
Heritage Statement

3 Christchurch Gardens, Reading, RG2 7AH

REF: P19-2944

DATE: 29th November 2019

Introduction

1. The following Heritage Statement has been prepared by Pegasus Group, on behalf of Calvin Bell, in relation to the proposals for the replacement of the existing timber-framed windows at first floor level with uPVC windows in a like-for-like appearance.
2. The property to which this application relates is an unlisted building within the Christchurch Conservation Area.

Methodology

3. The following assessment has been informed by *Historic Environment Good Practice Advice in Planning Note 2: Managing Significance in Decision Taking in the Historic Environment*¹ (henceforth referred to as *GPA 2: Managing Significance*) and English Heritage's Conservation Principles.²
4. In order to relate to key policy, the following levels of harm may potentially be identified when assessing potential impacts of development on heritage assets, including harm resulting from a change in setting:
 - **Substantial harm or total loss.** It has been clarified in a High Court Judgement of 2013³ that this would be harm that would 'have such a serious impact on the significance of the asset that its significance was either vitiated altogether or very much reduced';
 - **Less than substantial harm.** Harm of a lesser level than that defined above; and
 - **No harm** (preservation). A High Court Judgement of 2014 is relevant to this⁴, in which it was held that with regard to preserving the setting of Listed building or preserving the character and appearance of a Conservation Area, preserving means doing no harm.

¹ Historic England, 2015, *Historic Environment Good Practice Advice in Planning Note 2: Managing Significance in Decision Taking in the Historic Environment*

² English Heritage, 2008, *Conservation Principles, Policies and Guidance for the Sustainable Management of the Historic Environment*

³ EWHC 2847, R DCLG and Nuon UK Ltd v. Bedford Borough Council

⁴ EWHC 1895, R (Forge Field Society, Barraud and Rees) v. Sevenoaks DC, West Kent Housing Association and Viscount De L'Isle.

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5. Preservation does not mean no change; it specifically means no harm. *GPA 2: Managing Significance* states that “*Change to heritage assets is inevitable but it is only harmful when significance is damaged*”. Thus, change is accepted in Historic England’s guidance as part of the evolution of the landscape and environment, it is whether such change is neutral, harmful or beneficial to the significance of an asset that matters.
6. With specific regard to the content of this assessment, Paragraph 189 of the National Planning Policy Framework 2019 states:

“...The level of detail should be proportionate to an assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance...” (our emphasis)

7. Full details of the methodology adopted are provided at **Appendix 1**.

Planning Policy Context

8. Whilst the building is not statutorily Listed, it is located within the Christchurch Conservation Area; therefore, the proposals have the potential to impact the character and appearance of the Conservation Area.
9. Legislation relating to the Historic Environment is primarily set out within the Planning (Listed Buildings and Conservation Areas) Act 1990 which provides statutory protection for Listed Buildings and Conservation Areas.
10. With regard to development within Conservation Area, Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states:

“in the exercise, with respect to any buildings or other land in a conservation area, of any powers under any provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area”

11. Notwithstanding the statutory presumption set out above, Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise.
12. A new Reading Borough Local Plan was adopted on 4th November 2019. Policy EN1 relates to the ‘Protection and Enhancement of the Historic Environment.’ It states:

“Historic features, areas of historic importance and other elements of the historic environment, including their settings will be protected and where possible enhanced. This will include:

- *Listed Buildings;*
- *Conservation Areas;*
- *Scheduled Monuments;*

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- *Historic parks and gardens; and*
- *Other features with local or national significance, such as sites and features of archaeological importance, and assets on the Local List.*

All proposals will be expected to protect and where possible enhance the significance of heritage assets and their settings, the historic character and local distinctiveness of the area in which they are located. Proposals should seek to avoid harm in the first instance. Any harm to or loss of a heritage asset should require clear and convincing justification, usually in the form of public benefits.

Applications which affect Listed Buildings will not have an adverse impact on those elements which contribute to their special architectural or historic interest including, where appropriate, their settings.

Applications which affect Historic Parks and Gardens will safeguard features which form an integral part of the special character or appearance of the park or garden. Development will not detract from the enjoyment, layout, design, character, appearance, features or setting of the park or garden, key views out from the park, or prejudice its future restoration.

Applications which affect, or have the potential to affect, the significant features of heritage assets should be justified by a Heritage Statement.

