

PLANNING REPORT

Site Name : Rowan House, Talbot Avenue, Sutton Coldfield

Site Location : Talbot Avenue, Sutton Coldfield, B74 3DD

Heritage Assessment: Rowan House.



Mr Ankesh Agrawal
November 2023

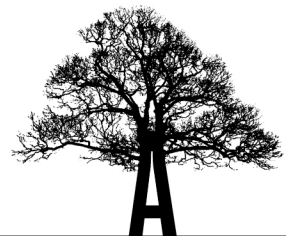
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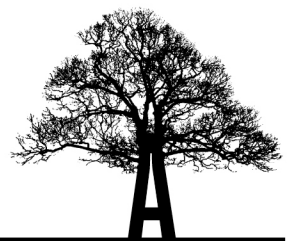
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Document Contents

1. Introduction	1
2. Heritage Designations	3
3. Planning Policy and Guidance – Heritage Setting	5
4. Heritage Setting Guidance.	7
5. Case Law on Setting of Conservation Areas.	10
6. Description of sensitivity.	12
7. Assessment of Significance	17
8. Heritage Impact Assessment.	18
9. Conclusions	19
Sources used in this report	20



1. Introduction.

- 1.1. This Heritage Assessment accompanies the planning application for the erection of a single storey rear extension.
- 1.2. The report was commissioned by Mr Ankesh Agrawal and has been prepared by Neil Boughey BA (Hons), LLB Laws, DipTP, MRTPI. It has been produced using the Historic England's Conservation Principles, Policies and Guidance (April 2008) and Advice Note 10: Listed Buildings and Curtilage (February 2018). A site survey was undertaken on 24th November 2023.
- 1.3. Little Aston, Staffordshire, is located approximately 5 miles (8 km) south of the city of Lichfield. Formerly a separate settlement, it is in modern times contiguous with the built-up area of the neighbouring town of Sutton Coldfield, lying to the approximate northern part of the main built up area. The application site lies on the south side of Talbot Avenue, which runs east/west between Little Aston Park Road to the west and Roman Road to the east.
- 1.4. Little Aston's physical character is derived from its origins as the wooded parkland of the Little Aston estate. The streetscape of the area is characterised by great expanses of rhododendron trees lining Roman Road and its arterial lanes. This planting forms a barrier between the lane and the diverse mix of 19th and 20th Century architectural styles.

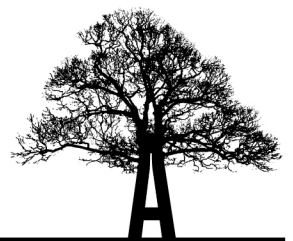
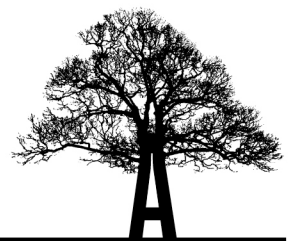




Fig 1 – Site Location.

- 1.5. Information on the history of the site has been drawn from a number of sources. The list of sources used in the preparation of the report is presented on p.20.

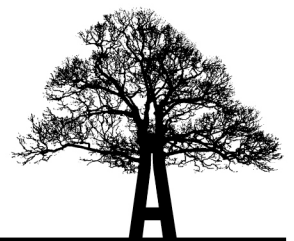


2. Heritage Designations.

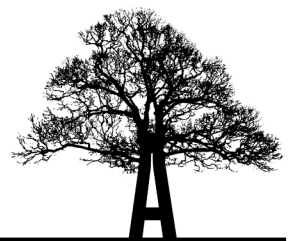
- 2.1. The proposal site, Rowan House, is a large 7 bedroom detached dwelling situated in extensive (0.1 ha) private grounds of early to mid 20th Century providence.
- 2.2. The Staffordshire Historic Environment Record shows the property as within the boundaries of Little Aston Conservation Area. There are no Statutory or Locally Listed Buildings shown within a 1Km radius. The site location is shown as a red dot on the HER map extract at Fig 2 below).



Fig 2 – Staffordshire Historic Environment Record (“HER”) map.



