



Heritage Impact Assessment

Court House,
Painswick.
Carport

May 2021 | Project Ref 321F.1



HCUK Group is a multi-disciplinary environmental practice offering expert advice in archaeology, heritage, landscape, arboriculture, and planning. It began life in 2010 as Heritage Collective LLP, before becoming Heritage Collective UK Limited in 2014. In the coming years diversification saw the addition of Archaeology Collective, Landscape Collective and Planning Collective, before all strands came together to be branded under a single umbrella: HCUK Group, based on the acronym for the original company. A home working company since the beginning, we are pleased to employ a talented workforce of consultants and support staff, who are on hand to advise our clients.



Project Number: 0000A
 File Origin: <https://heritagecollectiveuk.sharepoint.com/sites/Projects/Shared Documents/Projects 1-500/00321 - Court House, Painswick, Gloucestershire/0321F/HC/Reports/2021.05.05 Court House Carport Heritage Statement.docx>

Author with date	Reviewer code, with date
JOR 05.05.2021	

Contents

1. Introduction	1
2. Relevant Planning Policy Framework.....	3
3. Background and Development	7
4. Statement of Significance.....	14
5. Heritage Impact Assessment.....	18
6. Conclusions	21

Appendices

App. 1 Scale of Harm table (HCUK, 2019)

App. 2 GPA3 Assessment: Historic England’s Guidance on Setting

Figures

Fig. 1 Site location and asset identification

Fig. 2 1839 Tithe map extract

Fig. 3 1937 25 inches to one mile map extract

Fig. 4 Front facade

Fig. 5 Rear façade and garden terraces

Fig. 6 Aerial view of access drive area.

Fig. 7 Lower lawn in the early 20th century in use as kitchen garden.

Fig. 8 Location of proposed building.

Fig. 9 Appearance of proposed building (indicative).

1. Introduction

1.1 This Heritage Statement has been prepared by HCUK Group on behalf of Max Banham and Linda Lloyd owners of Court House, Painswick. Court House falls within Stroud District Council for the purposes of decision making.

The Context

1.2 Court House is a Grade I listed building, as such it is considered to be of exceptional national interest; only 2.5% of all listed buildings are included at grade I . Within the grounds, to the east of the house, a garden retaining wall is individually listed Grade II. Both these designated assets are within Painswick Conservation Area and within the setting of other listed buildings including the grade I listed parish Church of St Mary located immediately north of Court House and its grounds. The Churchard of St Mary is also a registered park, the southern boundary of which is partly shared with the property of Court House.



Figure 1: Site location within the Court House property with assets identified. Conservation Area covers the whole site. (Historic England 'Search the List')

Purpose and scope of this Statement

- 1.3** This statement presents a statement of significance for Court House including particular focus on its setting and private gardens in order to assist decision makers determine an application for a timber framed car port within the entrance forecourt of Court House, replacing an existing metal framed cover.
- 1.4** HCUK Group have undertaken several stages of detailed background research and multiple site visits over time since 2011. The information summarised within this report draws heavily on research undertaken for earlier projects specifically a detailed heritage Statement in 2011, no new research has been undertaken for this stage but the summary contained within this report provides a proportionate degree of information bearing in mind the scale of proposals.
- 1.5** Heritage assets considered to have the potential to have their heritage values affected by the proposals are:
- Court House, through a change within its domestic setting.
 - Painswick Conservation Area
- 1.6** The proposed development will fall close to the listed building of Stocks Cottage (UID: 1091574), a 17th century cottage facing north east along St Mary's Street away from the proposed development. In addition the proposal is close to the property boundary that forms the southern edge of the St Mary's Churchyard Registered Park and Garden (UID: 1000777), the listed church and the multiple listed monuments within the church yard. The proximity of these assets is recognised and both the cottage and church group have been visited and assessed. The car port is a small scale diminutive building with traditional materials and a function that is clearly understandable as part of the ancillary provision for Court House. Though some elements of the roof may become visible in incidental views around the churchyard, and when looking past Stocks Cottage into the Court House site this will not alter or erode any aspect of these assets' significance, nor affect any means of experiencing their unique heritage values. For this reason they are scoped out of further assessment.