The Council will monitor buildings and other heritage assets at risk through neglect, decay or other threats, proactively seeking solutions for assets at risk including consideration of appropriate development schemes that will ensure the repair and maintenance of the asset, and, as a last resort, using its statutory powers.

Where there is evidence of deliberate neglect or of damage to a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision."

13. Details of the full policy context are provided at **Appendix 2**.

The Site

14. No. 3 Christchurch Gardens is a detached building with a central entrance surrounded by bay windows at ground floor. At first floor level are smaller windows above the ground floor fenestration, reinforcing the symmetrical arrangement of the front elevation. The materiality of the building is brick of various colours creating features of interest on the gables and around the fenestration.
15. The rear elevation is more utilitarian in nature with no decoration apart from the arches over the windows; however, it has a predominantly symmetrical appearance,

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disregarding a rear extension, which was further emphasised into the rooflight layout of the approved application to convert the attic space into a habitable dwelling.

16. The windows on the ground floor are of uPVC construction, which those on the first floor are timber.



Plate 1: Front elevation of the application site.

17. According to historic cartographic sources, the building was constructed between 1899 and 1912. Also constructed during this period were the neighbouring Nos. 5-19 and many other buildings in the immediate area, such as on Glebe Road. All these properties are overtly Edwardian in appearance and possess similar detailing created with the polychrome brickwork.

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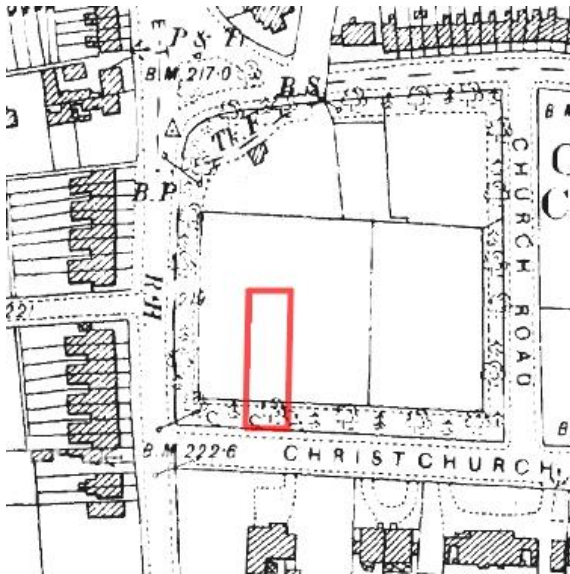


Plate 2: 1899 Ordnance Survey Map.

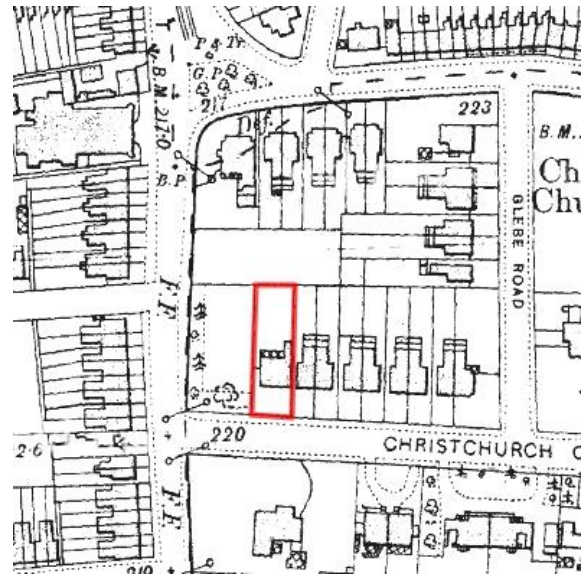


Plate 3: 1912 Ordnance Survey Map.

Relevant Planning History

18. **171460/HOU** | Planning Permission for the conversion of the loft conversion along with the installation of four rear roof lights | Approved | 25th October 2017.
19. **161869/FUL** | Planning Permission for the conversion of existing loft space associated with Flat C to provide 1x2 bed and 1x3 bed duplex flats | Withdrawn | 5th December 2016.

