

# Heritage Assessment

## 1. Introduction

This report has been drafted to assess the impact of a repair to four timber beams forming part of the roof joinery of 4 Lewin Close to obtain retrospective listed building consent for the emergency works.

## 2. The Site and Building

4 Lewin Close is the central house in a row of three formed in 1980-1982 (reference 80/00834/L) following the conversion of the building that was 8 Beauchamp Lane when grade II listed in 1954. The original building is a farmhouse from the late 16<sup>th</sup> or early 17<sup>th</sup> century.

The statutory listing description for the property on Historic England's register is as follows:

BEAUCHAMPLANE 1. 1485 (East Side) (Formerly Church Street) No 8 SP 50 SW 26/95 12.1.54. II 2. House. At right angles to road in a long rectangular plan. 2-storeyed roughcast rubble with cellars, stone copings, kneelers, ball finials and stone slate roof. Modern yellow brick chimney shafts.

In the South elevation are modern 2-light casement windows. The West gable is C17 and has 3 and 4-light ancient casement windows with wood frames and lintels. The North elevation is of coursed rubble and has 5 gabled attic dormers in the roof and 5 2-light modern casement windows.

Interior: Modernized except that the ground floor east room has some late C18 panelling and a niche.

History. Once known as the Rectory farmhouse and may possibly be one of the buildings erected by William Napper c 1600; he died aged 75. (Oxf Hist Soc 92. 192). Napper appears to have been in Cowley in 1573 (ib 188) and to have had a "farmhouse" in Cowley. (Wood's Life III, 122).

Listing NGR: SP5401203853

The register entry matches the description of the building in [Victoria 1957] identically.

The building is part of the Beauchamp Lane Conservation Area [OCC2010]:

Beauchamp Lane contains a fragment of a small Oxfordshire village which is now firmly embedded in the 20<sup>th</sup> century Oxford suburb of Cowley. The focus of the conservation area is a late 12<sup>th</sup> century church of St James, built by Osney Abbey and the cluster of historic buildings around it. Despite long having lost its rural settings, Beauchamp Lane still enjoys its own distinct ambience and village character.

### 3. Summary of Heritage Provisions

The Planning (Listed Buildings and Conservation Areas) Act 1990 is the legislative basis for decision making on applications that relate to the historic environment. Section 16 of the Act imposes a statutory duty upon local planning authorities which, regarding listed buildings, requires the planning authority to have “special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses”.

The courts have held that following the approach set out in the policies on the historic environment in the National Planning Policy Framework 2021 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 6 of this report – the assessment of significance – meets this requirement and is based on the research and site surveys presented in sections 4 and 5, which are of a sufficient level of detail to understand the potential impact of the works.

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 208 that:

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. Section 8 of this report will, when the proposals are finalised, provide this clear and convincing justification. Finally, 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.

4 Lewin Close is also subject to several Historic England Good Practice Planning Guidelines and Advice Notes, namely:

Good Practice Advice Note 2 - Managing Significance in Decision- Taking in the Historic Environment March 2015 (GPA2).

Historic England Advice Note 2- Making Changes to Heritage Assets.

Conservation Principles, Policies and Guidance (2008).

Historic England's approach to effective management of the historic environment is best summed up in paragraph 86 of its 'Conservation Principles' (2008), which states:

Keeping a significant place in use is likely to require continual adaptation and change; but provided such interventions respect the values of the place, they will tend to benefit public (heritage) as well as private interests in it. Many places now valued as part of the historic environment exist because of past patronage and private investment, and the work of successive generations often contributes to their significance. Owners and managers of significant places should not be discouraged from adding further layers of potential future interest and value, provided that recognised heritage values are not eroded or compromised in the process.

The area is also subject to Local Planning Policies set out in the Oxford City Local Plan 2016-2032. Key sections of these policies, guidelines, and advice are included in the Appendix.