2. Relevant Planning Policy Framework

- 2.1** The decision maker is required by section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 to have special regard to the desirability of preserving a listed building and its setting when exercising planning functions. The decision maker must give considerable importance and weight to the desirability of preserving the significance of the listed building, and there is a strong presumption against the grant of permission for development that would harm its heritage significance.¹
- 2.2** There is a broadly similar duty arising from section 72(1) of the Act in respect of planning decisions relating to development within conservation areas.
- 2.3** For the purposes of this statement, preservation equates to an absence of harm.² Harm is defined in paragraph 84 of Historic England's Conservation Principles as change which erodes the significance of a heritage asset.³
- 2.4** The significance of a heritage asset is defined in the National Planning Policy Framework (NPPF) as being made up of four main constituents: architectural interest, historical interest, archaeological interest and artistic interest. The assessments of heritage significance and impact are normally made with primary reference to the four main elements of significance identified in the NPPF.
- 2.5** The setting of a heritage asset can contribute to its significance. Setting is defined in the NPPF as follows:
- 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** Historic England has produced guidance on development affecting the setting of heritage assets in The Setting of Heritage Assets (second edition, December 2017),

¹ Barnwell Manor Wind Energy Limited v East Northamptonshire District Council and others [2014] EWCA Civ 137. This principle has recently been confirmed, albeit in a lower court, in R (Wyeth-Price) v Guildford Borough Council.

² South Lakeland v SSE [1992] 2 AC 141.

³ Conservation Principles, 2008, paragraph 84.

better known as GPA3. The guidance encourages the use of a stepped approach to the assessment of effects on setting and significance, namely (1) the identification of the relevant assets, (2) a statement explaining the significance of those assets, and the contribution made by setting, (3) an assessment of the impact of the proposed development on the setting and significance of the assets, and (4) consideration of mitigation in those cases where there will be harm to significance.

2.7 The NPPF requires the impact on the significance of the designated heritage asset to be considered in terms of either “substantial harm” or “less than substantial harm” as described within paragraphs 195 and 196 of that document. National Planning Practice Guidance (NPPG) makes it clear that substantial harm is a high test, and case law describes substantial harm in terms of an effect that would vitiate or drain away much of the significance of a heritage asset.⁴ The Scale of Harm is tabulated at Appendix 1.

2.8 Paragraphs 195 and 196 of the NPPF refer to two different balancing exercises in which harm to significance, if any, is to be balanced with public benefit.⁵ Paragraph 18a-020-20190723 of National Planning Practice Guidance (NPPG) online makes it clear that some heritage-specific benefits can be public benefits. Paragraph 18a-018-20190723 of the same NPPG makes it clear that it is important to be explicit about the category of harm (that is, whether paragraph 195 or 196 of the NPPF applies, if at all), and the extent of harm, when dealing with decisions affecting designated heritage assets, as follows:

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

2.9 Paragraphs 193 and 194 of the NPPF state that great weight should be given to the conservation of a designated heritage asset when considering applications that affect its significance, irrespective of how substantial or otherwise that harm might be.

⁴ Bedford Borough Council v SSCLG and Nuon UK Limited [2013] EWHC 4344 (Admin).

⁵ The balancing exercise was the subject of discussion in City and Country Bramshill v CC SLG and others [2021] EWCA, Civ 320.

2.10 Stroud District's Local Plan was adopted in 2015 and frames the District's decision making process up to 2031. It contains Delivery Policy ES10: Valuing our Historic Environment and Assets which reads:

Stroud District's historic environment will be preserved, protected or enhanced, in accordance with the principles set out below:

1. *Any proposals involving a historic asset shall require a description of the heritage asset significance including any contribution made by its setting, and an assessment of the potential impact of the proposal on that significance, using appropriate expertise. This can be a desk based assessment and a field evaluation prior to determination where necessary and should include the Gloucestershire Historic Environment Record.*

2. *Proposals and initiatives will be supported which conserve and, where appropriate, enhance the heritage significance and setting of the Districts heritage assets, especially those elements which contribute to the distinct identity of the District. These include:*