Heritage Assets

20. The Christchurch Conservation Area was designated on 13th November 1987. A Conservation Area Appraisal was adopted by Reading Borough Council in September 2010 and summarises the special interest of the Conservation Area as follows:

"The Christchurch Conservation Area comprises a tightly drawn, essentially Victorian/Edwardian suburb of Reading, loosely centered on Christchurch itself, a Grade II listed building. [...] The designated area therefore contains a wide variety of house types and architectural styles from the Victorian and Edwardian periods, the majority of which retain their original character."*

21. The Conservation Area is divided into a number of different 'character areas', with the character area containing the application site, which forms the southwest portion of the Conservation Area (Plate 3), being described as having semi-detached and detached properties that are "different in their detailing, with extensive use made of decorative mouldings and patterned brickwork. The main colour here is grey, with cream and red brick detailing. Other interesting features include: large bay widows;

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red ridge tiles and finials to front gables; and some stained glass. These properties also have distinctive red clay roofs."

22. With regards to Christchurch Gardens, the Appraisal states:

"3 and 5-19 Christchurch Gardens and 10-14 Glebe Road comprise a group of little altered three storey semi-detached houses (3 is detached) with fine patterned brickwork. The roofs are slate with red ridge tiles and finials on the front gables. The front chimneys have the same brick work pattern in grey and red as 4-14 Christchurch Road. Front boundary walls reasonably well maintained but quite a lot of frontage parking. Day nursery and some HMOs evident" (Plate 4 and Plate 5).

23. The Appraisal also highlights negative features within the area, including "some (limited) use of non-traditional materials: e.g. upvc windows."
24. By virtue of its materiality, appearance, use and relationship with the neighbouring buildings, No. 3 is, on the whole, considered to make a positive contribution to the Conservation Area.

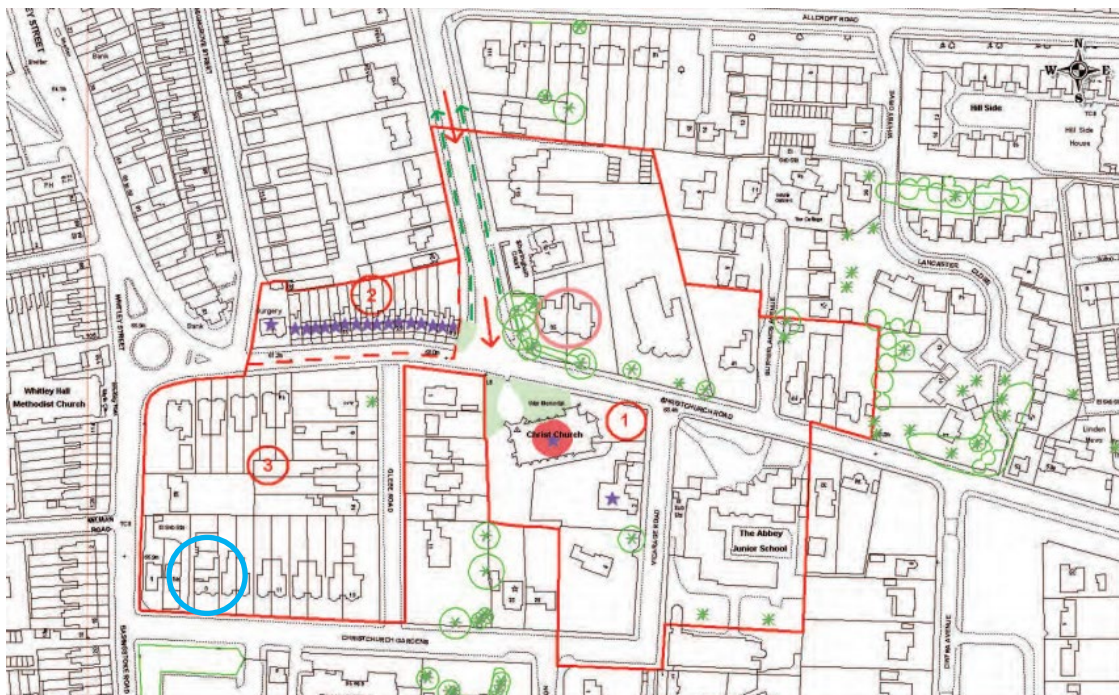


Plate 4: Appraisal Map with Application Site in blue.

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Plate 5: Nos. 13-19 Christchurch Gardens (Source: Google).



Plate 6: Properties on Glebe Road (Source: Google).