## 4. Historical Background

4 Lewin Close was formerly known as 8 Beauchamp Lane or Rectory Farmhouse. Anecdotal research by William James suggests it to have been built around 1610 by the Napper family [OBR2011]. It was first mentioned in [Fletcher1995] providing evidence of its existence dating back to 1667 (or after). Christ Church College Archives hold in their Box of Deeds [ChCh1624] two originals signed by Edmund Napper and the Richard Corbett dated 7<sup>th</sup> October 1624 naming the property as “The Mansion House or Manor House or Farmhouse”.

Whilst a detailed record of tenants and rents was kept during Christ Church’s ownership, which lasted into the 20th century, this was purely for financial reasons and there is less detail about the physical development of the building and its surroundings. Ownership by the college has made the history of the building more difficult to ascertain. For example, in 1605 a map of land ownership in the area [CoCh1605] was produced for the fellows of Corpus Christi. However, with the estate being owned by Christ Church it was of no interest to Corpus Christi and the area was not surveyed and left blank on the resulting map.

Map evidence suggests the farmhouse has undergone periods of significant redevelopment. The building is depicted with a L-shaped farmhouse (1777, Figure 1), three wings facing south and north (1872–1887, Figure 2), and a single wing facing north (1932–1947, Figure 3). In 1980 and 1981 planning was granted for the conversion of Rectory Farmhouse and some outbuildings. This includes the alteration of Rectory Farmhouse into three dwellings (3, 4, and 5 Lewin Close) including the addition of two south-facing staircase towers. Subsequent development has added an enlarged extension to the north of 3 Lewin Close and an orangery in the northern garden of 4 Lewin Close (1982–2023, Figure 4).



Figure 1. Extract from [ChCh1777] Cowley estate map, 1777. The green box highlights the Rectory Farmhouse.

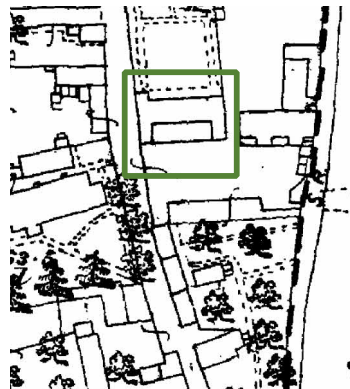


Figure 2. Extract from Ordnance Survey plan, 1st ed, 1872-1887. The green box highlights the Rectory Farmhouse.



Figure 3. Extract from Ordnance Survey plan, 4th ed, 1932-1947. The green box highlights the Rectory Farmhouse.



Figure 4. Extract from Ordnance Survey plan, 2023. The green box highlights the Rectory Farmhouse.

## 5. Site Survey Descriptions

### 5.1 The Setting of the Building and the Immediate Context

The building was originally set in a small settlement. St James's Church and small cottages were to the west (Figure 1). The farmstead was to the south, with a range of barns and outbuildings around a large yard. The 'polite' side of the house faced north, which is where the domestic gardens are suspected to have been.

Today, the former farmhouse finds itself as part of a 16-dwelling residential development on a private road. 4 Lewin Close is surrounded by modern development (Figure 5 – Figure 7). The Beauchamp Lane conservation area appraisal confirms the loss of rural setting.

The building is neighboured to the north, east, and south by modern residential buildings and garages. These form part of the 1980's conversion of the paper factory into the private road – Lewin Close. Most of the buildings are modern with concrete Bradstone facades. The roofscape is dominated by unequal ridge heights with every dwelling at a unique level (Figure 5 – Figure 13). Due east to the building is the converted barn that has been significantly altered and extended to form four dwellings (13-16 Lewin Close, Figure 13).

St James' School is to the west across Beauchamp Lane. The school is a rubble stone Victorian structure with modern extensions and a partially glazed slate roof with varying ridge heights even in the main cross-gabled roof. The latest conversion works for the school are not yet completed, which for example leaves exposed concrete bricks facing the public road (Figure 6 and Figure 11). The historic cottage to the north of the school has been altered and extended. It features slate roofs of different ridge heights (Figure 12).

The impression of the setting of the building is now substantially changed, both from how it was originally in the 17<sup>th</sup> century and when it was listed in 1954. Today, the site has the character of being entirely surrounded by modern development except for the grade II\* listed St. James's Church and the cottage.

