TOWN & COUNTRY PLANNING ACT 1990 (AS AMENDED)
APPEAL REFERENCE: APP/X1735/W/20/3259067
LPA REFERENCE: APP/19/00427

APPEAL AGAINST THE DECISION BY HAVANT BOROUGH COUNCIL TO REFUSE FULL PLANNING PERMISSION FOR THE ERECTION OF 50 DWELLINGS TOGETHER WITH ACCESS, LANDSCAPING AND OPEN SPACE ON
LAND AT LOWER ROAD, BEDHAMPTON, HAVANT, PO3 3NB

HERITAGE APPENDICES REFERRED TO IN HERITAGE PROOF OF EVIDENCE FOR THE APPEALANT: BARGATE HOMES

John Trehy BA MCIfA
Technical Director, Terence O'Rourke Ltd

Submitted 5 January 2021
Inquiry starts: 4 February 2021 (4 days listed)

APPENDIX 1 CULTURAL HERITAGE FIGURES

1. HERITAGE ASSETS IN THE VICINITY OF THE APPEAL SITE
2. HISTORIC DEVELOPMENT IN THE OLD BEDHAMPTON CONSERVATION AREA
3. PHOTOGRAPHS WITHIN AND IN THE VICINITY OF THE OLD BEDHAMPTON CONSERVATION AREA
4. ORDNANCE SURVEY HISTORIC MAP REGRESSION
5. VISUALISATIONS OF THE PROPOSALS AT THE APPEAL SITE



Appeal site

Old Bedhampton conservation area

Conservation area (pre sept 2019)

Heritage asset	Listed building designation	Distance from appeal site
The Elms (no.2 Lower Road)	Grade II*	104 metres
Manor Cottage (no.1 Lower Road)	Grade II	127 metres
The Old Rectory	Grade II	183 metres
Stable block to The Old Rectory	Grade II	191 metres
Bidbury House	Grade II	191 metres
The Old Mill House	Grade II	195 metres
Church of St Thomas	Grade II	225 metres
Spring Lawn	Grade II	225 metres
Manor House	Grade II	262 metres
Manor House boundary wall	Grade II	274 metres
Bedhampton Arts Centre (The Old School)	Grade II	543 metres
The Golden Lion	Grade II	632 metres

Designated assets and their distances from the site boundary

Land south of Lower Road, Bedhampton
Bargate Homes

0 75 m

N

Figure 1: Designated heritage assets

Dwg no/247803	Revision
Status	04 January 2021
Scale: 1:3,000 @A3	Drawn by: JC / Checked by: JT

Based upon the 2020 Ordnance Survey 1:10,000 colour raster map with the permission of the Ordnance Survey on behalf of Her Majesty's Stationery Office, © Crown copyright. Terence O'Rourke Ltd. Licence No. 100019980. © Historic England copyright. Contains public sector information licensed under the Open Government Licence v3.0. Getmapping Plc 2017. CA provided by HBC Conservation Team. Copyright Terence O'Rourke Ltd, 2020

TERENCE O'ROURKE

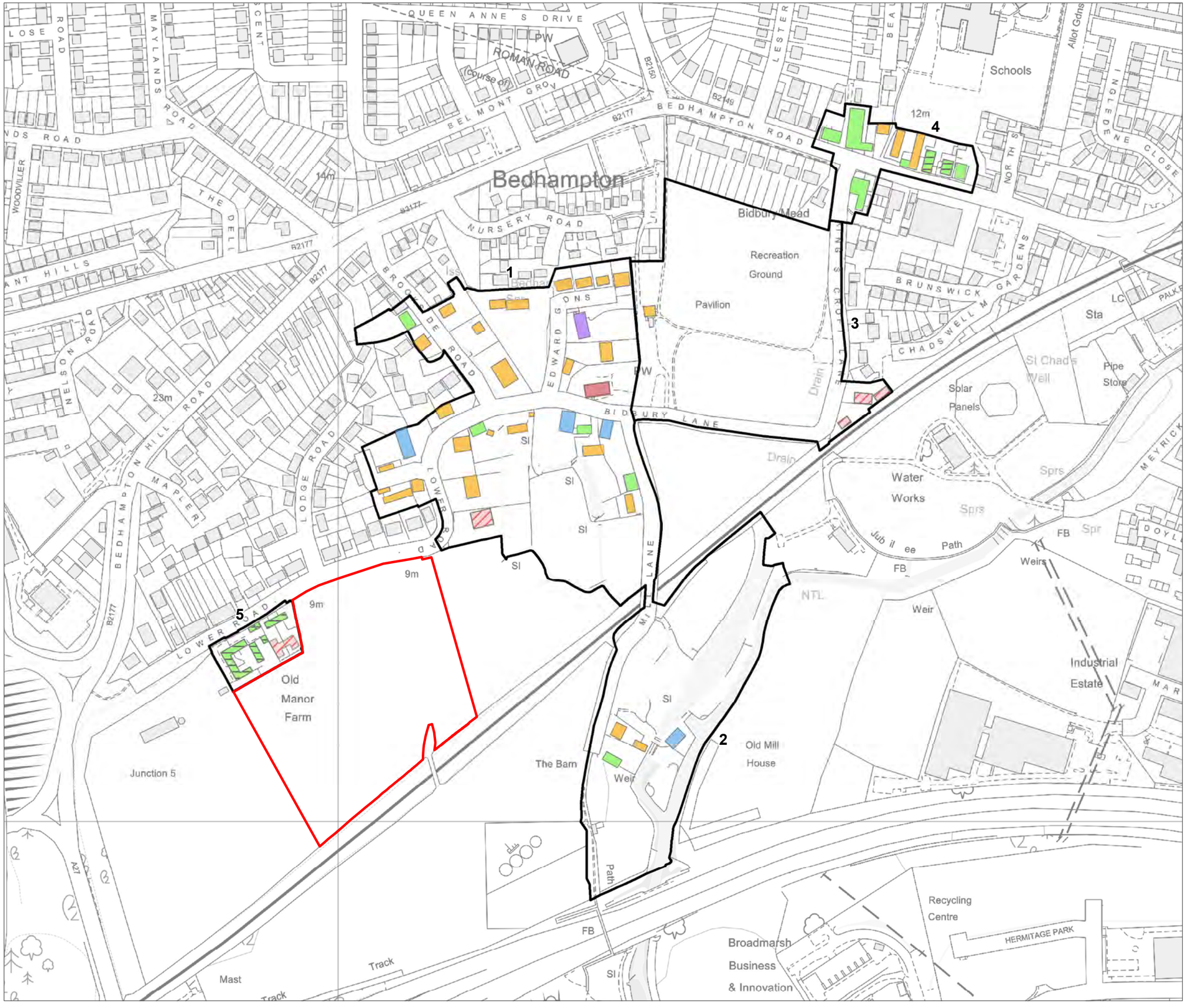
LONDON
23 Heddon Street
London W1B 4BD

BIRMINGHAM
Enterprise House 115 Edmund Street
Birmingham B3 2HJ

BOURNEMOUTH
Everdene House Deansleigh Road
Bournemouth BH7 7DU

TELEPHONE
020 3664 6755

www.torltd.co.uk



- Appeal site
- 12th-14th century
- 16th century
- 18th century
- 19th century
- c.1900
- Post 1945
- Post 2005
- Old Bedhampton conservation area

Character areas 1-5

Land south of Lower Road, Bedhampton

Bargate Homes

0 80 m

N

Figure 2: Historic development in the conservation area

Dwg no/247803	Revision
Status	09 December 2020
Scale: 1:3,500 @A3	Drawn by: JC / Checked by: JT

Based upon the 2020 Ordnance Survey 1:10,000 colour raster map with the permission of the Ordnance Survey on behalf of Her Majesty's Stationery Office, © Crown copyright. Licence No. 100019980. CA provided by HBC Conservation Team

Copyright Terence O'Rourke Ltd, 2020

LONDON
23 Heddon Street
London W1B 4BD

BOURNEMOUTH
Everdene House Deansleigh Road
Bournemouth BH7 7DU

BIRMINGHAM
Enterprise House 115 Edmund Street
Birmingham B3 2HJ

TERENCE O'ROURKE

TELEPHONE
020 3664 6755

www.torltd.co.uk



Looking west along Lower Road at the proposed entrance to the Site, note the glimpse view of the gable end of Manor Barn and rear of Farm Cottages. i



View looking south from Lower Road showing the Site extent, note gable of Manor Barn on right ii



Looking west across the Site showing houses along Lower Road right of shot and Manor Barn and Farm Cottages centre background iii



The boundary on Lower Road and the neighbouring houses iv



Looking north west across the site towards nos. 1-3 Farm cottages, Manor Barn and the properties along Lower Road v



Looking north at the southern façade of Manor Barn with Old Manor Farm to the left of shot vi

3a The site

TERENCE O'ROURKE

Land south of Lower Road, Bedhampton

Bargate Homes

Figure 3: Site photographs
Dwg no.247803/01a/TG
December 2020
© Terence O'Rourke Ltd 2020

BARGATE HOMES



i



ii



iii

3b The boundary of the conservation area as experienced from Lower Road

TERENCE O'ROURKE

Land south of Lower Road,
Bedhampton

Bargate Homes

Figure 3: Site photographs
Dwg no.247803/01b/TG
December 2020
© Terence O'Rourke Ltd 2020

BARGATE HOMES



The church i



Bidbury House ii



The Old Rectory iii



The Manor iv



Spring Lawn, Brookside Road v



The Old Mill vi

3c The principal buildings

TERENCE O'ROURKE

Land south of Lower Road,
Bedhampton

Bargate Homes

Figure 3: Site photographs
Dwg no.247803/01ci/TG
December 2020
© Terence O'Rourke Ltd 2020

BARGATE HOMES



The Elms vii



The Old Granary, Mill Lane viii



The Willows, no 11 Lower Road - constructed 2018. Not identified within the Old Bedhampton Conservation Area Appraisal ix

3c The principal buildings

TERENCE O'ROURKE

Land south of Lower Road,
Bedhampton

Bargate Homes

Figure 3: Site photographs
Dwg no.247803/01cii/TG
December 2020
© Terence O'Rourke Ltd 2020

BARGATE HOMES



Old Manor Farm x



1 - 3 Farm Cottages xi

3c The principal buildings

TERENCE O'ROURKE

Figure 3: Site photographs
Dwg no.247803/01cii/TG
December 2020
© Terence O'Rourke Ltd 2020

