

An aerial, monochromatic blue-tinted photograph of Oxford, UK. The image shows the city's dense architecture, including numerous historic buildings and churches, interspersed with green spaces and trees. The River Cherwell is visible winding through the lower part of the city. The overall scene is captured from a high angle, providing a comprehensive view of the urban landscape.

Donald Insall Associates
Chartered Architects and Historic Building Consultants

1-23 (odd) Museum Road, Oxford

Heritage Impact Assessment

For the Rector and Fellows of Lincoln College



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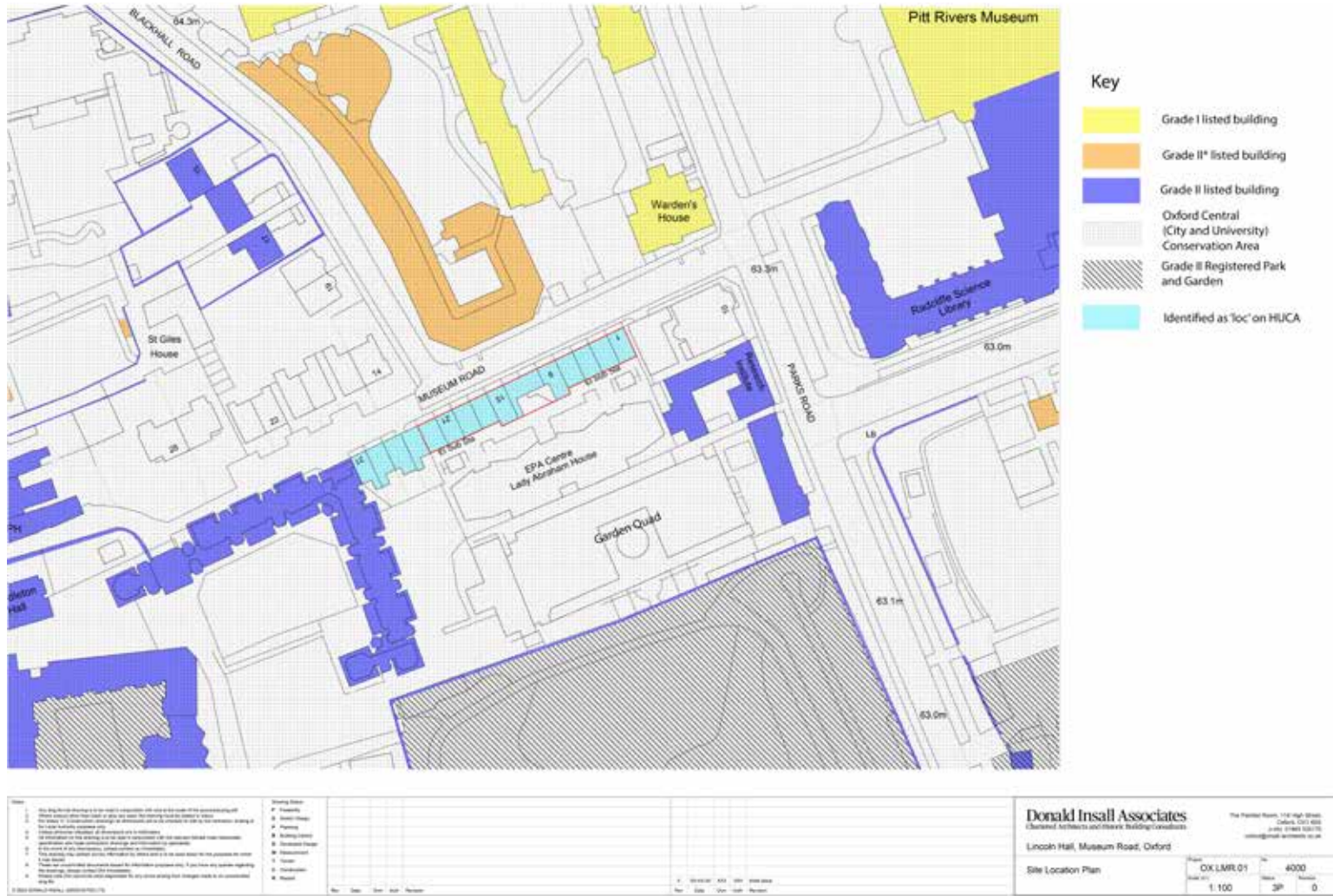
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Heritage Constraints map

1.0 Summary of Heritage Impact Assessment

1.1 Introduction

Donald Insall Associates was commissioned by the Rector and Fellows of Lincoln College in March 2024 to assist them in positioning solar panels on the roofs of nos. 1-23 (odd) Museum Road, Oxford.

The investigation has comprised historical research, using both archival and secondary material, and a site inspection. A brief illustrated history of the site and building, with sources of reference and bibliography, is in Section 2; the site survey findings are in Section 3. The investigation has established the significance of the site, which is set out in Section 4 and summarised below.

The specific constraints for this site are summarised below. This report has been drafted to inform the design of proposals for the site, by Donald Insall Associates. In due course, Section 5 provides a justification of the scheme according to the relevant legislation, planning policy and guidance.

1.2 The Buildings, their Legal Status and Policy Context

Nos. 1-23 (odd) Museum Road are located in the Oxford Central (City and University) Conservation Area in Oxford City. The terrace itself is unlisted, but may be considered a non-designated heritage asset.¹

¹ The terrace is identified on a map in the Heritage Urban Character Assessment 30 as 'loc'. This seems to imply that it is locally listed, although there is no other record of this on the Oxford Heritage Assets Register. If this was the case, it would be considered a non-designated heritage asset.

It is within the setting of the listed Keble College, St John's College and the Oxford University Museum of Natural History. Several smaller listed buildings sit to the south-east, on Parks Road. Development in conservation areas or within the setting of a listed building or conservation area requires local authorities to assess the implications of proposals on built heritage.

A summary of guidance on the Oxford Central (City and University) Conservation Area provided by the local planning authority is in Appendix I, along with extracts from the relevant legislation and planning policy documents.

The Planning (Listed Buildings and Conservation Areas) Act 1990 is the legislative basis for decision-making on applications that relate to the historic environment. Sections 66 and 72 of the Act impose statutory duties upon local planning authorities which, with in respect of conservation areas, require that '*special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area*'.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise. The development plan applicable to the Site comprises the Oxford Local Plan 2016-36. The Oxford Local Plan 2040 in draft is also a material consideration.

The City of Oxford Local Plan (2016-2036) has policies that deal with development affecting the historic environment.

Policy DH2 requires that the Council will seek to retain significant views both within Oxford and from outside, in particular to and from the historic skyline. Policy DH3 supports proposals that respect and draw inspiration from Oxford's unique historic environment (above and below ground), responding positively to the significance character and distinctiveness of the heritage asset and locality. It sets out that great weight will be given to the conservation of designated heritage assets. Where a development proposal will lead to harm to a designated heritage asset, this harm must be weighed against the public benefits of the proposal. Clear and extensive justification for this harm should be set out in full in the heritage assessment. Policy DH5 states that 'consideration must be given to the significance of the [local heritage asset], the extent of impact on its significance, as well as the scale if any harm or loss to the asset as balanced against the public benefits that may result from the development proposals'.

The courts have held that following the approach set out in the policies on the historic environment in the National Planning Policy Framework 2023 will effectively result in a decision-maker complying with its statutory duties. The Framework forms a material consideration for the purposes of section 38(6). At the heart of the Framework is '*a presumption in favour of sustainable development*' and there are also specific policies relating to the historic environment. The Framework states that heritage assets are '*an*

irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations'. The Glossary to the National Planning Policy Framework defines a heritage asset as:

A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. It includes designated heritage assets and assets identified by the local planning authority (including local listing).