### 5.1.1 Views



Figure 5. View from the first floor looking south.



Figure 6. View from the second floor looking south-west.



Figure 7. View from the second floor looking north.

### 5.1.2 Neighbouring Properties



Figure 8. 6-8 Lewin Close as an example for the typical unequal ridge heights in the conservation area.



Figure 9. 15-22 Beauchamp Lane as an example for the typical unequal ridge heights in the conservation area.



Figure 10. 1-2 Lewin Close, 8 Beauchamp Lane, and garages as an example for the typical unequal ridge heights in the conservation area.



Figure 11. St. James' School (7 Beauchamp Lane) is across Beauchamp Lane to the west of 3-5 Lewin Close. It features a semi-glazed roof with a broken ridge line as well several extensions of various size and height.



Figure 12. The cottage (5 Beauchamp Lane) is north of the school. It has been extended with two additional structures forming a roof with 4 different ridge heights.



Figure 13. The former barn comprises now four dwellings: 13-16 Lewin Close.

## 5.2 The Building

The historic fabric of the Rectory Farmhouse forms a rectangular shape. The historic building was converted into three dwellings in 1980-1982 (reference 80/00834/L) including new extensions and replacement of roof dormers. The former farmhouse became a row of houses (3-5 Lewin Close) with two three-story extensions to the south. Today, it also features to the north a two-story extension for 3 Lewin Close and a single-story Orangery for 4 Lewin Close (see Figure 4). 4 Lewin Close is the central house in that terrace of three.

The front elevation of 4 Lewin Close is to the south (Figure 14). It has a modern three-story staircase extension built in Bradstone. The remaining façade is rendered and painted in a limestone colour that has faded to a brown colour over time. There are two modern inappropriate windows from the 1980s conversion to the western side of the front elevation. The windows in the staircase extension and the front door were recently replaced with well-designed, locally manufactured hardwood windows that mimic the 17<sup>th</sup>-century casement windows on the west façade of 3 Lewin Close (20/03232/LBC).

The rear Elevation of 4 Lewin Close is to the north (Figure 15). It was historically the 'polite' elevation showing the stonework consisting of shelly limestone rubble with blocks of varying sizes, the smaller stones partially laid in courses. There are also some brown stones from an ironstone outcrop. The pointing has been replaced in patches over time and includes inappropriate modern materials like cement. There is a wooden Orangery installed in 1996 (96/00079/L). The ground floor window and French doors leading into the Orangery are from the 1980s conversion with concrete lintels. The first-floor windows are of same make as the ground floor with slightly chamfered wooden lintels. The new kitchen window is of the same quality and design as the recently installed windows on the south façade (21/00682/LBC). The kitchen window features a locally sourced Bath limestone windowsill and lintel. To contribute to the future historic value of the building the newly introduced stones feature concealed stonemason's markings and dating.

The roof of 4 Lewin Close is T-shaped with unequal ridge heights and an open gable to the south. It features two gabled dormers to the north. The dormers are not original as the five roof dormers identified in the historic England listing text were replaced with six modern dormers at a later date (Figure 16). Contrary to the 1954 listed building record mentioning slate, the roof is covered with artificial tile.

The interior of 4 Lewin Close is fully modernized and beyond recognition of its original usage as a farmhouse. The 1980-1982 conversion has substantially altered the floor plan. Internal walls were built on the ground floor using modern brick or on the upper floors using dry walling. The Historic England listing dating to 1954 also explicitly highlights the fully modernized interior except for two features in what is now 5 Lewin Close.

Some of the roof joinery is exposed and visible featuring four central trusses, four purlins in two tiers, two collars, and a small section of a horizontal beam, which possibly could be part of the wall plate. This roof joinery was altered during the 1980s conversion to introduce the three-storey staircase extension. As part of the conversion into three dwellings, all accessible timber to the roof has undergone chemical treatment against bug infestation and fungi in January 1981 (Figure 17). Regrettably, the builders obscured damage to the timber by filling holes with plaster and applying a coat of black paint. A subject matter expert classified the roof joinery as a standard purlin roof with no visible marks of historic or



archaeological evidence. This observation is supported by Mr D R Clark in his building record [OBR2011]. The age of the roof joinery is undetermined.

