



Heritage Impact Assessment

133 Baston Road,
Hayes

October 2023 | Project Ref 9296A



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Appendices

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

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

1. Introduction

1.1 This Heritage Impact Assessment has been prepared by HCUK Group on behalf of South East Living Group. It relates to two separate applications for the redevelopment of 133 Baston Road, Hayes to provide a series of five residential. London Borough of Bromley (LBB hereafter) are the determining authority.

1.2 The application site comprises a modern 20th century dwelling and former swimming pool and sports court which were previously associated with the nearby Baston House School. The site does not contain any heritage assets (either designated or non-designated) but it is located part within, and part within the setting of the Bromley, Hayes and Keston Commons Conservation Area. Opposite the site is the locally listed 54 Baston Road (i.e. a non-designated heritage asset, NDHA hereafter).



Figure 1: Site location plan showing the location of the conservation area (green wash) and locally listed 54 Baston Road (blue star)

- 1.3** In accordance with the requirements of Paragraph 194 of the National Planning Policy Framework (2021) this statement describes the significance of the identified heritage assets.

The Proposals and Relevant Background

- 1.4** As noted above, this Heritage Impact Assessment relate to two separate applications concerning the site as follows:
- 1) Outline application for the introduction of three units (Plots 1-3) on the site of 133 Baston Road and its former gardens; and
 - 2) Outline application for the introduction of two units (Plots 4 and 5) on the site of the former swimming pool and sports court.
- 1.5** Proposals also include various landscaping works to the site.
- 1.6** Given both parts of the application site have the potential to affect the same heritage assets (the conservation area and the locally listed building), a single report has been prepared with impacts separated out as required.
- 1.7** The proposals have been based on a thorough understanding of the significance of the identified heritage assets and seek to sensitively redevelop the site while preserving the assets' unique heritage values.

Purpose of this Assessment

- 1.8** The purpose of this Heritage Impact Assessment is to assist with the determination of the application by informing the decision takers on the effects of the proposed development on the historic built environment. Value judgements on the significance of the identified heritage assets is presented and the effects of the proposals upon that significance are appraised. Particular regard is given to the provisions of the Planning (Listed Building and Conservation Areas) Act, 1990. The report also sets out how the proposal complies with the guidance and policy of the National Planning Policy Framework (NPPF) 2021 and local planning policy. The site

and heritage assets affected have been observed and assessed following a site visit made by the author in September 2023.

2. Relevant Planning Policy Framework

- 2.1** The decision maker is required by sections 16(2) and 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 a designated heritage asset⁴ to be considered in terms of either “substantial harm” or “less than substantial harm” as described within paragraphs 201 and 202 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.⁵ The Scale of Harm is tabulated at **Appendix 1**.

2.8 Paragraphs 201 and 202 of the NPPF refer to two different balancing exercises in which harm to significance, if any, is to be balanced with public benefit.⁶ 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 201 or 202 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 199 and 200 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 The seven categories of designated heritage assets are World Heritage Sites, Scheduled Monuments, Listed Buildings, Protected Wreck Sites, Registered Park and Gardens, Registered Battlefield and Conservation Areas, designated under the relevant legislation.

⁵ Bedford Borough Council v SSCLG and Nuon UK Limited [2013] EWHC 4344 (Admin).

⁶ The balancing exercise was the subject of discussion in City and Country Bramshill v CCLSG and others [2021] EWCA, Civ 320.

2.10 Paragraph 203 of the NPPF refers to the approach to be taken towards non-designated heritage assets as follows:

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

2.11 One of the overarching objectives of sustainable development, as expressed in paragraph 8 of the NPPF, is mitigating and adapting to climate change, including moving to a low carbon economy. Historic England has a Climate Change Strategy, and has published Mitigation, Adaptation and Energy Measures. More specifically, Historic England has published a Heritage and Climate Change Carbon Reduction Plan (March 2022). These and similar strategies run in parallel with heritage-specific methodologies relating to the assessment of significance, and the effect of change on significance.

2.12 The local plan for Bromley was adopted in January 2019. Relevant policies from that document are discussed below.

2.13 **Policy 39 Locally Listed Buildings:** This policy notes that proposals to alter, extend or for the change of use of a locally listed building will be permitted provided that the works are sympathetic to the character, appearance and special local interest of the building and that the proposals respects its setting.

2.14 **Policy 41 Conservation Areas:** This policy notes that proposals for new development affecting land or buildings within a conservation area will need to preserve and enhance its characteristics and appearance by:

- Respecting or complementing the layout, scale, form and materials of existing buildings and spaces;
- Respecting and incorporating in the design existing landscape or other features that contribute to the character, appearance or historic value of the area; and
- Using high quality materials.