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Assessment of Impact

25. The proposals seek the replacement of the windows at first floor level with uPVC windows with a timber-sash effect. Whilst the Conservation Area Appraisal states that the use of non-traditional materials is a negative element within the Conservation Area, it is clear that many of the buildings within the Conservation Area, and the more immediate surrounds of the site such as Nos. 7, 9, 11, Christchurch Gardens, have been altered to include uPVC windows. As such, the presence of uPVC windows within non-Listed Buildings throughout the Conservation Area is common place and now forms part of the identity of the area.
26. It should also be noted that given there are no Article 4 Directions restricting the replacement of the windows in this area, if the building remained a single dwelling, the replacement of the windows could be undertaken under permitted development.
27. The replacement windows will be designed to match the existing glazing bar pattern, so that the appearance of the building will not change dramatically.
28. Furthermore, the ground floor of the building on the application site has previously installed uPVC windows creating inconsistency on the elevations. The use of uPVC on the first floor will create more consistency in the materiality of the building and allow for the building to be better read as a whole, rather than as having been divided into flats.
29. Moreover, the incorporation of the windows will provide adequate insulation and allow for the continued use of the building as residential.
30. The ability to understand and appreciate the features of the building which contribute to the significance of the Conservation Area, including its polychrome brickwork, detailing and overall overtly Edwardian appearance with front-facing gables and bay windows, will continue to be read despite the change in materiality of the first floor windows. The replacement of timber with uPVC will have a slight negative impact in that it comprises the incorporation of a non-traditional material, but it will create more cohesion on the building's frontage as well as with the neighbouring Edwardian buildings along Christchurch Gardens, which have set a precedent for uPVC along the street. It will also allow for improved living conditions, supporting its original use as a residential property.
31. Therefore, considering the scale of the proposals in relation to the size of the Conservation Area *as a whole* and the features and elements that are considered to contribute to its significance, the proposals are considered to result in '*no harm*' to its character or appearance.

Summary Conclusions

32. With reference to the levels of harm in the NPPF, the proposals to replace the existing first floor timber-framed windows with uPVC windows in a like-for-like appearance, will result in '*no harm*' to the significance of the Christchurch Conservation Area *as a whole*. The ability to understand the earlier glazing bar pattern will be retained in the proposals whilst also creating more consistency on the principal elevation.

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33. Thus, the proposals will satisfy Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to preserve the character and appearance of the Christchurch Conservation Area. The proposals will also satisfy relevant local policies.

Appendix 1 – Methodology

Assessment of significance

In the NPPF, heritage significance is defined as:

"The value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting. For World Heritage Sites, the cultural value described within each site's Statement of Outstanding Universal Value forms part of its significance"

Historic England's Historic Environment Good Practice advice in Planning Note 2: Managing Significance in Decision Taking in the Historic Environment (henceforth referred to as 'GPA 2: Managing Significance') gives advice on the assessment of significance as part of the application process. It advises understanding the nature, extent, and level of significance of a heritage asset.

Historic England have also prepared advice in respect of the preparation of Statements of Heritage Significance within their Historic Environment Good Practice advice in *Planning Note 12: Statements of Heritage Significance: Analysing Significance in Heritage Assets* (henceforth referred to as 'GPA 12: Statements of Heritage Significance'), which advocates considering the three types of heritage interest as set out in Paragraph 006 of the national Planning Practice Guidance (PPG): archaeological interest; architectural and artistic interest; and historic interest as defined below. These consolidate the four types of heritage value and asset may hold as identified in Historic England's Conservation Principles ; being evidential, historical, aesthetic and communal.

- **Archaeological Interest:** *"as defined in the Glossary to the National Planning Policy Framework, there will be archaeological interest in a heritage asset if it holds, or potentially holds, evidence of past human activity worthy of expert investigation at some point"*
 - **Architectural and Artistic Interest:** *"these are interests in the design and general aesthetics of a place. They can arise from conscious design or fortuitously from the way the heritage asset has evolved. More specifically, architectural interest is an interest in the art or science of the design, construction, craftsmanship and decoration of buildings and structures of all types. Artistic interest is an interest in other human creative skill, like sculpture"*
 - **Historic Interest:** *"An interest in past lives and events (including pre-historic). Heritage assets can illustrate or be associated with them. Heritage assets with historic interest not only provide a material record of our nation's history, but can also provide meaning for communities derived from their collective experience of a place and can symbolise wider values such as faith and cultural identity"*
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Significance results from a combination of any, some or all of the interests described above. Listed Buildings and Conservation Areas are generally designated for their special architectural and historic interest. Scheduling is predominantly, although not exclusively, associated with archaeological interest.