BARGATE HOMES







The junction of Bidbury Lane and Mill Lane i





The junction of Bidbury Lane with Brookside Road and Lower Road ii

3d The lanes though the conservation area

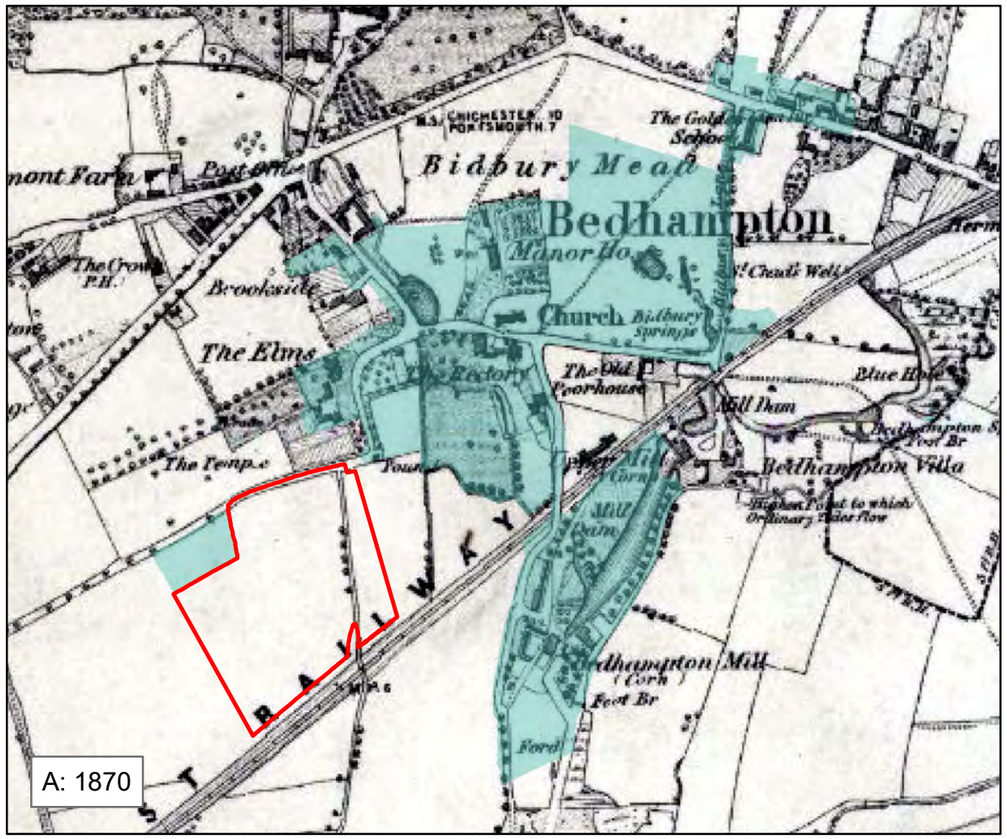
TERENCE O'ROURKE

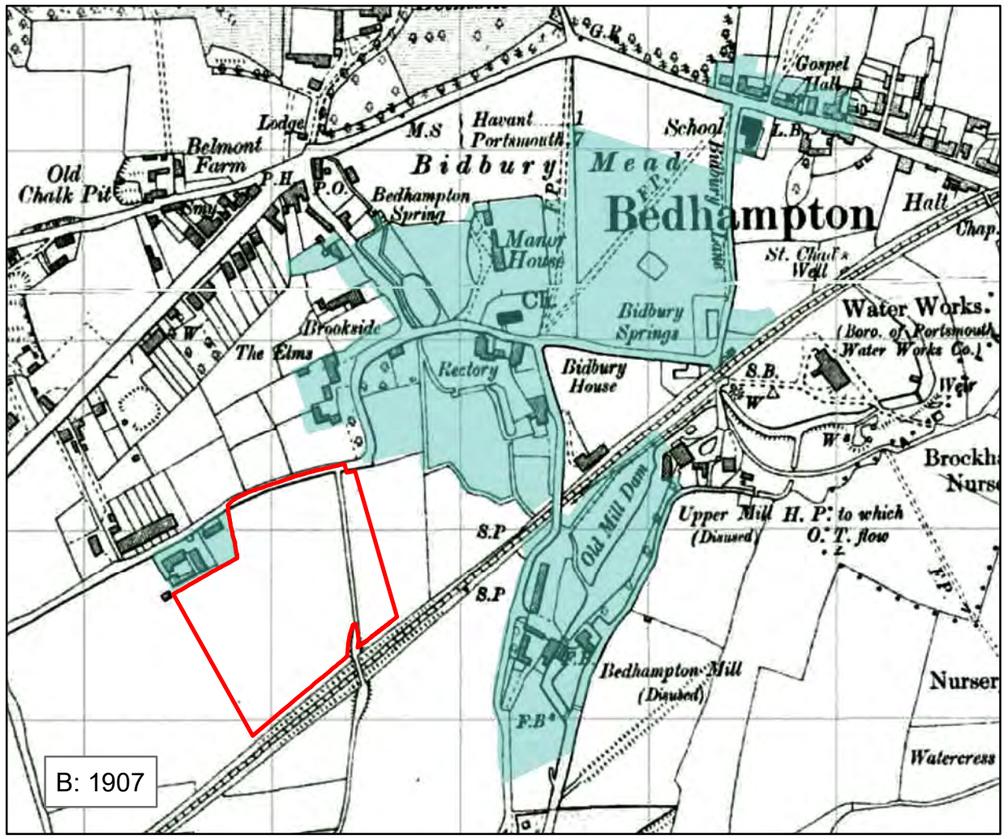
Land south of Lower Road,
Bedhampton

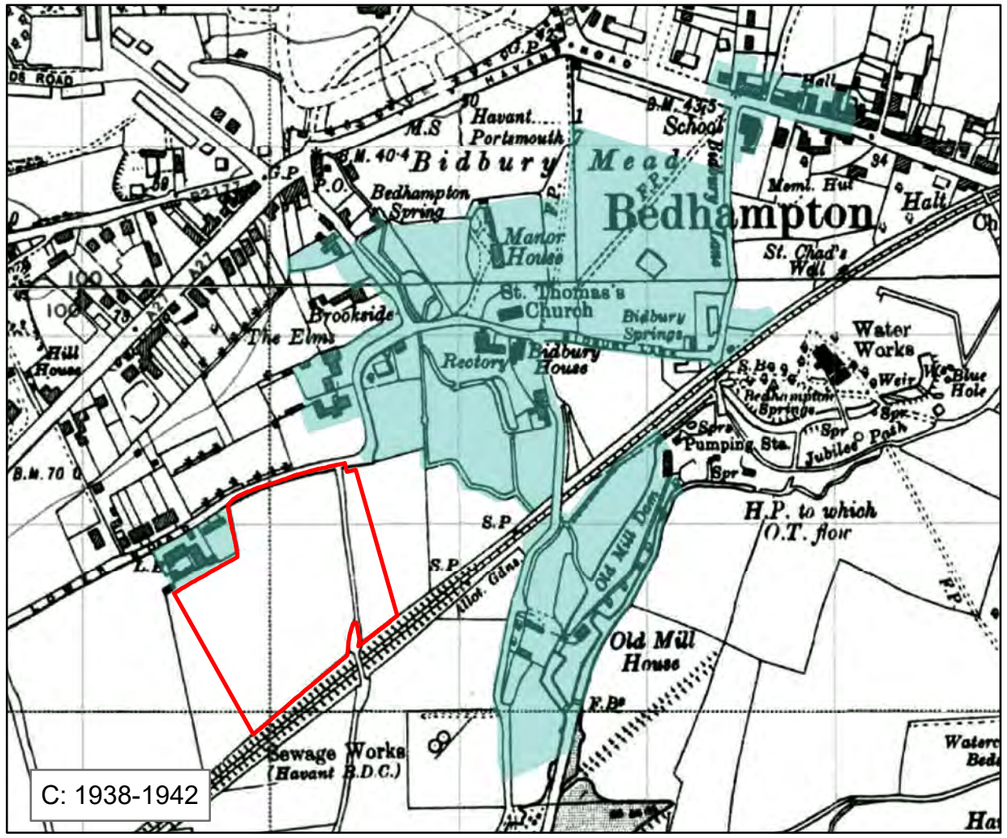
Bargate Homes

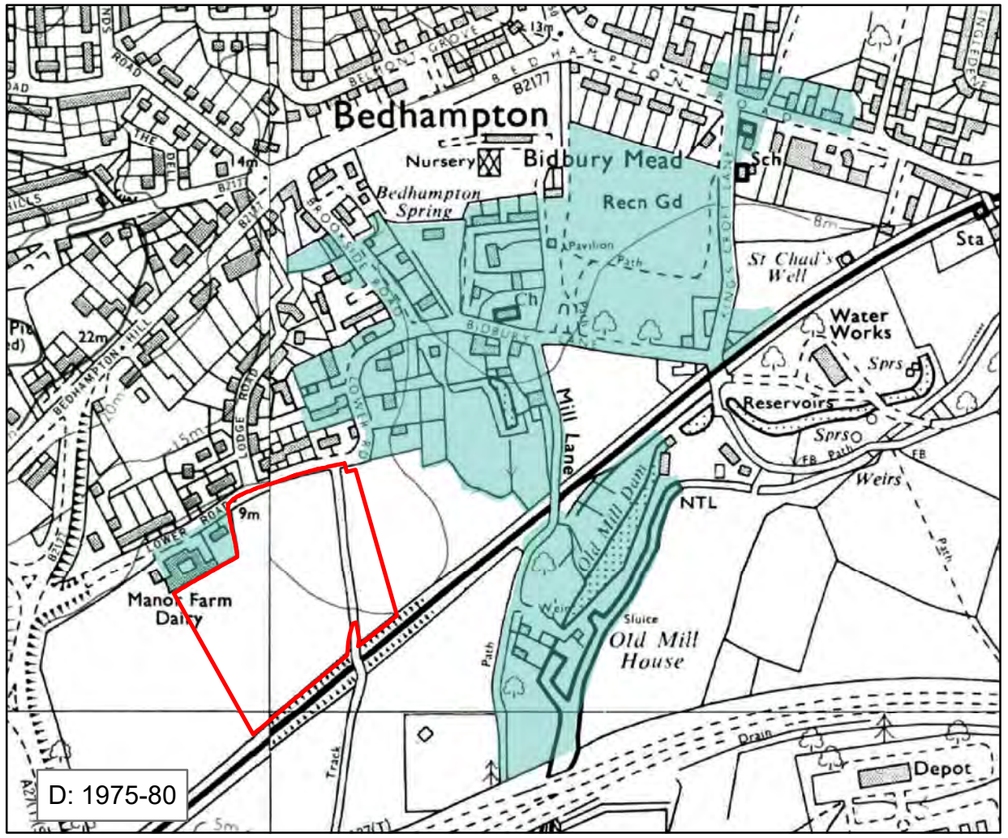
Figure 3: Site photographs
Dwg no.247803/01di/TG
December 2020
© Terence O'Rourke Ltd 2020

BARGATE HOMES









Land south of Lower Road, Bedhampton

Bargate Homes

0 160 m

N

Figure 4a-d: Historic map regression

Dwg no/247803	Revision	
Status	18 December 2020	
Scale: 1:6,500 @A3	Drawn by: JC	Checked by: JT

Based upon the 2020 Ordnance Survey 1:10,000 colour raster map with the permission of the Ordnance Survey on behalf of Her Majesty's Stationery Office, © Crown copyright. Terence O'Rourke Ltd. Licence No. 100019980. Produced by Groundsure Insights

Copyright Terence O'Rourke Ltd, 2020

TERENCE O'ROURKE

LONDON
23 Heddon Street
London W1B 4BD

BIRMINGHAM
Enterprise House 115 Edmund Street
Birmingham B3 2HJ

BOURNEMOUTH
Everdene House Deansleigh Road
Bournemouth BH7 7DU

TELEPHONE
020 3664 6755

www.torltd.co.uk



Viewpoint 1 - Looking south towards the western extent of the Appeal Site from the entrance to Manor Barn on Lower Road
Baseline. To be viewed at a comfortable arm's length and printed at A1

Figure 5

Bedhampton
Bargate Homes

Camera: EOS 6D
Lens: 50mm (Canon EF)

Image scaling: Monocular
AOD level: 8.25m AOD

Direction of view: South east
Camera height: 1.5m AGL

Horizontal and vertical field of view: 90° x 27°

Date: 13/10/2020
OS ref: 106217/469949

Time: 08.27
Projection Cylindrical



BARGATE HOMES
TERENCE O'ROURKE



Viewpoint 1 - Looking south towards the western extent of the Appeal Site from the entrance to Manor Barn on Lower Road
Proposed photomontage. To be viewed at a comfortable arm's length and printed at A1

Built form based on HGP Architects drawing Proposed Site Layout 17.043 – 102-S June 2018 and detailed elevations by HGP Architects. Landscaping based on layout in Terrafirma drawings 1860-TF-00-00-DR-L-100 to L-005 and specification in 1860-TF-00-00-DR-L-1006. Building levels based on MJA Consulting drawing Level Strategy Layout 5992:P02 March 2019

Figure 6

Bedhampton
Bargate Homes

Camera: EOS 6D
Lens: 50mm (Canon EF)

Image scaling: Monocular
AOD level: 8.25m AOD

Direction of view: South east
Camera height: 1.5m AGL

Horizontal and vertical field of view: 90° x 27°

Date: 13/10/2020
OS ref: 106217/469949

Time: 08.27
Projection Cylindrical



BARGATE HOMES
TERENCE O'ROURKE



Viewpoint 2 - Looking westwards towards the Appeal Site and Lower Road from the south-western limit of the historic core of Old Bedhampton conservation area
Baseline. To be viewed at a comfortable arm's length and printed at A1

Figure 7

Bedhampton
Bargate Homes

Camera: EOS 6D
Lens: 50mm (Canon EF)

Image scaling: Monocular
AOD level: 8.16m AOD

Direction of view: South west
Camera height: 1.5m AGL

Horizontal and vertical field of view: 90° x 27°

Date: 13/10/2020
OS ref: 106275/470103

Time: 07.58
Projection Cylindrical



BARGATE HOMES
TERENCE O'ROURKE



Viewpoint 2 - Looking westwards towards the Appeal Site and Lower Road from the south-western limit of the historic core of Old Bedhampton conservation area
Proposed photomontage. To be viewed at a comfortable arm's length and printed at A1

Built form based on HGP Architects drawing Proposed Site Layout 17.043 – 102-S June 2018 and detailed elevations by HGP Architects. Landscaping based on layout in Terrafirma drawings 1860-TF-00-00-DR-L-100 to L-005 and specification in 1860-TF-00-00-DR-L-1006. Building levels based on MJA Consulting drawing Level Strategy Layout 5992:P02 March 2019

Figure 8

Bedhampton
Bargate Homes

Camera: EOS 6D
Lens: 50mm (Canon EF)