### 5.2.1 Elevations for 4 Lewin Close



Figure 14. Front elevation / south façade of 4 Lewin Close.



Figure 15. Rear elevation / north façade of 4 Lewin Close.



Figure 16. 3-5 Lewin Close has six modern dormers on the north facing roof, which suggests these were installed after the building was listed.

‘LOVELL SPECIALIST TREATMENTS LTD

Report No. 93/B/2022

NAME OF CLIENT (IN CAPITALS) [REDACTED]

ADDRESS (IN CAPITALS) UNIT 3 - RECTORY FARM  
COMLEY  
OXON

ADDRESS OF PROPERTY (if different from above) \_\_\_\_\_

Date of completion of work 28 JANUARY 1981

Particulars of treatment carried out (Drawing to be attached if appropriate)

CHEMICAL TREATMENT CARRIED OUT AS FOLLOWS:-

ALL ACCESSIBLE TIMBERS TO THE ORIGINAL ROOF.

ALL ACCESSIBLE FLOORBOARDS AND SUPPORTING JOISTS TO THE FIRST FLOOR.

ALL ACCESSIBLE FLOORBOARDS, JOISTS AND WALL PLATES TO THE GROUND FLOOR.

ALL ACCESSIBLE FLOORBOARDS AND JOISTS TO THE SECOND FLOOR.

Signed by [REDACTED] For and on behalf of LOVELL SPECIALIST TREATMENTS LTD. This guarantee is valid only if it is signed by an Officer of the Company and bears the Company's Official Stamp.

for and on behalf of the Company

NOTICE OF ASSIGNMENT OF GUARANTEE (See Note 5 overleaf)

If the ownership of the Property covered by this Guarantee is transferred, please complete the form below and return this Guarantee complete to Lovell Specialist Treatments Ltd, Baring Road, Beaconsfield, Bucks, HP9 2ND. Do NOT detach any part.

I have disposed of the Property covered by the above Guarantee to \_\_\_\_\_ of \_\_\_\_\_

Please accept him/her as the Client under the Guarantee in place of the original Client and return this Guarantee to Lovell Specialist Treatments Ltd at the above address.

Date \_\_\_\_\_ Signature of original Client [REDACTED]

Figure 17. Lovell Specialist Treatment Certificate

### 5.3 Landscape Setting

The current landscape setting consists of a partially decked and lawned rear garden and a predominantly paved front garden. The conservation area appraisal describes the gardens in Lewin Close as:

Planting in front gardens, which is of a more ornamental nature, makes an important contribution to the character of the Close.

## 6. Assessment of Significance

### 6.1 Introduction

The purpose of this section is to provide an assessment of significance of 4 Lewin Close that the proposals for change to the building and its setting are fully informed as to its significance and so that the effect of the proposals on that significance 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.

Although not officially considered to be one of the three principal values (archaeological interest, architectural and artistic interest, and historic interest), setting is recognised as an important value that makes an important contribution to the significance of a heritage asset. This assessment of the contribution to significance made by setting should provide the baseline along with the established values used for assessing the effects of any proposed works on significance.

The level of significance for each value and the setting will be assessed using the following grading:

- High – values of exceptional or considerable interest,
- Medium – values of some interest, and
- Low – values of limited interest.

### 6.2 Assessment of Significance

Drawing on the history and the surviving fabric, the heritage significance of 4 Lewin Close can be summarised as follows.

The significance lies primarily in the dwelling's historic relationship with the settlement that is now regarded as Beauchamp Lane Conservation Area. Although, no historically noteworthy inhabitants, architects, or builders were identified, the dwelling as part of the former farmhouse contributes to the community's experience of the area representing some of the original character of the settlement.

Historic interest and setting are therefore considered to be low to medium.