- 2.15** The policy goes on to note that a proposal for a development scheme that will involve the total or substantial demolition of an unlisted building in a conservation area that makes a positive contribution can be judged as causing substantial harm and will be assessed against the tests laid out in paragraph 133 of the NPPF. Where the building proposed for demolition makes a negative or neutral contribution to the conservation area the merit of the proposed replacement will be weighed against any loss or harm.
- 2.16** **Policy 43 Development Adjacent to a Conservation Area:** This policy notes that development adjacent to a conservation area will be expected to preserve or enhance the setting of the conservation area and not detract from views into or out of the area.
- 2.17** The London Plan 2021 is the spatial development strategy for greater London and as such a piece of relevant planning policy. Of specific relevance is policy HC1 Heritage Conservation and Growth which notes that "*Development proposals affecting heritage assets, and their settings, should conserve their significance, by being sympathetic to the assets' significance and appreciation within their surroundings.*"

3. Background and Development

3.1 The first map to show the application site and its surroundings in any detail is the 1839 Hayes Tithe Map (**Figure 2**). This map shows that there is no built form on the application site which is instead part of land associated with a property called Barnet (later Baston Farm and now Baston House School). Barnet, and the application site, is shown to be owned by George Warde Norman Esquire and occupied by Charles Churcher.



Figure 2: 1839 Hayes Tithe Map © The Genealogist

3.2 Mapping from later in the 19th century and early 20th century (**Figures 3-5**) show a similar arrangement with the application site in part forming part of an orchard associated with Baston Farm. A degree of built form is evident on the application site, in the form of a linear structure directly adjacent to Baston Road. The later maps (**Figures 4 and 5**) show a series of smaller buildings to the rear of the frontage structure including a small number of structures on the site of the former swimming pool.

3.3 These structures remain evident on the 1943 OS Map (**Figure 6**) which also shows Baston Farm has been renamed Baston House and that a sports ground and associated facilities have been introduced on land to the east of the application site.



Figure 3: 1871 OS Map (surveyed 1862-68). Reproduced with permission of the National Library of Scotland



Figure 4: 1897 OS Map (surveyed 1895). Reproduced with permission of the National Library of Scotland

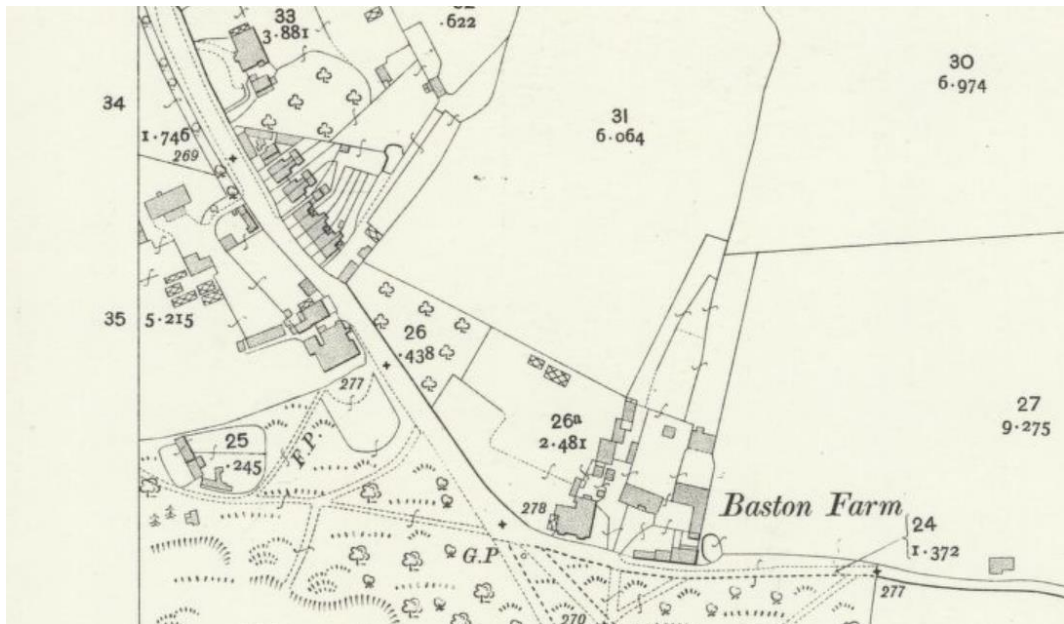


Figure 5: 1909 OS Map (surveyed 1908). Reproduced with permission of the National Library of Scotland