Setting and significance

As defined in the NPPF:

*"Significance derives not only from a heritage asset's physical presence, but also from its setting."*⁵

Setting is defined 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."*⁶

Therefore, setting can contribute to, affect an appreciation of significance or be neutral with regards to heritage values.

Assessing change through alteration to setting

How setting might contribute to these values has been assessed within this report with reference to *Historic Environment Good Practice Advice in Planning Note 3 (Second Edition): The Setting of Heritage Assets*⁷ (henceforth referred to as *GPA 3: The Setting of Heritage Assets*), particularly the checklist given on page 11. This advocates the clear articulation of 'what matters and why'.

In *GPA 3: The Setting of Heritage Assets*, a stepped approach is recommended, of which Step 1 is to identify which heritage assets and their settings are affected. Step 2 is to assess "whether, how and to what degree settings make a contribution to the significance of the heritage asset(s) or allow significance to be appreciate". The guidance includes a (non-exhaustive) check-list of elements of the physical surroundings of an asset that might be considered when undertaking the assessment including, among other things: topography, other heritage assets, green space, functional relationships and degree of change over time. It also lists points associated with the experience of the asset which might be considered, including: views, intentional intervisibility, tranquillity, sense of enclosure, land use, accessibility and rarity.

Step 3 is to assess the effect of the proposed development on the significance of the asset(s). Step 4 is to explore ways to "maximise enhancement and avoid or minimise harm". Step 5 is to "make and document the decision and monitor outcomes".

Descriptions of significance will naturally anticipate the ways in which impacts will be considered. Hence descriptions of the significance of Conservation Areas will make reference to their special interest and character and appearance, and the significance of Listed

⁵ NPPF Annex 2, MHCLG, 2019

⁶ Ibid

⁷ Historic England, 2017, *Historic Environment Good Practice Advice in Planning Note 3 (Second Edition): The Setting of Heritage Assets*

Buildings will be discussed with reference to the building, its setting and any features of special architectural or historic interest which it possesses.

Levels of significance

In accordance with the levels of significance articulated in the NPPF, three levels of significance are identified:

Designated heritage assets of the highest significance, as identified in paragraph 194 of the NPPF comprising Grade I and II* Listed buildings, Grade I and II* Registered Parks and Gardens, Scheduled Monuments, Protected Wreck Sites, World Heritage Sites and Registered Battlefields (and also including some Conservation Areas) and non-designated heritage assets of archaeological interest which are demonstrably of equivalent significance to Scheduled Monuments, as identified in footnote 63 of the NPPF;

Designated heritage assets of less than the highest significance, as identified in paragraph 194 of the NPPF, comprising Grade II Listed buildings and Grade II Registered Parks and Gardens (and also some Conservation Areas); and

Non-designated heritage assets. Non-designated heritage assets are defined within the Government's Planning Practice Guidance as "buildings, monuments, sites, places, areas or landscapes identified by plan-making bodies as having a degree of significance meriting consideration in planning decisions but which do not meet the criteria for designated heritage assets⁸".

Additionally, it is of course possible that sites, buildings or areas have **no heritage significance**.

Assessment of harm

Assessment of any harm will be articulated in terms of the policy and law that the proposed development will be assessed against, such as whether a proposed development preserves or enhances the character or appearance of a Conservation Area, and articulating the scale of any harm in order to inform a balanced judgement/weighting exercise as required by the NPPF.

In order to relate to key policy, the following levels of harm may potentially be identified:

Substantial harm or total loss. It has been clarified in a High Court Judgement of 2013⁹ that this would be harm that would "have such a serious impact on the significance of the asset that its significance was either vitiated altogether or very much reduced"; and

Less than substantial harm. Harm of a lesser level than that defined above.

⁸ MHCLG, Planning Practice Guidance, Paragraph: 039 (ID: 18a-039-20190723, Revision date: 23.07.2019)

⁹ EWHC 2847, R DCLG and Nuon UK Ltd v. Bedford Borough Council

It is also possible that development proposals will cause **no harm or preserve** the significance of heritage assets. A High Court Judgement of 2014 is relevant to this¹⁰. This concluded that with regard to preserving the setting of a Listed building or preserving the character and appearance of a Conservation Area, 'preserving' means doing 'no harm'.

Preservation does not mean no change; it specifically means no harm. *GPA 2: Managing Significance* states that "*Change to heritage assets is inevitable but it is only harmful when significance is damaged*". Thus, change is accepted in Historic England's guidance as part of the evolution of the landscape and environment. It is whether such change is neutral, harmful or beneficial to the significance of an asset that matters.