In terms of architectural and artistic interest, the dwelling has undergone many substantial alterations. Whilst the 1980's conversion into three dwellings represents a distinct phase of development, it is not particularly sympathetic or of any architectural interest itself. The front façade has lost its original character due to the addition of the staircase extension and the modern render. The Orangery extension to the north sympathetically adds more living space whilst carefully contributing to the aesthetic significance of the 'polite' north façade. Internally the only period features are the exposed beams of the roof joinery, albeit they were not considered of any significance as the Historic England listing text explicitly only mentions two interior features in what is now 5 Lewin Close. Considering the significant redevelopments over four centuries, none of the roof timbers are suspected or confirmed

to be original. The presented map evidence in Figure 2 and Figure 3 suggests that the latest major redevelopment occurred between 1887 and 1932, also affecting the roof.

No archeologically relevant marks have been identified on any internal feature by a subject matter expert as well as Mr D R Clark of the Oxfordshire Building Records society. Neither described the roof as of special craftsmanship or design. Overall, 4 Lewin Close and its evolution does not exhibit any intentional or fortuitous architectural design features or examples of craftsmanship or decoration.

Architectural and artistic interest is therefore considered to be low.

The site appears to be of no or low archaeological interest according to [OCC2010] as a

a more substantial archaeological evaluation undertaken in 2003 prior to the redevelopment of the land south of the church failed to identify significant archaeological remains.

It is highly unlikely that there is any significant evidence of past human activity worthy of future expert investigation. Mr D R Clark concludes in his report [OBR2011]:

It has to be said that the 1980s rebuilding of the house has removed much of its character and obscured details and evidence which might have cast more light on the earlier phases.

Archaeological interest is therefore considered to be low.

## 7. Proposal

The proposal is covered in detail in the design and access statement. In short, this application seeks retrospective consent for a completed repair to timber roof joinery.

## 8. Commentary on the Works

Based on the above detailed assessments in Sections 4 to 6 and in accordance with the Historic England guidance Setting of Heritage Assets [HistEng2017], the following Impact Assessment appraises the effects of the works, whether beneficial or harmful, on the significance of the identified heritage assets or on the ability to appreciate it.

For the purposes of assessing the likely impact to result from the works and the subsequent impact on the heritage asset and its setting, established criteria have been employed. If the works will enhance heritage values or the ability to appreciate them, then the impact on heritage significance within the view will be deemed positive; however, if they fail to sustain heritage values or impair their appreciation then the impact will be deemed negative. If the proposals preserve the heritage values, then the impact will be deemed neutral. Within the three categories there are four different levels that can be given to identify the intensity of impact:

Negligible – impacts considered to cause no material change.

Minimal – impacts considered to make a small difference to one's ability to understand and appreciate the heritage value of an asset. A minor impact may also be defined as involving receptors of low sensitivity exposed to intrusion, obstruction or change of low to medium magnitudes for short periods of time.

Moderate – impacts considered to make an appreciable difference to the ability to understand or appreciate the heritage value of an asset.

Substantial – impacts considered to cause a fundamental change in the appreciation of the resource.

### 8.1 Assessment of Repair Work to Roof Joinery

The repair works affected only interior features in the 1980s created staircase. Therefore, they are neutral and have no impact on the significance and setting of 4 Lewin Close in the Beauchamp Lane conservation area.

All timber fabric was most carefully treated with regards to the removal of the black gloss paint. This was predominantly completed using chemical paint removers. The chosen materials and work methods minimized impact on the timber surface. At any step of the repair process, all possible efforts were undertaken to identify and document archeologically relevant markings – of which none were found.

The work carefully balanced the desire to maintain the surface structure of the timber against the need to remove inappropriate paint to identify and address the damages. Considering the many changes to the roof structure; both independent assessments of the affected roof timber not having identified any historic, archaeological, architectural, or artistic significance related to the roof joinery; and the overall low significance of the timber to the heritage value of the building, it is considered that the surface treatment had neutral to negligible negative impact on the four affected roof timbers.

One key aspect of the work was the emergency repair of a joint between a lower purlin and a common rafter. The work was necessary to avoid movement in the roof joinery and subsequent damage.

