

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

HERITAGE STATEMENT ON BEHALF OF Mr SAM WILSON

FOR

**Part removal of existing condemned dwelling. Two storey side extension.
Continuation of existing pitched roof, finishing with catslide end. Two new
porches to front. Formation of new driveway to front garden**

AT

**2 WEST HAYE COTTAGES ST. PETERS ROAD HAYLING ISLAND
HAMPSHIRE PO11 0RT**

**LPA ref – APP/24/00316
ACHIEVE ref – SRL.029.24**

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1.0 **Background, context and site characteristics**

1.1 I am Steve Lawrence MRTPI, Director of ACHIEVE. I have over 38 years' experience as a chartered town planner, including 27 in local government and have dealt with many applications concerning Listed Buildings during my career, so am aware of the advice set out in the NPPF (December 2023), Historic England advice in the form of Good Practice Advice Notes (GPA's: GPA2 – Managing Significance in Decision Taking in the Historic Environment) and ID18a of the NPPG (Updated 23 July 2019) in relation to such matters and their assessment. I am instructed by the applicant Mr Sam Wilson to prepare a proportionate heritage statement to support amended plans/drawings in relation to planning application APP/24/00316.

1.2 I am familiar with the recent comments and correspondence between the applicant and Council Officers, namely –

- Email from Ikrame Essalih dated 28.5.2024, timed at 5.57 pm;
- Email from Ikrame Essalih dated 29.5.2024, timed at 3.12 pm;
- Heritage Team Response 13.6.2024

- Email from Ikrame Essalih dated 19.6.2024, timed at 3.45 pm;
- Email from Ikrame Essalih dated 10.7.2024, timed at 3.18 pm.

- 1.3 The Council's Heritage Team research of historic mapping has concluded that from the mid C19 shows the footprint of 1 and 2 West Haye Cottages as they currently exist on 1866 mapping and that they represent undesignated heritage assets, within the statutorily designated St Peters Conservation Area. The Heritage Team has noted the following features of the Cottages as significant/distinctive –
- Clay tiles;
 - Brick chimneys;
 - Flemish bond brickwork with blue headers; and,
 - Sections of flint stone work.
- 1.4 There is no specific mention of West Haye Cottages in the Council's published (but undated) appraisal of the St Peters Conservation Area.
- 1.5 There are two photographs in the Northney & Tye Village Design Statement. One shows the ornate brickwork porch to 1 West Haye Cottages on page 36 (not an original feature but added under council planning permission reference 01/62884/000), the other shows 1 and 2 West Haye Cottages on page 37.
- 1.6 Looking at mapping in 1969, the Ordnance Survey mapping records the property as 'West Haye House' and suggests the surrounding plot was an orchard. Orchards in this part of Hayling Island are said to have been a typical land use. 'The Brents', situated to the north of 2 West Haye Cottages, does not feature on the 1969 mapping and is thought to have been built out under Council planning permission reference 21628/23, issued on 23 July 1974.
- 1.7 As referred to above, 1 West Haye Cottages was extended by adding a porch and two-storey rear extension under reference 01/62884/000, granted 21 May 2001. It is clear therefore that the Council has sanctioned works to West Hay Cottages in the past, within the St Peters Conservation Area.
- 1.8 No.2 West Haye Cottages is the other half of this semidetached pair of dwellings. It is not a Listed Building. It is in a very dilapidated condition and in recent times the council served a Closing Order on the property as it considered it unfit for human habitation. Sadly, a person who had resided there but moved away for a short period, moved back in and died there. The applicant's aspiration therefore – with the verbal support of adjoining neighbours – has been to renovate the property and make it thermally energy efficient and fit for human habitation once more. It is important to note that 1 and 2 West Haye Cottages have never been a symmetrical pair of dwellings, with the single storey northern projection of 2 West Haye Cottages being the most obvious difference. Nonetheless,

the features set out in paragraph 1.3 above are present in both Cottages. There are a number of unsightly structures in the curtilage of 2 West Haye Cottages. A dated glasshouse, metal container ‘shed’ and two concrete coal bunkers stand forward of the front build line and detract from the setting of the dwelling. These structures are all to be removed from the site.

1.9 The property is set back from St Peters Road off a driveway in the ownership of ‘The Brents’, which in turn is off another driveway in the applicant’s ownership leading to St Peters Road and also servicing agricultural land to the west. The applicant’s driveway is itself a public footpath (Hampshire County Council 108/116/2), which returns along the site’s currently open western boundary. Apart from this view, views from St Peters Road itself looking west are only really possible in a north-westly direction just outside the North Hayling Recreational Hall, with such views curtailed by the time one comes to the driveway of ‘Abbeyfields’, by tree canopies and high streetside boundary hedging of ‘Waldron’. It is possible to see the upper roof of 2 West Haye Cottages over the top of this hedging, but it is not possible to see the northern single storey projection of that dwelling.