Image scaling: Monocular
AOD level: 8.16m AOD

Direction of view: South west
Camera height: 1.5m AGL

Horizontal and vertical field of view: 90° x 27°

Date: 13/10/2020
OS ref: 106275/470103

Time: 07.58
Projection Cylindrical



BARGATE HOMES
TERENCE O'ROURKE



Viewpoint 2 - Looking westwards towards the Appeal Site and Lower Road from the south-western limit of the historic core of Old Bedhampton conservation area
Baseline (winter). To be viewed at a comfortable arm's length and printed at A1

Figure 9

Bedhampton
Bargate Homes

Camera: EOS 6D
Lens: 50mm (Canon EF)

Image scaling: Monocular
AOD level: 8.16m AOD

Direction of view: South west
Camera height: 1.5m AGL

Horizontal and vertical field of view: 90° x 27°

Date: 08/12/2020
OS ref: 106275/470103

Time: 09.58
Projection Cylindrical



BARGATE HOMES
TERENCE O'ROURKE



Viewpoint 2 - Looking westwards towards the Appeal Site and Lower Road from the south-western limit of the historic core of Old Bedhampton conservation area
Proposed photomontage (winter). To be viewed at a comfortable arm's length and printed at A1

Built form based on HGP Architects drawing Proposed Site Layout 17.043 – 102-S June 2018 and detailed elevations by HGP Architects. Landscaping based on layout in Terrafirma drawings 1860-TF-00-00-DR-L-100 to L-005 and specification in 1860-TF-00-00-DR-L-1006. Building levels based on MJA Consulting drawing Level Strategy Layout 5992:P02 March 2019

Bedhampton
Bargate Homes

Camera: EOS 6D
Lens: 50mm (Canon EF)

Image scaling: Monocular
AOD level: 8.16m AOD

Direction of view: South west
Camera height: 1.5m AGL

Horizontal and vertical field of view: 90° x 27°

Date: 08/12/2020
OS ref: 106275/470103

Time: 09.58
Projection Cylindrical



Figure 10



Viewpoint 3 - Looking south along the bend in Lower Road from outside the closest listed building to the Appeal Site, The Elms
Baseline. To be viewed at a comfortable arm's length and printed at A1

Bedhampton
Bargate Homes

Camera: EOS 6D
Lens: 50mm (Canon EF)

Image scaling: Monocular
AOD level: 8.54m AOD

Direction of view: South
Camera height: 1.5m AGL

Horizontal and vertical field of view: 90° x 27°

Date: 13/10/2020
OS ref: 106357/470085

Time: 08.05
Projection Cylindrical



Figure 11



Viewpoint 4 - Looking north west from the vantage point of the railway bridge on Mill Lane (the proposals will be sited behind the conifer tree belt as shaded)
Baseline. To be viewed at a comfortable arm's length and printed at A1

Bedhampton
Bargate Homes

Camera: EOS 6D
Lens: 50mm (Canon EF)

Image scaling: Monocular
AOD level: 10.87m AOD

Direction of view: West
Camera height: 1.5m AGL

Horizontal and vertical field of view: 90° x 27°

Date: 13/10/2020
OS ref: 106208/470298

Time: 08.15
Projection Cylindrical



Figure 12

BARGATE HOMES
TERENCE O'ROURKE



Viewpoint 4 - Looking north west from the vantage point of the railway bridge on Mill Lane (the proposals will be sited behind the conifer tree belt as shaded)
Proposed photomontage. To be viewed at a comfortable arm's length and printed at A1

Figure 13

Bedhampton
Bargate Homes

Camera: EOS 6D
Lens: 50mm (Canon EF)

Image scaling: Monocular
AOD level: 10.87m AOD

Direction of view: West
Camera height: 1.5m AGL

Horizontal and vertical field of view: 90° x 27°

Date: 13/10/2020
OS ref: 106208/470298

Time: 08.15
Projection Cylindrical



BARGATE HOMES
TERENCE O'ROURKE



Viewpoint 5 - Looking north east towards the Appeal Site from the A27 above the railway line
Baseline. To be viewed at a comfortable arm's length and printed at A1

Bedhampton
Bargate Homes

Camera: EOS 6D
Lens: 50mm (Canon EF)

Image scaling: Monocular
AOD level: 10.02m AOD

Direction of view: North east
Camera height: 1.5m AGL

Horizontal and vertical field of view: 90° x 27°

Date: 13/10/2020
OS ref: 105810/469794

Time: 08.37
Projection Cylindrical



Figure 14

BARGATE HOMES
TERENCE O'ROURKE



Viewpoint 5 - Looking north east towards the Appeal Site from the A27 above the railway line
Proposed photomontage. To be viewed at a comfortable arm's length and printed at A1

Built form based on HGP Architects drawing Proposed Site Layout 17.043 – 102-S June 2018 and detailed elevations by HGP Architects. Landscaping based on layout in Terrafirma drawings 1860-TF-00-00-DR-L-100 to L-005 and specification in 1860-TF-00-00-DR-L-1006. Building levels based on MJA Consulting drawing Level Strategy Layout 5992:P02 March 2019

Bedhampton
Bargate Homes

Camera: EOS 6D
Lens: 50mm (Canon EF)

Image scaling: Monocular
AOD level: 10.02m AOD

Direction of view: North east
Camera height: 1.5m AGL

Horizontal and vertical field of view: 90° x 27°

Date: 13/10/2020
OS ref: 105810/469794

Time: 08.37
Projection Cylindrical



BARGATE HOMES
TERENCE O'ROURKE

Figure 15

APPENDIX 2

BARKER, DR. N, 2015, ‘HERITAGE ASSETS AND THEIR SETTING: VIEWS FROM A PRACTITIONER’ JOINT PLANNING LAW CONFERENCE OXFORD

Heritage Assets and their Setting: Views from a Practitioner

Dr Nigel Barker

Introduction

In a dynamic city such as London, with its pace and scale of change, the majority of complex cases considered by Historic England involve impact on the setting of heritage assets. In many cases, especially where tall buildings are proposed, those heritage assets will be of national or international significance and their settings will be of a complex, largely urban character. Assessing the impact of new development on the setting of highly valued historic places is an essential skill both for applicants and decision-makers. Reaching a judgment on impact relies on a clear approach, ideally founded on an agreed understanding of the significance of the historic environment being affected and a good grasp of the concept of setting.

Our experience at Historic England in London is that applicants are improving in clearly defining the setting of heritage assets, but identifying the contribution of setting to significance is much more challenging and often not carried out at all. Because of that failure, assessment of the impact of development upon setting is often poorly carried out, usually with reference solely to visual impact, and incorporated into townscape assessment.

Without a good understanding of the significance or special interest of the asset affected it is not possible to clearly identify the contribution made by setting. It follows that, without an understanding of the contribution made by setting, any assessment of impact will be flawed and meeting the statutory tests relating to having special regard for preserving setting, and convincingly identifying the level of harm, will be difficult to achieve. Correctly assessing the level of potential harm is important because the appropriate approach to the planning judgement flows from it.

How to define the setting of a heritage asset

Definition of setting:

> "The setting of a heritage asset is the surroundings in which it is experienced. Its extent is not fixed and may change as 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."[1]

Setting does not have a fixed boundary and cannot be definitively and permanently described as a spatially bounded area or as lying within a set distance of a heritage asset.

How we experience heritage assets is largely a mix of the *environmental*, the *physical* and the *intellectual*.[2] The degree to which an individual experiences an asset and the value they place on the different methods of experiencing it will vary. Different experiences of setting can make a greater or lesser contribution to understanding the significance or importance of the asset to which it relates and, therefore, the enjoyment or appreciation of it.

[1] National Planning Policy Framework glossary.
[2] *Environmentally:* Through activity; traffic, pedestrian movement, remoteness, time of visit, e.g. day or night.
Physically: Formal and informal views to, from, across and within the asset, noise, vibration and tranquillity.
Intellectually: Cultural associations, historic associations artistic representations, degree of interpretation and tradition.

Take, for example, Rievaulx Abbey in Yorkshire.[3] The remote rural setting contributes both physically and intellectually to the significance of the site and was a driving factor behind the original selection of location by the Cistercians; the remoteness supplied the spiritual needs of the religious community and their need for land that could supply water, food and fuel. Maintaining this remote and rural character of the setting provides a link to the reasons for the establishment of the Abbey complex and therefore contributes to understanding its significance.

The complex also derives a layer of significance from its ruinous state, which was the result of one of the most historically and culturally significant events in England's history: the Reformation and dissolution of the monasteries. The understanding of what that meant is illustrated by the partial state of the physical remains in their rural setting which lends a romantic and picturesque quality to the site. Artistic interest is part of the significance of such sites, especially where they have provided inspiration for artists such as Turner, as at Tintern Abbey.[4]

Visiting Rievaulx at different times of the year, during the height of summer, late autumn, or indeed winter, will bring particular aspects of the setting into sharp relief and enhance the various essential qualities of the site. A late autumn afternoon's sunlight can highlight the relief of the carvings and tracery for example, enabling better appreciation of the craftsmanship and architectural interest of the surviving buildings. Similarly, low winter sunlight raking across the ground, revealing the humps and bumps of more ruinous buildings, enables greater understanding of the site as a whole. As many of the structures are domestic or functional in character, a more complete understanding of the relationship between the complex and its surrounding land can be achieved. Development that affects any of these experiences can be therefore said to affect the contribution that the setting makes to understanding the significance of the building.

The noise and activity at the height of summer at Rievaulx will give a different experience from the greater solitude of the site in winter, but at all times the remoteness of the site underpins its significance. Whilst new development that can be seen within and adjacent to the surviving buildings will have an obvious visual impact on setting, even development that cannot easily be seen, e.g. improving or widening an access road, can change the character of the setting by reducing the sense of remoteness, thus affecting the experience and understanding of its significance.

Identification of the contribution of setting to significance or "special interest"

From the brief description above, it will be apparent that the first requirement for understanding what the current setting of a heritage asset contributes to its special interest is to identify the key attributes of the asset itself. Only then can you consider if the physical surroundings contain elements that add to the understanding of significance. Having established the special interest of the asset and its setting, the next step is to identify how those surroundings are experienced, physically, environmentally and/or intellectually, in order to establish which elements of the setting contribute positively or negatively to that experience.

One method of establishing the contribution of setting to significance that is currently being tested by Historic England is "relationship mapping". This identifies features within the setting of an asset and assigns weight to the relationship. Those features can be tangible or intangible and the relationship can be expressed as contribution to an asset and contribution made by an asset. The greater the weight assigned to the relationship, the greater its contribution to significance. Therefore, if an asset will be eroded or harmed, the assessment of the potential degree of that harm becomes easier.[5] This approach is not a

[3] Founded in 1132 by St Bernard of Clairvaulx as the first Cistercian outpost in the north of England. Sited in the broad valley of the River Rye and encircled by wooded hills, it was one of the most prestigious foundations in the country.

[4] Tintern Abbey was founded 1131 for the Cistercians in Wales. It is adjacent to a tidal river with wooded hills in the setting.

[5] See accompanying presentation for a case study of the listed water tower on Bath Road, Reading which identifies ancillary walls, reservoir banking and elements in the street scene which form part of the setting of the Grade II listed water tower graphically by means of arrows. Each arrow has a

substitute for professional judgement but could provide a framework within which to make an assessment and articulate it in a logical and transparent manner (see also below).

Setting and views

Perhaps the most easily understood way in which people experience, and therefore value, the historic environment is through their senses. Overwhelmingly it is the visual, or views of an asset, that are often the most valued. The contribution of setting to the significance of a heritage asset is often expressed by reference to views, i.e. a purely visual impression of an asset or place, because this is often the easiest and most direct way to experience, and importantly to quantify the experience of, setting. Views can often be confused with setting, especially in trying to interpret policy and particularly in the assessment of impact. However, views are only one element of setting.

So what is a view?

At its simplest, a view is the visual appreciation of an object or objects (without going down the route of Schrodinger). Primarily, but not solely, visual, its value will depend upon its character or type. The time of observation may add a different meaning and character and therefore potentially lead to a richer response from individuals. The question of whether a view of itself is capable of being a designated, or even undesignated, heritage asset has been hotly debated within English Heritage/Historic England, not least during the development of, and consultation on, its publication "Seeing the History in the View".

The location from which a view is available may itself be historic and thereby add value (largely intellectual) to the experience. For example, the view from the south bank of the Thames across to the Tower of London was chosen by cartographers of the capital from the time of the earliest maps. Standing in the same location and becoming the latest in a long line of viewers can add intellectual interest to the view and your experience of the contribution it makes to understanding and appreciation of the Tower. Whilst this historic viewing place and the view it affords may add to the understanding of what is being viewed, the view itself is not the asset. A view might be called historic if it has remained unchanged over time or was deliberately designed. However, other than for those focussed on an individual asset, unchanged views must be increasingly rare when you consider how much even iconic historic views, e.g. the dreaming spires of Oxford, have in fact changed constantly over time.