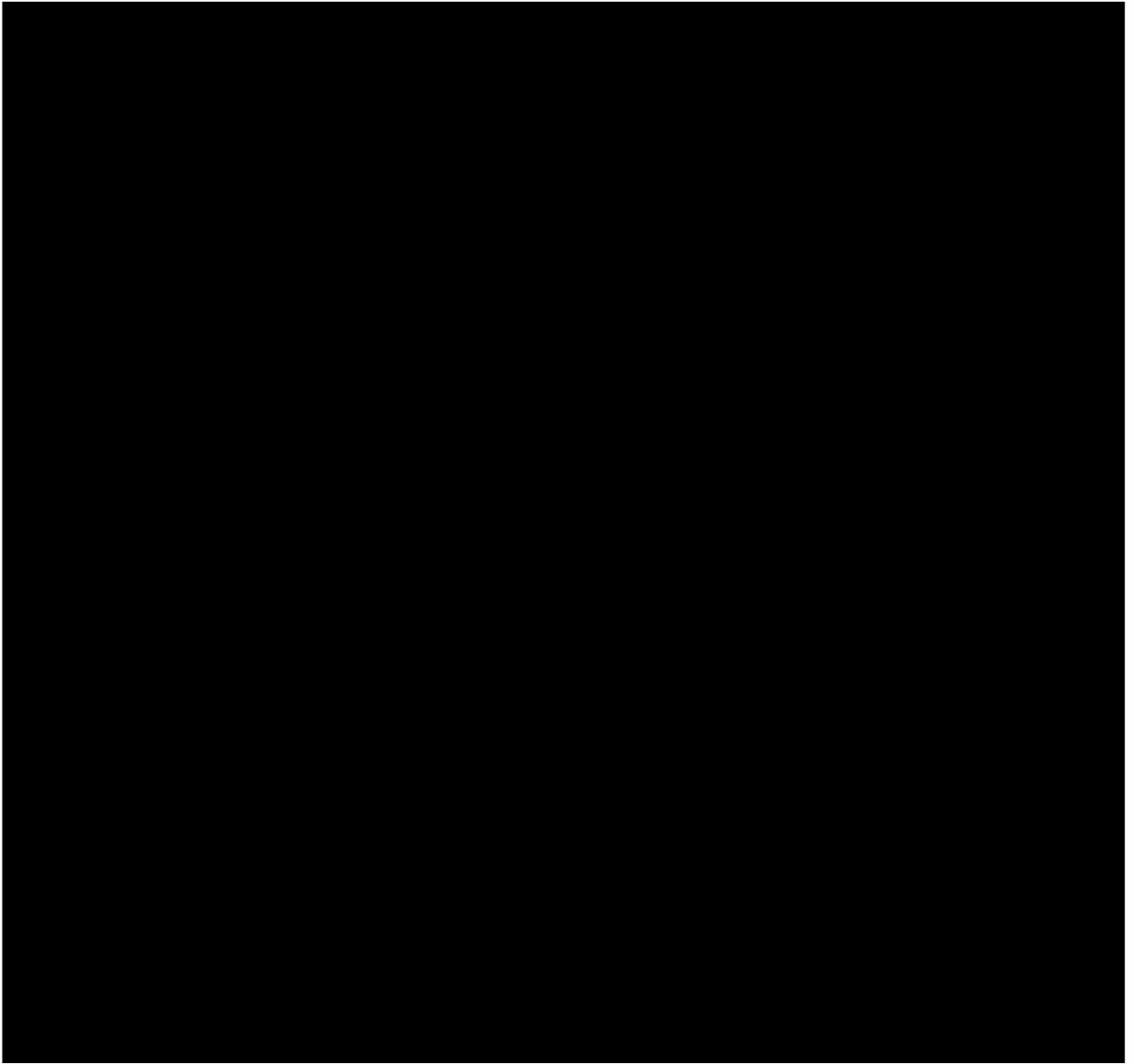
The replacement of the inappropriate plaster filling in the wood joint with English oak to properly secure the purlin in place was completed using appropriate joinery techniques and material. The newly introduced oak timber filling can be removed and replaced, which makes the intervention reversible.

