearance of the PCA. The proposal will maintain the long-established character of the Cemetery and its appearance since the Second World War, though in any event the interior of the Cemetery cannot be seen by passers-by on the adjoining lightly-used footpaths because of the high boundary walls.
- The application headstone is only about 80 years old. Although it is made of Cornish slate, its simplicity is in stark contrast to the much more elaborate and ornamented original 19<sup>th</sup> century headstones, especially those specifically identified in the list description. Lastly, the present headstone is not only a replacement of the original Victorian one but has been badly damaged and its repair is already failing.
- The proposed "like-for-like" replacement headstone will have beneficial effects, not only because it will be an undamaged version of the 20<sup>th</sup> century replacement but also because it will preserve for the foreseeable future a visible marker of events in the Cemetery's past. For both reasons, the proposal is preferable to doing nothing so that the current headstone will (sooner or later) disappear.
- To sum up, the proposal will preserve and maintain the appearance of the Cemetery as when it was listed as well as its historic interest, in both cases for a significant period ahead.

### National policy appraisal

- The statutory test for listed building consent applications is in Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), requiring the decision-maker to have special regard "to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses." For the reasons given above, the current application accords with this legal duty.
- Paragraph 213 in Section 16 of the NPPF accepts that not all elements of a Conservation Area will contribute to their significance as a heritage asset.
- Paragraph 203 says: "In determining applications, local planning authorities should take account of: a) the desirability of sustaining and enhancing the significance of heritage assets". Paragraph 205 goes on to say: "When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation". The application complies with this guidance because it conserves and sustains the historic interest of the listed Jewish Cemetery.
- The application will therefore not lead to any harm to the significance of this designated heritage asset. But in any event, for the avoidance of doubt, having regard to paragraph 208 the proposal has public benefits because it will enhance the damaged form of the headstone in existence when the Cemetery was listed and will safeguard the evidence it provides of an event in the Cemetery's history.

- These conclusions are supported by PA13/08236, when consent was granted for repairs at the Cemetery which would safeguard important parts of its structures with more appropriate replacement works. The current application also proactively seeks consent for a "like-for-like" replacement of a damaged and decaying headstone in order to ensure the preservation of this feature of the listed Cemetery.

### **CONCLUSION**

Under the statutory duty in Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), with which the application accords because it will preserve a feature of historic interest that the Cemetery possesses, Cornwall Council is asked please to grant listed building consent for this minor work.