A. the 68 sites of national archaeological importance (which are designated as Ancient Monuments), any undesignated archaeology of national significance, and the many buildings that are Listed as having special architectural or historic interest

B. the stone, bronze, iron age and roman settlements and remains; the medieval settlements including Berkeley Castle; historic houses; historic parks; gardens and villages

C. the townscapes of the larger towns such as Stroud where the industrial heritage influenced its historic grain, including its street layouts and plot sizes

D. the District's historic market towns and villages, many with designated conservation areas, such as Berkeley, Wotton Under Edge, Minchinhampton, Painswick and Dursley

3. *Proposals will be supported which protect and, where appropriate, enhance the heritage significance and setting of locally identified heritage assets, such as buildings of local architectural or historic interest, locally important archaeological sites and parks and gardens of local interest.*

4. *Proposals will be supported which protect and, where appropriate, enhance key views and vistas, especially of the spires and towers of historic churches and mills.*

5. *Any harm or loss would require clear and convincing justification to the relevant decision-maker as to why the heritage interest should be overridden.*

A full programme of work shall be submitted with the application, together with proposals to mitigate any adverse impact of the proposed development, and where appropriate, be implemented through measures secured by planning condition(s) or through a legal agreement

3. Background and Development

3.1 This section summarises the development of the site and gardens to provide historic context for the statement of significance in the next section.

Historic Development

3.2 Court House dates ostensibly to 1604, reflected in a date stone over the porch, but may include elements from an earlier house. It is a complex building of multiple phases that reached its fullest extent after a programme of sensitive extension by architect Kenneth Mackenzie in 1934, which resulted in the northern wing now known as Court Side. The grounds were once much more extensive to the west. The principal stages of the building's history are as follows.

- 1604: A three-acre plot of land known as 'the Court Orchard' was developed with a House for local clothier Thomas Gardner. Thomas Gardner and his sons held the property until 1615 when it was sold to a Dr John Seaman.
- Seaman purchased some adjacent land, which included a small building used for manor courts, and in 1615-23 extended the house with the eastern [southern?] wing. The foundations of this wing had to be buttressed in 1640.
- The Oak front door is reputed to have signs of musket shot suffered during action in the Civil War from Royalist Troops firing on Parliamentarian guards stationed in the house.
- In 1689 the house was in use as a meeting house, with the Court House becoming the first dissenting chapel in Painswick.
- In 1839 the tithe map shows the Court House with owner E Caruthers. A lease from 1846 describes the house with a stable, coach house, outbuildings, gardens and shrubberies and including a close piece of pasture ground called the Court Orchard.



Figure 2: 1839 tithe map (north is to top left). Note no clear access point or drive, much larger property to the west of the house and garden areas stippled to the east and south of the building, which has an inaccurate outline.

- Between 1852 and 1897 Court House was in use as a school.
- In c.1899-1900 Court House was bought by the architect Ellis Marsland and in 1904 featured in 'The Architects' Journal'. This article notes that the only alteration to the building had been the eastern wing and its buttresses along with some partitioning of rooms, which were apparently to be removed.
- A pamphlet produced by the Womens' Institute states that a walnut tree in the garden was cut down and the wood used to panel a small room in the south east of the house in c.1905. The house was featured in Country Life in 1915.
- In 1933 Marsland sold the property to a Mr and Mrs Winterbotham who used the architect Kenneth Mackenzie to design an extension to the house. Mrs Winterbotham is understood to have organised much internal refurbishment of the main house. At this time the beams in the room beneath the Court room had sagged and were propped. The

application for the extension was passed by Stroud Rural District Council in February 1934.

- The Gloucestershire Ordnance Survey 25" Map sheet XLI.8 issued in 1937 shows the new wing constructed by Mrs Winterbotham, the narrow stable block to the north west and the single storey structure at the southern end of the main house assessed as a laundry probably, previously shown as a very small structure separate from the main house.