The Framework, in paragraph 200, states that:

In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.

Section 4 of this report – the assessment of significance – meets this requirement and is based on the research and site surveys presented in sections 2 and 3, which are of a sufficient level of detail to understand the potential impact of the proposals.

The Framework also, in paragraph 205, requires that:

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.

The Framework goes on to state at paragraph 206 that:

Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting) should require clear and convincing justification.

Section 5 of this report provides this clear and convincing justification.

The Framework requires that local planning authorities categorise harm as either 'substantial' or 'less than substantial'. Where a proposed development will lead to 'substantial harm to (or total loss of significance of) a designated heritage asset', the Framework states, in paragraph 207, that:

...local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

a) the nature of the heritage asset prevents all reasonable uses of the site; and

b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and

c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and

d) the harm or loss is outweighed by the benefit of bringing the site back into use

Where a development proposal will lead to 'less than substantial harm' to the significance of a designated heritage asset, the Framework states, in paragraph 208, that:

...this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

The Framework also requires that the effect of an application on the significance of 'a non-designated heritage asset' should be taken into account in determining the application. A non-designated asset is defined as 'a building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest', with non-designated heritage assets including 'assets identified by the local planning authority', such as those added to a local list. In weighing applications that affect directly or indirectly non-designated heritage assets, the Framework states, in paragraph 209, that:

...a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Concerning conservation areas and world heritage sites it states, in paragraph 213, that:

Not all elements of a Conservation Area will necessarily contribute to its significance. Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area should be treated either as substantial harm under paragraph 207 or less than substantial harm under paragraph 208, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole.

1.3 Summary Assessment of Significance

Nos. 1-23 (odd) Museum Road is a terrace of townhouses built c.1860 by unknown architects. The buildings are rendered, three-storey houses with slate roofs and basements. They have been developed in coherent blocks of four houses, each block with holistic stylistic details (e.g. canted bay windows or rhythm of doors and windows). The houses were individually leased as domestic units, about half of which being used as university lodgings from at least the late 19th century. The buildings still perform this function as student accommodation for Lincoln College.

They are of local significance due to the architectural value of their attractive street frontage (north) and historic value of their domestic character, within a wider more collegiate character area of 19th- to 20th-century buildings. These values contribute to the wider character and appearance of the Oxford Central (City and University) Conservation Area, as an area of mixed collegiate, domestic and commercial buildings. However, they are of lesser significance than the character zones and buildings which contribute to the medieval character of central Oxford, which is of highest significance.

1.4 Summary of Proposals and Justification

The proposals are for photovoltaic cells on the south pitch (rear elevations) of the terrace, nos. 1-23 (odd) Museum Road. The proposals would have neutral impact on the character and appearance of the Central (City and University) Conservation Area and the settings of nearby listed buildings. They would have public benefits through the implementation of renewable energy, contributing towards Oxford City's target to net carbon zero. The proposals are described and assessed in detail in Section 7 below.

2.0 Historical Background

2.1 The Development of the Surrounding Area

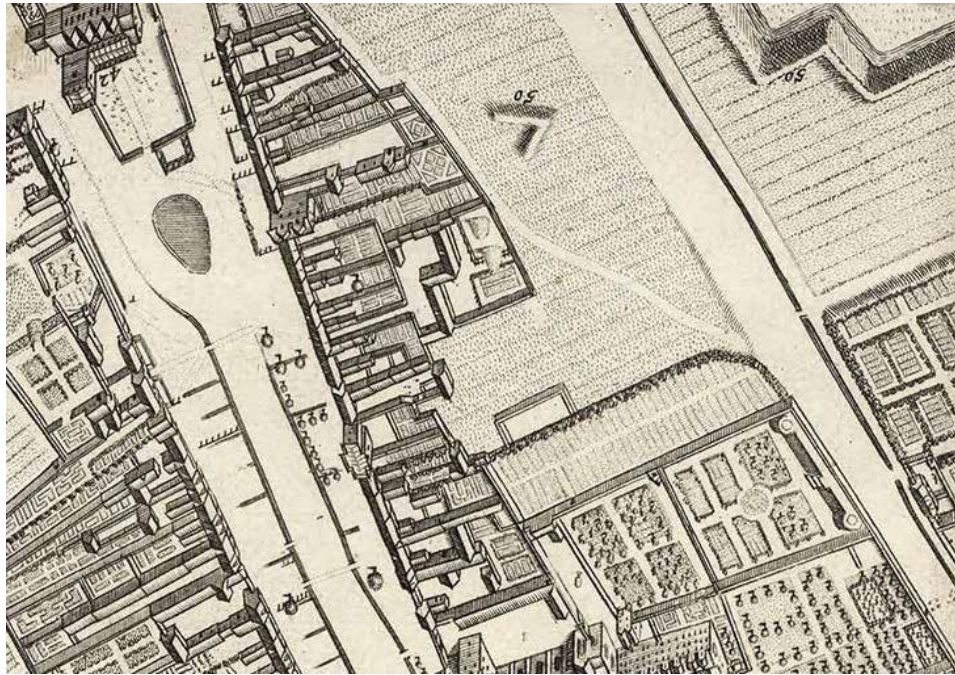
The terrace of houses is bounded to the south and west by St John's College and faces elements of Keble College to the north. To the east is the Mathematical, Physical and Life Sciences Division and, further east, the Natural History Museum after which the road was named.

2.1.1 Early development of the site until 1850

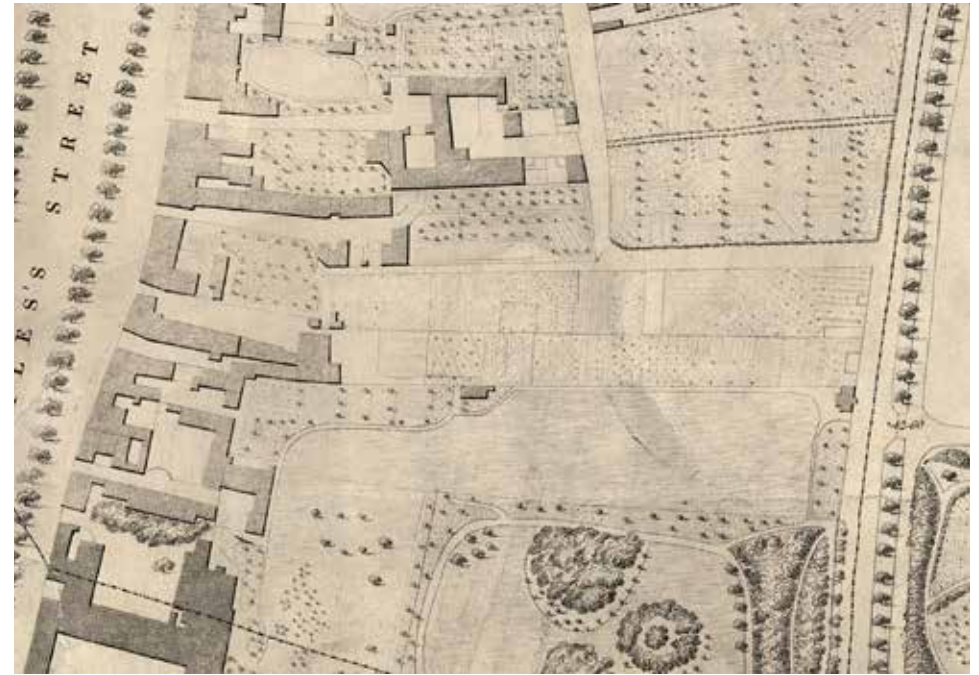
David Loggan's 1675 map shows this area north of St John's College gardens as undeveloped fields. Some Civil War defences remain to the north (50) [Plate 2.1]. Until 1850, the area that now surrounds Museum Road was relatively undeveloped [Plates 2.2 and 2.3]. At that time, there were only a small collection of buildings north of St John's College, on the east side of St Giles. Although the road that would become Museum Road is shown on Hoggar's map, it is bordered by garden plots.



