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Heritage Report

Stumble Ridge, Oldlands Avenue, Balcombe, RH17 6LP

Report prepared by Chilcroft Heritage Planning
November 2024



Corporate members of:
The Society for the Protection of Ancient Buildings
Historic Houses Association
The Georgian Group



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1) INTRODUCTION

- 1.1) I am Haig Dalton, founder of Chilcroft Heritage Planning, an established independent heritage consultancy since 2006. Formerly, I was a local planning authority officer within development control departments in the South of England. I have worked on a wide range of projects throughout the United Kingdom, predominantly (but not exclusively) for private sector clients.
- 1.2) I hold a masters degree in Historic Building Conservation (MSc); a postgraduate qualification in Architectural History from the University of Oxford (Oxon); I am an Affiliate member of the Royal Institute of British Architects (RIBA) and of the Institute of Historic Building Conservation (IHBC).
- 1.3) Over the last 20 years I have specialised in the historic environment, both in terms of understanding and analysing physical fabric, and in terms of policy application, specifically by assessing impacts, providing advice and supporting development proposals. My experience includes a diverse range of cases relating to the assessment of physical changes to, and development affecting all manner of heritage assets and conservation areas.
- 1.4) I have undertaken numerous impact assessments where I have considered the impacts of new development on the historic environment (dealing with physical impacts, setting, townscape, views and inter-visibility), including dealing with the effects of development on heritage assets in urban contexts.
- 1.5) I have provided expert evidence at appeals, including public inquiries, on behalf of both appellants and local planning authorities.
- 1.6) I understand my role in producing this heritage report; to give independent and objective evidence on matters within my expertise, based on my own independent opinion and uninfluenced by the instructing party. I confirm that I have stated the facts and matters on which my opinion is based, and that I have not omitted to mention facts or matters that could detract from my conclusions.

- 1.7) I believe that the facts stated within this Heritage Report are true and that the opinions expressed are correct. I have drawn attention to any matters where I consider I lack sufficient information to reach anything other than a provisional conclusion. I have adhered to the standards and duties of the professional bodies I am a member of, and will continue to adhere to those standards.
- 1.8) I was first approached in December 2023, when I was asked to provide a heritage report in relation to the proposed development on behalf the applicant. My quote was based on several stages/elements, the first of which was an initial case review, including a site visit during January 2024. At my site visit there was still some permeability to the deciduous trees, and I was able to form an impression of the extent of permeability in leafless conditions. I confirmed that I am able to act as the applicant's heritage expert following this initial work and a site visit.
- 1.9) As an independent professional, I have formed my own opinions and have come to my own conclusions about the effects of the proposed development.
- 1.10) I have included in my appeal statement photos taken on my original site visit. The photos were taken with a compact digital camera and they have not been digitally altered, aside from cropping superfluous areas of sky and/or foreground. This visual assessment is intended to be informative, but it is not intended to be exhaustive.
- 1.11) This statement will describe the significance of any heritage assets affected, as required by Para.200 of the *National Planning Policy Framework* (2023). It will assess the significance of the heritage assets by way of Historic England guidance *The Setting of Heritage Assets* (2015) in accordance with their preferred five-step procedure, identify, assess and explore the significance of their setting and consider the applicant's scheme in relation to them.

2) LEGISLATION AND POLICY

- 2.1) Legislation relating to listed buildings and conservation areas is contained in the Planning (Listed Buildings and Conservation Areas) Act 1990. Sections 16 and 66 of the Act place a duty on the decision maker to have special regard to the desirability of preserving listed buildings and their settings.
- 2.2) Section 72 of the Act places similar duty on the decision maker with respect to the desirability of preserving or enhancing the character or appearance of conservation areas, however this does not extend to the setting of conservation areas.
- 2.3) The **National Planning Policy Framework (NPPF)** constitutes the Government's current national guidance and policy regarding development in the historic environment. It is a material consideration and includes a succinct policy framework for local planning authorities and decision takers. It relates to planning law by stating that applications are to be determined in accordance with the local plans unless material considerations indicate otherwise.
- 2.4) Paragraphs 195 to 198 of the NPPF deal with conserving and enhancing the historic environment with emphasis on "significance", defined in Annex 2 as:

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

- 2.5) Annex 2 of the NPPF defines the setting of a heritage asset as:

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

- 2.6) Paragraph 200 of the NPPF places a duty on the Local Planning Authority (LPA) to require an applicant to describe the significance of any heritage assets affected by a proposal, providing a proportionate level of detail. The effects of any development on a heritage asset therefore need to be assessed against the four components of its heritage significance: its archaeological, architectural, artistic and historic interests.
- 2.7) Paragraph 201 of the NPPF notes that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.
- 2.8) Paragraph 205 applies specifically to designated heritage assets. It states that great weight should be given to their conservation (requiring a proportionate approach) irrespective of whether any potential harm amounts to substantial or less than substantial harm.
- 2.9) Conservation (for heritage policy) is defined in Annex 2 of the NPPF as:
- “The process of maintaining and managing change to a heritage asset in a way that sustains and, where appropriate, enhances its significance”*
- 2.10) The importance and relevance of this definition is that it does not suggest conservation to be the same as preservation. Indeed, what sets conservation apart is the emphasis on proactively maintaining and managing change and not on a reactive approach to resisting change. In its simplest interpretation conservation could amount to a change that at least sustains the significance of a heritage asset.

- 2.11) Paragraphs 207 to 208 describe two levels of potential harm that can be caused to the significance of designated heritage assets, namely substantial harm and less than substantial harm. These effects are to be weighed in the planning balance according to the guidance set out within the paragraphs, bearing in mind the statutory provisions above. Substantial harm to or loss of a grade II listed building should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, including grade I and II* listed buildings should be wholly exceptional.
- 2.12) Paragraph 208 deals with cases of less than substantial harm and notes that any such harm should be weighed against the public benefits of the proposal. Heritage protection and the conservation of heritage assets are recognised as of benefit to the public.
- 2.13) Harm is defined by Historic England as a change which erodes the significance of a heritage asset.
- 2.14) Paragraph 212 of the NPPF notes that local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.
- 2.15) **The National Planning Practice Guidance** provides advice on enhancing and conserving the historic environment in accordance with the NPPF. The PPG currently relates to the 2019 version of the NPPF but will be updated in due course to reflect NPPF 2023.
- 2.16) In regards to the setting of heritage assets the PPG notes:

“The setting is the surroundings in which an asset is experienced, and may therefore be more extensive than its curtilage.”

2.17) The guidance notes that a thorough assessment of the impact on setting needs to take into account, and be proportionate to, the significance of the heritage asset and the degree to which proposed changes enhance or detract from that significance and the ability to appreciate it.

2.18) In relation to harm the guidance states:

“Whether a proposal causes substantial harm will be a judgment for the decision taker, having regard to the circumstances of the case and the policy in the National Planning Policy Framework. In general terms, substantial harm is a high test, so it may not arise in many cases. For example, in determining whether works to a listed building constitute substantial harm, an important consideration would be whether the adverse impact seriously affects a key element of its special architectural or historic interest. It is the degree of harm to the asset’s significance rather than the scale of the development that is to be assessed. The harm may arise from works to the asset or from development within its setting.”

2.19) Paragraph 020 of the document notes that public benefits can be heritage based and can include:

- Sustaining or enhancing the significance and the contribution of its setting;
- Reducing or removing risks to a heritage asset; and
- Securing the optimum viable use of a heritage asset for the long term.

2.20) The **Historic Environment Good Practice Advice in Planning** Note 3: The Setting of Heritage Assets (Historic England, 2017) is a document published by Historic England as a second edition in December 2017, replacing the earlier 2015 setting guidance. The document provides for a thorough understanding of the setting of a heritage asset and the relationship of the setting to curtilage, character and context.

2.21) The guidance document notes, in paragraph 18, that the protection of the setting of heritage assets need not prevent change. The document recognises that not all heritage assets are of equal importance and states that the contribution made by their setting to their significance will also vary. Not all settings have the same capacity to accommodate change without causing harm to the significance of the asset.

2.22) As per earlier Historic England guidance, the document advocates a stepped approach to assessing the impact of change within setting on the significance of heritage assets. This stepped approach is:

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; and

Step 5: make and document the decision and monitor outcomes.

2.23) Guidance under Step 2 notes that the asset's physical surroundings and how the asset is experienced (such as views, noise, tranquillity, sense of enclosure etc.) should be taken in to consideration.