In summary, a view is the visual appreciation from a single location of a heritage asset, but it is only one element of its setting. That visual appreciation of the contribution made by the setting to the significance of the heritage asset will change as the location or viewing point changes. Views themselves can be of different types, e.g. panorama, townscape, or designed, and the contribution they make to the understanding of significance will therefore vary. Views can be static or dynamic (kinetic) and may incorporate the settings of one or more assets nested within them. It is because a view only partly coincides or overlaps with setting that the potential for confusion arises.

Where a view is the only one available of an asset or object, then correlation between setting and view is very high. Where there are multiple views of an asset or object, then the correlation between setting and an individual view is less. Where there are multiple objects within a view then the correlation between their settings individually and in the view, will depend on what other views are available of each object and will, therefore, vary. What is clear is that in no case is a view exactly the same as setting.

Some views are of deemed to be of such value that they are identified and managed through planning policy, e.g. the London View Management Framework ("LVMF") or the Oxford View Cones, but management of the view is not the same of management of setting. In these examples (Oxford and LVMF)

summary statement of the relationship and therefore contribution made by the feature. The thicker the arrow the more important is the contribution of the relationship to significance.

the view itself is regarded as an asset, being of sufficient value to have its qualities set out as justification for policy designation, whereas setting is not intrinsically a heritage asset, nor a heritage designation, but is of value for its contribution to the building, structure or land that is designated.

Keeping a clear distinction between formally identified views and setting is vital because the latter has a statutory duty attached to it, whereas the former as a policy designation does not. However, it is always necessary to identify what a view contributes to the understanding of significance of the designated asset within it, or to which it relates, as part of setting.

Take, for example, one of the most celebrated of the designated London views managed through the LMVF, Townscape View 26A: St James's Park to Horse Guards Road which incorporates a number of individual components.[6] Within those components is a designated heritage asset; the Grade I listed Foreign and Commonwealth Office ("FCO"). The view therefore incorporates part of the setting of the designated heritage asset but does not constitute the whole of its setting.

In this case, the viewing point for View 26A is located in another designated heritage asset, St James's Park, registered at Grade I. It therefore forms part of this heritage asset, as well as being in the setting of the other asset, the FCO. In both cases the view itself is only part of the setting of the two, separately designated, heritage assets, each of different and distinctive significances. Because of those differences, the contribution the view makes to setting is also different in each case. Where the focus of an LVMF view partly correlates to the setting of individual assets the same view may make a different contribution to the significance of each individual asset, because of their different character, and each contribution has therefore to be separately assessed.

So in this instance, the view itself is both an element of, and incorporates, part of the setting of one heritage asset (St James's Park) and, in addition, includes part of the setting of another asset (the FCO). Assessing the impact of development which appears above the tree line in this view will need to identify the contribution that the currently clear sky makes to the setting of the FCO, as an individual component in the view, both immediately adjacent and further away towards the edges. This is distinct from considering any impact on the FCO in the whole view. It is also necessary to separately assess the contribution the FCO and the skyline makes to the significance of St James's Park, before judging the impact of the proposal on that separately designated asset.

The management of the view as identified in the LVMF is only concerned with the view from the viewing point. The LVMF refers to the need to maintain the setting of heritage assets contained within it, which is an explicit recognition of the fact that the view is composed of individual elements, but the policy objectives relate to the whole view and not individual elements. It is concerned with, and provides guidance on, where development should not affect the value of the view.

The impact of a development within a view will vary depending on its relationship to the individual components of the view, and separately on the view as a whole. It is, therefore, not sufficient to say that if the impact on the view as a whole is acceptable, then the impact on an individual element is automatically similarly acceptable, particularly where that element is a designated heritage asset. However, that is what the Inspector considering the proposals at the Shell Centre did in his assessment of the application. He did not address the issue of whether the development affected the setting of the heritage asset from within which the view was gained (St James's Park), or assess separately the impact on the setting of the FCO as an individual element in the view. The simple fact in this instance is that if a proposal fails to preserve the setting of a designated asset, which is within the view, from harm then it fails the LVMF policy test, and not the other way round.

[6] LVMF Townscape View 26A St James's Park to Horse Guards Road: The management guidelines state that no development is expected in the foreground and development in the background should be of a scale, mass and form that does not dominate, overpower or compete with either of the existing two groups of built form (Horse Guards and Whitehall Court to the left and the FCO and Shell Centre to the right) and should appear as part of the existing group.

How to demonstrate special regard to conserving the contribution of setting to significance[7]

Following the withdrawal of the Planning Practice Guidance by the Department for Communities and Local Government ("DCLG") in April 2015, current advice on management of the historic environment, including setting, can be found in the Historic England Good Practice Advice Notes 1, 2 and 3. The note on setting advises the following broad brush approach to assessment to be taken as a series of steps that apply proportionately depending upon the complexity of the case.

When looking at a proposal the following steps are necessary:

- **Step 1:**

  Identify which heritage assets and their settings are affected.

- **Step 2:**

  Assess whether, how and to what degree these settings make a contribution to the significance of the heritage asset(s).

- **Step 3:**

  Assess the effects of the proposed development, whether beneficial or harmful on that significance.

- **Step 4:**

  Explore the way to maximise enhancement and avoid or minimise harm.

- **Step 5:**

  Make and document the decision and monitor outcomes.

Development proposals involving the setting of a single and less significant asset or those which have straightforward effects on setting can be assessed using a simple checklist. This can usefully take the form of a short narrative statement for each step supported by appropriate plans and drawings etc. More complex proposals affecting more significant assets, multiple assets or changes considered likely to have a major effect on significance will require a more detailed approach. This will often happen within the framework of Environmental Impact Assessment procedures.

Each of the steps may therefore involve detailed assessment procedures and complex forms of analysis, including view-shed analysis, sensitivity matrices and scoring systems. These may assist but they cannot provide a systematic answer. Setting is a matter of qualitative and expert judgement and therefore technical analyses should be used as material supporting a clearly expressed and non-technical narrative argument. That narrative should set out what is important and why it is important in terms of heritage significance. It should identify the setting of the assets affected, together with the effects of the development upon them.

Particular points to consider for Step 1 are:

- Having due regard for the need for proportionality, identification by the decision-maker of which assets might be affected by a proposal should happen at pre-application or scoping stage.
- "Areas of search" are one way of approaching this, particularly for issues such as noise and vibration.

[7] Historic Environment Good Practice Advice in Planning Note 3; The Setting of Heritage Assets Historic England on behalf of the National Heritage Forum March 2015.

- For visual assessment, and particularly for larger schemes, Zones of Visual Influence ("ZVI") or Zones of Theoretical Visibility ("ZTV") should be used to identify heritage assets and settings that may be affected at an early stage.

Particular points to consider for Step 2 are:

- A checklist of potential attributes of special interest is provided in the guidance but not all will apply.
- The identification of those relevant attributes at an early stage should be the goal, combined with a clear focus on what emphasis is attached to them.
- It should be remembered that it is useful to identify how the relevant attributes have contributed to the significance of the heritage asset in the past (e.g. when it was first built etc) the implications of changes over time and their contribution in the present in order to assist with the later stages of the assessment process (i.e. Step 4).
- This assessment of the contribution to significance made by setting will provide the baseline for establishing the effects of a proposal in the next step.

Particular points to consider for Step 3 are:

- Identifying effects and evaluating the resultant degree of harm or benefit may need to extend to cumulative and complex impacts in some cases and may not only be visual.
- The variety of circumstances in which setting may be affected, and the range of heritage assets that may be involved, precludes a single approach to assessment, but all assessments should consider the proposed development in terms of its location, form and appearance, additional effects and permanence.

Particular points to consider for Step 4 are:

- Maximum advantage can only be secured from an early understanding of significance and consideration of impact. This should be part of the basic brief for proposals.
- Enhancement may be achieved through removing or remodelling harmful earlier interventions, restoring lost features or views, introducing new features that add to public appreciation of the significance of the asset and improving public access, both physical and intellectual, to the asset and its setting.

Particular points to consider for Step 5 are:

- The true effect of a development on setting may be difficult to establish from plans, drawings and visualisations.
- Once a development affecting setting has been implemented, reviewing and recording that impact is important to identify lessons that can be learned and so improve decision-making for the future.

In order to demonstrate special regard for the conservation of the contribution made by setting it is vital that the understanding of that contribution has been understood and clearly articulated. It is also important to set out the impact of the development with explicit reference to those contributions as they should be underpinned by the understanding of significance. The critical stage to demonstrate special regard is therefore Step 4, which sets out how avoiding harmful impact has been addressed and, where harm cannot be avoided, explaining how it has been minimised or mitigated.

The common mistakes in the definition and assessment of impact on setting

The most common mistake we see in London is the failure to distinguish between setting and townscape, or setting and view, and therefore failing to separately assess impact on both. The second common mistake is to try and underplay impact. The third is to ignore the need to demonstrate that options for avoiding the harm have been considered. Another common mistake is to approach claimed enhancements from the perspective of public benefits in their widest sense, i.e. jobs and housing, without linking these specifically to the impact on significance of the asset and to demonstrate whether this impact is necessary to deliver those benefits.

The area of greatest contention is often the identification of the level of harm. It is contentious because of a common misapplication or misunderstanding of the NPPF approach, which arises from its language, i.e. "substantial" and "less than substantial". Instead of taking the NPPF as a whole, applicants and decision-makers are focussing on this binary "test". Applicants are continually attempting to get agreement that harm is less than substantial because they then argue that the decision becomes a "simple" balancing exercise, as if in some way "less than substantial" harm equates with less than substantial justification.

The starting point for appropriate management of the historic environment is the understanding that its protection is a core part of sustainable development and one of the planning principles in the NPPF. Therefore, the aspiration should be to deliver change that is sustainable, i.e. which preserves the special interest or significance. When any harm is caused to the historic environment it automatically fails to be sustainable and, given the great weight attached to protecting the designated heritage assets, it has to be convincingly justified. The expectation set by the NPPF is that for the vast majority of development that causes harm that harm should be less than substantial, but also decisively outweighed by public benefits. Development that causes substantial harm should be regarded as exceptional, which is an appropriately high test within the context of delivering sustainable development.

The argument should therefore not be binary, i.e. substantial v less than substantial. A more appropriate way of considering the issue of harm is to think of a scale or spectrum running from no harm to significance or special interest at one end, through to total loss of significance at the other. Where an application eventually ends up on that scale will be a combination of the impact of the proposals and the significance of the heritage asset involved. There is no simple "trigger point", but there will be an area on the scale where harm could be significant and whether you regard it as substantial, in the terms of the NPPF, then becomes a matter for professional judgement. However, the further along the spectrum you move the greater the challenge to provide or demonstrate public benefits that decisively outweigh the harm, which has to be necessary in order to deliver them.

A recent example illustrates these difficult and common issues surrounding the assessment of the contribution of setting to the significance of heritage assets and the impact of development. The initial application for redevelopment of the London Dock demonstrated:[8]

- A lack of clarity around the basic definition of the setting of heritage assets.
- A lack of assessment of the contribution that setting made to significance; and therefore a failure to separately assess the impact of the proposal on the contribution made by the setting.
- A confusion between assessment of impact on setting and an assessment of impact on views.

The proposals were for a mixed-use redevelopment of the former News International site in east London. The site contained a building of poor quality, the removal of which offered significant potential for improving the legibility and connectivity of the site as part of its regeneration.

A master plan had suggested the site as being suitable for tall buildings with the result that, in addition to impact on a Grade II listed warehouse within the site and the adjacent Grade I listed Tobacco Dock,

[8] The application in 2013 was for mixed-use regeneration of the former News International site by Berkeley Homes including a tall residential tower.

further assets including the Tower of London World Heritage Site, the Grade I listed Tower Bridge, Grade II listed Ivory House in St Katharine's Dock and the Grade II listed St Paul's Mission Room and School would also be affected.[9] Adjacent conservation areas, including those at St Katharine's Wharf and Wilton's Music Hall, were also within the zone of visual influence of the proposed tall residential building to the west of the site, which rose to 34 storeys high (122.3m AOD).

However, there was no clear assessment of the extent of the setting of these assets, how they interrelated and how, or to what degree, they individually or cumulatively contributed to significance. The applicants' assessment of impact was provided in the Environmental Impact Assessment and the Design and Access Statement, with some further analysis in the Historic Environment Assessment (although that concentrated on archaeological interest). The starting point for the townscape assessment was flawed as it made arbitrary distinctions between "High Quality" and "Medium Quality" (sic) conservation areas and allocated high importance to Grade I and II* listed buildings and only medium to Grade II, with no reference to World Heritage Sites. The applicants then went on to use the standard townscape assessment matrices on this flawed basis. The assessment also contained the interesting argument that the tall residential building was justified because of the desirability for residents of the proposed apartments to be visually linked to London's architectural heritage. In order to achieve that visual linkage the new building appeared within the setting of the heritage assets, thereby harming the contribution made by that setting.