2.3 1850 Detail of St Giles's Street and Parks Road area, showing sparse scattering of buildings north of St John's College (Boston Public Library)



2.1 1673 Detail from Loggan's map showing open fields north of the St John's College gardens, with Museum Road site south of Civil War defences [50] (OHC,)



2.2 1850 Detail from Robert Hoggar's map showing site of Museum Road (OHC, POX0081945)

2.1.2 1860s Building of Oxford University Museum of Natural History , Museum Terrace and Museum Villas

In the early 1850s, a committee decided that it was “desirable that a new Museum be built for a collection in illustration of Physical Science and of Natural History”.² Land was purchased from Merton College, at the south-west end of University Parks in 1853-54. The Oxford University Museum of Natural History was built on this site between 1855-60.³ It was designed in the neo-Gothic style by Irish architects Thomas Newenham Deane and Benjamin Woodward. The building originally housed lecture theatres, work rooms and laboratories for Astronomy, Geometry, Experimental Physics, Mineralogy, Chemistry, Geology, Zoology, Anatomy, Physiology and Medicine. It also held the science library in the Radcliffe Library and united various scientific collections from the Ashmolean, Geological Museum of the Clarendon building and Christ Church’s Anatomical Museum. It still serves this function today.

Museum Terrace was laid out soon after the opening of the Museum, in 1860 and 1864, and is labelled such on the 1873-74 Town Plan **[Plate 2.4]**.⁴ The houses on the north side of the road were known as Museum Villas.

Between 1877 and 1897, the whole development was renamed Museum Road.⁵ Around the same time as Museum Terrace was laid out, 10 Parks Road (originally Charsley Hall) was built on the corner of Museum Road and Parks Road **[Plate 2.5]**. It was designed by Charles Buckeridge c.1862 and served as a private hall, run by William Henry Charsley.⁶ The building continued to serve as such, under different names, until 1918.⁷

2 'Minutes of Hebdomadal meetings, 1841-54', WPgamma/24/6 at page 185.

3 Pitt Rivers Museum, University of Oxford 'UNIVERSITY MUSEUM OF NATURAL HISTORY: INTRODUCTION' (2012) <https://web.prm.ox.ac.uk/sma/index.php/articles/article-index/383-introduction-to-the-oxford-university-museum.html>

4 Alan Crossley (ed.), *British Historic Towns Atlas: Oxford* (Historic Towns Trust), p. 99.

5 Ann Spokes Symonds and Nigel Morgan, *The Origin of Oxford Street Names* (Witney: Robert Boyd Publications, 2010), p. 156 puts this at 1877 but Christopher Hibbert (ed.)'s *The Encyclopedia of Oxford* (London: Macmillan, 1988), p. 265 puts it at 1897.

6 Hibbert, p. 337; Simon Bradley, Jennifer Sherwood, Nikolaus Pevsner, *The Buildings of England: Oxfordshire* (London: Yale University Press, 1974, rev. 2023), p. 276.

7 'MARCON, Charles Abdy', in *Crockford's Clerical Directory* (1930).



2.4 1873-74 surveyed Town Plan showing 'Museum Villas' and 'Museum Terrace' (Ordnance Survey)



2.5 1860 Looking south past the Museum Road-Parks Road junction, before the building of Keble Warden's Lodge (Minn, OHC, POX0144120)

2.1.3 1868-1870 Founding of Keble College

Keble College was constructed between 1868 and 1883 on a site to the north-east of Museum Road, to designs by architect William Butterfield.⁸ It was founded in memory of Oxford Movement Tractarian John Keble (d.1866), and embodies the architectural expression of this theological movement.⁹ By the time of its commissioning, Butterfield's style had been exercised and matured through his work with the Cambridge Camden Society and All Saints, Margaret St, London.¹⁰ His iconic structural polychromy embraced the High Victorian Middle Pointed Gothic style. Although Pevsner labelled the college 'actively ugly' in 1974, Bradley/Sherwood have recently tempered this by identifying it as 'earnest and exacting, it shuns all levity and it is overwhelmingly what the age called 'real''.¹¹ The east end of the north side of Museum Road was developed into Butterfield's Pusey Quad (or Southern Quadrangle) 1868-82, with the Warden's Lodge (1876-77) standing at the north-west corner of the Museum Road-Parks Road junction (see Plate 2.4).¹²

8 'A Sermon, Preached in the Church of S. Mary The Virgin, Oxford on S. Mark's Day, April 25, 1868, being the day of laying the first stone of Keble College', <http://anglicanhistory.org/england/swilberforce/resurrections1868.html>

9 Bradley, Sherwood and Pevsner, p. 165.

10 Bradley, Sherwood and Pevsner, p. 165.

11 Bradley, Sherwood and Pevsner, pp. 165, 167.

12 George P. Landow, 'William Butterfield's Pusey Quad, Keble College, Oxford (1868-82)' <https://victorianweb.org/art/architecture/butterfield/3.html>; NHLE, no. 1046692.

2.1.4 Early 20th century development on Park Road

In the early 20th century, the south-west corner of the Parks Road-Museum Road junction was developed by St John's College for the University's use.¹³ Between 1906-14, the Schools of Rural Economy and Forestry (now the School of Agricultural Science) were built by architects N.W. & G.A Harrison, with some carvings by Gilbert Seale.¹⁴ They replaced a former building that stood on Parks Road, at the north-east corner of President's Close. In spite of its Edwardian street frontage, the internal façade is new.¹⁵

In 1913, the 1850s buildings between Charsley Hall and School of Agricultural Science were extended to the south by P Morley Horder (see Plates 2.5 and 2.6). The extension created a symmetrical façade that lent the building a more polite air, but it retained the style of its 1850s phase. This building became the Mathematical, Physical and Life Sciences Division (University of Oxford).¹⁶

13 Bradley, Sherwood and Pevsner, p. 283.

14 NHLE, no. 1369433.

15 Bradley, Sherwood and Pevsner, p. 283.

16 NHLE, no. 1081516.



2.6 1939 revised OS map showing development of buildings along Parks Road



2.7 1939 revised OS map showing development of buildings School of Rural Economy

2.1.5 Mid 20th century college buildings

In the mid-20th century, two college developments changed the character of the north side of Museum Road and the west end, going into Lamb and Flag Passage.

Several of the 'Museum Villas' on the north side at the east end were demolished around 1970 for a new Keble College building, forming De Breyn Quad and Heyward Quad.¹⁷ This was designed by Ahrends, Burton and Koralek between 1971-77, with engineers Ove Arup and Partners.¹⁸ The building extended down Blackhall Road, before curving around to the east and running along the north side of Museum Road. It contains student accommodation, flats, a workshop and a common room.¹⁹ Its position allows it to stand separate from the iconic red brick of Butterfield's college buildings, (as Bradley/Sherwood say) resisting compromise through its use of honey-coloured brick and full height glazing.²⁰ This building was listed at Grade II* in 1999.