2.0 **Relevant policy, the significance of the heritage asset and impact of the proposed works**

2.1 The relevant adopted development plan policies cited in the Council’s comments are CS11, CS16 and DM20. The wording of those policies, in terms of the impact of the proposed works is discussed below.

2.2 2 West Haye Cottages is an undesignated heritage asset and only afforded the requisite level of significance as such. Apart from the features mentioned in paragraph 1.3, the dwelling has no special architectural merit. Having looked inside on 14 July 2024, there are no exceptional features to rooms and even fireplace surrounds are very ordinary in character. The existing internal dilapidation was very evident and it is not surprising that the Council served a Closing Order on the property. No doubt the Council’s Officers will have noted this condition when making their site visit.

2.3 A description of the term ‘*significance*’ is given in the NPPF’s glossary on p.75, namely –

“Significance (for heritage policy): 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.”

2.4 The basis for assessing impact to significance.

- 2.4.1 **Planning (Listed Buildings and Conservation Areas) Act 1990:** This ‘Act’ (as amended) outlines the provisions for designation, control of works relating to Listed Buildings and Conservation Areas. Of relevance to the proposed development are the following:
- Section 66(1) states that special regard shall be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses in considering whether to grant planning permission that affects a listed building or its setting;
 - Section 72(1) states that in considering planning application for sites within a Conservation Area special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
- 2.4.2 With regards to the requirements set out at S.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the special attention to be paid to the desirability of preserving with regards to the requirements set out at S.72, the special attention to be paid to the desirability of preserving or enhancing a conservation area has been confirmed through case-law as requiring “considerable importance and weight”, although it has been further clarified that ‘considerable importance and weight’ is not synonymous with ‘overriding importance and weight’. In addition, the term “preserve” has been consistently recognised through the Courts as “causing no harm”, whilst “enhancing” is self-explanatory.
- 2.4.3 The Court of Appeal Judgment of *Williams v Powys County Council* ([2017] EWCA Civ 427), in considering concerns about impacts on setting of heritage assets arising from consultation responses, states that sometimes a consultee or an objector may have raised concern about the effect the development will have on the setting of a listed building (my underling) but the decision-maker (or Appellant in this case) can properly take the view that there will be no such effect, or at least no harm. The Council has confirmed 2 West Haye Cottages is not a Listed Building, but merely an undesignated heritage asset.
- 2.4.4 In addition, the High Court Judgment of *Safe Rottingdean Ltd and Brighton and Hove City Council* [2019] EWHC 2632 (Admin) Sir Duncan Ousley stated that:
- “I do not think that giving considerable weight to the desirability of achieving the statutory duty requires separate views to be reached on each part, and then the beneficial parts to be put to one side where there*

is some harm, however relatively unimportant. It would be an irrational thought process, not sanctioned by statutory wording, to require significant weight to be given to the benefit, and significant weight to the harm, without the two being brought into a single balance under the statute, and then requiring only significant weight to be given to the harm... That is not to say that the harm becomes irrelevant; it is simply that the statutory duty can be complied with, in line with the jurisprudence, even if there is some harm to a setting, if it is not as significant as the benefit to the building and its setting, as was obviously the case here. Quite the reverse; considerable weight has to be given to the overall benefits”.

2.4.5 Overall, the Council state that the proposed development (based upon the originally submitted APP/24/00316 plans) would result in ‘less than substantial harm’ to No. 2 West Haye Cottages.

2.4.6 Paragraph 002 of ID18a sets out –

“002 - In the case of buildings, generally the risks of neglect and decay of heritage assets are best addressed through ensuring that they remain in active use that is consistent with their conservation. Ensuring such heritage assets remain used and valued is likely to require sympathetic changes to be made from time to time.... in a manner that is consistent with their significance and thereby achieving sustainable development.

Part of the public value of heritage assets is the contribution that they can make to understanding and interpreting our past. So where the complete or partial loss of a heritage asset is justified (noting that the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted), the aim then is to:

- capture and record the evidence of the asset’s significance which is to be lost*
- interpret its contribution to the understanding of our past; and*
- make that publicly available (NPPF paragraph 199)”*

A common sense decision to make the property once again fit for habitation has been taken. The applicant sought to enhance the accommodation by adding a further storey over the footprint of the single storey northward projection. To make the most of the existing floorspace and given that coal fires are not considered beneficial in terms of climate change, a decision was taken to remove the fireplaces and related chimney breasts.