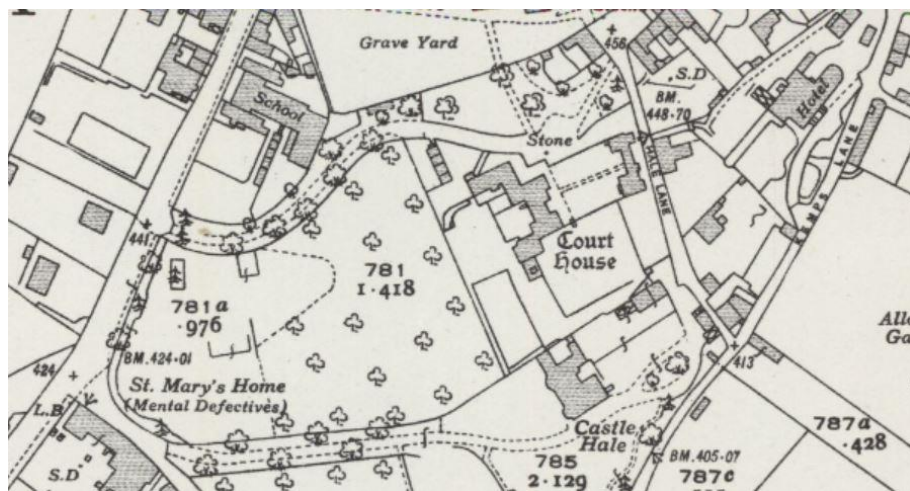


Figure 3: 1937 25" map edition showing the house after extension. The gardens and orchard to the west remain undeveloped but more division around the house is indicated along with a clear access drive from the north east.

- The building again became a school during the war years between 1942 and 1949, and following this time continued as a school under different management, who organised the construction of a swimming pool in the grounds south of the house.

3.3 In 1960 sale particulars record the property with five reception rooms, domestic offices, nine principal bed and dressing rooms, six staff bedrooms, three bathrooms and out buildings.

Existing Conditions

3.4 The list description text for Court House provides a succinct description of the building's form and appearance and can be found in full under list entry 1091005 via Historic England's search facility 'Search the List' (<https://historicengland.org.uk/listing/the-list/list-entry/1091005>).



Figure 4: The primary front of Court House from the east.



Figure 5: The western, rear, elevations of Court House with relatively recent terraces.

3.5

Briefly the building has at its core an 'H' plan house with off centre entrance on the eastern façade. A 17th century block, almost free standing, extended to the south and a 1930s block was added to the north and extending west of the historic core. This block is described in the list description as "The added portion of 1938 [error,

actually 1934] *was achieved with sensitivity so as not to spoil the overall aesthetic and historical harmony.*"

3.6 There are ancillary buildings located to the north and west and the gardens extend on all sides with the primary entrance and most formal gardens being to the north east. The former stables is a small low building to the north west of Court House, they have been converted to additional accommodation. The pool added in the 1940s remains to the south of the house enclosed in a modern structure with modern added changing rooms and gym in a small garden pavilion, these areas are defined and separated from other garden areas by stone walls and planting.

3.7 Inside Court House retains a high degree of surviving historic fixtures and features internally relating to the historic planform and including panelling, fire surrounds, stairs and less obvious material details such as floor boards and plaster. Several elements of the interior finish are highlighted within the list description. The grounds or ancillary buildings are not described within the list description but they do make a contribution to the significance of the listed building by forming its setting.

3.8 The grounds, making up the principal setting of the building, have changed considerably over time. The grounds now comprise five main areas summarised as follows:

- The north eastern approach from St Mary's Lane and occupying an area adjacent and south of the churchyard. This area provides a visitor's first impression of the house, within an area visually influenced by the height of the church spire to the north and trees within the grounds of Court House. There is a substantial gravelled entry with circular central feature bordered by garden beds, these elements of the layout are modern not historic features though it appears that the driveway entrance always ran to the north of the building not directly to the front entrance. The drive runs northwards to a series of smaller ancillary garage and storage structures between this access area and the western garden area.