Contemporaneous with the new Keble building, St John's commissioned the Sir Thomas White Building. This was built in 1972-75, to the north of the President's Garden, to the designs of Philip Dowson of Arup Associates.²¹ It is formed of pre-cast concrete H-shapes, and neatly straddles the boundary wall into

17 Hibbert, p. 265.

18 NHLE, no. 1130378

19 NHLE, no. 1130378

20 Bradley, Sherwood and Pevsner, p. 169.

21 St John's College, 'The 20th century', <https://www.sjc.ox.ac.uk/discover/about-college/college-buildings/20th-century/>

Lamb and Flag Passage. 150 study rooms were housed within the structure.²² The building was listed as Grade II on the NHLE in 2017.²³

2.1.6 1991-94 The Garden Quadrangle

The Garden Quadrangle was built in 1991-94 on St John's College's former President's Close (see Plate 2.4). Its purpose was to house the growing number of undergraduate and graduate students. The architect, Sir Richard MacCormac (1938-2014) of MacCormac, Jamieson and Prichard, had already designed important additions to Worcester and Wadham Colleges.²⁴ Bradley/Sherwood have praised the building for being 'outstanding', 'formal and monumental' whilst having access that is 'beguilingly discrete'.²⁵ They have also compared elements of it to Soane's Bank of England, Hardwicke Hall, Japan and Frank Lloyd Wright. It has not only received academic admiration, but was also voted the best building constructed in Oxford in the previous 75 years, in a 2003 *Oxford Times* poll.²⁶

22 Bradley, Sherwood and Pevsner, p. 282.

23 NHLE, no. 1439624

24 St John's College, 'The 20th century', <https://www.sjc.ox.ac.uk/discover/about-college/college-buildings/20th-century/>

25 Bradley, Sherwood and Pevsner, pp. 282-83.

26 St John's College, 'The 20th century', <https://www.sjc.ox.ac.uk/discover/about-college/college-buildings/20th-century/>

2.2 Nos. 1-23 (odd) Museum Road

Nos. 1-23 (odd) Museum Road were constructed c.1860, with the building of the house being a condition of the initial leasehold.²⁷ By the end of the century, the majority of these houses were owned by women living on their own means, lodging house keepers and a few University employees.²⁸ The only record of alterations to the buildings between 1860 and 1930s is 'additions' to no. 7 in 1905. In the Lloyd George survey of 1910, the freehold of nos. 1-23 (odd) was owned by Lincoln College and they were leased as both private residences and university lodgings.²⁹

The site was redeveloped in the 1980s.³⁰ Around 2000, the existing buildings were renamed Lincoln Hall.³¹ The annexe currently serves as undergraduate and postgraduate accommodation.³² In 2002, permission was granted for Lincoln College to build the new EPA Science Centre on the back plots of 1-23 (odd) Museum Road.³³ The building stands between the southern terrace of Museum Road and St John's Garden Quadrangle. Works included the removal of garden boundaries, single-storey training building and some demolition of the terrace at basement and ground floor levels, both internally and externally. An

electric substation was added to the rear of nos. 21-23 in 2003.³⁴ The site was reopened by Stephanie Cook on 26 May 2007.³⁵

27 Leases in 1910 District Valuation survey are all dated 25 March 1860.

28 1891 Census

29 1910 District Valuation survey

30 Historical notes on Museum Road, Lincoln College Archives

31 Historical notes on Museum Road, Lincoln College Archives

32 Historical notes on Museum Road, Lincoln College Archives

33 2002, 02/01425/FUL (Oxford City planning archives)

34 2003, 03/02408/FUL (Oxford City planning archives)

35 Historical notes on Museum Road, Lincoln College Archives

2.3 Relevant Planning History

2003 03/02408/FUL
Erection of electricity sub-station in connection with new EPA Science Building.

2002 02/01425/FUL
Construction of new EPA Science Centre to contain 48 student study bedrooms, lecture theatre, multi purpose room, cycle stores, porter's lodge and ancillary facilities at basement, ground and 3 upper levels. Part demolition of 11 and 13 Museum Road to provide access to new Centre to rear. Revised ground levels for new walkways and ramps (Amended plans)

2002 02/01424/CAC
Demolition of single storey training building and sections of boundary walling to the rear. (Amended plans)
Approved 27 Feb 2003

2.4 Sources and Bibliography

National Archives

National Heritage List for England

Oxford Archives

Maps Collection
Engineering Plans
Drainage Plans
Census Records
1910 Lloyd George's District Valuation Survey
Lincoln College archives

Oxford City Council Planning Archives

Building Case File
Redevelopment Drawings

Published Sources

S Bradley, J Sherwood, N Pevsner, *The Buildings of England: Oxfordshire* (London: Yale University Press, 1974, rev. 2023)
A Crossley (ed.), *British Historic Towns Atlas: Oxford* (Historic Towns Trust)
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Unpublished Sources

Anglican History, 'A Sermon, Preached in the Church of S. Mary The Virgin, Oxford on S. Mark's Day, April 25, 1868, being the day of laying the first stone of Keble College', <http://anglicanhistory.org/england/swilberforce/resurrections1868.html>
Pitt Rivers Museum, University of Oxford 'UNIVERSITY MUSEUM OF NATURAL HISTORY: INTRODUCTION' (2012) <https://web.prm.ox.ac.uk/sma/index.php/articles/article-index/383-introduction-to-the-oxford-university-museum.html>
St John's College, 'The 20th century', https://www.sjc.ox.ac.uk/discover/about-college/college-buildings/20th-century/

3.0 Site Survey Descriptions

3.1 The Setting of the Buildings and the Conservation Area Context

3.1.1 The Wider Setting

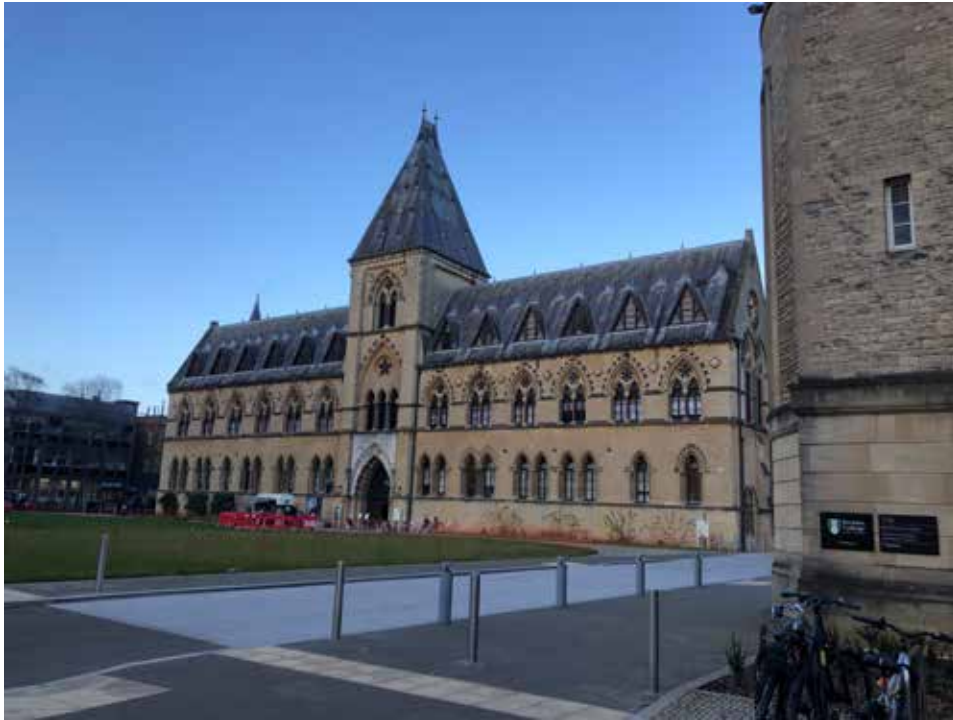
The terraces lies within the northern part of Oxford Central (City and University) Conservation Area. The buildings stand on the south side of Museum Road, which runs between Oxford University's Museum of Natural History on Parks Road and Lamb and Flag Passage, off of St Giles Street **[Plates 3.1 - 3.3]**. The Sir Thomas White building is separated from the easternmost house (no. 23) by nos. 25-31 (odd) **[Plate 3.4]**. To their south is the 2002 EPA Science Building (Lincoln College) and 1991-94 Garden Quadrangle (St John's College) **[Plate 3.5]**. To their north is the 1876-77 Warden's Lodgings (Keble College) and 1971-77 De Breyne Quad and Heyward Quad (Keble College) **[Plate 3.6]**.