- 2.3. The proposal site is within the boundary of the Little Aston Conservation area, which Fig 2 also illustrates. The conservation area was designated on the 26th October 1999 to cover an area of 130.6 hectares and includes Little Aston Hall and Little Aston Park and is bounded by Rosemary Hill Road, extending to Walsall Road. The boundary also follows the line of a number of properties along Hardwick Road, Little Aston Park Road and Roman Road. At present the boundary includes most of the remnant estate and distinctive individual development carried out through the 20th Century.
- 2.4. Given the proposal site is within the conservation area boundary, this heritage assessment has been undertaken to assess impacts on the setting of this part of the Conservation Area. The application site is not considered to in any way fall within the setting of any other designated or non designated heritage assets.



3. Planning Policy and Guidance – Heritage Setting.

3.1. National Planning Policy Framework (NPPF) – Conserving and Enhancing the Historic Environment.

3.2. Chapter 16 of the NPPF (2021) states the following in paragraph 199;

“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.”

3.3. NPPF also states the following in paragraph 202;

“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.”

3.4. The Planning (Listed Building and Conservation Areas) Act 1990.

3.5. The Planning (Listed Building and Conservation Areas) Act 1990 (“the Listed Building Act”) requires decision makers to have special regard to the desirability of preserving the building, its setting and any features of special architectural or historic interest which it possesses.

3.6. The statutory duty is reflected in the policies in the Lichfield District Local Plan Strategy 2015, adopted February 2015, the most relevant policy being Core Policy 14: Our Built & Historic Environment.



3.7. Lichfield District Local Plan Strategy 2015.

3.8. **Core Policy 14: Our Built & Historic Environment** provides, inter alia, that:

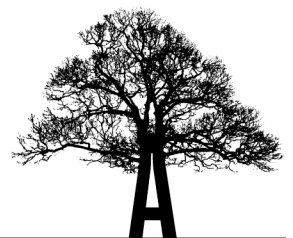
“The District Council will protect and improve the built environment and have special regard to the conservation and enhancement of the historic environment through positive action and partnership working. The historic environment contributes to sustainable communities, including economic vitality, and new development must make a positive contribution to the historic environment's local distinctiveness.

The significance of designated heritage assets including nationally protected listed buildings and their settings, ancient monuments, archaeological sites and conservation areas and their settings, will be conserved and enhanced and given the highest level of protection. Other heritage assets including locally listed buildings, and locally important parks and gardens will also be conserved and enhanced. In conjunction with Policy NR5, landscapes that form the setting to the built and historic environment will also be conserved and enhanced.

Change will be directed to the most appropriate locations taking into account the District's heritage assets and their settings, including the historic landscape, as informed by the local evidence base. Development proposals which conserve and enhance a heritage asset or its setting will be supported where clear and convincing justification has been provided through an assessment of the significance of the asset or its setting.”

3.9. Little Aston Neighbourhood Plan, 2015–2029 (Made 19th April 2016).

3.10. The made Neighbourhood Plan does not include any relevant policy on built heritage or design of extensions in the Little Aston Conservation Area.



4. Heritage Setting Guidance.

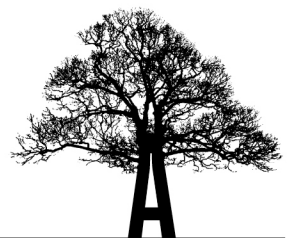
- 4.1. Heritage Setting guidance is proved in the Historic England Good Practice Advice in Planning Note 3 (Second Edition).
- 4.2. The Good Practice Advice states that its purpose is to provide information on good practice to assist local authorities, planning and other consultants, owners, applicants and other interested parties in implementing historic environment policy in the NPPF and the related guidance in the national Planning Practice Guide (PPG).

It states that it should be read in conjunction with Good Practice Advice notes 1 (The Historic Environment in Local Plans) and 2 (Managing Significance in Decision-Taking in the Historic Environment). This good practice advice acknowledges the primacy of the NPPF and PPG, supporting the implementation of national policy, but does not constitute a statement of Government policy itself, nor does it seek to prescribe a single methodology or particular data sources.