Figure 6: View over the entry forecourt. The 1930s extension to the house is on the left of the image, the buttress to the church tower is just visible on the far right. (Photograph supplied by applicant)

- The formal square lawned area before the north-east frontage of the listed building. This provides clear opportunity to appreciate the historic core of the building and listed wall together. Historic maps and photographs show that this area of formal garden with its listed retaining wall to the south, have a strong degree of historical continuity. It is an important area of historic setting that allows clear and direct experience of the primary façade of the listed building.
- The lower lawn and garden south-east of the listed building. This garden area is set on lower terraced level and separated from the previous area by the listed retaining wall. Historic photographs show this area in use as a productive kitchen garden in the early 20th century and its layout and extent appears to have changed to a greater degree over time than the previous identified area. The subdivision from other areas to the south and west of the house are 20th century changes.



Figure 7: The lower lawn in use as a productive kitchen garden in 1915. (Country Life XXXVII, no. 954 April 1915 p.522)

- The swimming pool and associated structures and enclosing walls to the south of Court House which are of little inherent heritage value.
- Garden land to the west (rear) of Court House. This area is the most changed from the historic situation. It is dramatically reduced from its historic area with the construction in the later 20th century of housing and Orchard Court. The terraces and secondary access here are comparatively recent.

4. Statement of Significance

4.1 This chapter of the report summarises the significance of the relevant heritage assets in the terms set out in the NPPF, and it comments in particular on the contribution of setting to significance with a focus on that area at the entrance to the site which is to be affected by the proposals. The identification of the heritage assets equates to Step 1 of GPA3, and the assessment of significance equates to Step 2 of GPA3. Steps 2 and 3 of GPA3 are closely connected, so this chapter should be read in conjunction with Chapter 5 (Heritage Impact Assessment) and with the tabular methodology at Appendix 2.

Assessment of Significance

Court House

- 4.2** Court House has an exceptional degree of architectural interest reflecting a traditional Cotswold vernacular style and highly sympathetic early 20th century extension. Internally, the building retains high quality historic interiors including panelling, fireplaces, stairs and more modest historic fabric (floor boards, plaster, structural walls). All these aspects contribute to the architectural and artistic values of the building and illustrate its historic nature. They provide physical evidence of past ways of life and domestic provisions in important houses of this type.
- 4.3** The building derives considerable associative historic value with well recorded families, individuals, known architects and historic events.
- 4.4** The complex structure and multiple phases combined with the early date for which minimal documents survive add archaeological value to the building where the materials themselves provide direct evidence of the building's development.
- 4.5** The building stands at the centre of Painswick within surrounding gardens which afford a private secluded area associated with the house. Notwithstanding this the building is also visible and appreciable from more public locations, in particular from within the churchyard of the Parish Church of St Mary, a grade I listed building with multiple listed tombstones and memorials within the yard. From within the churchyard there are screened views of Court House and its roofscape, and of the

1930s wing, the roof of the former stables, and northern areas of garden and entrance.

- 4.6** The setting of Court House includes areas of public access and overlapping contextual association with other designated assets all of which contribute to an understanding and experience of its significance as a historic property in an historic location.
- 4.7** Primarily the setting of the building is now made up by its still large private gardens and ancillary structures. These areas offer close and intimate areas from which to see, understand and experience the building's architectural characteristics, overall form and material qualities. The gardens have, as identified in the previous section, undergone comparatively high degree of change and some areas offer a greater degree of historic integrity than others. Of particular note is the lawned formal gardens to the east of the main entrance façade, and the slightly lower garden to the south east – albeit that this was at the beginning of the 20th century a kitchen garden rather than the lawn of today and its sense of enclosure and formality is a later 20th century character. These two areas appear to have a relatively strong degree of consistency with historic periods and in their form, scale and layout to reflect the historic situation relatively well. The retaining wall between them is listed in its own right. Walls to the south around the pool area are much later.
- 4.8** The approach to Court House from Hale Lane/St Mary's Street is shown clearly on maps from the early 20th century. Its current details of layout and planting beds are all recent but they serve to provide a sense of arrival and formality that is in keeping with the status of the building.