3.1.2 The Immediate Setting

Nos. 1-23 (odd) all have sunken basement lightwell yards in front, bounded off with iron railings **[Plates 3.7-3.9]**. To the rear, the garden plots are taken up with the 2002 EPA Science Building (see Plate 3.5).

3.2 The Terrace

All are rendered, three-storey (with basement), 19th-century townhouses, two window bays wide. The buildings appear to have been developed in three blocks: nos. 1, 3, 5, 7; nos. 9, 11, 13, 15; nos. 17, 19, 21, 23. The buildings are accessed from Museum Road via ground floor front doors.



3.1 Oxford University Museum of Natural History from Museum Road-Parks Road junction, looking north-east (DIA)



3.2 Museum Road from Museum Road-Parks Road junction, looking south-west with Warden's Lodgings on right and Charsley House on left(DIA)



3.3 Museum Road, looking east from Lamb and Flag Passage, with 1972-75 Sir Thomas White Building on right (DIA)



3.4 Nos. 25-31 (odd), with Sir Thomas White building on right and no. 23 far left (DIA)



3.5 Aerial view of EPA Science building and Garden Quad in relation to the rear of nos. 1-23 (odd) Museum Road, looking north (Google Maps)



3.6 Front elevation of nos. 1-7, looking south (DIA)



3.7 Front elevation of nos. 9-15, looking south (DIA)



3.8 Front elevation of nos. 17-23, looking south (DIA)



3.9 Rear elevations of nos. 1-5 (DIA)

3.3 The Building Externally

3.3.1 Front Elevation

The first block (nos. 1-7) is enlivened with a first floor canted bay window and two second floor arch-headed windows in nos. 1 and 7 (see Plate 3.7). All other windows are 4-light sashes. The second block (nos. 9-15) each have a first floor canted bay window (see Plate 3.8). The ground floor of nos. 11 and 13 has been altered to provide an access route to the rear plot and EPA science building. The third block (nos. 17-23) has no bay windows, but has plat bands between the first and second and second and third floors (see Plate 3.9). These buildings are slight shorter and the third floor windows are square attic-style windows. Brackets support deep overhanging eaves.

3.3.2 Rear Elevation

The rear plots of the terrace are largely occupied by the EPA building. However, the rear elevations are visible from between the terrace and the EPA building. These rear elevations have largely existing fenestration, but with inserted doors to provide additional staircases for accommodation **[Plates 3.10-3.15]**. The ground floor of nos. 13-15 have been significantly altered to provide access to the EPA building. The blocks of four houses, seen in the front elevation, differ slightly here: the rear of no. 17 is three storeys, whereas nos. 19-23 are only two. The rear elevation is bounded to the south by the EPA building (see Plate 3.5), which in turn blocks views from St John's Garden Quad **[Plate 3.16]**.

3.3.2 East Elevations

The east end of the terrace is rendered and has no openings (see Plate 3.7).

3.3.3 Roof

The buildings are roofed in Welsh slate with a shallow pitched roof with a continuous ridge line running parallel to the street from nos. 1-15, a lower ridge on no. 17 and lower still from nos. 19-23.

On the rear elevation, nos. 19-23 have modern dormers on the rear roof slope. The slate roofs are not visible from the courtyard between the buildings. Instead, they are only visible from the top storey of the neighbouring EPA building **[Plates 3.17-3.18]**. There may be some visibility of the roofs from the Sir Thomas White Building, but this is minimal, due to the shallow pitch of the roofs, the presence of nos. 25-31 Museum Road, the height of nos. 1-23 and the form of the concrete stairwells of the STW building, which interrupt the line of sight **[Plate 3.19]**.



3.10 *Rear elevations of nos. 7-9 (DIA)*



3.11 *Rear elevations of nos. 9-15 (DIA)*



3.12 *Rear elevations of nos. 13-15 (DIA)*



3.13 *Rear elevation of nos. 17-19 (DIA)*



3.14 Rear elevations of nos. 19-23 (DIA)



3.15 Looking SE from SW corner of site, towards Garden Quad (DIA)



3.16 View of roofs of nos. 1-17 looking NW from top floor balcony of EPA building (DIA)



3.17 View of roofs and dormers of nos. 19-23 looking N from top floor balcony of EPA building (DIA)



3.18 View of Sir Thomas White Building from top floor balcony of EPA building looking west with roofs of no. 25-31 to right (DIA)

4.0 Assessment of Significance

4.1 Introduction

The purpose of this section is to provide an assessment of significance of the setting of adjacent heritage assets and of the Central (City and University) Conservation Area, so that the proposals for change to the building are fully informed and so that the effect of the proposals on the significance of the surrounding heritage assets can be evaluated.

This assessment responds to the requirement of the National Planning Policy Framework to 'recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance'. The NPPF defines significance as;

'The value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological (potential to yield evidence about the past), architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting'.

4.2 Assessment of Significance: Nos. 1-23 (odd) Museum Road

Nos. 1-23 (odd) Museum Road are unlisted, mid-19th century townhouses. However, for the reasons set out in footnote 1, they may be considered a locally listed non-designated heritage asset. They are domestic in

character, although they have been in university use as student accommodation for almost a century. They contribute positively to the character and appearance of the street, through their domestic rendered north elevation with 19th century windows and doors. The terrace is described in the Historic Urban Character Assessment **as an 'attractive street frontage' and 'a cohesive block of domestic development in the 19th century retaining much of their original detail'**.³⁶ The south elevation is not visible to the public, being blocked by the EPA Science building in the rear plots of nos. 1-23, the listed buildings on Parks Road, the Sir Thomas White Building and nos. 25-31 Museum Road.

4.3 Assessment of Significance: Setting of proximate heritage assets

The Museum Road south terrace is surrounded by many heritage assets of varying uses and ages. These include Oxford University's Museum of Natural History, Keble College (particularly the Warden's Lodgings and De Breyn and Heyward Quads), the Sir Thomas White Building, the School of Agricultural Science, the Mathematical, Physical and Life Sciences Division, St John's registered park and garden and the walls around St John's College Fellows Garden. However, due to the nature and location of the proposed PV cells, they will not impact the setting of any of the heritage assets within the surrounding area.

4.4 Assessment of Significance: Oxford Central (City and University) Conservation Area

Oxford Central (City and University) Conservation Area has high significance both as a historic university centre and major regional commercial hub, described holistically by the conservation area appraisal as 'one of the masterpieces of European architectural heritage'.

