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Heritage Statement

24 North Walls, Chichester, West Sussex, PO19 1BY

Statement prepared by Chilcroft Heritage Planning
November 2023



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 2012 and was formerly a local planning authority officer, working within development control departments. 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); 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 18 years I have specialised in the historic environment, both in terms of understanding and analysing historic settings, 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 their settings.
- 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 settlements.
- 1.5) I have provided expert written evidence for planning applications and appeals, including public inquiries, on behalf of both appellants and local planning authorities.
- 1.6) I understand my role in compiling 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; the applicant. 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 and duties.
- 1.8) I was first approached in relation to the proposal in July 2023, when I was asked to provide a heritage report in relation to the planning application on behalf the applicant. My quote was based on several stages/elements, the first of which was an initial case review, followed by a site visit in August 2023. I confirm that I am able to act as the applicant's heritage expert following this initial work.
- 1.9) As an independent expert professional, I have formed my own opinions and have come to my own conclusions about the effects of the proposed development on the heritage asset.
- 1.10) I have included in my heritage report images of the site and surrounding public highways. 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, including any contribution made by the setting, as required by Para.194 of the *National Planning Policy Framework* (2021). It will assess the significance of the heritage assets by way of Historic England guidance *The Setting of Heritage Assets* (2017) in accordance with their preferred five-step procedure, identify, assess and explore the significance of their setting and consider the appellant'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 189 to 193 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 194 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 195 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 199 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 201 to 202 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 202 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 206 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 2021.
- 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 site of 24 North Walls is situated within the historic city walls, with its principal elevation overlooking the Scheduled Ancient Monument. It is situated in proximity to the corner with North Street, where the terraced buildings between it and North Walls meet.
- 3.2) The dwelling dates from the 18th Century or earlier and is a Grade II listed building (**List No. 1026727**), recorded by Historic England under the name of 24 and 25 North Walls. It shares its listing designation with the adjacent 25 North Walls and together they comprise a terraced pair of dwellings. It is a two storey timber frame building with red brick infill and a rendered exterior. It has a tiled hipped roof and uses timber casement windows with glazing bars. Although the listing states it as being 18th Century, from an examination of the interior, it is thought to have been built in the 17th Century as the timber frame and its joinery shows evidence of this (**see Fig 1 and 2**). The building was extensively remodelled in the early 19th Century to conform with the as then more fashionable Georgian architectural style, adding sash windows and a rendered external finish.
- 3.3) The staircase leading from the ground to the first floor is from the 19th Century, no doubt added at the time that the house was remodelled, albeit thought to be situated in its original location within the building. The small stair window located in the rear elevation of the building appears to have been an afterthought and was probably added at this time, when the brickwork was also inserted into the timber frame of the building. The timber joinery of the stair windows itself is not however of this earlier period and is undoubtedly a 20th Century window, of no architectural quality. Whilst it could be said to preserve the significance of the listed building and is likely to have been present at the time that the building was listed in 1971, it is capable of improvement.
- 3.4) Internally there is a clear separation between the historic parts of the building and more modern additions. Whilst the ground first floors contain historic fabric and fittings associated with the 19th Century remodelling of the building, the second floor attic space contains just a single room, set into the eaves.

- 3.5) In this second floor space, the western side of the roof space has been opened up to provide light into this top floor room. From this outlook, there are views directly onto the adjacent hipped roofline of 23 North Walls that sits beside it (see Fig 4). Historically this side elevation and roofline would have contained timber framing and perhaps a small window as there are signs of the old timber running atop the window of having been reinforced. There seems no doubt that today, a window of this size and scale would not be possible given the loss of historic fabric however, there is no doubting that this larger window was inserted here before the building was listed in 1971.
- 3.6) This window (see Front Cover) is of a fabricated nature, containing elements of timber and metal upright bars, with overlapping panes of glass sheeting. In the centre, there are two opening windows that pivot and a plastic fan inset into a single pane of glass to one side. Given the type of construction and the ad-hoc nature of its construction, it is probably from the early 20th Century c.1910 – c.1930 being similar to some windows and glazing found in commercial buildings of this time. The window and its construction shows evidence of have been made from whatever materials they could lay their hands on and is piecemeal in nature. Given that the dwelling would have been a humble tenant cottage at the time, the poor nature of the design, construction and material finish is consistent with what you would have expected to find.
- 3.7) The proposed site is located within the Chichester Conservation Area, a site located among the ribbon of development along North Walls. From the public setting of the highway and from the adjacent historic city walls, there is no awareness of the western roofline or the rear elevation of the dwelling, which the proposal relate to. The terraced dwellings along North Walls are an important characteristic of the streetscape and of understanding the role that this part of the city had in the once defensive role of Chichester. Together with 24 and 25 North Walls, the dwellings of 22 and 23 North Walls are also both Grade II listed buildings. The rearmost aspect of the proposed site contains a small enclosed yard, with the Grade II listed 45 – 48 North Walls fronting North Street situated beyond the curtilage of the proposed site (see Fig 6). Together these listed buildings collectively share a setting.