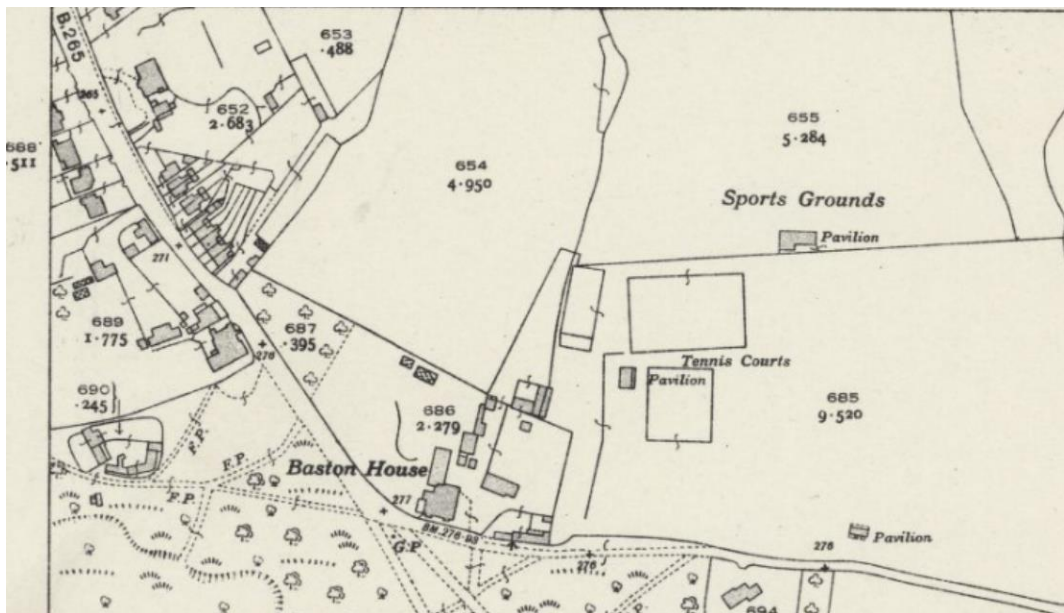


Figure 6: 1943 OS Map (surveyed 1936-37). Reproduced with permission of the National Library of Scotland

3.4

It is the 1959 OS Map (**Figure 7**) where the most change is evident. This map shows that the built form previously located on the site has been removed and 133 Baston Road has been constructed alongside the swimming pool and sports courts

to the rear. Baston House School has been established by this time and the built form on the application site was originally ancillary to that use.



Figure 7: 1959 OS Map. Reproduced with permission of the National Library of Scotland

- 3.5** The school and application site were separated in ownership approximately 10 years ago and the swimming pool and sports court are no longer in use or associated with Baston House School.

Description of the Application Site

- 3.6** To the front of the site, adjacent to Baston Road, is an in and out access road with area of planting and screening in the centre. The northern most access point is no longer used but a gate remains in place. A combination of hedge planting and fencing form a boundary between the application site and the school and the school have a right of access over the access route. This part of the site is mostly occupied by larger areas of hardstanding used for vehicular parking. This area is located within the Bromley, Hayes and Keston Common Conservation Area.
- 3.7** Beyond this open area is a driveway which leads to 133 Baston Road (outside of the conservation area). 133 Baston Road dates from the mid 20th century and is of

standardised form and construction with Fletton brick, pebbledash and clay roof tiles. It has been notably excluded from the conservation area with the area's boundary falling directly in front of the structure.



Figures 8 and 9: Photographs showing the current access route and boundary with the school



Figure 10: 133 Baston Road

3.8 To the east and north of the house are its residential gardens which include a greenhouse (**Figures 11 and 12**). Beyond this, further north, is the former

swimming pool and sports court and the built form associated with these features (**Figures 13-15**). These parts of the application site are all outside of the conservation area and in somewhat of a dilapidated condition associated with their recent lack of use.



Figures 11 and 12: Residential gardens of 133 Baston Road and associated ancillary buildings



Figure 13: Built form associated with the former swimming pool and sports court



Figures 14 and 15: Sports court and former swimming pool

3.9

From the application site, particularly the driveway and gardens of 133 Baston Road, the rear elevation of Bath Villas, a row of Victorian cottages, can be seen (**Figure 16**).



Figure 16: Rear elevation of Bath Villas, Baston Road visible from the application site

4. Statement of Significance

Assessment of Significance

- 4.1** This chapter of the report establishes the significance of the relevant heritage assets in the terms set out in the NPPF, and comments on the contribution of setting to significance. In accordance with paragraph 194 of the NPPF, the descriptions are proportionate to the asset's significance and are sufficient to understand the nature of any impact the proposals may have upon that significance.
- 4.2** With regards to matters of setting, 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**.
- 4.3** It is recognised that not all parts of a heritage asset will necessarily be of equal significance. In some cases, certain aspects or elements could accommodate change without affecting the Government's objective, which includes the conservation of heritage assets and which seeks to ensure that decisions are based on the nature, extent and level of significance of heritage assets. Change is only considered to be harmful if it erodes an asset's significance. Understanding the significance of any heritage asset affected is therefore fundamental to understanding the scope for and acceptability of change.