Painswick Conservation Area

- 4.9** The conservation area was designated in 1977 and extended in 1990. There is no adopted conservation area statement.
- 4.10** The conservation area derives its architectural values from the high number of traditional Cotswold buildings, many of which are individually listed, and the strong sense of material homogeneity and traditional vernacular detailing that is typical of the Cotswold district. Individual buildings provide evidence of varying functions or levels of status contributing to the character of the area as a whole. Domestic, religious, communal buildings are all represented along with other structures and

features such as boundary walls that also contribute to the architectural qualities of the area.

- 4.11** Historically Painswick Conservation area derives interest from the multiple physical aspects and structures that all combine to illustrate the evolution of this settlement over time. Routes to and through the town reflect historic links between places and enable ongoing public experience of the settlement and its varying buildings. Associative interest is linked to notable residents at a local and national level and where these links are tied to specific structures they play an additional role in historic values of the conservation area. Fundamentally, Painswick Conservation Area reflects the unique history of this place and its growth over time enabling an understanding of past eras. The well preserved heritage nature of the buildings and settlement form enables a clear understanding of past periods as well as the continued evolution and adaptation into the modern era.
- 4.12** As an ancient settlement there is considerable potential for archaeological evidence to survive within the area. This evidential value is, to a degree, unquantifiable as the nature of archaeological remains is hidden, but is recognised as an important strand of interest within the conservation area and one where future investigations may enrich the understanding of the history of this settlement and its origins.
- 4.13** The conservation area includes several open areas and communal areas, within the centre of the conservation area the large churchyard of St Marys is a key and highly important open space – it is a registered park in its own right reflecting its heritage value and quality not least imparted by the central listed church and the many high quality listed chest tombs and monuments within the yard. The well manicured topiary trees lining the pathways through the church yard align a series of views through and around the churchyard and are striking visual features within the conservation area.
- 4.14** Court House as one of the larger and more important individual buildings, in close proximity to the church and within the centre of the village, is an important element of the conservation area. Though set within private grounds well back from any roads there is some means to understand its role within the conservation area from within St Mary’s church yard where the scale of the building and its grounds and some elements of its architecture are visible. Similarly, the scale of the

grounds somewhat adds to the sense of openness beyond the church yard of St Mary's Church.

5. Heritage Impact Assessment

5.1 This chapter of the report assesses the impact of the proposed development on the significance of the listed building through a minor change within its private curtilage and setting. The structure will also fall within the Painswick Conservation Area and any effect on this asset is also considered.

Proposals

5.2 The application seeks to erect a timber framed car port shelter in the north eastern corner of the entrance forecourt, north of the access drive leading to St Mary’s Street/Hale Lane. This structure will replace a metal car port cover consented in 2019 which has reached the end of its structural life (ref: 19/0335/HHOLD)

5.3 The structure is illustrated in drawing pack by Aura Design Collective. It has a timber frame sitting on a low local stone plinth, walls will be timber cladding and natural stone slate roof finish. The structure will be open sided, without doors. It will stand at just under 4.5m at the ridge, the elevation drawings (LKL-C3001-PA110B) illustrate that this height will fall at or just below the eaves height of Stocks Cottage, which is the closest building an which will fall visually in the background of this proposed structure when viewed from the drive area.