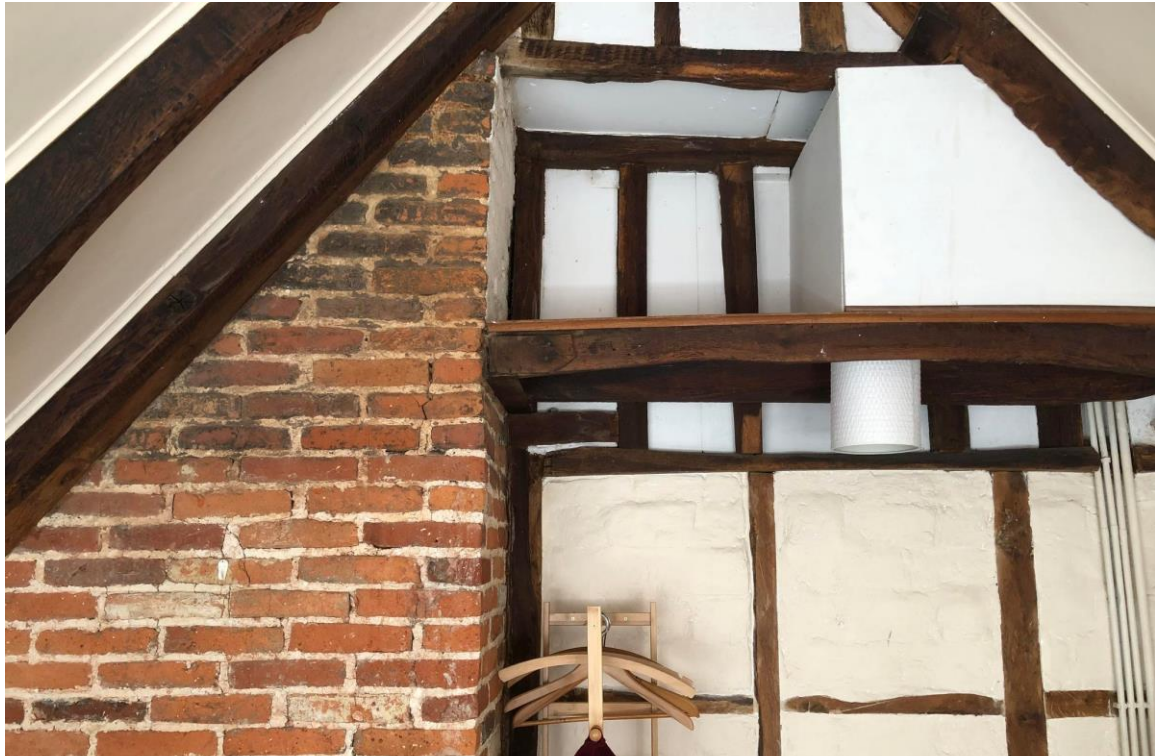


Fig 1: The attic space on the second floor showing a brick built chimney and the historic timber framing of what is believed to have been a much earlier, 17th Century former tenant cottage.

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Fig 2: The principal reception room of 24 North Walls on the ground floor showing the timber framing construction of the building. The historic fabric of the Grade II listed building would not be harmed by the proposals.

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Fig 3: On the rear elevation of the building, the small stair window is believed to have been added at a later date and its fabric dates from the 20th Century. The proposal would emulate the sash seen to the far left.

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Fig 4: The west facing side window dates from the early 20th Century and contains an ad-hoc design made up of timber and metal. The proposal would replace this with a quality design using timber joinery and slimline glazing.

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Fig 5: The principal elevation of 24 North Street as seen from the city walls. The building was refronted in the 19th Century and adopted a Georgian architectural style. The building would not require any structural changes as a result of the proposals.

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Fig 6: The existing stair window dates from the 20th Century and does not constitute historic fabric. The proposed sash design would represent an improvement over existing, enhancing the buildings significance.

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4) IMPACT ASSESSMENT

- 4.1) Whilst the living arrangements of an owner cannot be a primary consideration in the case of a listed building, they will undoubtedly feature in any residential improvements and done sympathetically, can also preserve or enhance the significance of a heritage asset. Chilcroft Heritage Planning has worked closely with the applicant to facilitate this and ensure that Church Cottage and its historic fabric, remains the primary consideration.
- 4.2) The proposal seeks to replace two 20th Century made windows with designs that are considered more appropriate in quality, style and materials, without the loss of any historic fabric.
- 4.3) The stair window would use hardwood timber using a traditional sash window design and joinery, which is considered to be an improvement over existing. Located at the rear of the dwelling, it would have a neutral impact upon the setting of neighbouring heritage assets and maintain the character and appearance of the Chichester Conservation Area. It would further enhance the significance of the Grade II listed building of 24 and 25 North Walls.
- 4.4) The second floor west facing side window presents an opportunity to improve upon existing and replace it with a purpose built design of a material quality that is reflective of the style and age of the historic building. Although the use of slimline glazing is not always appropriate in the case of a listed building, given that this window opening is not a historic one and is located at the side of the roofline, abutting the adjacent building and with no outwardly views from the Conservation Area or wider setting, it is considered to be acceptable here. The proposal would maintain the Conservation Area and preserve the setting of nearby listed buildings whilst enhancing the significance of 24 North Walls.
- 4.5) The proposal would maintain the character and appearance of the Chichester Conservation Area, with no change in how the streetscene is witnessed or appreciated. The neighbouring Grade II listed buildings would not see any change to their setting as a result of the proposal, with no awareness whatsoever, resulting in no harm to the significance of the heritage assets.

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 Chichester District Council's adopted Development Plan policies require development proposals to conserve heritage assets (such as listed buildings), 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 development would not result in the loss of any historic fabric, involving only fabric from the 20th Century.
- 5.6) The proposed design is of an architectural and material quality that would preserve the significance of the listed building and improve the way in which the building is appreciated.
- 5.7) The proposal would preserve the significance of the neighbouring Scheduled Ancient Monument and Grade II listed buildings and ensure that the way in which they are best appreciated is upheld, with no harm to their setting.
- 5.8) The proposal would maintain the character and appearance of the Chichester Conservation Area, with no change in how the streetscene is witnessed.

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