Museum Road stands within 'Character Zone 4: College Architecture', a zone defined chiefly by its collegiate architecture of differing periods and including 'one of the most important collections of medieval architecture in Europe'. This is further divided into Historic Urban Character Areas. Museum Road sits within 'HUCA 30: St Giles and the Northern Suburb – St John's College Expansion': 'The broad character zone comprises of the expansive northern approach to Oxford, the northern medieval suburb and subsequent modern expansion within the former line of the Civil War defences'.³⁷ This area differs from the medieval core of Character zone 4, being much younger in comparison. Museum Road contributes to this area through its attractive street façade and domestic character.

36 HUCA 30, p. 3

37 Oxford City Council, 'Historic Urban Area Character Area 3: St Giles and the Northern Suburb – St John's College Expansion' (2012), p. 1.

5.0 Commentary on the Proposals

5.1 Description of the Proposals and their Impact on the setting of listed buildings and the Conservation Area

The proposals for 80 photovoltaic cells on the roof of the south (rear) elevation of nos. 1-23 (odd) are outlined in the drawings by Donald Insall Associates and Design and Access Statement by Chadwick Town Planning Ltd.. This also includes the removal of 3 disused skylights and the sections of roof infilled to match existing. There would be no impact on the setting of the other listed buildings which would appear in their context as they do now. There would be either no, or very limited, impact on the wider conservation area.

5.2 Justification of the Proposals and Conclusion

The proposals are minor in nature and relate to the installation of 80 photovoltaic cells on the south-facing (rear) roof slopes of the unlisted nos. 1-23 (odd) to provide renewable and sustainable energy for the terrace. This would necessitate the removal of 3 disused rooflights. The history of the rooflights is unknown but they appear to be modern and not part of the original roof construction. Therefore, their removal will have negligible, if any, impact on the historic fabric and significance of the roof.

The panels would not be visible from the surrounding designated heritage assets, nor impact on the observable skyline. They would not impact on Museum Road's significance as a locally significant attractive street frontage, nor its domestic character. Indeed

one would struggle to get a clear view of the panels from any direction because of the location of them in relation to the EPA science building. The proposals have been sensitively designed and it is considered that they would not cause harm to the significance of the setting of the surrounding listed buildings or the character and appearance of the Oxford Central (City and University) Conservation Area while offering some benefits. The proposals would sustain the significance of the listed buildings in accordance with paragraph 203 of the National Planning Policy Framework.

Moreover, it is considered that the proposed works would preserve the special architectural and historic interest of the listed buildings and the character and appearance of the conservation area, in accordance with the statutory duties set out in Sections 16, 66 and 72(l) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The proposals would also accord with 'Policy DH2: Views and building height', 'Policy DH3: Designated heritage assets' and 'Policy DH5: Local Heritage Assets' of Oxford's Local Plan 2016-36, and would ensure the beneficial long-term and optimum viable use of the building as a college buildings.

In the Oxford Local Plan 2016-36, 'the City Council has pledged to achieve net zero greenhouse gas emissions within the second half of the century. It intends to maintain its position as a leading UK Local Authority in tackling climate change and intends that by 2050 it will use only 100% renewable energy'. It proposes to do this by:

- 'Sustainable retrofitting of existing buildings: In Oxford, existing domestic buildings contributed 31% of the city's carbon emissions in 2015.

Therefore, retrofitting the existing building stock presents an opportunity to help meet the carbon reduction targets for the city. The Local Plan supports sustainable retrofitting measures for existing buildings.

- Traditional buildings in conservation areas [...] present a considerable challenge when considering how on-site renewables can be incorporated and carbon emissions reduced. The Council supports all measures to retrofit listed and historical buildings in a sensitive manner'
- 'Carbon reduction: The City Council aims to tackle the causes of climate change by ensuring developments use less energy and assess the opportunities for using renewable energy technologies. The City Council is committed to a 100% reduction in total carbon dioxide (CO2) emissions produced in the City by 2050 from 1990 levels to limit climate change.'

This is further reiterated in 'Policy RE1: Sustainable design and construction', which commits to 'Maximising energy efficiency and the use of low carbon energy'.

It is clear that everyone must play their part and reducing use of and reliance on fossil fuels and in this respect Lincoln College is no different. The college sees that switching to renewable energy is both desirable and achievable, and can be done without harming the significance of their very special area. This is set out in more detail in the Design and Access

Statement by Chadwick Town Planning Ltd. which includes an energy statement, and which accompanies the application.

The proposals would therefore lead to substantial public benefits, whilst conserving the significance of the surrounding listed buildings and the wider conservation area. As such, they would meet the tests for sustainable development outlined within the National Planning Policy Framework (NPPF), insofar as they relate to the historic environment.

Appendix I - Planning Policy and Guidance

Planning (Listed Buildings and Conservation Areas) Act 1990

The Act is legislative basis for decision making on applications that relate to the historic environment.

Sections 16, 66 and 72(l) of the Act impose a statutory duty upon local planning authorities to consider the impact of proposals upon listed buildings and conservation areas.

Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that:

[...] in considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Similarly, section 66 of the above Act states that:

In considering whether to grant permission for development which affects a listed building or its setting, the local planning authority, or as the case may be the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Similarly, section 72(l) of the above Act states that:

[...] with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.

Local Policy

City of Oxford Local Plan (2016-2036)

The City of Oxford Local Plan provides the following heritage related policies.

Policy DH2: Views and building heights

The City Council will seek to retain significant views both within Oxford and from outside, in particular to and from the historic skyline. Planning permission will not be granted for any building or structure that would harm the special significance of Oxford's historic skyline.

Planning permission will be granted for developments of appropriate height or massing, as demonstrated by the following criteria, all of which should be met:

- a) design choices regarding height and massing have a clear design rationale and the impacts will be positive; and
- b) any design choice to design buildings to a height that would impact on character should be fully explained, and regard should be had to the guidance on design of higher buildings set out in the High Buildings Study TAN. In particular, the impacts in terms of the four

visual tests of obstruction, impact on the skyline, competition and change of character should be explained; and

- c) it should be demonstrated how proposals have been designed to have a positive impact through their massing, orientation, the relation of the building to the street, and the potential impact on important views including both in to the historic skyline and out towards Oxford's green setting.

The area within a 1,200 metre radius of Carfax tower (the Historic Core Area) contains all the buildings that comprise the historic skyline, so new developments that exceed 18.2 m (60 ft) in height or ordnance datum (height above sea level) 79.3 m (260 ft) (whichever is the lower) are likely to intrude into the skyline. Development above this height should be limited in bulk and must be of the highest design quality.

Applications for proposed development that exceeds that height will be required to provide extensive information so that the full impacts of any proposals can be understood and assessed, including:

- i. a Visual Impact Assessment, which includes the use of photos and verified views produced and used in a technically appropriate way, which are appropriate in size and resolution to match the perspective and detail as far as possible to that seen in the field, representing the landscape and proposed development as accurately as possible

- ii. use of 3D modelling so that the impact of the development from different locations can be understood, including any view cone views that are affected; and
- iii. an explanation of what the impacts will be in terms of the four visual tests of obstruction, impact on the skyline, competition and change of character; and
- iv. reference to how the guidance in the High Buildings Study Technical Advice Note has been followed.