4.3. Guidance – Settings and Views.

- 4.4. Part 1 of the Historic England Guidance, ‘Settings and Views’, refers to NPPF Glossary; ‘Setting of a heritage asset’ which describes ‘setting’ 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.*
- *A thorough assessment of the impact on setting needs to take into account, and be proportionate to, the significance of the heritage asset under consideration and the degree to which proposed changes enhance or detract from that significance and the ability to appreciate it.*
- *Setting is the surroundings in which an asset is experienced and may therefore be more extensive than its curtilage. All heritage assets have a setting, irrespective of the form in which they survive and whether they are designated or not.*



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

4.5. The Guidance recommends the following broad approach to assessment, undertaken as a series of steps that apply proportionately to the complexity of the case, from straightforward to complex:

- Step 1: Identify which heritage assets and their settings are affected.
- Step 2: Assess the degree to which these settings make a contribution to the significance of the heritage asset(s) or allow significance to be appreciated.
- Step 3: Assess the effects of the proposed development, whether beneficial or harmful, on that significance or on the ability to appreciate it.
- Step 4: Explore ways to maximise enhancement and avoid or minimise harm.
- Step 5: Make and document the decision and monitor outcomes.

4.6. The Guidance states the following;

'Development proposals involving the setting of single and less significant assets and straightforward effects on setting may best be handled through a simple check list approach and can usefully take the form of a short narrative statement for each assessment stage'.



- 4.7. The Guidance suggested checklist, considers the significance of the heritage asset itself and then the contribution made by its setting as follows;

The asset's physical surroundings

- Topography
- Aspect
- Other heritage assets (including buildings, structures, landscapes, areas or archaeological remains)
- Definition, scale and 'grain' of surrounding streetscape, landscape and spaces
- Formal design e.g. hierarchy, layout
- Orientation and aspect
- Historic materials and surfaces
- Green space, trees and vegetation
- Openness, enclosure and boundaries
- Functional relationships and communications
- History and degree of change over time



5. Case Law on Setting of Conservation Areas.

- 5.1. I consider it useful to state the current legal position regarding issues relating to impact on the setting of designated built heritage assets (including Conservation Areas) in planning decisions.
- 5.2. The High Court recently handed down judgment in *R.(oao James Hall and Company Limited) v City of Bradford Metropolitan District Council and Co-Operative Group Limited [2019] EWHC 2899*. Her Honour Judge Belcher found for the Claimant on all grounds of challenge. In doing so, the Learned Judge clarified a number of important points concerning heritage policies.
- 5.3. In that decided case, the site was within the setting of the Haworth Conservation Area, albeit not within the Conservation Area itself. Thus **it was agreed that the duty within s.72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 did not apply, but national and local policy concerning the setting of heritage assets did apply.**
- 5.4. In addressing harm, the Court held there are only 3 categories of harm:

“34. In my judgment the three categories of harm recognised in the NPPF are clear. There is substantial harm, less than substantial harm and no harm. There are no other grades or categories of harm, and it is inevitable that each of the categories of substantial harm, and less than substantial harm will cover a broad range of harm ...”

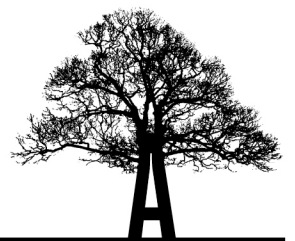
Hence the Court determined that even limited or negligible harm was enough to fall within the bracket of ‘less than substantial harm’.

- 5.5. In relation to degrees of harm and planning judgement, the Court determined:

“34.... It will be a matter of planning judgement as to the point at which a particular degree of harm moves from substantial to less than substantial, but it is equally the case that there will be a number of types of harm that will fall into less than substantial, including harm which might otherwise be described as very much less than substantial. There is no intermediate bracket at the bottom end of the less than substantial category of harm for something which is limited, or even negligible, but nevertheless has a harmful impact. The fact that the harm may be limited or negligible will plainly go to the weight to be given to it as recognised in Paragraph 193 NPPF. “



5.6. It is therefore clear that while most harm will fall within the category of “less than substantial harm”, it is the weight that is given to limited or negligible harm in the planning balance against public benefit that is commensurately reduced. It is not the case that less than substantial harm is given overriding weight in the planning balance irrespective of degree of harm or weight of public benefit.