Bromley, Hayes and Keston Common Conservation Area

- 4.4** The Bromley, Hayes and Keston Common Conservation Area is a large conservation area comprised of 16 separate sub areas each linked by common land, the commons themselves are not include within the conservation area boundary. It was originally designated in July 2000 with amendments made to the boundary in November 2000.

- 4.5** As noted above, the area is divided into 16 separate areas which is in reflection of the way in which the buildings across the conservation area vary greatly in age and style. While these areas have their differences, they are typically coherent in terms of the quality of the built form and the rural character and landscape qualities, including numerous trees. In addition, the linking common lands, while outside of the CA, link the individual sub areas and form a consistent unifying feature

Their wild appearance and long established flora and fauna provide an impressive backdrop to many of the buildings within the conservation area. Many of the buildings are the remnants of grand estates and a long gone rural way of life. The ancient tracks and routes, which link the settlements, carry the historic names of places and otherwise long-forgotten local families and activities. It is this charming mixture of mature landscape and historic settlement that the Council wishes to preserve or enhance through the designation of the conservation area.

- 4.6** As noted, the application site is located partly within the conservation area and partly within its setting. The sub area specifically of relevance in this case is the Baston Road/Five Elms area (ref MA BCA 44(7)).



Figure 17: Baston Road/Five Elms sub area of the Bromley, Hayes and Keston Common Conservation Area

4.7 This part of the conservation area was historically a clearing within the common but is now dominated by Baston House School which comprises a symmetrical early 19th century stuccoed house. The school site now includes a large number of predominantly single storey modern educational buildings but some remnants of the original farm in the form of an ancillary red brick range. While the school's historic buildings are prominent from surrounding roads, the school site in general is enclosed by mature trees so not readily visible from the public realm.

4.8 Further north there is little built form present until Redgate Drive to the west. The entrance to the drive is flanked by two properties, an arts and crafts styled cottage to the south and Ash Lodge to the north (54 Baston Road) which is a locally listed building, considered in more detail below.



Figures 18 and 19: Built form flanking Redgate Drive, 54 Baston Road, locally listed building to the left

4.9 Redgate Drive was developed on the site of The Nest, a historic and now demolished property visible on historic mapping. The development dates from the inter war period and forms a cul-de-sac of 14 detached houses which while individually designed are all of high quality and have unified character as a result of a shared palette of materials and vernacular revival elevational design.

4.10 To the north of Redgate Drive and the application site, on the eastern side of Baston Road, are Bath Villas, a short terrace of cottages dating from 1886 (a date stone is present to the southern flank wall). This row of cottages have been altered over time with many of the originally stock and red brick facades rendered or painted. However, as noted by the Conservation Area Appraisal, these structures *“effectively mark the start of Hayes village and are an important element in the*

townscape.” Historic buildings continue to line Baston Road further north but these are outside of the conservation area’s boundary.



Figure 20: Bath Villas, Baston Road

- 4.11** Overall, the Bromley, Hayes and Keston Common Conservation Area is of special architectural and historic interest as a result of a combination of its typically high quality built form and rural landscape characteristics.
- 4.12** The application site falls partly within the conservation area and partly within its setting.
- 4.13** Those parts of the conservation area within the conservation area (i.e. the landscaping and hardstanding to the front of the site and driveway to 133 Baston Road) make a mix contribution to the character, appearance and significance of the conservation area. While the landscaping to the front of the site is generally positive, reinforcing the area’s semi-rural characteristics, the quantum and quality of hardstanding is a detrimental feature of the site.



Figures 21 and 22: Landscaping to the front of the site (left) and expanse of hardstanding within the site (right)

4.14 Those parts of the application site within the setting of the conservation area (i.e. the built form of 133 Baston Road, the sports court, swimming pool and associated ancillary buildings) are limited quality and somewhat dilapidated in their form. As such, these aspects of the application site are found to detract from the character, appearance and significance of the conservation area. This is particularly the case with regards to 133 Baston Road which, due to its siting and access road on the front of the site, is particularly visible in views from Baston Road (**Figure 23**).



Figure 23: View from Baston Road across the application site towards 133 Baston Road

54 Baston Road (Locally Listed, NDHA)

- 4.15** 54 Baston Road is a locally listed building first added to the local list between June 1975 and December 1982. It's local list description provides little information simply noting "18th century house – re-fronted".