The applicant's assessment also emphasised the elegance of the design of the tower and the fact that it would provide a positive point of interest wherever it was seen. This meant that the conclusion was reached that, in all of the 38 views from formal assessment points, of very different character and complexity, the tower was universally assessed as being beneficial in varying degrees. This was simply not credible, as can be demonstrated by the impact of the proposal on one asset, for example, the Grade I listed Tower Bridge.

Tower Bridge (1886–1894), designed by Sir Horace Jones and John Wolfe Barry, is an internationally recognisable symbol of London. It is a highly engineered functional girder truss bridge with side suspension spans and its engineering machinery is concealed by granite clad towers in a Gothic Revival style. Its architectural design and composition formed of the towers, the bascules and the upper walkway is famously distinctive. It is illustrative of both the way the structure worked (the walkway enabling pedestrian access whilst the bascules were raised) and also cultural and architectural attitudes towards science and architecture in the High Victorian age. The best public place to appreciate a view of the bridge is now, arguably, from the south bank of the river along the Queen's Walk, and particularly outside City Hall where the angled view allows a full appreciation of the bridge in three dimensions. In this view, the rectangular space between the towers, the upper walkway and lower bridge deck is almost completely given over to empty sky.

Because of the degree of change to the setting of the bridge from the time of its original construction, the contribution that the views from the Queen's Walk make to understanding the architectural and functional interests of the bridge are hugely important. That extent of that contribution relies on an unchallenged silhouette against clear sky. In terms of relationship mapping, the view from immediately outside city hall is now the most significant visually (i.e. the arrow would be the biggest) and therefore eroding that view would have a substantial impact.

The contribution of the empty sky is fundamental to the visual presence of Tower Bridge as one of the great monuments marking the expansion of London. This unencumbered sky space allows for full appreciation of the silhouette of the bridge, itself the result of its function, and therefore makes a positive contribution to understanding its significance. Whether you regard the intrusion of the tall residential building into this currently empty sky space as substantial or less than substantial (and we thought it substantial) it is certainly harmful. The visual intrusion was increased at dusk, potentially even more so

[9] St Katharine's Dock and the Ivory House were built 1856–1860 by George Aitchison.

at night, and the erosion of the clarity of the silhouette could not be readily mitigated by high quality design in this view, given the distances involved.

There is considerable debate within Historic England about whether there can ever be substantial harm caused through impact on setting as it is such an appropriately high test. There are theoretical cases where separately designated assets that have a clear and designed relationship and a largely unchanged setting could be substantially harmed through new development causing severance, think of Blenheim Palace and the view to the Doric Column (although one would hope that no one would ever contemplate such an idea). However, it is less clear for those assets that do not have such a designed relationship with elements of their setting or that exist in an ever-changing context. To assist in considering this, I suggest you take a stroll along the river walk on the south bank of the Thames, moving on downstream from the view of Tower Bridge outside City Hall. Then stop, turn and look back upstream towards the City and No.20 Fenchurch Street to see the result of a failure to appreciate and value the importance of setting and the contribution it makes.

APPENDIX 3

CONSULTEE RESPONSES TO THE PLANNING APPLICATION AT THE APPEAL SITE

Conservation Response

Site - Lower Road, Bedhampton

Application – APP/19/00427

Proposal – Development of 50 new dwellings, together with access, landscaping and open space

Background

The application site is located in Bedhampton and is currently used as farmland. The site is adjacent to the Old Bedhampton Conservation Area and is positioned to the south west of the conservation area boundary, just south of Lower Road. To the south of the site lies the railway line and further south of this is the A27.

The site has been identified as a housing allocation site (Policy H20) in the new Draft Local Plan 2036, which is currently going through the adoption process. It was also proposed as a housing site in the Council's Local Plan Housing Statement 2016, which identified the site in principle for up to 50 dwellings.

The Old Bedhampton Conservation Area is also in the process of being reviewed with a revised Character Appraisal and Management Plan updating the original appraisal from 1980. This has been through the public consultation process and is awaiting final adoption by the Council.

There are some site constraints set out in Draft Policy H20 which relate directly to heritage. These are as follows:

- The site is adjacent to the Old Bedhampton Conservation Area
- The Old Manor Farm is adjacent to the north and is of local historic interest
- The site is near the Grade II listed buildings of the Church of St Thomas, the Old Mill House, the Elms, Manor Cottage, Bidbury House, Spring Lawn and Manor House.

The application has been submitted with the inclusion of a Heritage Statement by Terence O'Rourke Ltd, which assesses the impact on the nearby heritage assets.

Proposal

The proposal is for 50 dwellings with access taken from Lower Road and includes a mixture of single storey and two-storey dwellings. In the northern part of the site, the dwellings would be set back from Lower Road with the existing hedgerow retained and include detached dwellings, with single storey dwellings adjacent to the Old Manor Farm buildings. The development includes a central green space and also a landscaping buffer to the rear of the site, which will include an attenuation basin. The footbridge over the railway (not a PROW) will remain in situ. The new dwellings would be of a traditional design, proposing materials such as clay and slate roofs, brick, chimneys, black rainwater goods, timber windows, and timber framed porches.

Policy Considerations

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires planning authorities, when considering whether to grant planning permission for development which affects a Conservation Area, to have special regard to the desirability of preserving or enhancing the character and appearance of that area.

The recently published Good Practice Advice Notes 1, 2, 3 from Historic England, supersede the PPS 5 Practice Guide which has now been withdrawn by Government. The Historic Environment Good Practice Advice (GPA) in Planning Note 2, states at paragraph 4: The significance of a heritage asset is the sum of its archaeological, architectural, historic, and artistic interest and provides at paragraphs 8, 9 and 10 that in order for the Local Planning Authority to make decisions in line with legal requirements, the objectives of the development plan; and, the policy requirements of the NPPF, great importance is placed on understanding the nature, extent and level of the significance of the heritage asset.

Of particular relevance for this application, given its location adjacent to the conservation area, is Good Practice Advice (GPA) Note 3 – The Setting of Heritage Assets. This note provides advice on understanding setting, how it may contribute to the significance of heritage assets and allow that significance to be appreciated, as well as advice on how views contribute to setting. This guidance note also advises that setting is not a heritage asset or a designation in itself, but its importance lies in what it contributes to the significance of the heritage asset.

The National Planning Policy Framework (NPPF) 2019 sets out the policies that the Council must take into account when determining planning applications. The NPPF sets out, in Section 16, the Conserving and Enhancing of the Historic Environment. The following paragraphs are of particular relevance:

Para. 189 advises that in determining planning applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including the contribution made by their setting.

Para. 192 advises that in determining 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 economic vitality; and

c) The desirability of new development making a positive contribution to local character and distinctiveness.

Para. 194 states that any harm to the significance of a designated heritage asset requires clear and convincing justification. It should also pass certain tests depending on the magnitude of harm caused.

Para. 196 states that where a development proposal will lead to less than substantial harm, this harm should be weighed up against the public benefits delivered by the proposals.

Current Local Plan Policy CS11 (Protecting and Enhancing the Special Environment and Heritage of Havant Borough) at section 4, advises that planning permission will granted for development whereby it 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.

Policy DM20 from the adopted Allocation Plan 2014 advises the planning permission will granted for development that conserves and enhances the historic assets of the Havant Borough and are expected to provide a heritage statement for developments which have the potential to affect heritage assets.

Emerging Policy E13 from the Draft Local Plan 2036 provides similar advice to existing Policy CS11, but also adds that where harm cannot be avoided, mitigation much be proportionate to the impact and the significance of the heritage assets and fully incorporated into the development proposals.

Key points from Heritage Statement (Terence O'Rourke Ltd) and Draft CAAMP (Havant Borough Council)

The Heritage Statement by Terence O'Rourke Ltd describes the significance of Old Bedhampton in Chapter 3, detailing the key listed buildings and the general growth of the village. Para. 3.6 makes reference to the Figure 2 map (1810) which shows large square fields parallel to the coastal road and two narrow routes leading south from Lower Road to Broad Marsh. Para. 3.8 makes reference to the 1868 map (Figure 3) which shows the area beneath Lower Road as a single large field parcel, with the route south to the marshes retained and crossing a bridge over the new railway. Para. 3.10 highlights in the introduction of Manor Farm in 1909 which was a new farm comprising planned courtyard of farm buildings and three houses on the south side of the road. Housing on the north side of Lower Road continued to emerge up until the 1950s.

The Old Bedhampton Conservation Area was first identified in 1980 and is now under review with an updated Character Appraisal and Management Plan (CAAMP) being considered by the Council for adoption.

Para. 2.7 of this appraisal identifies 'the immediate setting of the conservation area is an important aspect of its significance, particularly areas such as Bidbury Mead, lands to the south of Bidbury Lane and farmlands to the south and south west of Lower Road. These lands have provided a rural setting of the conservation area and settlement. Any proposed development with these areas would have to meet the requirements set out in Listed Buildings and Conservation Areas Act 1990. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires planning authorities, when considering whether to grant planning permission for development which affects a Conservation Area, to have special regard to the desirability of preserving or enhancing the character and appearance of that area'.

Para 2.8 goes on to identify – 'Apart from changes to the mill lands to the south and southeast, the conversion of Manor Farm and development to the north side of Lower Road, the historic landscape and field patterns remains remarkably intact, including the network of routes, tracks and paths, some of which have their origins recorded as far back as the 1770s'.

Para 2.9 – 'Exceptions include the intrusive row of non-native coniferous trees that form a new boundary line between the fields to the south of Lower Road. Also the route of Narrow Marsh Lane which is known to have existed in circa. 17709 and on historic map dating from 1797 (Figure 6), which leaves Lower Road and leads to a bridge over the railway line to the land beyond. Recorded as a route in the late 18th century, it now a track. The link to the harbour was severed by the construction of the A27 by pass'.

Para 4.7 identifies the existing urban grain – 'Due to the limited periods of change, the spatial and contrasting urban grain and development patterns are legible. For example, the nucleated yet loose pattern within the historic core sits in contrast to the interwar and post-war development to the north and west. The late Victorian / early Edwardian terracing to the west is distinct in terms of its grain and density being much tighter than that of the interwar development north of Lower Road and the large detached dwellings sitting within ample grounds within the historic core. The rural setting to the settlement is a key feature of its character including the location of buildings that had a link with the working landscape'.

Para 4.12 - The farmlands to the south and south west of the current lanes are considered to reinforce the rural origins of the settlement. This role is evidenced by the surviving farm group to the south side of Lower Road and the farmland with the historic route / footpath leading to another bridge providing access to the severed area south of the railway line. The presence of the line of non-native conifers intrudes into this setting but does not remove the sense of that connection.

Responses from local residents have been made during the consultation on the draft CAAMP, that the boundary of the conservation area should be to reviewed to include the land south of Lower Road (including former farm buildings and agricultural lands) (amongst other areas), as these have important historic connections to the conservation area. However, the Council's response has been that 'although these areas form part of the setting to the conservation area, and historic connections can be evidenced from mapping and other sources, they are mainly fields that do not have the special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance. Therefore, these areas are not included within the recommended revised boundary of the conservation area'. (para 7.7).

Assessment

The NPPF makes clear the importance of identifying and assessing the particular significance of any heritage asset and explains that this needs to be taken into account when considering the likely impact that development proposals may have. The NPPF also requires that 'a thorough assessment of the impact on setting needs to take into account, and be proportionate to, the significance of the heritage asset under consideration and the degree to which proposed changes enhance or detract from that significance and the ability to appreciate it'.

The NPPF also advises that 'the extent and importance of setting is often expressed by reference to visual considerations. Although views of or from an asset will play an important part, the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust and vibration from other land uses in the vicinity, and by our understanding of the historic relationship between places. For example, buildings that are in close proximity but are not visible from each other may have a historic or aesthetic connection that amplifies the experience of the significance of each.'

In this regard the heritage assets are the Old Bedhampton Conservation Area and the important listed and locally listed buildings which form part of the conservation area. The significance of the Old Bedhampton Conservation Area derives from a dispersed pattern of development, with expansive green spaces and fields to the East, South and South West. There is an eclectic mix of dwellings of varying styles and ages, reflective of the village's incremental historic growth. Overall, this results in an informal, loose knit appearance, which is reinforced by the network of narrow, often windy lanes and the predominance of mature trees and hedges, both within gardens and as property boundaries. This gives the Conservation Area a sense of tranquillity and rural character, in spite of its proximity to the more suburban development that sits to the west and north of the area.