Any proposals within the Historic Core Area or View Cones that may impact on roofscape and the foreground part of views (including proposals where they are below the Carfax datum point, for example plant) should be designed carefully, and should meet all the following criteria:

- they are based on a clear understanding of characteristic positive aspects of roofscape in the area; and
- they contribute positively to the roofscape, to enhance any significant long views the development may be part of and also the experience at street level;

Planning permission will not be granted for development proposed within a View Cone or the setting of a View Cone if it would harm the special significance of the view. The View Cones and the Historic Core Area (1,200m radius of Carfax tower) are defined on the Policies Map

Policy DH3: Designated heritage assets

Planning permission or listed building consent will be granted for development that respects and draws inspiration from Oxford's unique historic environment (above and below ground), responding positively to the significance character and distinctiveness of the heritage asset and locality. For all planning decisions for planning permission or listed building consent affecting the significance of designated heritage assets, great weight will be given to the conservation of that asset and to the setting of the asset where it contributes to that significance or appreciation of that significance). An application for planning permission for development which would or may affect the significance of any designated heritage asset, either directly or by being within its setting, should be accompanied by a heritage assessment that includes a description of the asset and its significance and an assessment of the impact of the development proposed on the asset's significance. As part of this process full regard should be given to the detailed character assessments and other relevant information set out any relevant conservation area appraisal and management plan. The submitted heritage assessment must include information sufficient to demonstrate: a) an understanding of the significance of the heritage asset, including recognition of its contribution to the quality of life of current and future generations and the wider social, cultural, economic and environmental benefits they may bring; and b) that the development of the proposal and its design process have been informed by an understanding of the significance of the heritage asset and that harm to its significance has been avoided or minimised; and

c) that, in cases where development would result in harm to the significance of a heritage asset, including its setting, the extent of harm has been properly and accurately assessed and understood, that it is justified, and that measures are incorporated into the proposal, where appropriate, that mitigate, reduce or compensate for the harm; Where the setting of an asset is affected by a proposed development, the heritage assessment should include a description of the extent to which the setting contributes to the significance of the asset, as well as an assessment of the impact of the proposed development on the setting and its contribution to significance. Substantial harm to or loss of Grade II listed buildings, or Grade II registered parks or gardens, should be exceptional. Substantial harm to or loss of assets of the highest significance, notably scheduled monuments, Grade I and II* listed buildings, Grade I and II* registered parks and gardens, should be wholly exceptional. Where a proposed development will lead to substantial harm to or loss of the significance of a designated heritage asset, planning permission or listed building consent will only be granted if: i. the harm is necessary to achieve substantial public benefits that outweigh the harm or loss; or all of the following apply: ii. the nature of the asset prevents all reasonable uses of the sites; and iii. no viable use of the asset itself can be found in the medium term (through appropriate marketing) that will enable its conservation; and iv. conservation by grant funding or similar is not possible; and v. the harm or loss is outweighed by the benefit of bringing the site back into use; vi. a plan for recording and advancing understanding of the significance of any heritage assets to be lost, including making this evidence publicly available, is agreed with

the City Council. Where a development proposal will lead to less than substantial harm to a designated heritage asset, this harm must be weighed against the public benefits of the proposal. Clear and extensive justification for this harm should be set out in full in the heritage assessment.

Policy DH5:Local Heritage Assets

Planning permission will only be granted for development affecting a local heritage asset or its setting if it is demonstrated that due regard has been given to the impact on the asset's significance and its setting and that it is demonstrated that the significance of the asset and its conservation has informed the design of the proposed development. In determining whether planning permission should be granted for a development proposal, which affects a local heritage asset, consideration will be given to the significance of the asset, the extent of impact on its significance, as well as the scale of any harm or loss to the asset as balanced against the public benefits that may result from the development proposals.

Publicly accessible recording should be made to advance understanding of the significance of any assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact.

Central (University and City) Conservation Area Overview (2000)

The City of Oxford's overview for the Central (University and City) Conservation Area only provides a brief history and information on the initial designation of the area from 1971. No policies or guidance are

included in the document. A draft Conservation Area Appraisal has been produced but is yet to be formally adopted.

National Planning Policy Framework

Any proposals for consent relating to heritage assets are subject to the policies of the NPPF (December 2023). This sets out the Government's planning policies for England and how these are expected to be applied. With regard to 'Conserving and enhancing the historic environment', the framework requires proposals relating to heritage assets to be justified and an explanation of their effect on the heritage asset's significance provided.

Paragraph 7 of the Framework states that the purpose of the planning system is to 'contribute to the achievement of sustainable development' and that, at a very high level, 'the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs'.

At paragraph 8, the document expands on this as follows:

Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives:

a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

c) an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

and notes at paragraph 10:

10. So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11).

With regard to the significance of a heritage asset, the framework contains the following policies:

201. 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.

In determining applications local planning authorities are required to take account of significance, viability, sustainability and local character and distinctiveness. Paragraph 203 of the NPPF identifies the following criteria in relation to this:

the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;

b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and

c) the desirability of new development making a positive contribution to local character and distinctiveness

With regard to potential 'harm' to the significance designated heritage asset, in paragraph 205 the framework states the following:

...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.

The Framework goes on to state at paragraph 206 that:

Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;

b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.*

Where a proposed development will lead to 'substantial harm' to or total loss of significance of a designated heritage asset paragraph 207 of the NPPF states that:

...local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

a) the nature of the heritage asset prevents all reasonable uses of the site; and

b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and

c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and

d) the harm or loss is outweighed by the benefit of bringing the site back into use

With regard to 'less than substantial harm' to the significance of a designated heritage asset, paragraph 208 of the NPPF states the following:

282. 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.

In terms of non-designated heritage assets, the NPPF states:

209. 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.

The Framework requires local planning authorities to 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. Paragraph 212 states that:

... 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.

Concerning conservation areas and world heritage sites it states, in paragraph 213, that:

Not all elements of a Conservation Area or World Heritage Site will necessarily contribute to its significance. Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either as substantial harm under paragraph 207 or less than substantial harm under paragraph 208, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole.

National Planning Practice Guidance

The National Planning Practice Guidance (NPPG) was published on 23 July 2019 to support the National Planning Policy Framework (NPPF) and the planning system. It includes particular guidance on matters relating to protecting the historic environment in the section: Conserving and Enhancing the Historic Environment.

The relevant guidance is as follows:

Paragraph 2: What is meant by the conservation and enhancement of the historic environment?

Conservation is an active process of maintenance and managing change. It requires a flexible and thoughtful approach to get the best out of assets as diverse as listed buildings in every day use and as yet undiscovered, undesignated buried remains of archaeological interest.

In the case of buildings, generally the risks of neglect and decay of heritage assets are best addressed through ensuring that they remain in active use that is consistent with their conservation. Ensuring such heritage assets remain used and valued is likely to require sympathetic changes to be made from time to time. In the case of archaeological sites, many have no active use, and so for those kinds of sites, periodic changes may not be necessary, though on-going management remains important.

Where changes are proposed, the National Planning Policy Framework sets out a clear framework for both plan-making and decision-making in respect of applications for planning permission and listed building consent to ensure that heritage assets are conserved, and where appropriate enhanced, in a manner that is consistent with their significance and thereby achieving sustainable development. Heritage assets are either designated heritage assets or non-designated heritage assets.

Part of the public value of heritage assets is the contribution that they can make to understanding and interpreting our past. So where the complete or partial loss of a heritage asset is justified (noting that the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted), the aim then is to:

- capture and record the evidence of the asset's significance which is to be lost
- interpret its contribution to the understanding of our past; and
- make that publicly available (National Planning Policy Framework paragraph 211)

Paragraph 6: What is "significance"?

'Significance' in terms of heritage-related planning policy is defined in the Glossary of the National Planning Policy Framework as the value of a heritage asset to this and future generations because of its heritage interest. Significance derives not only from a heritage asset's physical presence, but also from its setting.