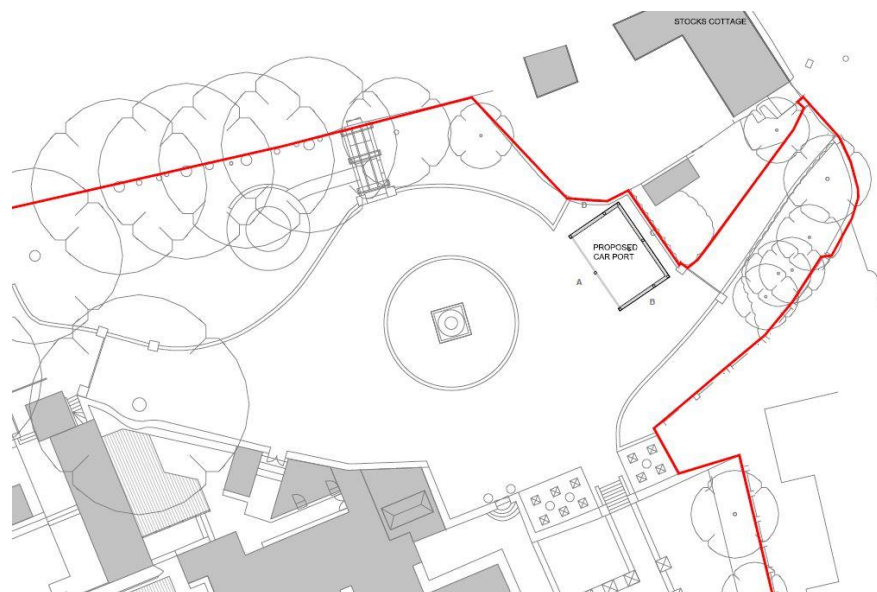


Figure 8: Proposed location plan



Figure 9: proposed appearance (indicative)

Impact

- 5.4** The proposed car port will not erode the heritage values of Court House. It is a traditional styled car port proposed for location on the main access drive where motor vehicles are already parked and apparent. It will replace a modern structure that is, in terms of its materials and aesthetic less sympathetic and will in that way improve the visual characteristics around the listed buildings.
- 5.5** The scale is appropriate to the function of the structure with the increase in height arising simply because of the proposed traditional pitched roof. Within the surrounding area, such a form is appropriate and the additional height will not obscure any important views either out of the frontage windows from Court House, or from the adjacent Stocks Cottage – where front outward views are northwards along St Marys Street. The additional scale of the proposed car port may just become visible in views out from the Churchyard of St Marys but the yard is bounded on its southern side by a considerable stone wall and because of the lower ground level within the Court House property the new structure will only possibly be visible to a small degree. Elevation B within the drawing package illustrates the low position in relation to adjacent hedgerows and the height of the churchyard wall and the space between this structure and Stocks Cottage. Any appearance of the uppermost part of this new structure within incidental views from either within the grounds of Court House, or from the Churchyard, which is both a registered park in its own right and a key part of the conservation area will not prevent or erode any

means of experiencing the assets in question – or the character or appearance of the conservation area.

5.6

The materials are traditional and appropriate for an ancillary structure within the grounds of Court House. The use of timber frame and cladding respects the hierarchy of the site and primacy of the main stone house and other historic structures on the site. The use of stone slates on the roof will ensure it blends in with the prevailing material palette within Painswick and the conservation area so that if it becomes partly visible within views that appearance is sensitive to the visual surroundings.

5.7

The structure will be clearly legible as a practical structure for the use of the residents and guests at Court House has a sensitive design in traditional materials and will not give rise to harm within the terms of the NPPF. The character and appearance of the conservation area will also be preserved and this structure will not erode or change the role that Court House and its substantial grounds play within the conservation area and its architectural and historic values. There will be no effect on the listed garden wall, or on the adjacent Stocks Cottage.

6. Conclusions

- 6.1** Court House is a heritage asset of the highest significance and heritage value. Its value is also augmented by its setting within a substantial private grounds. The setting of the building has, however, changed greatly from any historic arrangement and the grounds today are most characterised by more recent changes. This includes the current access driveway. Though the approach to the house appears to have a degree of continuity in its general route, the aesthetic appearance and finish of the area is modern today, it is important as the primary route to approach the listed building but individual features within this area are not innately linked to significance. The current car port is a modern metal and plexiglass structure that has consent but which is not sympathetic to the traditional appearance of the listed building and its grounds, or the general character of the conservation area.
- 6.2** The proposals seek to replace the existing metal car port with a traditional oak framed structure on a low stone plinth. A traditional roof form and stone slate finish will ensure a more sympathetic aesthetic within the setting of the listed building and the conservation area.
- 6.3** Though the new structure may become visible in views within the setting of Court House, and possibly in some views from St Marys Churchyard this will not erode heritage values and the traditional form and appearance will be more sympathetic and acceptable than the existing car port.
- 6.4** No harm has been identified as arising from this proposal to assets of relevance. Most specially Court House will see an improvement in the approaching access drive with a more sympathetic form and material palette. A similar effect will arise on the Conservation Area's character and appearance and Court House's contribution to the conservation area will be entirely preserved.
- 6.5** As no harm is identified paragraphs 195-196 of the NPPF are not engaged. Local policy ES10 is complied with and there is preservation for the purposes of the decision makers duty under sections 66 and 72 of the Act.