As part of this, setting may be a key consideration. For an evaluation of any harm to significance through changes to setting, this assessment follows the methodology given in *GPA 3: The Setting of Heritage Assets*, described above. Again, fundamental to the methodology set out in this document is stating '*what matters and why*'. Of particular relevance is the checklist given on page 13 of *GPA 3: The Setting of Heritage Assets*.

It should be noted that this key document states that:

*"setting is not itself a heritage asset, nor a heritage designation"*¹¹

Hence any impacts are described in terms of how they affect the significance of a heritage asset, and heritage values that contribute to this significance, through changes to setting.

With regards to changes in setting, *GPA 3: The Setting of Heritage Assets* states that "*conserving or enhancing heritage assets by taking their settings into account need not prevent change*".

Additionally, it is also important to note that, as clarified in the Court of Appeal¹², whilst the statutory duty requires that special regard should be paid to the desirability of not harming the setting of a Listed Building, that cannot mean that any harm, however minor, would necessarily require planning permission to be refused.

Benefits

Proposed development may also result in benefits to heritage assets, and these are articulated in terms of how they enhance the heritage values and hence significance of the assets concerned.

¹⁰ EWHC 1895, R (Forge Field Society, Barraud and Rees) v. Sevenoaks DC, West Kent Housing Association and Viscount De L'Isle

¹¹ Historic England, 2017, *Historic Environment Good Practice Advice in Planning Note 3 (Second Edition): The Setting of Heritage Assets* (paragraph 9)

¹² Palmer v Herefordshire Council & Anor [2016] EWCA Civ 1061 (04 November 2016)

Appendix 2 – Planning Policy

Notwithstanding the statutory presumption set out within the Planning (Listed Buildings and Conservations Area) Act 1990, Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise.

The National Planning Policy Framework (February 2019)

National policy and guidance is set out in the Government's National Planning Policy Framework (NPPF) published in February 2019. This replaced and updated the previous National Planning Policy Framework 2018, which in turn had replaced the previous 2012 version. The NPPF needs to be read as a whole and is intended to promote the concept of delivering sustainable development.

The NPPF sets out the Government's economic, environmental and social planning policies for England. Taken together, these policies articulate the Government's vision of sustainable development, which should be interpreted and applied locally to meet local aspirations. The NPPF continues to recognise that the planning system is plan-led and that therefore Local Plans, incorporating Neighbourhood Plans, where relevant, are the starting point for the determination of any planning application, including those which relate to the historic environment.

The overarching policy change applicable to the proposed development is the presumption in favour of sustainable development. This presumption in favour of sustainable development (the 'presumption') sets out the tone of the Government's overall stance and operates with and through the other policies of the NPPF. Its purpose is to send a strong signal to all those involved in the planning process about the need to plan positively for appropriate new development; so that both plan making and development management are proactive and driven by a search for opportunities to deliver sustainable development, rather than barriers. Conserving historic assets in a manner appropriate to their significance forms part of this drive towards sustainable development.

The purpose of the planning system is to contribute to the achievement of sustainable development and the NPPF sets out three "objectives" to facilitate sustainable development: an economic objective, a social objective, and an environmental objective. The presumption is key to delivering these objectives, by creating a positive pro-development framework which is underpinned by the wider economic, environmental and social provisions of the NPPF. The presumption is set out in full at paragraph 11 of the NPPF and reads as follows:

"Plans and decisions should apply a presumption in favour of sustainable development.

For plan-making this means that:

- a) plans should positively seek opportunities to meet the development needs of their area, and be sufficiently flexible to adapt to rapid change;*
 - b) strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless:*
-

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area; or*
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

For decision-taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or*
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."*

However, it is important to note that footnote 6 of the NPPF applies in relation to the final bullet of paragraph 11. This provides a context for paragraph 11 and reads as follows:

"The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 176) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, and Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 63); and areas at risk of flooding or coastal change." (our emphasis)

The NPPF continues to recognise that the planning system is plan-led and that therefore, Local Plans, incorporating Neighbourhood Plans, where relevant, are the starting point for the determination of any planning application.

Heritage Assets are defined in Annex 2 of the NPPF as:

"A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. It includes designated heritage assets and assets identified by the local planning authority (including Local Listing)."