The subsequent making good used natural oil compared to the previous black paint. This allows for future additional treatment interventions without any impact on the timber surface. It also allows for the better appreciation of the timber roof joinery by exhibiting the repaired original joinery as well as the grain of the oak beams (Figure 20 vs Figure 21). Considering this work is in accordance with Historic England's guidance on repair for historic buildings [HistEng2018] and guidance on timber decay in historic buildings [HistEng2021], the purlin joint repair works and subsequent making good are considered as positive.

The second key aspect was addressing concerns of bug infestation and rot. The timely intervention allowed for a minimally invasive repair using chemical wood treatments. This method avoided any unnecessary replacement of historic fabric whilst contributing to the life expectancy of the existing timber.

The subsequent making good was discussed above. Considering this work is in accordance with Historic England's guidance on repair for historic buildings [HistEng2018] and guidance on timber decay in historic buildings [HistEng2021], the chemical treatment to address bug infestation and rot and subsequent making good shall be considered as positive.

Balancing the entire intervention, the repair contributed to the preservation of the roof structure of the grade II listed heritage asset and secured its usage as a domestic home. It maximised life expectancy of the affected fabric, is reversible where new fabric was introduced, enables easier future interventions when these become necessary, and allows for better appreciation of the roof joinery. Consequently, the intervention shall therefore be deemed neutral to positive.



## 8.2 Justification and Conclusions

The failure to obtain Listed Building Consent in advance of the works is unfortunate but justified by the nature of the emergency roof joinery repair. Whilst the owners would have preferred to obtain consent prior to undertaking any work, they had to react quickly due to the noticeable impact to the heritage asset. The timely intervention allowed the avoidance of significant damage and enabled the repairs to be completed with positive impact in accordance with Historic England guidance.

This report has shown that there was no harm to the building in its setting. On balance, the overall repair work contributed to the preservation of the roof structure of the grade II listed heritage asset, created several positive improvements, and allows for better appreciation of the heritage asset.

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.

The works are considered to preserve period timber fabric, as well as sustain and enhance an appreciation and understanding of the Grade II listed 4 Lewin Close. They are neutral to the character and appearance of the conservation area. It is therefore concluded that the works satisfy the relevant clauses of the NPPF. These are consistent with the spirit of local and national planning policies and conservation principles.

## Bibliography

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## Further Sources

Oxfordshire History Centre  
Oxford City Council planning archive  
National Library of Scotland (historic maps)



## Appendix – 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 and 66 of the Act impose a statutory duty upon local planning authorities to consider the impact of proposals upon listed buildings and their settings.

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.

### Oxford City Local Plan 2036

#### Heritage Policies

Policy DH3 states 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.

Policy DH5 states 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.

### Oxford City Local Plan 2040

Resilient Design and Construction addresses future climate risks in G9 explicitly requiring resilience to manage risk of overheating, promotion of passive cooling, and energy efficient measures in the first instance (in line with requirements of Policy R1) for internal and external environments.

Energy Efficiency is discussed in sections R1-R3, whilst policy R3 addresses retrofitting of existing buildings including heritage assets:

The Council will support retrofit measures to existing buildings where they secure energy efficiency improvements or adaptation to changing climate. The expectation is that the interventions are selected in accordance with the steps of the energy hierarchy (reduce energy use, use energy efficiently, source energy renewably) as set out in Policy R1.

A whole building approach should be taken to the retrofitting of traditional buildings, including heritage assets, whereby applications will need to demonstrate how the following principles have been embedded in the design rationale:

- a) choices on interventions have been informed by a whole building approach which includes methodical assessment of the building's heritage significance, its current performance in terms of energy efficiency and climate risk, its use (now and in future), its context, and the selection of suitable materials;
- b) any harm to the heritage significance of the asset has been minimised and mitigated as much as possible through careful design choices and in line with requirements of policies HD1-HD6;
- c) professional advice has been sought from historic environment and energy/climate experts to inform proposals where necessary/appropriate;
- d) all required consents have been secured, or are in the process of being secured, such as Listed Building Consent or consent for works affecting TPOs.

Measures that seek to deliver carbon reduction through energy efficiency or provide adaptation to changing climate will be considered as a public benefit in the balance against harm, although this will not automatically override any harm to an asset.