Appendix 1

Scale of Harm (HCUK, 2019)

The table below has been developed by HCUK Group (2019) based on current national policy and guidance. It is intended as simple and effect way to better define harm and the implications of that finding on heritage significance. It reflects the need to be clear about the categories of harm, and the extent of harm within those categories, to designated heritage assets (NPPF, paragraphs 195 and 196, and guidance on NPPG).⁶

Scale of Harm	
Total Loss	Total removal of the significance of the designated heritage asset.
Substantial Harm	Serious harm that would drain away or vitiate the significance of the designated heritage asset
Less than Substantial Harm	High level harm that could be serious, but not so serious as to vitiate or drain away the significance of the designated heritage asset.
	Medium level harm, not necessarily serious to the significance of the designated heritage asset, but enough to be described as significant, noticeable, or material.
	Low level harm that does not seriously affect the significance of the designated heritage asset.

HCUK, 2019

⁶ See NPPG 2019: “Within each category of harm (which category applies should be explicitly identified), the extent of the harm may vary and should be clearly articulated.” Paragraph 018 Reference ID: 18a-018-20190723.

Appendix 2

GPA3 Assessment: Historic England’s guidance on setting

In assessing the effect of the car port on the setting and significance of designated heritage assets (Court House), it is relevant to consider how the following factors may or may not take effect, with particular reference to the considerations in Steps 2 and 3 of GPA3. The following analysis seeks to highlight the main relevant considerations.

<i>Relevant Considerations</i>	Court House
<i>Proximity of the development to the asset</i>	c.25m from the nearest corner of the building which is the later 1930s extended range.
<i>Proximity in relation to topography and watercourses</i>	The drive is on slightly higher ground with the listed building set slightly further down from the approach. There are no water courses of relevance.
<i>Position of development in relation to key views</i>	<p>Key views of Court House on the approach will not be affected, the proposed car port sitting on the periphery of approaching views on entering the site. Key outward views from primary rooms within the house may include it peripherally where it will be entirely legible as an ancillary structure within the context of the main approaching drive and car parking areas.</p> <p>The feature is not going to affect key views within the wider conservation area being entirely within a private grounds and set against mature hedges on the edge of that property.</p>
<i>Orientation of the development</i>	Towards the drive to facilitate use.
<i>Prominence, dominance and conspicuousness</i>	The structures traditional materials and form will reduce and imit any sense of conspicuousness and will be far less dominant than the most recent current car port which is conspicuous in its modern materials.
<i>Competition with or distraction from the asset</i>	None. It is a small scale structure on the edge of the site.
<i>Dimensions, scale, massing, proportions</i>	Appropriate for the dry cover of 2 cars. Additional height a factor of a traditional pitched roof only and not excessive for the function of the shelter.

<i>Visual permeability</i>	A solid structure but open sided and set to the edge of the site so that views through and around the listed building will be preserved including views out of the churchyard towards Court House and vice versa
<i>Materials and design</i>	Traditional timber and stone slate. More sensitive and in keeping than the current car port structure in metal and plexiglass.
<i>Diurnal or seasonal change</i>	Not affected.
<i>Change to built surroundings and spaces</i>	Minor change with replacement of a less suitable or sensitive structure in more appropriate materials and form.
<i>Change to skyline, silhouette</i>	None as respects Court House or indeed the church or other adjacent buildings, this is a low diminutive structure.
<i>Change to general character</i>	None, the building will preserve the sense of the primary entrance to an important historic building and its grounds.

Standard Sources

<https://maps.nls.uk>

<https://historicengland.org.uk/listing/the-list>

www.heritagegateway.org.uk

<http://magic.defra.gov.uk>

www.history.ac.uk/victoria-county-history

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

Planning (Listed Buildings and Conservation Areas) Act, 1990

National Planning Policy Framework, 2019

National Planning Practice Guidance, 2019

Conservation Principles, Policies and Guidance, Historic England (2008)