Part of the analysis on the impact on setting, is to establish whether the setting of an affected heritage asset makes a contribution to its significance and the extent and/or nature of that contribution; both setting, and views which form part of the way a setting is experienced, may be assessed additionally for the degree to which they allow significance to be appreciated.

The Conservation Area's setting to the south and south west is dominated by open countryside. The Conservation Area derives part of its significance from this setting, which contributes to the rural character of the Conservation Area and is important in supporting its historic separation, both physically and in terms of character, from 20th century developments that encroached onto the area.

The introduction of new dwellings south of Lower Road, will alter the landscape and increase the urban boundary southwards towards the railway line and closer towards Old Manor Farm, although this will be separated by a narrow landscape buffer and rear gardens of only single storey dwellings. The proposal would also extend development into the wider open countryside setting that contributes to the significance of the Conservation Area, diminishing the perception of largely unaltered rural surroundings.

However, as in the case of the impact on the setting of the conservation area, detailed above, it is considered that the overall extent of harm to the setting of the consideration area, would be ***less than substantial.***

This view is formed by the understanding that the direct impact to the listed buildings and their immediate settings would be low and that the proposed development has been designed in such a way that it would minimise harm (to a degree) through the proposed site layout.

The proposed development would be set back from the existing dense boundary hedgerow to the south of Lower Road and would be only marginally visible from further up Lower Road, when travelling south, moving outside of the conservation area boundary. The lowest density of housing is proposed near the Lower Road boundary and this will include extensive landscaping and be well spaced to provide a sense of openness and a rural character. Traditional style materials are proposed which is positive, which appear to be well suited to the palette of materials in the local vernacular.

Conclusion

Overall, is it considered the development would not either preserve or enhance the setting of the conservation area subject to Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires planning authorities, when considering whether to grant planning permission for development which affects a Conservation Area, to have special regard to the desirability of preserving or enhancing the character and appearance of that area.

However, as the harm to the significance of the heritage asset can be moderated to a degree, it is concluded that less than substantial harm would result. In accordance with NPPF, this is a matter which needs to be weighed against the public benefits of the proposal and the overall planning balance.

Please note at time of this response, the Old Bedhampton CAAMP 2019 is still awaiting final adoption by the Council. If further changes are made to this document, then an updated response will be provided.

Rachael McMurray MRTPI

Senior Conservation Officer

3/7/2019

Further Conservation Response

Site - Lower Road, Bedhampton

Application – APP/19/00427

Proposal – Development of 50 new dwellings, together with access, landscaping and open space

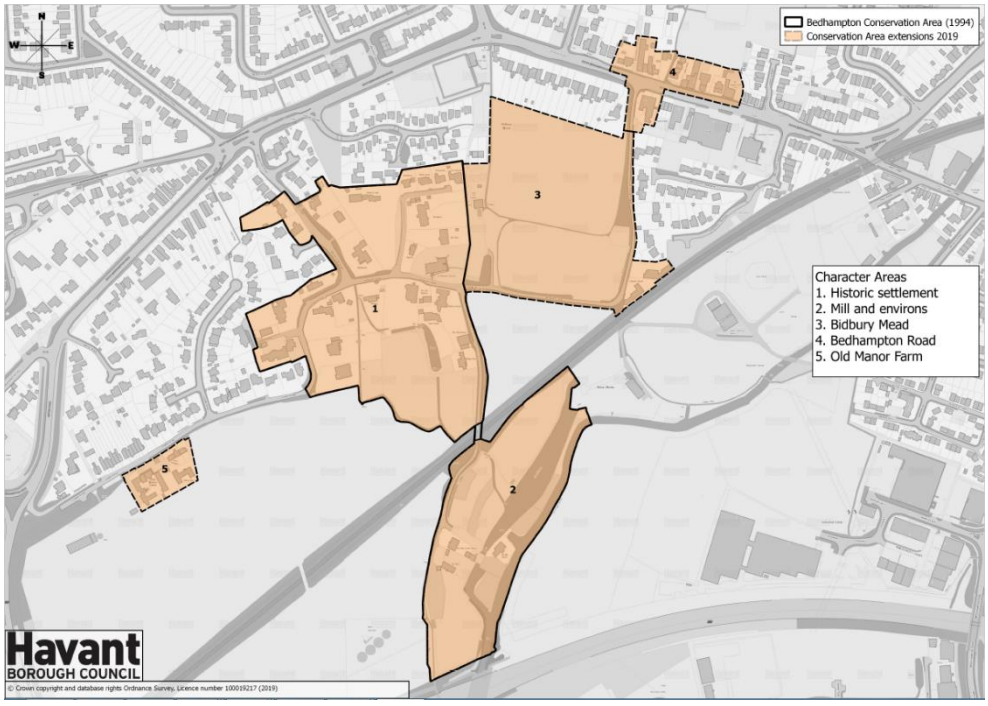
This further response is provided following the formal adoption of the Old Bedhampton Conservation Area Appraisal and Management Plan (CAAMP) by the Full Council on 25th September 2019. Please refer to the original heritage response for background, legislation and assessment which still forms part of the overall heritage response.

This further response considers what impact the revised CAAMP following its recent adoption. The original heritage response concluded that overall, is it considered the development would not either preserve or enhance the setting of the conservation area subject to Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires planning authorities, when considering whether to grant planning permission for development which affects a Conservation Area, to have special regard to the desirability of preserving or enhancing the character and appearance of that area.

However, as the harm to the significance of the heritage asset can be moderated to a degree, it is concluded that less than substantial harm would result. In accordance with NPPF, this is a matter which needs to be weighed against the public benefits of the proposal and the overall planning balance.

Final adopted version of the Old Bedhampton CAAMP 2019

The Council resolved the alter the boundary of the conservation area to include three new Character Areas (3, 4 and 5) as shown on the map below.



Of most relevance to the consideration of the proposal APP/19/000427, is the new Character Area 5 which includes The Old Manor Farm buildings, being adjacent to the development site. These buildings have been included within the conservation area as whilst they are no longer in their

original agricultural use, they retain some interesting architectural features and the relationship between the buildings is distinctly that of a farmyard arrangement.

In the original response, the impact of the proposal on Old Manor Farm was considered as a locally listed building. As these buildings now form part of the conservation area, greater weight is attached to its status as a designated heritage asset. As stated in the original response, the Conservation Area's setting to the south and south west is dominated by open countryside. The Conservation Area derives part of its significance from this setting, which contributes to the rural character of the Conservation Area and is important in supporting its historic separation, both physically and in terms of character, from 20th century developments that encroached onto the area.

The introduction of new dwellings south of Lower Road, will alter the landscape and increase the urban boundary southwards towards the railway line and closer towards Old Manor Farm, although this will be separated by a narrow landscape buffer and rear gardens of only single storey dwellings. The proposal would also extend development into the wider open countryside setting that contributes to the significance of the Conservation Area, diminishing the perception of largely unaltered rural surroundings.

However, as in the case of the impact on the setting of the conservation area, including the new Character Areas and in particular, Character Area No. 5, it is considered that the overall extent of harm to the setting of the consideration area, would be ***less than substantial.***

This view is formed by the understanding that the proposed development has been designed in such a way that it would minimise harm (to a degree) through the proposed site layout, with the lowest density of housing being proposed near the Lower Road boundary and this will include extensive landscaping and be well spaced to provide a sense of openness and a rural character. Traditional style materials are proposed which is positive, which appear to be well suited to the palette of materials in the local vernacular.

If the application it to be approved, it is advised that a condition requiring materials samples to be provided and agreed prior to any above ground development taking place is included on any decision.

Rachael McMurray

Senior Conservation Officer – 11/11/2019

APPENDIX 4

GLVIA METHODOLOGY UNDERTAKEN IN THE PREPARATION OF PHOTOGRAPHIC VISUALISATIONS BEFORE THIS INQUIRY (FIGURE 4)

Photographic survey

For this appraisal, a Canon EOS 6D camera was used in conjunction with a 50mm prime lens. The EOS 6D employs a sensor of similar size to a traditional SLR therefore the 50mm lens used results in a focal length of 50mm as no modification factor is applied. This methodology is in accordance with the Landscape Institute Visual Representation of Development Proposals technical guidance note 06/19 17 September 2019.

A4.1 In this appraisal, the photographs are taken at approximately 1.5 m above ground level using a tripod with a Pano head which provides a 15 degree angle between adjacent shots.

A4.2 RTK differential GPS survey equipment which records the viewpoints 3D position with sub-metre accuracy was used to provide verified 3D location for each viewpoint.

A4.3 For panoramic photographs individual shots are stitched together using a cylindrical projection with exposure balancing.

Photomontages

Baseline panorama

A4.4 The baseline panorama shows the existing view and captures the overall landscape and visual context. The images are provided in cylindrical projection and should be viewed curved at a comfortable arm's length. The images are provided in cylindrical projection at 100% scaled for a monocular view and should be viewed curved.

Proposed visualisations

A4.5 Photomontages are used to illustrate the likely view of a proposed development, as it would be seen in a photograph. It is important to note, as stated in the Landscape Institute technical guidance note 06/19 Visual Representation of Development Proposals paragraph 1.2.13 that "Two-dimensional visualisations, however detailed and sophisticated, can never fully substitute what people would see in reality. They should, therefore, be considered an approximation of the three-dimensional visual experiences that an observer might receive in the field."

A4.6 The photomontages contained in this study comply with the latest best practice guidelines and represent a type 4 photomontage/photowire (survey/scale verifiable) at year 0 (ie. at completion of construction). This type of visualisation has been used based on a category A user i.e. “Evidence submitted to Public Inquiry, most planning applications accompanied by LVIA (as part of formal EIA), some non-EIA development which is contrary to policy or likely to be contentious. Visualisations in public domain.”

A4.7 A 3D block model of the detailed site layout (HGP Architects drawing Proposed Site Layout 17.043-102-S June 2018) showing the siting of each property and massing based on the detailed elevations and following the levels strategy (MJA Consulting drawing Level Strategy Layout 5992:P02 March 2019) was produced.

A4.8 This has been used to generate a geometrically accurate photomontage illustrating the scale, mass and arrangement of the proposals based on the detailed layout and elevations but not including details of the façade treatment or secondary mitigation in the form of landscape planting throughout the development area. The extent of the proposed tree planting and hedgerow planting illustrated on the Terrafirma drawings 1860-TF-00-00-DR-L-100 to L-005 and 1860-TF-00-00-DR-L-1006 has also been modelled at year 0 (at completion of construction).

A4.9 The photomontage of the proposals has then been aligned and superimposed on to the selected viewpoint photographs. The photomontages have been constructed using surveyed photographs (surveyed with RTK differential GPS which records the viewpoints 3D position with sub-metre accuracy) and aligned using surveyed control points taken within the surrounding area. This alignment was then verified using 3D LIDAR data.

A4.10 The photomontages are provided in cylindrical projection and should be viewed curved at a comfortable arm’s length. The images are provided in cylindrical projection at 100% scaled for a monocular view and should be viewed curved.

APPENDIX 5 OLD BEDHAMPTON CONSERVATION AREA APPRAISAL

Timeline and commentary taken from Environmental Information Regulations (Freedom of Information, FOI) September 2018

Old Bedhampton conservation area appraisal – timeline

Application details

Date	
3 May 2019	Validation of Bargate planning application 19/00427
3 October 2019	Addendum amended application
4 December 2019	Application site visit by Site Viewing Working Party
23 Jan 2020	Extraordinary Development Management Committee Recommendation to grant permission Para 8.9 "Accordingly, in what is a challenging and complex balance of heritage impact and sustainable development principles, and notwithstanding the development plan position in relation to the site, the application is recommended for permission." Decision deferred
5 March 2020	Development Management Committee Refusal of planning application against officer recommendation
26 March 2020	Decision notice

Conservation area review & appraisal

Committees
17 July 2019 Extraordinary Operations and Place Shaping Board – this gives the detail of the process and appends the versions of the appraisal, the consultation responses and council's response
11 September 2019 Cabinet – amended boundary against officers' advice
25 Full Council – adopted appraisal and boundary change

See FOI pack for emails etc.