6. Description of Sensitivity.

6.1. The proposal property is an imposing 20th century detached dwelling in red brick with hipped roofs in slate grey tiles, with an aesthetically pleasing variety of roof heights, in very substantial grounds surrounded by mature tree lines. There are no marked changes in site level.



Fig 3 – north facing frontage view (stock image) looking south from driveway onto the proposal site.

6.2. The proposal is to re-front the property in cream stone, and to erect a single storey rear extension and veranda, also in cream stone, along with rendering the existing brickwork in cream stucco and replacing all existing windows and the removal of garage doors on the north facing to create additional internal living space.

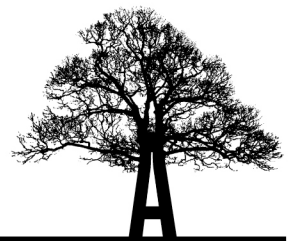




Fig 4 - South facing view of rear aspect of the property where the proposed single storey extension and veranda is to be sited.



Fig 5 - East facing view of rear aspect of the property where the proposed single storey extension and veranda is to be sited.



- 6.3. The Conservation Area Appraisal (“CAA”) from Lichfield District Council for Little Aston Conservation area gives a somewhat broad characterisation:

“...The streetscape of the area is characterised by great expanses of rhododendron trees lining Roman Road and its arterial lanes. This planting forms a barrier between the lane and the diverse mix of 19th and 20th Century architectural styles which underpins the impressive landscape provided by Little Aston.... Where there are breaks in the planting, vistas are revealed of buildings, predominantly large two-storey houses, lining both sides of the lanes and getting grander in scale the closer they are to Beech Gate (the former entrance to Little Aston Hall). The predominant spatial character of Little Aston is the individual, detached buildings set in large, green plots.”

- 6.4. It is therefore somewhat difficult to derive what are considered important views in the immediate locality of the application site, but it is considered these will be looking east and west along Talbot Avenue, and any views across the side and rear boundaries of the property overlooking the proposed extension.

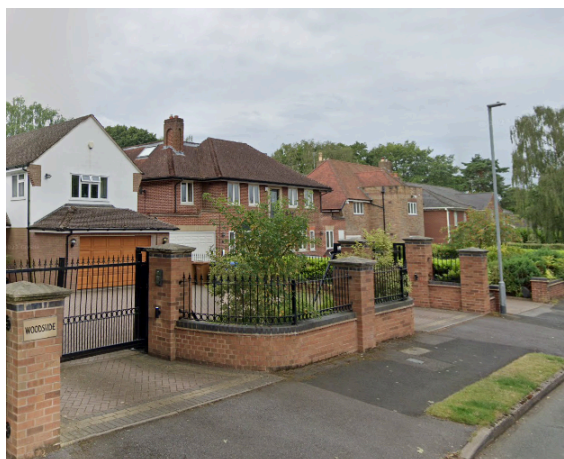


Fig 7 – view from Talbot Avenue looking east onto the proposal site from entrance to driveway.

- 6.5. While the proposed alterations to the Talbot Avenue facing frontage will be apparent in passing views, Fig 7 exemplifies the diversity of architectural styles along this frontage, as recognised in the CAA, there being no consistent architectural styling. The proposal will in my opinion create an architectural statement that will both enhance and add interest to the existing streetscape. From the above view at Fig 7 it is confirmed that there is no inter visibility onto the rear aspect of the dwelling from passing views into the drive from Talbot Avenue.



- 6.6. To the rear of the property, as Fig 8 below illustrates, mature woodland and hedgerow entirely prevents any inter-visibility from dwellings on either side or from beyond the southern boundary. There is no public access into the surrounding woodland such as to give rise to views from public footpaths, etc.