2.4.7 Paragraph 03 of ID18a sets out –

“In line with the National Planning Policy Framework paragraph 185 (now actually paragraph 196), plans should set out a positive strategy for the conservation and enjoyment of the historic environment. In developing their strategy, plan-making bodies should identify specific opportunities within their area for the conservation and enhancement of heritage assets, including their setting. This could include, where appropriate, the delivery of development that will make a positive contribution to, or better reveal the significance of, the heritage asset, or reflect and enhance local character and distinctiveness with particular regard given to the prevailing styles of design and use of materials in a local area.” (my underlining).

2.4.8 The Appellant has taken the lead in restoring the integrity of this undesignated heritage asset.

2.4.9 In this context, paragraph 205 of the NPPF states that 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 Appellant considers no harm would result to the ‘significance’ of 2 West Haye Cottages as an undesignated heritage asset, and that an enhancement to the character and appearance of the St. Peters Conservation Area would result, if the amended plans were approved. If the Council takes a contrary view, I now set out the general public benefit of safeguarding the integrity and fabric condition the subject property.

2.4.10 Paragraph 020 of NPPG ID 18a sets out that -

*“They should be of a nature or scale to be of benefit to the public at large and not just be a private benefit. **However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits, for example, works to a listed private dwelling which secure its future as a designated heritage asset could be a public benefit.**” (my emphasis)*

2.4.11 The NPPF definition of significance lists 4 sub-headings - *archaeological, architectural, artistic or historic*. Looking at each in relation to 2 West Hayes Cottages, the following observations are made –

- Archaeological significance: the site does form part of a series of plots centred around the historic core of St Peters Church. As such there may be evidence of earlier settlement remains. However, the applicant intends to build the first floor addition on the footprint of the existing northern single storey projection, so only very limited excavation would occur. It is suggested that if considered absolutely essential, a proportionate approach would be to impose two planning conditions. One to record the single storey projection to be demolished and the

other to require a watching brief during construction and that any unusual or historic finds be recorded and appropriately archived in the Council's Historic Environment Records (HERS).

- Architectural: The greater part of the original dwelling would be conserved and altered such that the size and appearance of window openings in the front elevation and the size and proportion of a re-positioned porch would mirror the appearance and character of 1 West Haye Cottages. The public would still be able to appreciate the property's original function, within this historic settlement in North Hayling. Whilst chimneys would be lost to 2 West Haye Cottages, the applicant would seek to optimise the internal layout of the property and bring it back into the Borough's housing stock, improving its overall energy and water efficiency.

- Artistic: there are no special cultural associations/importance to 2 West Haye Cottages, nor has the Council been able to discover any special or famous people associated with the building.

- Historic: Its use as a dwelling, since first constructed, is its optimum viable use to ensure its repair and longevity, following the service of the Council's Closing Order and very apparent state of dilapidation.

2.4.12 Taking all the above into account, and even if the Council still considers the proposed amended works to adversely affect the 'significance' of this undesignated heritage asset, even to the conclusion of '*less than substantial harm*', the wider public benefits set out below still need consideration.

2.5 Bringing an 'unfit' dwelling usefully back into the Borough's housing stock

2.5.1 The amended proposed works will add some symmetry back to the external appearance of 1 and 2 West Hayes Cottages. The extension, as amended, will have a roof ridge line that is subordinate to the main roof ridge line and be set back from the front elevation, giving a sense of the main historic core of 2 West Hayes Cottages. A useful family dwelling will be added back into the Borough's stock of housing.

2.6 Carbon reduction and climate change

2.6.1 It is everyone's responsibility on this planet to reduce their carbon footprint and as this has been much in the news of late and was discussed at the international COP26 talks in Glasgow. This is something that is so obviously contributing to a public benefit that the Council ought to afford it

significant weight when determining this application, having regard to Policy CS14 (strands 3 and 4) of its Core Strategy.

- 2.6.2 The applicant will produce a Saps report to submit with a future application for Building Regulations Approval to demonstrate compliance with Document G, to improve the thermal efficiency of the building, to reduce his heating bills and reduce the carbon footprint of the dwelling, thus according with Policy CS16, strand 7 .

2.7 Improving the character and appearance of the undesignated heritage asset and St Peters Conservation Area

- 2.7.1 The proposed amended works will vastly improve the appearance of this dwelling and thus the amenities of neighbours of immediately proximate dwellings.