Date	
1980	Original designation Old Bedhampton conservation area
1994	Review & appraisal document
Early 2017	"the Conservation Team were approached by the Friends of Bidbury Mead (BMF) requesting that the Old Bedhampton Conservation Area Appraisal be up-dated." (from supplementary info to 17 July 2019 meeting OPSB)
7 May 2017	Ron Tate email to Andrew Biltcliffe, Head of Planning, HBC Discussing process of commissioning consultant to produce CA appraisal for BMF Refers to boundary changes and UE30 (HBC draft local statement July 2016)
21 May 2017	R Tate chasing email
22 May 2017	A Biltcliffe agreement in principle (2 sentence email)
29 June 2017	R Tate email to Peter Fellowes on tender process. Refers to "Action Group"
July 2017 (nd)	Tender document. Refers to HBC "need to do this work" and to BMF "concern" about effect of proposed development. Response required by 4 Sept
8 Feb 2018	Draft report for Cabinet meeting March to approve appraisal for consultation. Did not happen.
8 May 2018	Save old Bedhampton (SOB) meeting minutes. Expecting 1st draft CA appraisal & commissioned landscape & hedgerow reviews. Lots about lobbying councillors & the Local Plan. Drafted a series of questions for cllrs to ask at the HBC DC Forum
Summer 2018	"the first draft of the BMF commissioned appraisal was submitted to the Council for consideration and review. The fifth, and last, version was submitted in October

	2018." (OPSB) Review process included a meeting "with Ward Councillors, Historic England, the consultant and a representative of BMF to discuss areas of difference and to seek amendments prior to submission of the final draft from BMF and public consultation." (see 13 August meeting)
2 July 2018	Email correspondence D Hayward and Cllr Guest (Lead for Planning & Dev) on presentation of draft appraisal to Cabinet and issues of objectors to Lower Rd trying to "steer the process"
3 July 2018	R Tate email to HBC officers. On completion of appraisal draft and officers report to present to Cabinet. States that if there is any "significant departure from the recommendations" the residents may use the original at appeal etc., also queries Bargate being kept informed.
17 July 2018	SOB meeting minutes. 2nd issue draft appraisal sent to HBC. Refers to a landscape review that had supported some housing to the S of Lower Rd, hedgerows review, raise possibility of removing TPO on the conifers & several items on highways
18 July 2018	Jessica Hill (conservation officer) email to R Tate & Eimear Murphy. Comments on the draft appraisal. Concerns over proposed extension at Lower Rd and S of the railway.
25 July 2018	Bargate FOI/EIR request
31 July 2018	D Hayward email to Simon Jenkins Head of Planning, giving timeline incl. meetings with Bargate and HE & amount of conservation officer time to review multiple drafts Notes that the BMF proposal is "inextricably linked" to the Lower Rd development.
8 August 2018	R Tate email to D Hayward and others ahead of meeting on 13th on justification for CA extensions
10 Aug 2018	D Hayward email to Cllr Turner before meeting with BMF et al on 13th. That proposed extension at Lower Rd not accepted. Also refers to Bargate producing their own review (in fact decided against).
13 Aug 2018	D Hayward email to J Hill (conservation officer) Comments on draft appraisal document. Refers to text in the draft on highways and traffic problems without evidence.
13 August 2018	Meeting to discuss draft appraisal issue 2 with HBC officers & cllrs, BMF, Murphy Assoc, HE Extensions at Lower Road & S of the railway rejected HBC CO officer and HE. Confirmed change to constitution so consultation could be approved by Head of Planning. Also noted Bargate EIR request.
24 August 2018	D Hayward email to Cllr Fairhurst on meeting minutes, that officers disagree "in principle" to Lower Rd extension
31 July – 1 August 2018	Emails R Tate, David Hayward on EIR exemption. Draft appraisal not yet been reviewed by HBC so still belongs to BMF
7 Sept 2018	EIR (FOI) info received by Bargate "3 ring binders of correspondence"
25 October 2018	Conservation area appraisal Final Consultation draft Issue 5 "produced on behalf the Bidbury Mead Friends and Havant Borough Council with funding from The Bedhampton Charitable Trust . It has been written by a collaboration of heritage consultations led by Murphy Associates with The Conservation Studio and DGC Consultants Ltd." (Appended to OPSB agenda) Proposed extensions to the CA on Lower Rd and S of the railway line.
Jan 2019	Old Bedhampton Conservation Area Appraisal – HBC version "based on" BMF document. Proposed extensions at Lower Rd etc. rejected paras 7.6-7.
4 Feb – 29 March 2019	Consultation on draft conservation area appraisal alongside the Pre-Submission Local Plan consultation. OPSB Supplementary info notes "the document that went out to public consultation was largely based on the one produced by BMF. The fundamental differences are: □ Omission of land at Lower Road; □ Omission of 'Donkey Field'

	□ Omission of Portsmouth Water land to the east □ Removing Lower Road as a sunken lane."
23 May 2019	R Tate email to D Hayward and others with material concerning sunken lanes Reported on OPSB that additional material submitted to council outside the formal consultation period "Since the consultation, further viewpoints have been submitted, including a Definitive Map Modification Order and a report titled A study of the character and antiquity of the road network of the community."
Summer 2019 (nd)	Summary of reps and HBC officers' responses (appended to OPSB) 19 responses received. Most of the officer responses relate to a few v long & repetitive reps, including one on the local plan. Repeated comments & repeated response that Lower Rd lacks the special architectural or historic interest required for designation and is not a sunken lane. Quotes NPPF 186 several times.
June 2019	Conservation appraisal final draft Does not include the extensions to the SE at Lower Rd or over the railway
17 July 2019	Extraordinary Operations and Place Shaping Board Report and appendices give account of process of producing the appraisal and appends versions by BMF and as agreed by council & HE, consultation responses on the draft appraisal, and council response document Supplementary Information explaining differences with BMF versions relating to boundary changes (Lower Rd paras 3.33-3.39) Suggested local listing of the Manor Farm buildings Comment on resources "However, it should be noted that managing this particular conservation area re-appraisal has taken more officer time than would be usual for an in-house review of a conservation area." (para 4.1) Risks "can be separated into two categories: those as a direct result of the appraisal's recommendations and those from the unusual process of producing the appraisal." (4.12) Vote 3-4 against recommending the appraisal to Cabinet for adoption
11 Sept 2019	Cabinet Adopted the appraisal with "a separate section to cover the Manor Farm Buildings located to the south of Lower Road;" Minutes note that "members of the Cabinet had visited the area to see at first hand the issues that had been raised by local residents during the consultation process."
25 Sept 2019	Full council Adopted conservation area appraisal & revised boundary

APPENDIX 6

RELEVANT HBC OFFICER OPINION ON ADJACENT PLANNING APPLICATIONS

A. NO.11 LOWER ROAD, ‘THE WILLOWS’ HBC CONSERVATION OFFICER COMMENTS TO PLANNING APPLICATION APP/16/00473

Consultee Comments for Planning Application APP/16/00473

Application Summary
Application Number: APP/16/00473
Address: 11 Lower Road, Havant, PO9 3LH
Proposal: Demolition of existing 4 bed detached house and construction of new 4 bed detached house.
Case Officer: Heather Lealan

Consultee Details
Name: Mr John Heritage Team
Address: Public Service Plaza, Civic Centre Road, Havant PO9 2AX
Email: Havant.Heritage@havant.gov.uk
On Behalf Of: Conservation Officer

Comments
Principal Conservation Officer No Objection

Site

11 Lower Road is lies within the Bedhampton Conservation Area. The general character of the built environment within the Conservation Area is of detached properties set within substantial landscaped gardens. 11 Lower Road reflects this character as a detached house set in a good sized plot.

The house at present was constructed in 1958and has a number of later extensions which confuse it appearance. It is my opinion that the existing dwelling is of no particular architectural merit, which I would describe as having a neutral impact on the character of the area. The dwellings demolition is therefore not contested. The site affords an opportunity to provide a development that knits into the local landscape.
Due to the location of the building, an empty site would not preserve the character of the Conservation Area. Therefore an acceptable scheme that enhances the character of the area is necessary for any redevelopment that involves the demolition of the existing building.

Policy Context

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires planning authorities, when considering whether to grant planning permission for development which affects a listed building or its setting, 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.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires planning authorities, when considering whether to grant planning permission for development which affects a Conservation Area, to have special regard to the desirability of preserving or enhancing the character and appearance of that area.

The NPPF sets out, in paragraph 17, the 12 core planning principles that local planning authorities should consider in making planning decisions. One of these core principles relates directly to conserving heritage assets, as follows

Planning should conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations;

Paragraph 132 of the National Planning Policy Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the assets conservation. It also goes on to state that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Paragraph 133 provides guidance in relation to development proposals that cause 'substantial harm'. While, paragraph 134 of the National Planning Policy states that where a development 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.

Paragraph 64 (Section 7 Requiring Good Design) is also particularly relevant to this case in that development should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Impact on Conservation Area and setting of the Elms

It is my opinion that the proposed replacement dwelling would still allow for good appreciation of the site and would not be out of keeping with the prevailing residential pattern and spatial quality of the area.

Based on the elevations provided, I am satisfied that the building is of an appropriate scale and mass. In terms of design I feel the proposed dwelling should be commended. Whilst the dwelling takes a modern form it is clear the design has been inspired by the local context. The general appearance would therefore not look out of keeping in the conservation area. The car parking arrangement also appears appropriate for this location and does not overly dominate the site. Of particular importance is the retention of the existing screening/hedging to the front boundary which is to be encouraged.

It should also be noted that the scheme is located a sufficient distance from The Elms (Grade II* listed) to not cause any harm to its setting. The screening of the site also ensures and views of the

proposal will be minimal.

Conclusion

The scheme will therefore not adversely harm the character of the conservation area or the setting of the nearby grade II* listed building.

The detailing and quality of materials will be critical to successful execution of this scheme and therefore conditions have been requested as outlined below.

CONDITIONS
1. Sample materials to be submitted prior to development
2. Window details 1:5 & 1:20 to be submitted prior to development
3. Permitted development rights removed.

APPENDIX 6

RELEVANT HBC OFFICER OPINION ON ADJACENT PLANNING APPLICATIONS

B. HBC PLANNING OFFICER DELEGATED REPORT TO REDEVELOPMENT PROPOSALS WEST OF APPEAL SITE, NOW KNOWN AS ‘MANOR BARN’

Site Address: Land adj. Farm Cottages, 13 Lower Road, Havant
Proposal: Variation of Condition No. 16 of Planning Permission APP/10/00533 (which granted permission for construction of 1No. detached 4 bed house with car port and altered access to Lower Road) to substitute approved drawings with revised plans seeking to regularise discrepancies in ground/eaves/ridge levels and finished floor levels in development undertaken on site.

Application No:	APP/14/01040	Expiry Date:	28/11/2014
Applicant:	Mr E Clutton & Ms S Goodall	Team:	Team 1
Agent:	Mr N Freemantle Mapledean Special Projects	Case Officer:	Heather Lealan
Ward:	Bedhampton		

Recommendation: **GRANT PERMISSION**

1 Site Description

1.1 The site is located on the southern side of Lower Road in Bedhampton. It is directly south of Farm Cottages and to the east of Old Manor Farm, which has now been converted to residential dwellings. To the eastern site boundary is a hedgerow which is very important with regard to the visual amenities of the area. To the south is open countryside and this boundary is untreated.

1.2 The access to the site is directly adjacent to the eastern site curtilage of Manor Farm Cottages.

2 Planning History

05/70873/000
Outline application for the erection of two dwellings on the site utilising the existing access to Lower Road. Application withdrawn 17 January 2006

07/70873/001
Construction of 1 detached four bedroom dwelling with car port and altered access to Lower Road - Permitted 28/06/2007

10/70873/002
Extension of time limit for implementation of Planning Permission 07/70873/001 for the Construction of 1 detached for bedroom dwelling with car port and altered access to Lower Road. The legislative provisions enabling applications to be made for an extension of the time limit, (for implementations of permissions that have not commenced), came into effect on 01/01/2009. - Extension to time limit granted 30/03/2010 for a further three years.

APP/10/00533
Revised application for construction of 1No. detached 4 bed house with car port and altered access to Lower Road. The application was the same as the extant 2010 permission except that a further single storey section is proposed to the southern elevation of the building.

Further details were submitted regarding site levels, details of enclosure and other matters with regard to meeting the requirements of some of the conditions applied to previous permission 10/70873/002 - Permitted

APP/12/00160
Application for non-material change to Planning Permission APP/10/00533 relating to increase in width of western section and addition of 2No. velux rooflights. The proposed ridge height of the western section was increased by 300mm in line with the rest of the permitted building's roof ridges - Permitted

APP/12/01152
Application for non material changes to Planning Permission APP/10/00533 relating to change from car port to garage, addition of porch, change to location of front door, alterations to window sizes and location, addition of new roof lights. - Permitted

APP/14/00960
Non Material Change, (NMC) application for the addition of a new condition to list all plans and documents approved with application APP/10/00533, together with those plans and documents approved by Non-Material Amendment application APP/12/00160 and APP/12/01152 - Permitted 1/10/2014

3 Proposal

3.1 Variation of Condition No. 16 of Planning Permission APP/10/00533 (which granted permission for construction of 1No. detached 4 bed house with car port and altered access to Lower Road) to substitute approved drawings with revised plans seeking to regularise discrepancies in ground/eaves/ridge levels and finished floor levels in development undertaken on site.