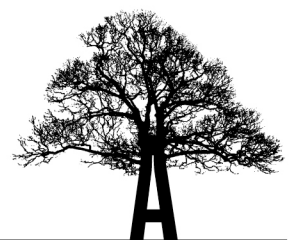


Fig 8 - aerial view onto rear of the proposal site illustrating depth of existing tree and hedgerow cover along all boundaries..



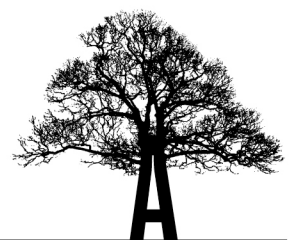
7. Assessment of Significance.

- 7.1. Physical Impacts on Listed Buildings and other Heritage Assets within the proposal site.
- 7.2. There are no statutorily listed buildings or other designated heritage assets in proximity to the site that will be altered or directly impacted or affected by the proposal.
- 7.3. Contribution made by site to setting.
- 7.4. As the NPPF makes clear, setting comprises ‘the surroundings in which a heritage asset is experienced’ (Annexe 2 Glossary). Consequently, the contribution of setting goes beyond purely visual relationships to take in other aspects of a Site’s use. The NPPF also notes, the ‘extent is not fixed and may change as the asset and its surroundings evolve.’
- 7.5. The impacts of the proposal on the setting of the Little Aston Conservation Area have been assessed using the guidance contained within the Historic England document, Good Practice Advice in Planning – Note 3: The Setting of Heritage Assets (December 2017), which recommends a staged approach to assessment.
- 7.6. It is apparent that the proposal site has no inter visibility or functional connection with the wider surrounding built heritage assets. While the proposal is a significant restyling of the property, it is considered that this contemporary modernisation of a very substantial existing detached dwelling will add to the architectural quality, distinctiveness and visual interest of this part of the Conservation Area. Alterations proposed to the rear are entirely visually separated from the rest of the historic core of the Conservation Area by high hedgerows and very extensive bordering trees and woodland.
- 7.7. The proposed works will therefore not result in any visual detriment to the setting of the Conservation Area. Principal views in and out of the conservation area have been assessed and it is clear that while the application proposal will be visible in passing views from Talbot Avenue, important long views in and out of this part of the Conservation Area will be enhanced.



8. Heritage Impact Assessment.

- 8.1. The proposal is considered to positively impact on, and enhance, important long views into and out of the main part of the Conservation Area. As such I assess these will be **no harm** on the setting of this part of Little Aston Conservation Area.
- 8.2. Should the Council not concur with my view and consider that some harm results to the setting of the Conservation Area, albeit surely "Less than Substantial Harm" for the purposes of para 193 NPPF, any harm assessed as resulting from the proposal must be balanced by the public benefit the proposal will make in terms of enhancing architectural quality and interest in this part of the Conservation Area, as well as repurposing the dwelling to ensure it maintains a flexible living space throughout the lifetime of the applicants occupation without them having to move from the community and/or uptake alternative accommodation. Significant benefits are also recognised in terms of improving the thermal efficiency of this large existing dwelling, thereby contributing to wider societal benefits in remediating the impacts of climate change. In the context of the "Bradford" case discussed in Section 5 above, the enhancement and qualitative architectural improvements resulting from the proposed alterations to the dwelling to me indicates that in such circumstances "harm" (which can be no more than "change" in the context of this proposal) should be given minimal weight against public benefit when considered in the "planning balance".



9. Conclusions

- 9.1. This Heritage Statement assesses the impact on the proposal on the setting of Little Aston Conservation Area.
- 9.2. The proposal will cause **no harm** to the setting of Little Aston Conservation Area, due to resulting enhancement of the architectural quality, distinctiveness and visual interest of this part of the Conservation Area.



SOURCES USED IN THE REPORT

- Historic England Good Practice Advice in Planning Note 3 (Second Edition).
- Little Aston Conservation Area Appraisal, Lichfield District Council.