Figure 24: 54 Baston Road, locally listed building

- 4.16** The building is also referred to as Ash Lodge in the Conservation Area Appraisal, is a late 18th century dwelling located directly opposite the site. It is referenced in the Conservation Area Appraisal as:

Ash Lodge, a symmetrical two-storey house which dates from 1776 and was once the home of the Bath family. It is rendered, although it may originally have had a red brick façade, and its box sash windows are fitted flush with the façade suggesting an earlier date. To the right of the house is a weather-boarded outbuilding and to its left is the entrance to Redgate Drive.

4.17 Hayes Kent History⁷ refer to the building as Bath House and note:

Parts of it probably date to the beginning of the 18th century but occupancy can be traced from the time of Edward Hall in 1741. After his death, it was owned by Andrew Bath, one of the largest rate payers for farmland in Hayes.

4.18 As such, while the origins of the building (and even its name) appear to be in dispute, the significance of the locally listed building can be seen to be derived from a combination of its architectural and historic interest. Specifically this relate to the buildings origins as an 18th century (though potentially earlier) dwelling which retains a good degree of historic fabric and character and provides clear evidence as to the historic development of the area and domestic, social and economic practices of the period.

4.19 While not locally listed, the small outbuilding located to the front of the building on Baston Road is also of heritage value and contributes to an understanding of the residential functions of the estate.



Figures 25 and 25: 54 Baston Road seen in conjunction with the small outbuilding

4.20 While located in close proximity to the locally listed building, the application site does not appear to have any historic links or associations with 54 Baston Road. In addition, neither the application site nor its built form contributes to or better reveals the significance of the locally listed building. On this basis, the application site currently forms a neutral component of the setting of the locally listed building

⁷ <https://hayeskenthistory.org.uk/georgian-1714-to-1837/>

but is part of its surroundings that has the potential to contribute to that assets setting to a greater extent.

5. Heritage Impact Assessment

5.1 This chapter of the report assesses the impact of the proposed development on the significance of the heritage assets identified in the previous chapter, including effects on the setting of those assets. With regards to setting matters, it equates to Step 3 of GPA3, which has a close connection with Step 2. This chapter should be read in conjunction with the preceding chapter, and the tabular GPA3 assessment in **Appendix 2**.

Proposed Development

5.2 As identified in the Introduction, this Heritage Impact Assessment relate to two separate applications with all existing buildings and structures on the site proposed to be demolished.

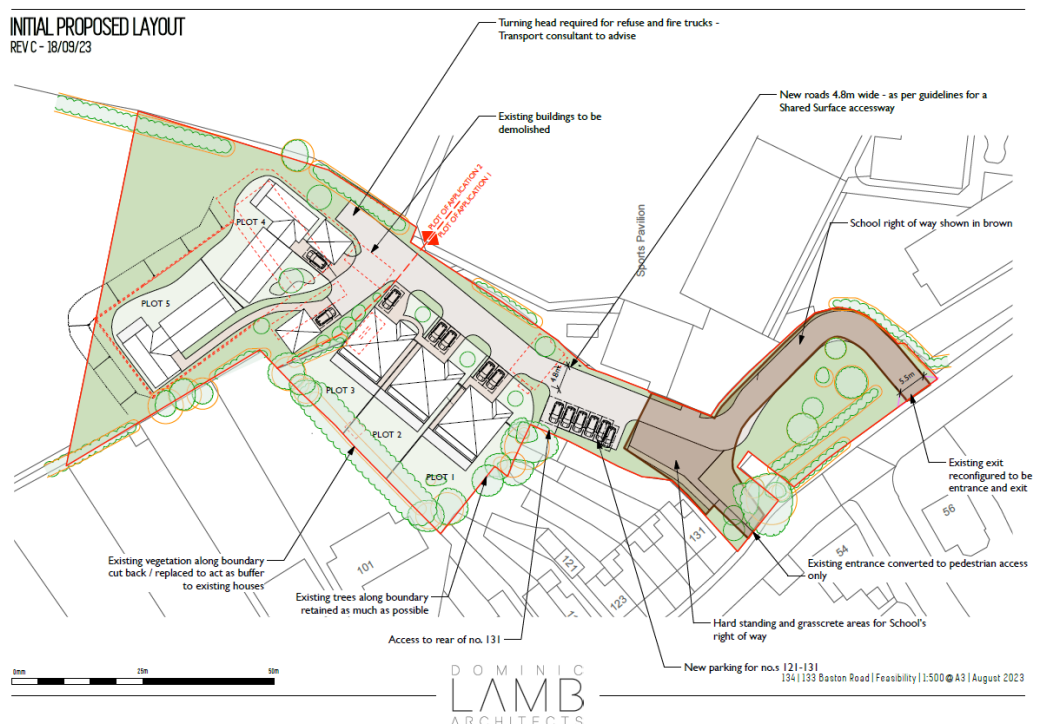


Figure 26: Proposed site plan

5.3 The first application is an outline application concerning the introduction of three houses (Plots 1-3) on the site of 133 Baston Road and its gardens and ancillary built form. The three houses are proposed to be detached and individually designed, though architecturally coherent with the use of materials and detailing.