The NPPF goes on to define a Designated Heritage Asset as a:

"World Heritage Site, Scheduled Monument, Listed Building, Protected Wreck Site, Registered Park and Garden, Registered Battlefield or Conservation Area designated under relevant legislation."¹³

As set out above, significance is also defined as:

"The value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting. For World Heritage Sites, the cultural value described within each site's Statement of Outstanding Universal Value forms part of its significance."¹⁴

Section 16 of the NPPF relates to 'Conserving and enhancing the historic environment' and states at paragraph 190 that:

"Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal."

Paragraph 192 goes on to state that:

"In determining planning applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- c) the desirability of new development making a positive contribution to local character and distinctiveness"*

With regard to the impact of proposals on the significance of a heritage asset, paragraphs 193 and 194 are relevant and read as follows:

"193 – 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 (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance."

¹³ NPPF Annex 2, MHCLG, 2019

¹⁴ IBID

"194 – Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

- a) grade II listed buildings, or grade II registered parks or gardens should be exceptional;*
- b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional."*

In the context of the above, it should be noted that paragraph 195 reads as follows:

"Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated 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 prevents all reasonable uses of the site; and*
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*
- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and*
- d) the harm or loss is outweighed by the benefit of bringing the site back into use"*

Paragraph 196 goes on to state:

"Where a development proposal will 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 including, where appropriate, securing its optimum viable use"

The NPPF also provides specific guidance in relation to development within Conservation Areas, stating at paragraph 200 that:

"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."

Paragraph 201 goes on to recognise that *"not all elements of a World Heritage Site or Conservation Area will necessarily contribute to its significance"* and with regard to the potential harm from a proposed development states:

"Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated as substantial harm under paragraph 195 or less than substantial harm under paragraph 196, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole" (our emphasis)

With regards to non-designated heritage assets, paragraph 197 of NPPF states that:

"The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset."

Non-designated heritage assets of archaeological interest which are demonstrably of equivalent significance to a Scheduled Monument will be subject to the policies for designated heritage assets.

National Planning Guidance

The then Department for Communities and Local Government (now the Ministry for Housing, Communities and Local Government (MHCLG)) launched the planning practice web-based resource in March 2014, accompanied by a ministerial statement which confirmed that a number of previous planning practice guidance documents were cancelled.

This also introduced the national Planning Practice Guidance (PPG) which comprised a full and consolidated review of planning practice guidance documents to be read alongside the NPPF.

The PPG has a discrete section on the subject of the 'Historic Environment' which confirms that the consideration of 'significance' in decision taking is important and states:

"Heritage assets may be affected by direct physical change or by change in their setting. Being able to properly assess the nature, extent and importance of the significance of a heritage asset, and the contribution of its setting, is very important to understanding the potential impact and acceptability of development proposals¹⁵"

In terms of assessment of substantial harm, the PPG confirms that whether a proposal causes substantial harm will be a judgement for the individual decision taker having regard to the individual circumstances and the policy set out within the NPPF. It goes on to state:

"In general terms, substantial harm is a high test, so it may not arise in many cases. For example, in determining whether works to a listed building constitute substantial harm, an important consideration would be whether the adverse impact seriously affects a key element of its special architectural or historic interest. It is the degree of harm to the asset's significance rather than the scale of

¹⁵ MHCLG, Planning Practice Guidance, paragraph 007 (ID: 18a-007/20190723 revision date 23.07.2019)

the development that is to be assessed. The harm may arise from works to the asset or from development within its setting¹⁶.

While the impact of total destruction is obvious, partial destruction is likely to have a considerable impact but, depending on the circumstances, it may still be less than substantial harm or conceivably not harmful at all, for example, when removing later inappropriate additions to historic buildings which harm their significance. Similarly, works that are moderate or minor in scale are likely to cause less than substantial harm or no harm at all. However, even minor works have the potential to cause substantial harm."

Following the revision of the Planning Practice Guidance and recent appeal decisions, an indication of where on the scale of 'less than substantial harm' the proposals would fall should be identified. The PPG states:

"Within each category of harm (which category applies should be explicitly identified), the extent of the harm may vary and should be clearly articulated."¹⁷

¹⁶ MHCLG, Planning Practice Guidance, paragraph 018 (ID: 18a-018-20190723 revision date 23.07.2019)

¹⁷ MHCLG, Planning Practice Guidance, paragraph 018 (ID: 18a-018-20190723 revision date 23.07.2019)