This is aligned with national policy, which sets out that harm to heritage assets should be mitigated as far as possible, and any residual harm must be justified by public benefits of the scheme that outweigh the. Measures that seek to deliver carbon reduction through energy efficiency or provide adaptation to changing climate will be considered as a public benefit.

#### Policy HD1 addresses conservation areas

Planning permission will be granted for development that respects and draws inspiration from Oxford's conservation areas, responding positively to their significance, character and distinctiveness.

#### and HD2 listed buildings:

Planning permission or listed building consent will be granted for development that respects and draws inspiration from Oxford's listed buildings, responding positively to their significance, character and distinctiveness.

Related to the suggested changes to the roof line, the plan requires "visual diversity that enhances the experience of the skyline, articulation of roofscape, and relatively short units of building are encouraged, with features to create a break in the line" (6.37).

#### Policy C9 addresses electric vehicle charging:

The location of charging points in development proposals should allow for easy and convenient access to the charge point from the parking space. Both the charge point and auxiliary electric infrastructure should be designed and located so that they can be maintained as required. To minimise negative impacts on the electricity grid, charge points and associated electric infrastructure must meet PAS 1878/9 Smart, interoperable and flexible Energy Appliances<sup>16</sup> standards.

The neighbouring Templars Square centre is addressed in policy SPS12, which does not directly affect the heritage asset but only explicitly mentions other more significant heritage assets in the Beauchamp Lane Conservation: the “Grade II\* listed Church of St James and Grade II listed cottage at 1 Beauchamp Lane”.

### National Planning Policy Framework

Any proposals for consent relating to heritage assets are subject to the policies of the NPPF (September 2023). This sets out the Government’s planning policies for England and how these are expected to be applied. Regarding ‘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:

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).

Regarding 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:

- a) 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

Regarding 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

Regarding 'less than substantial harm' to the significance of a designated heritage asset, paragraph 207 of the NPPF states the following:

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 enabling development, it states, in paragraph 214, that local authorities should:

assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies.

### National Planning Practice Guidance

The National Planning Practice Guidance (NPPG) was last 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 for 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 199)

Paragraph: 002 Reference ID: 18a-002-20190723, Revision date: 23 07 2019

## The guidance defines significance as:

'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: 006 Reference ID: 18a-006-20190723, Revision date: 23 07 2019

## Furthermore, on the relevance on significance in decision making:

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: 007 Reference ID: 18a-007-20190723, Revision date: 23 07 2019

## Related to the setting of a heritage asset:

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: 013 Reference ID: 18a-013-20190723 , Revision date: 23 07 2019

### **On the optimum viable use for a heritage asset and 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 193 to 196 of the National Planning Policy Framework.

Paragraph: 015 Reference ID: 18a-015-20190723 , Revision date: 23 07 2019



## On the possibility of harm to a heritage asset:

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 194 to 196) 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 194).

Paragraph: 018, Reference ID: 18a-018-20190723, Revision date: 23 07 2019

## On the possibility of harm to conservation areas:

Paragraph 201 of the National Planning Policy Framework is the starting point. An unlisted building that makes a positive contribution to a conservation area is individually of lesser importance than a listed building. If the building is important or integral to the character or appearance of the conservation area then its proposed demolition is more likely to amount to substantial harm to the conservation area, engaging the tests in paragraph 195 of the National Planning Policy Framework. Loss of a building within a conservation area may alternatively amount to less than substantial harm under paragraph 196. However, the justification for a building's proposed

demolition will still need to be proportionate to its relative significance and its contribution to the significance of the conservation area as a whole. The same principles apply in respect of other elements which make a positive contribution to the significance of the conservation area, such as open spaces. [..]

Paragraph: 019 Reference ID: 18a-019-20190723 , Revision date: 23 07 2019

#### The definition of 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: 020 Reference ID: 18a-020-20190723 , Revision date: 23 07 2019

#### Other Relevant Policy Documents

Historic England: Historic Environment Good Practice Advice in Planning (March 2015)

Historic England: Conservation Principles and Assessment (2008)