Figure 27: Proposed front elevations of Plot 1

5.4 The second application relates to an outline scheme for the introduction of two units (Plots 4 and 5) on the site of the former swimming pool and sports court.

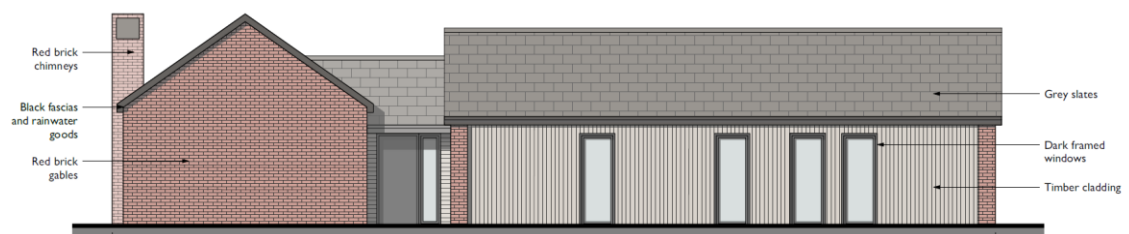


Figure 28: Proposed front elevation of Plot 5

5.5 Proposals also include various landscaping works to the site which can be summarised as:

- Existing vegetation along site boundaries to be retained or replaced and strengthened;
- Existing trees to rear boundary of Bath Villas to be retained;
- New parking on the site introduced for Plots 1-5 alongside parking spaces for 121-131 Baston Road;

- New tree planting throughout the site;
- A wildflower meadow introduced on the north of the site around Plots 4 and 5; and
- Existing northern entrance into the access road proposed to be sealed off and pedestrian gate introduced. New landscaping is proposed to be introduced into this gap.

Impact Assessment

Demolition of Existing Built Form

5.6 As identified in the preceding section, the existing built form on the application site is located in the setting of the conservation area and 54 Baston Road (locally listed building). The built form on the site, including 133 Baston Road, ancillary buildings and the former structures associated with the sports court and swimming pool, are of limited quality and do not contribute to or better reveal the significance of the identified heritage assets.

5.7 The demolition of these buildings would not, therefore, cause any detrimental effect upon the setting or significance of these assets but would instead offer an opportunity for the introduction of more appropriate and higher quality built form within their settings.

Introduction of Plots 1-3

5.8 Plots 1-3 are proposed to be located on the former garden of 133 Baston Road, adjacent to the boundary of the conservation area but outside of it (i.e. within the setting of the conservation area).

5.9 Architecturally, Plots 1-3 have been carefully designed to relate positively to the character, materiality and form of existing buildings both in the conservation area (i.e. those on Redgate Drive) but also buildings within the setting of the conservation area (i.e. 93-101 Baston Road). The individual design of these units (in conjunction with their coherent materiality and character) also positively relates to character and quality of nearby built form.

5.10 The siting and location of the three units has been carefully considered specifically to be located to the north of, set back from, the existing 133 Baston Road. While this ensures that access can be provided to the rear (to Plots 4 and 5) it has a clear positive effect insofar as ensuring that views from the retained gate position on Baston Road are unobstructed. These views which currently feature 133 Baston Road would become open allowing long ranging views to the common beyond and this would be a positive change in terms of both the conservation area but also views from the locally listed building (which is directly opposite this gate).



Figure 29: View from Baston Road towards 133

5.11 While some visibility of the dwellings would be possible to the left hand side of these views, this would be limited and it would be likely that only the traditionally designed and appropriate detailed clay tile roofs would be visible. This effect is demonstrated by sections (C-C) through the site replicated at **Figure 30**. On this basis, the proposed units would not be prominent in the views. This would be the only ability to appreciate the proposed Plots 1-3 from the public realm of the conservation area or in context with the locally listed building. With other built form (specifically Bath Villas) otherwise obscuring visibility.