2.24) Step 3 is also important in making it clear that a proposed development should not be assessed in terms of its impact on setting; instead it should be assessed in terms of the impacts on significance. That is to say, what matters is not the extent of visibility of the development or change to the setting of an asset, but the extent of change to its archaeological, architectural, artistic or historic interest. In some circumstances, this evaluation may need to extend to cumulative and complex impacts which may have as great an effect on heritage

assets as large-scale development and which may not only be visual. At the very least the assessment should address the key attributes of the development in terms of its location and siting, form and appearance, additional effects and permanence.

- 2.25) Paragraph 39 notes that options for reducing the harm arising from development may include the relocation of elements of a development or changes to its design. It notes that good design may reduce or remove the harm.
- 2.26) **Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990** requires great weight to be given to preserving the setting of a heritage asset. In *Jones v Mordue [2015] EWCA Civ 1243* the court confirmed that if the decision-maker has worked through the relevant heritage paragraphs in the NPPF, they will have complied with the s66 duty.
- 2.27) In *Barnwell Manor [2014] EWCA Civ 137* the court confirmed that great weight should be attached to the desirability of preserving the setting of a heritage asset.

3) ASSESSMENT OF SIGNIFICANCE

- 3.1) The proposed development is situated within the settlement boundary, within a back-land area of development. The site is within the existing curtilage of the dwelling of Stumble Ridge, which is situated to the southern side of Oldlands Avenue. The proposed site sits on the southernmost boundary of the Balcombe Conservation Area, at the southern end of the curtilage.
- 3.2) The proposed site is largely self-contained within existing hedgerows and trees. The curtilage area of Stumble Ridge is extensively laid out as grassed lawn, with an existing ancillary outbuilding (**see Fig 3**).
- 3.3) The proposed site is situated within the extended part of the Balcombe Conservation Area, added in 1990. Oldlands Avenue is characterised by large detached houses of varying ages and styles with spacious gardens, set in attractive tree and hedge lined roads with wide grass verges. Although there has been some recent infill development these areas have retained an attractive character and appearance worthy of Conservation Area status.
- 3.4) This part of the Balcombe Conservation Area is of particular note with its attractive stone walling, large detached houses set in spacious gardens and the extensive grass verges bordering wide roads which contribute to the overall open character of the residential area. The use of materials including natural and traditional building materials such as clay roofing tiles and local stock brick also add to the character.
- 3.5) In addition to the urban setting, the Balcombe Conservation Area is also notable for its natural landscape and the use of vegetation. The local area including that of Oldlands Avenue is dominated by the use of hedgerows and fine trees, both deciduous and evergreen, creating filtered views of the urban setting. The Balcombe Conservation Area also enjoys the attractive views of rolling countryside which are best appreciated from the boundaries of the protected area. The proposed site sits on the southernmost boundary overlooking a backdrop of dense trees (**see Fig 4**) which provide natural screening from this aspect.



Fig 1: The existing dwelling of Stumble Ridge dates from the early 21st Century and was built in a tradition mock Tudor style. Vehicular access to the proposed site can be accessed to the side of this dwelling.

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Fig 2: The existing dwelling of Stumble Ridge benefits from a very large rectangular shaped curtilage that extends southwards from Oldlands Avenue. Furthest away, there is a large existing timber clad outbuilding.

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Fig 3: The proposed site sits in a generous existing curtilage space, partly inside of the Balcombe Conservation Area, to the far southern side of the conservation area boundary.

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Fig 4: The proposal would see the existing outbuilding replaced utilising the same location, within a point of the site which sits lower in the landscape, working with the topography and backdrop of existing trees.