3.0 ***'Public benefit' and the Planning balance***

- 3.1 It is the Applicant's position that the impact to 'significance' is extremely limited. The Appellant considers the works would preserve and conserve this undesignated heritage asset and enhance the character and appearance of the St Peters Conservation Area (and thus its area heritage asset 'significance').

- 3.2 The visibility of the proposed works is strictly currently limited to views looking east from the rear, perhaps with the exception of the loss of the higher brick chimney stack, which the public might perceive from St Peters Road, over the hedge line to 'Waldron'.

- 3.3 The extension, as amended would be sub-ordinate to the historic core of 2 West Haye Cottages and amended alterations to the front elevation would mirror fenestration and porch positionings/proportions in 1 West Haye Cottages.

3.4 Concluding comments about Council policies CS11, CS16 and DM20 and their relevance

- 3.4.1 Policy CS11 is comprised of 11 strands. The applicant asserts only strand 4 is relevant to the proposed (amended) development -

"Planning permission will be granted for development that:

4. Protects and where appropriate enhances the borough's statutory and non statutory heritage designations by appropriately managing development in or adjacent to conservation areas, listed buildings, scheduled ancient monuments, historic parks and gardens, archaeological sites, buildings of local historic or architectural interest".

- 3.4.2 Policy CS16 is comprised of 7 strands, some having sub-strands of their own. The applicant asserts only strands 1 (a)/(c)/(e), 2 (a) to (c), 4, 6 and 7 are relevant to the proposed (amended) development –

“Policy CS16 High Quality Design Planning permission will be granted for development that is designed to a high standard, which helps to create places where people want to live, work and relax. All development should demonstrate that its design:

1. Responds to, draws inspiration from and respects local context and:

a) Identifies and responds positively to existing features of natural, historic or local character within or close to the proposed development site;

c) Uses the characteristics of the locality to help inform the design of the new development including heights, massing, existing buildings lines, plot widths and depths, materials and proportions of windows and doors;

and e) The development does not cause unacceptable harm to the amenity of neighbours through smell, the loss of privacy, outlook, noise and overlooking.

2. Produces a positive relationship between buildings, street and spaces both existing and proposed, where:

a) The layout of the development reduces opportunities for crime and antisocial behaviour; contributes to improving community safety; and makes provision for the management and maintenance of the development;

b) New streets are not dominated by vehicular traffic;

c) The layout of the development is legible, meaning it is easy to orientate oneself and move through.

4. Is inclusive by considering the needs of those with disabilities, ensuring safe and convenient access for all; and integrating affordable and supported housing with market housing through tenure blind design to minimise social exclusion and promote social integration.

6. Mitigates negative environmental impacts through sustainable design and construction methods, resource efficiencies, particularly water and the provision of facilities for waste recycling; and,

7. Adapts to the changing needs of the users and the changing climate over the lifespan of the building”.

- 3.4.3 Policy DM20 is comprised of 2 strands. The appellant asserts the amended proposals are now compliant with both, as a result of the amended proposals and this heritage statement –

“Policy DM20 Historic Assets Planning permission will be granted for development that conserves and enhances the historic assets of Havant Borough. Applications that affect, or have the potential to affect, heritage assets are expected to provide a Heritage Statement that:

1. Describe the significance of the asset and its setting, using appropriate expertise and where necessary original survey, at a level of detail proportionate to its significance and sufficient to understand the potential impact of the proposal.

2. Sets out the impact of the development on the heritage assets and mitigation that is proportionate to the impact and the significance of the heritage asset, including where possible positive opportunities to conserve and enjoy heritage assets”.

4.0 Conclusions

4.1 The amended proposals would address the concerns of Council Officers in the following ways –

- The roof ridge line of the extension has been made subordinate to the main, existing 2 storey ridge line of the subject property.
- The proposed extension has been set back from the front build line of 2 West Haye Cottages;
- Unsightly structures standing forward of the front build line would be removed; and,
- Fenestration and the proportions and positioning of the porch on the front elevation of 2 West Haye Cottages would be mirrored in terms of the appearance of the front elevation of 1 West Haye Cottages.

4.2 The impact to the ‘significance’ of this undesignated heritage asset is acknowledged by the Council as being ‘*less than significant harm*’ in terms of the originally submitted proposals, of paragraphs 205, 208 and 2014, of the NPPF (December 2023), especially in terms of securing the future conservation of the property as an undesignated heritage asset.

4.3 It is considered that the amended plans and this statement relating to the public benefits that would accrue have addressed the concerns of Council Officers.

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