3.2 The previous planning permission for a single dwelling has been implemented and is under construction. However, following an enforcement investigation it was established that the ridge and associated eaves heights are 0.5m higher than those approved at either initial full application stage or through the two NMC applications.

3.3 Condition 16 was added to the original planning consent under a S73 application (APP/14/00960) to secure a minor amendment to allow a list of approved plans to be added to the original consent. (The NMC application was submitted because, if the applicants were to submit a revised full application in an attempt to regularise the current breach, and if it was recommended for permission, then the build would be CIL liable and as it has already commenced no exemption could now be sought.) The applicants are now seeking, through the application subject of this report, to change these listed approved plans under a Variation of Condition application. Such an approach is accommodated within planning law and has allowed for full neighbour consultation and the consideration of the merits of the changes to the height of the scheme is set out within section 7.

3.4 The applicant has previously asserted that the second NMC application APP/12/01152 included plans which raised the ridge height. It is not considered that this is correct by case officers and that both the NMC applications considered only minor alterations as set out in the descriptions.

4 Policy Considerations

National Planning Policy Framework 2012

Havant Borough Local Plan (Core Strategy) March 2011

CS11	(Protecting and Enhancing the Special Environment and Heritage of Havant Borough)
CS16	(High Quality Design)
CS17	(Concentration and Distribution of Development within the Urban Areas)
DM10	(Pollution)
DM13	(Car and Cycle Parking on Residential Development)
DM8	(Conservation, Protection and Enhancement of Existing Natural Features)

Havant Borough Local Plan (Allocations) July 2014

AL1	(Presumption in Favour of Sustainable Development)

Listed Building Grade: Not applicable.
Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

None

6 Community Involvement

This application was publicised in accordance with the Council's Code of Practice for Publicity of Planning Applications approved at minute 207/6/92 (as amended), as a result of which the following publicity was undertaken:

Number of neighbour notification letters sent: 7

Number of site notices: One

Statutory advertisement: Not applicable.

Number of representations received: 6

Summary (with officer comments in italics):

(a) Building is much higher than previously permitted to the detriment of the amenities of the occupiers of the adjacent residential dwellings and the application should be refused and the height reduced to that originally approved. It has increased in height by approx 800mm.
The south western side section of the roof has increased by 800mm from the original permission. However 300mm of this was approved as a NMC; it was considered non-material as it concerned a small section of the ridge and it did not exceed the overall permitted ridge height. As such the current application seeks in effect to consider the additional 500mm increase in height of the ridge overall and associated eaves and finished floor levels.

(b) Two "non-material" amendments (APP/12/00160 and APP/12/01152) which saw the addition of extra rooms in the roof were passed by the Council without any public consultation.
The 2010 application included rooms in the roof and internal alterations to provide

further rooms in the roof could have been undertaken without the need for planning permission at a later stage. The two applications quoted were considered to be non-material as no new issues of overlooking or of overbearing impact would have been created by the amendments sought. Please refer to full officer reports for the two non-material amendments.

(c) Approving this application would send out the wrong message to this and other developers, it being open season in Havant, as the planning process is not fit for purpose and can be easily manipulated with a retrospective application.
This is not a material consideration, every planning application must be considered on its own merits.

(d) The obscurely glazed windows in the northern elevation are openable and will create overlooking.
The original planning permission for the development (APP/10/00533) anticipated a habitable room (playroom) at first floor level in this location with an obscure glazed, top hung central casement window facing north. Whilst the room to be served by the window is now proposed to be a bedroom, this change to the room classification is not development in itself and as such does not fall under planning control. Notwithstanding this, the increased bulk of the development and the side hung casement windows shown on the plans indicate that the risk of actual and perceived overlooking is greater under this revised scheme - as such, opening restrictors should be considered to mitigate this impact.

(e) There is a cable for a security light and there is concern that this will cause disruption to neighbours.
This is not a consideration for the variation of condition application.

(f) The building is an overpowering building and causes loss of views over open fields to the south.
Loss of view is not in itself a material planning consideration; planning permission exists for a building of identical footprint and similar scale to that now proposed. The impact of the development on residential amenity is considered in Section 7 below.

(g) Concerns regarding access to development.
This matter was considered through the previous full planning application process (APP/10/00533) and the current application, in seeking to vary only the physical attributes of the approved building, does not result in any changes to the approved access arrangements.

7 Planning Considerations

7.1 Having regard to the relevant policies of the development plan and the planning history of the site, it is considered that the main issues arising from the revised proposals the subject of this application are:

(i) Principle of development
(ii) Impact upon the streetscene
(iii) Impact upon residential amenity

(i) Principle of development

7.1 The application site is situated within an urban area where further development is

considered acceptable subject to the usual development control criteria. The acceptability of a new dwelling of identical footprint and similar scale has been established under APP/10/00533 and in essence this variation of condition application now seeks to regularise discrepancies in the ground/eaves/ridge levels and finished floor levels compared to those agreed under the original planning permission and subsequent NMCs.

7.2 The principle of the conversion of the dwelling from what was understood to be a 'bungalow' to a two storey house has been raised by the adjoining residents. However, the 2007 and 2010 planning permissions allowed a dwelling with a playroom within the roof space and there was sufficient room to convert further of the roof space at a later date through the introduction of velux windows. This would have accorded with the dwelling's permitted development rights. The classification of rooms has changed over the course of the applications submitted. What started out as being described as a playroom has now been converted to bedroom 3. This re-classification is not in itself development and does not require planning permission; however the impact of the revised bulk and design of the scheme must be given due consideration and this is set out below.

(ii) Impact upon the streetscene

7.3 It is not considered that the changes to the approved plans as listed in 7.1 will have a detrimental impact on the visual amenities of the streetscene and public realm as the property is located to the rear of the terrace of dwellings fronting Lower Road and does not hold a prominent position in public views along Lower Road.

(iii) Impact upon residential amenity

7.4 It is considered that the increase in the height of the dwelling from the plans approved at initial application stage and the further NMC, this being 500mm, will not cause an unacceptable detriment to the occupiers of the dwellings to the west of the site. From this vantage point the additional building bulk will be mostly screened by the boundary fence and vegetation and is set sufficient distance from the adjacent property so as not to be overbearing to their amenity.

7.5 The residents of Manor Farm cottages to the north have raised concerns regarding a number of issues, most of which have been directly addressed within section 6 of this report. This application to vary the submitted plans principally concerns a height increase of the dwelling only and as such this is the principal material consideration of this application - all other matters, such as the principle of development in this location and the access to it, being consistent with the previous approval. It is not considered that, given the separation distance of 17.5 metres of the main section of the application dwelling from the adjacent terrace, the increase of 0.5m in the overall height of the dwelling under construction would detriment the amenities of the occupiers of the adjacent residential dwellings in terms of outlook, compared to the existing approved plans, to an extent to warrant a refusal of the application.

7.6 With regard to the concerns raised regarding overlooking, it is noted that the plans approved under APP/10/00533 clearly specified that the then-playroom window at first floor would be obscure glazed with only the central casement shown as openable - and this being top-hung. This would have limited overlooking to the north. The current application suggests the use of side-hung windows and coupled with the increased building bulk, this is likely to increase the likelihood of actual and perceived overlooking. A reasonable compromise to address this issue would be to

require the use of opening restrictors to the north facing Bedroom 3 window to limit the views and protect the amenity of the adjoining residents - the rooflight serving this room in the east elevation will provide reasonable outlook and ventilation to occupiers of the room notwithstanding.

7.7 With this further condition imposed to safeguard privacy and amenity of the neighbours to the north, it is considered that the proposed amendments are in accordance with policy CS16 of the Core Strategy.

8 Conclusion

8.1 It is considered that the variation to the submitted plans are acceptable and that this application should be permitted subject to relevant conditions reflecting those on planning consent APP/10/00533, and a further condition regarding opening restrictors to the north facing bedroom window as set out below.

---

9 RECOMMENDATION:

That the Executive Head of Planning and Built Environment be authorised to **GRANT PERMISSION** for application APP/14/01040 subject to the following conditions:

1 The development hereby permitted shall be carried out in accordance with the following approved plans:

Plans received 3 October 2014;
Site layout Plan showing proposed planting, site levels, fencing & surface materials drwg. no LS01 rev B
Ground Floor drwg. no 12-097 1 rev L
First Floor drwg. no 12-097 2 rev L
South and North Elevations drwg. no 12-097 3 rev L
East and West Elevations drwg. no 12-097 4 rev L
Sections drwg. no 12-097 E12 rev G

Reason: - To ensure provision of a satisfactory development.

2 The dwelling the subject of this permission shall not be occupied unless and until opening restrictors have been installed to the north facing 'Bed 3' windows, in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. Such opening restrictors shall be retained at all times thereafter.
Reason: In the interests of the amenities of the occupiers of nearby properties and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

3 All windows in the northern elevation of the building shall at all times be and remain glazed entirely with obscure glass, the particular type of which glass shall provide a degree of obscuration no less obscure than that which is provided by Pilkington's Texture Glass Obscuration Level 4.
Reason: In the interests of the amenities of the occupiers of nearby

properties and having due regard to Policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

4 The existing Hawthorn and Ivy hedgerow along the eastern boundary of the site shall be retained and reinforced where necessary to a minimum height of 2.5 metres and to a standard consistent with good arboricultural practice.
Reason: To ensure the maintenance of screening to the site and to protect the appearance and character of the area and having due regard to Policies CS16 and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

5 The development shall be carried out in accordance with the detailed proposals for the protection of the existing Hawthorn and Ivy hedgerow to the eastern boundary and sycamore tree approved under Discharge of Condition application APP/13/00408 dated 18 June 2013, which shall be installed and maintained at all times during the course of construction on the site.
Reason: In the interest of maintaining the amenity value of the area and having due regard to Policies CS16 and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

6 No works involving noise and heavy machinery should occur within the waterfowl over-wintering period 1 October to 31 March inclusive.
Reason: To ensure the protection of wildlife interests in the locality and having due regard to Policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

7 All equipment, materials or machinery must be retained within the site and should not cross the boundary into the SINC Area.
Reason: To ensure the protection of wildlife interests in the locality and having due regard to Policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

8 Demolition, clearance, excavation, road or construction works shall take place only between the hours of 0800 and 1800 hours on Mondays to Saturdays and not at all on Sundays and all recognised public holidays.
Reason: To protect the amenity of adjoining residents and having due regard to Policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

9 Construction of the dwelling hereby permitted shall utilise the external facing and roofing materials approved under Discharge of Condition applications APP/13/00408 dated 18 June 2013 or APP/14/00511 dated 3 June 2014.
Reason: To ensure the appearance of the development is satisfactory and having due regard to Policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

10 The landscaping scheme approved under Discharge of Condition application APP/13/00408 dated 18 June 2013 shall be completed prior to the occupation of the dwelling hereby approved, or such other date as may be agreed in writing with the Local Planning Authority. Any trees or plants which die during the first 5 years shall be replaced with another of the same species and size in the same position during the first available planting season.

Reason: To ensure that the landscape scheme is completed in the interests of the appearance of development and having due regard to Policies CS16 and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

11 The materials to be used for the surfacing of all open parts of the site proposed to be hardsurfaced shall be in accordance with the details approved under Discharge of Condition application APP/13/00408 dated 18 June 2013. The development hereby permitted shall not be brought into use until the implementation of all such hardsurfacing has been completed in full accordance with that specification.
Reason: In the interests of the amenities of the locality and having due regard to Policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

12 Notwithstanding the provisions of any Town and Country Planning General Permitted Development Order, no extension, building or structure permitted by Part 1, Classes A and E of the 1995 Order, as amended, shall be erected within the curtilage of the site without the prior written approval of the Local Planning Authority.
Reason: In the interests of the amenities of the occupiers of nearby properties and having due regard to Policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

13 Notwithstanding the provisions of any Town and Country Planning General Permitted Development Order, no further alteration to the roof of the dwelling hereby approved including the addition of windows permitted by Part 1, Classes B and C of the 1995 Order, as amended, shall be constructed without the prior written approval of the Local Planning Authority.
Reason: In the interests of the amenities of the occupiers of nearby properties and having due regard to Policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

14 Notwithstanding the provisions of any Town and Country Planning General Permitted Development Order, no additional windows/doors or other openings shall be constructed within the east, west or north elevations without the prior written approval of the Local Planning Authority.
Reason: In the interests of the amenities of the occupiers of nearby properties and having due regard to Policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

15 The development shall not be brought into use until a minimum of 3 parking spaces have been provided within the curtilage of the site and thereafter all of those spaces kept available for such purposes.
Reason: In the interests of highway safety and having due regard to Policies CS16 and DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.