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4) IMPACT ASSESSMENT

- 4.1) The proposal would see the proposed site utilised for the same residential use, replacing the existing curtilage outbuilding with a dwelling. The existing curtilage of Stumble Ridge would be subdivided and vehicular access established to the side of it. The proposed site spans the southern boundary of the Balcombe Conservation Area, being partially just inside of it.
- 4.2) The proposed dwelling would be two storey and would use the topography of the landscape to its advantage with a sunken lower level. It would be located at the lowest end of the proposed site, where the landscape dips away towards the treeline, bringing the ground floor level well below the bank of the main curtilage. From a sectional position and that of neighbouring curtilages, this would diminish the bulk of the proposed dwelling and nestle it into the landscape, rather than seeking to dominate it. The perception of this would be further supported with the use of a green roof, to see it better blend into the landscape and its natural backdrop of trees and existing vegetation. The placement of the proposed dwelling within the site is therefore considered to be the most appropriate.
- 4.3) The design of the proposed dwelling is distinctly modern and contemporary in its use of style and materials. In contrast to the more tradition dwelling of Stumble Ridge fronting Oldlands Avenue, the proposal would contrast and remain clearly subservient to this existing dwelling. The principal of replacement is therefore considered to be acceptable and retaining the proposed site's use for residential purposes is also thought to be the most appropriate.
- 4.4) The vehicular access point to the proposed site would be to the side of Stumble Ridge. Within the Balcombe Conservation Area and from the streetscene along Oldlands Avenue, there would be no awareness of the proposed development from its existing means of access, leaving this aspect entirely unchanged. The existing access has ample existing natural screening, requiring no additional enhancements as part of the proposed design.

- 4.5) The proposed site is essentially screened behind the bank of existing dwellings that sit along the southern side of Oldlands Avenue. This screens the proposed site from the streetscape along Oldlands Avenue, leaving proposed site effectively hidden. The only visibility of the existing outbuilding is from the neighbouring curtilages, showing the very top of its roofline, albeit to a very limited extent given the degree of existing vegetation around it. Having carried out this visual assessment in December, there would be no more visibility of the proposed site at any other time, with the trees being bare. Nevertheless the proposed design is mindful of this tentative visibility and will be no more visible than it is today, with no increase in awareness.
- 4.6) There are no listed buildings, locally listed buildings or non-designated heritage assets within the setting of the proposed site or along this part of Oldlands Avenue. Nevertheless this proposal is mindful that the proposed site is partially located within the Balcombe Conservation Area and this is therefore a relevant consideration. Although the proposed development would bring about a change over existing, the character and appearance of the conservation area would be maintained. This part of the conservation area is best appreciated from Oldlands Avenue and the replacement building would be sited furthest from this, to the far southern edge of its boundary. Although some neighbouring dwellings would have an awareness of the proposal, this would not represent a notable change over existing. From first floors, there is likely to be some visibility of the proposed dwelling however, the same can also be said of the existing outbuilding already found on the proposed site.
- 4.7) In conclusion, the proposed design would utilise an existing site for the same residential use, which is considered acceptable. It would replace an existing timber clad outbuilding with a partially sunken timber clad dwelling, with the bulk of the new building being set lower in the landscape, using the fall in the land to its advantage. It would have a green roof which would help further diminish its overall awareness and be of a scale that is considered proportionate to the setting. The contemporary modern design would remain subservient to the existing more traditional dwellings along Oldlands Avenue and the character and appearance of the Balcombe Conservation Area would be maintained, preserving how it is appreciated.

5) SUMMARY AND CONCLUSIONS

Legislation, Policy and Guidance

- 5.1) The Planning (Listed Buildings and Conservation Areas) Act 1990 contains a statutory duty to give considerable importance and great weight to the desirability of preserving the setting of a listed building in the planning balance. Preserving means to do no harm.
- 5.2) The NPPF lays down an approach that corresponds with the statutory duty of the 1990 Act. In cases where harm occurs, the NPPF requires balancing the benefits of a proposal against harm resulting from it.
- 5.3) The Mid Sussex District Council's adopted Development Plan policies require development proposals to conserve heritage assets and their settings.
- 5.4) The guidance in Historic England's GPA3 provides a framework for considering and assessing effects on the setting of heritage assets.

Conclusions

- 5.5) The proposed design is of a scale, bulk and overall form that is considered proportionate and does not attempt to push beyond a comfortable scope of development.
- 5.6) As a backland site, the proposal would utilise the existing site for the same residential use which is considered to be the most appropriate to the local area.
- 5.7) The character and appearance of the Balcombe Conservation Area will be maintained, with no visual change in the streetscene or how it is appreciated.
- 5.8) The proposed design would replace an existing outbuilding with a partially sunken, contemporary dwelling that would remain subservient to the existing dwellings along Oldlands Avenue. It would be nestled into the existing landscape, utilising the topography and fall of the landscape to its advantage.

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