Figure 30: Existing (top) and proposed (bottom) section C-C through the site

- 5.12** While there is no built form currently present on the garden of 133 Baston Road (aside from small scale ancillary buildings), the proposed dwellings would not be sited on any open land integral to the character and appearance of the conservation area or either visually or experientially linked (in any way) with the locally listed 54 Baston Road.

Introduction of Plots 4-5

- 5.13** The location of Plots 4 and 5 are both visually and experientially well removed from both the conservation area and the locally listed building. These plots have been carefully designed to relate to the scale of existing built form on the rear part of the site and to architecturally have a more agricultural ancillary character reflective of their location on the edge of the settlement.
- 5.14** Due to the distances between this part of the site and the assets and the intervening built form (including the proposed Plots 1-3 but also Bath Villas), the introduction of Plots 4 and 5 on to the application site in place of the existing built

form is not found to result in any effect on the significance or setting of these assets.

Landscaping Proposals

- 5.15** As noted above, proposals also involve various landscaping works to the site. These include the retention and/or replacement and strengthening of boundary planting (including trees to the rear of Bath Villas) and introduction of tree planting throughout the site. These works ensure that the existing vegetative screening for the site is retained and enhanced and that the site's green characteristics are preserved.
- 5.16** The most beneficial aspect to the landscaping proposals concerns the front part of the site which is located within the conservation area boundary and directly opposite to the locally listed building. Here the existing landscaping is retained with additional landscaping added to further screen and soften views of the site from Baston Road. Within the site the extent of hardstanding would be reduced and the existing poor quality tarmac would be replaced with a higher quality surface finish. The existing poor quality fence which provides a boundary between the school and site would be retained with new hedge planting further improving views.

Summary and Policy Compliance

- 5.17** The proposed development is based on an understanding of the character, appearance, significance and, where relevant, setting of the Hayes, Bromley and Keston Common Conservation Area and the locally listed 54 Baston Road. The proposed development has been informed by this and has been specifically designed to introduce higher quality residential development and landscaping to the site which currently features relatively poor quality built form while being sensitive to, and where possible, enhancing the significance of the assets.
- 5.18** As identified above, both parts of the residential redevelopment of the site, both individually and when considered hand in hand, are found to preserve the significance of the assets identified.

- 5.19** With regards to the conservation area, it is the findings of this report that the proposed works would fall outside of the remit of paragraphs 201-202 of the NPPF insofar as they will not result in any harm to, or loss of significance. There would be preservation for the purposes of Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990.
- 5.20** There are no statutory provisions (i.e. though legislation such as the Planning (LBCA) Act 1990) for non-designated heritage assets. As such, the primary consideration is Paragraph 203 of the NPPF. The policy tests set out for non-designated heritage assets are clearly more limited than those relating to designated heritage assets (including paragraphs 199-202 of the NPPF). All that is required by paragraph 203 in respect of non-designated heritage assets is that the effect of an application on the significance of that assets should be taken into account⁸. In this case, in accordance with paragraph 203 of the NPPF, the effect of the application on the significance of 54 Baston Road (as a non-designated heritage asset/locally listed building) has been taken into account and no harm for the purposes of paragraph 203 is identified.
- 5.21** The proposed development is also found to accord with local planning policies, as follows:
- **Policy 39 Locally Listed Buildings:** In accordance with the requirements of this policy, the proposals are sympathetic to the character, appearance and local interest of 54 Baston Road and respects the setting of that asset.
 - **Policy 41 Conservation Areas:** The proposed development is found to be in accordance with the requirements of this policy with regards to land within the conservation area insofar as the development respects and complements the conservation area and its features while using high quality materials.
 - **Policy 43 Development Adjacent to a Conservation Area:** The proposed development is also found to be in accordance with the requirements of this policy insofar as the proposal within the setting of this asset would preserve the conservation area and no detract from views into or out of it. Indeed, proposal would enhance some views from Baston Road.

⁸ Travis Perkins (Properties) Ltd V Westminster City Council & Ors [2017] EWHC 2738 (Admin)

- **London Plan Policy HC1:** The proposed development accords with the requirements of this policy insofar as the development conserves the significance of the identified heritage assets and is sympathetic to the assets' appreciation within their surroundings.