The National Planning Policy Framework definition further states that in the planning context heritage interest may be archaeological, architectural, artistic or historic. This can be interpreted as follows:

- **archaeological interest:** As defined in the Glossary to the National Planning Policy Framework, there will be archaeological interest in a heritage asset if it holds, or potentially holds, evidence of past human activity worthy of expert investigation at some point.
- **architectural and artistic interest:** These are interests in the design and general aesthetics of a place. They can arise from conscious design or fortuitously from the way the heritage asset has evolved. More specifically, architectural interest is an interest in the art or science of the design, construction, craftsmanship and decoration of buildings and structures of all types. Artistic interest is an interest in other human creative skill, like sculpture.
- **historic interest:** An interest in past lives and events (including pre-historic). Heritage assets can illustrate or be associated with them. Heritage assets with historic interest not only provide a material record of our nation's history, but can also provide meaning for communities derived from their collective experience of a place and can symbolise wider values such as faith and cultural identity.

In legislation and designation criteria, the terms 'special architectural or historic interest' of a listed building and the 'national importance' of a scheduled

monument are used to describe all or part of what, in planning terms, is referred to as the identified heritage asset's significance.

Paragraph 7: Why is 'significance' important in decision-taking?

Heritage assets may be affected by direct physical change or by change in their setting. Being able to properly assess the nature, extent and importance of the significance of a heritage asset, and the contribution of its setting, is very important to understanding the potential impact and acceptability of development proposals.

Paragraph 13: What is the setting of a heritage asset and how should it be taken into account?

The setting of a heritage asset is defined in the Glossary of the National Planning Policy Framework.

All heritage assets have a setting, irrespective of the form in which they survive and whether they are designated or not. The setting of a heritage asset and the asset's curtilage may not have the same extent.

The extent and importance of setting is often expressed by reference to the visual relationship between the asset and the proposed development and associated visual/physical considerations. Although views of or from an asset will play an important part in the assessment of impacts on setting, the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust, smell 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.

The contribution that setting makes to the significance of the heritage asset does not depend on there being public rights of way or an ability to otherwise access or experience that setting. The contribution may vary over time.

When assessing any application which may affect the setting of a heritage asset, local planning authorities may need to consider the implications of cumulative change. They may also need to consider the fact that developments which materially detract from the asset's significance may also damage its economic viability now, or in the future, thereby threatening its ongoing conservation.

Paragraph 15: What is the optimum viable use for a heritage asset and how is it taken into account in planning decisions?

The vast majority of heritage assets are in private hands. Thus, sustaining heritage assets in the long term often requires an incentive for their active conservation. Putting heritage assets to a viable use is likely to lead to the investment in their maintenance necessary for their long-term conservation.

By their nature, some heritage assets have limited or even no economic end use. A scheduled monument in a rural area may preclude any use of the land other

than as a pasture, whereas a listed building may potentially have a variety of alternative uses such as residential, commercial and leisure.

In a small number of cases a heritage asset may be capable of active use in theory but be so important and sensitive to change that alterations to accommodate a viable use would lead to an unacceptable loss of significance.

It is important that any use is viable, not just for the owner, but also for the future conservation of the asset: a series of failed ventures could result in a number of unnecessary harmful changes being made to the asset.

If there is only one viable use, that use is the optimum viable use. If there is a range of alternative economically viable uses, the optimum viable use is the one likely to cause the least harm to the significance of the asset, not just through necessary initial changes, but also as a result of subsequent wear and tear and likely future changes. The optimum viable use may not necessarily be the most economically viable one. Nor need it be the original use. However, if from a conservation point of view there is no real difference between alternative economically viable uses, then the choice of use is a decision for the owner, subject of course to obtaining any necessary consents.

Harmful development may sometimes be justified in the interests of realising the optimum viable use of an asset, notwithstanding the loss of significance caused, and provided the harm is minimised. The policy on

addressing substantial and less than substantial harm is set out in paragraphs 205-208 of the National Planning Policy Framework.

Paragraph 18: How can the possibility of harm to a heritage asset be assessed?

What matters in assessing whether a proposal might cause harm is the impact on the significance of the heritage asset. As the National Planning Policy Framework makes clear, significance derives not only from a heritage asset's physical presence, but also from its setting.

Proposed development affecting a heritage asset may have no impact on its significance or may enhance its significance and therefore cause no harm to the heritage asset. Where potential harm to designated heritage assets is identified, it needs to be categorised as either less than substantial harm or substantial harm (which includes total loss) in order to identify which policies in the National Planning Policy Framework (paragraphs 205-208) apply.

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

Whether a proposal causes substantial harm will be a judgment for the decision-maker, 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.

While the impact of total destruction is obvious, partial destruction is likely to have a considerable impact but, depending on the circumstances, it may still be less than substantial harm or conceivably not harmful at all, for example, when removing later additions to historic buildings where those additions are inappropriate and harm the buildings' significance. Similarly, works that are moderate or minor in scale are likely to cause less than substantial harm or no harm at all. However, even minor works have the potential to cause substantial harm, depending on the nature of their impact on the asset and its setting.

The National Planning Policy Framework confirms that 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). It also makes clear that any harm to a designated heritage asset requires clear and convincing justification and sets out certain assets in respect of which harm should be exceptional/wholly exceptional (see National Planning Policy Framework, paragraph 206).

Paragraph 20: What is meant by the term public benefits?

The National Planning Policy Framework requires any harm to designated heritage assets to be weighed against the public benefits of the proposal.

Public benefits may follow from many developments and could be anything that delivers economic, social or environmental objectives as described in the National Planning Policy Framework (paragraph 8). Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits, for example, works to a listed private dwelling which secure its future as a designated heritage asset could be a public benefit.

Examples of heritage benefits may include:

- sustaining or enhancing the significance of a heritage asset and the contribution of its setting
- reducing or removing risks to a heritage asset
- securing the optimum viable use of a heritage asset in support of its long term conservation

Paragraph 39: What are non-designated heritage assets and how important are they?

Non-designated heritage assets are buildings, monuments, sites, places, areas or landscapes identified by plan-making bodies as having a degree

of heritage significance meriting consideration in planning decisions but which do not meet the criteria for designated heritage assets.

A substantial majority of buildings have little or no heritage significance and thus do not constitute heritage assets. Only a minority have enough heritage significance to merit identification as non-designated heritage assets.

Paragraph 40: How are non-designated heritage assets identified?

There are a number of processes through which non-designated heritage assets may be identified, including the local and neighbourhood plan-making processes and conservation area appraisals and reviews. Irrespective of how they are identified, it is important that the decisions to identify them as non-designated heritage assets are based on sound evidence.

Plan-making bodies should make clear and up to date information on non-designated heritage assets accessible to the public to provide greater clarity and certainty for developers and decision-makers. This includes information on the criteria used to select non-designated heritage assets and information about the location of existing assets.

It is important that all non-designated heritage assets are clearly identified as such. In this context, it can be helpful if local planning authorities keep a local list of non-designated heritage assets, incorporating any such assets which are identified by neighbourhood

planning bodies. (Advice on local lists can be found on Historic England's website.) They should also ensure that up to date information about non-designated heritage assets is included in the local historic environment record.

In some cases, local planning authorities may also identify non-designated heritage assets as part of the decision-making process on planning applications, for example, following archaeological investigations. It is helpful if plans note areas with potential for the discovery of non-designated heritage assets with archaeological interest. The historic environment record will be a useful indicator of archaeological potential in the area.

Other Relevant Policy Documents

Historic England: Historic Environment Good Practice Advice in Planning (December 2017)

Historic England: Conservation Principles and Assessment (2008)

Donald Insall Associates