6. Conclusions

- 6.1** This Heritage Impact Assessment presents an assessment of significance of Bromley, Hayes and Keston Commons Conservation Area and 54 Baston Road (a locally listed building). This is followed by an appraisal of the effects of the proposals upon these heritage assets with consideration given to local and national policy and guidance.
- 6.2** The application site comprises a modern 20th century dwelling and former swimming pool and sports court which were previously associated with the nearby Baston House School. The site does not contain any heritage assets (either designated or non-designated) but it is located part within the conservation area.
- 6.3** As noted in the Introduction two applications are submitted concerning the residential redevelopment of the site as follows:
- 1) Outline application for the introduction of three units (Plots 1-3) on the site of 133 Baston Road and its former gardens; and
 - 2) Outline application for the introduction of two units (Plots 4 and 5) on the site of the former swimming pool and sports court.
- 6.4** Proposals also include various landscaping works to the site and this Heritage Impact Assessment relates to both applications.
- 6.5** As identified in Section 5 (and as supported by the tabular assessment in Appendix 2), the proposed development is found to entirely preserve the significance and setting of both the conservation area locally listed building. Changes to landscaping within the conservation area (no built form is proposed within the boundary of this asset) are wholly beneficial and while amounting to a change within the setting of the conservation area and locally listed building, the proposed dwellings replace existing poor quality built form and are sensitively designed for their context.
- 6.6** In summary, the proposed works are considered to be proportionate and compliant with relevant policies contained within Section 16 of the NPPF and relevant local planning policy and guidance. There would be preservation for the purpose of the decision maker's duty under sections 16, 66 and 72 of the Planning (Listed Building and Conservation Area) Act 1990.

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 201 and 202, and guidance on NPPG).⁹

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

⁹ 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 proposed development on the setting and significance of designated and non-designated heritage assets, 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.

Relevant Considerations	Hayes, Bromley and Keston Common Conservation Area	54 Baston Road (Locally listed building)
<i>Proximity of the development to the asset</i>	The application site is located partly within the conservation area and partly within the setting of the asset. Plots 1-3 are the proposed dwellings closest to the conservation area edge and are located directly adjacent to the boundary of the conservation area, no closer to it than the existing 133 Baston Road	While the application site is located directly opposite the locally listed building, the proposed development is located at a fair distance (c.65m) from it
<i>Proximity in relation to topography and watercourses</i>	The topography of the area is generally flat and there are no watercourses of relevance in this case	
<i>Position of development in relation to key views</i>	Key views within the conservation area are typically possible from the area’s roads and take in historic built form and glimpses of the common. Views of existing buildings in the conservation area wont be affected in any way and views across the site (from the northern access point) would be enhanced as a result of the removal of 133 Baston Road and re-siting of	Key views of 54 Baston Road are possible from the road where its architectural and historic interest (and associated outbuilding) can be appreciated. These views would (and indeed transient views of the building from Baston Road) not undergo any change as a result of the proposed development

	proposed built form away from that part of the site	
<i>Degree to which development will physically or visually isolate asset</i>	The proposed development would not either physically or visually isolate the asset	The proposed development would not either physically or visually isolate the asset
<i>Prominence, dominance and conspicuousness and competition with or distraction from the asset</i>	The proposed development would amount to a change to the setting of the conservation area through the demolition of built form and introduction of Plots 1-5. However, this development would not be prominent in views from the conservation area	The proposed development would not be prominent or dominant within the setting of the locally listed building and would not cause any distraction from this asset
<i>Dimensions, scale, massing, proportions and materials and design</i>	The proposed development has been carefully sited to be respectful of the scale of existing built form on site and the adjacent buildings. Plots 1-3 would be two storey detached dwellings of a coherent English vernacular design while Plots 4 and 5 would be single storey (reflective of the scale of existing buildings) and designed with a more agricultural ancillary character reflective of their location	
<i>Introduction of movement or activity</i>	While the proposals would introduce greater levels of movement and activity onto the site, this is not out of keeping with the existing use residential use of the site and the former use of the swimming pool and sports court as part of the adjacent school	
<i>Diurnal or seasonal change</i>	Matters of diurnal and seasonal change have been factored into the wider assessment	
<i>Change to built surroundings and spaces</i>	The proposed development would amount to a change to the setting of the conservation area through the demolition of built form and introduction of Plots 1-5 and this would result in the introduction of additional built form within the setting of this part of the conservation area. However, this is part of the conservation area which	The proposed development would lead to a barely perceptible change to the built surroundings of the locally listed building with views out from the asset improved to a slight degree through the removal of 133 Baston Road and re-siting of Plots 1-3 further north

	already features built form of a residential nature	
<i>Change to skyline, silhouette</i>	The proposed development would have no bearing on the skyline or silhouette of the conservation area	The proposed development would have no bearing on the skyline or silhouette of the locally listed building
<i>Change to general character</i>	The proposed development would not lead to any change to the general character of the conservation area or its setting. Indeed, views out of the conservation area from the position of the northern access track would be enhanced and additional landscaping proposals would be generally beneficial	The proposed development would not lead to any change to the general character of this asset or its setting which would continue to be appreciated as being part of the semi-rural approach to Hayes

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

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