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HERITAGE STATEMENT

In respect of

**OUTLINE APPLICATION PROPOSALS FOR 43 DWELLINGS
ON LAND AT OAKHURST RISE, CHELTENHAM**

LPA REF: 20/00683/OUT

PINS REF: APP/B1605/W/20/3261154

On behalf of

Charlton Kings Friends (CKF)

AHC REF: ND/9686

December 2020

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1.0 INTRODUCTION AND SCOPE OF REPORT

- 1.1 The purpose of this report, which has been prepared and written by Dr. Nicholas Doggett, FSA, MICfA, IHBC, Managing Director of Asset Heritage Consulting Ltd., on behalf of Charlton Kings Friends (CKF), who are registered as a Rule 6 party for the forthcoming public inquiry, is to provide an analysis of the impact of the outline development proposals for 43 dwellings on land at Oakhurst Rise (hereafter 'the appeal proposals') on the significance of the settings of the adjoining Grade II* listed Ashley Manor and the Grade II listed Charlton Manor.
- 1.2 A previous proposal, by the same applicants/appellants, for up to 68 dwellings was dismissed on appeal after a four-day public inquiry in August 2019 by letter dated 20 September 2019.
- 1.3 The adverse impact on the significance of the settings of Ashley Manor and Charlton Manor was key to this dismissal and this issue is also central to the new appeal, the Council's refusal reason (dated 17 September 2020) on the application reading as follows: *'The proposed development would have a significant impact on the setting of nearby listed buildings. The resultant 'less than substantial' harm to these designated heritage assets must be afforded significant weight, and this harm would fail to be outweighed by the public benefits arising from the proposal in the overall planning balance. Policy HD 4 of the Adopted Cheltenham Plan suggests a minimum of 25 dwellings can be accommodated on this site subject to a list of criteria. The proposal for 43 dwellings against the policy requirement of 25 has led to a layout which does not respect the character, significance and setting of heritage assets. The proposal is therefore in conflict with Policy HD4 of the adopted Cheltenham Plan. The development would also be in conflict with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, adopted policy SD8 of the Joint Core Strategy (2017), and paragraphs 193, 194 and 196 of the National Planning Policy Framework (2019).'*
- 1.4 It is my professional opinion (my qualifications and experience are set out at **Appendix 1**), that the appeal proposals remain highly damaging to the significance of the settings of Ashley Manor and Charlton Manor and are of such a scale that the

harm they would cause is sufficient to outweigh any 'public benefits' that the appellants will no doubt claim would flow from them.

1.5 As such, I respectfully urge the Inspector to dismiss the appeal proposals.

2.0 ASSESSMENT OF HERITAGE SIGNIFICANCE AND THE LEVEL OF HARM CAUSED BY THE APPEAL PROPOSALS

Assessment of Heritage Significance

- 2.1 It is absolutely clear from his decision letter that the 2019 Appeal Inspector considered that the land at Oakhurst Rise forms an important part of the setting of the Grade II* Ashley Manor, both historically and as it exists today, noting (paragraph 73) that: *'The present circumstances are that the Manor and the site are intervisible through the current boundary vegetation and direct views are available from at least one north-facing window onto the currently mainly open, eastern part of the site, including the tree-covered mound of the Ice House. I observed this for myself, unlike the Inspector dealing merely with the draft allocation Policy HD4. Moreover, the site, rising to the north, provides a green backdrop to the Manor in distant views'*.
- 2.2 A similar long-held opinion about the importance of the Oakhurst Rise land to the setting of Ashley Manor can be found in Historic England's letter to the Council of 13 May 2020, itself of course written in context of the September 2019 appeal decision, which notes that *'...whilst the principal elevation faces southwards, the siting of this villa, extensive, rising grounds is of, arguably, equal significance. Ashley Manor is designated as Grade II*, and as such is in the top 8% of listed buildings. Therefore, greater weight should be given to its conservation'*.
- 2.3 Furthermore, after acknowledging that modern developments at the school *'...have eroded the historically isolated setting of Ashley Manor'*, the letter goes on to point out that *'...the house (and associated school buildings) remains positioned within the extent of its historical grounds and the application site forms a key green buffer between the villa and later development to the north. The application site is clearly associated, historically, with the villa and that grounds of this extent would be expected with a high-status property'*.
- 2.4 From all this, there can be no doubt that great significance lies in the contribution that the open land to the north of Ashley Manor (i.e. the appeal site) makes to its setting as a Grade II* listed building.

- 2.5 In this connection it is worth noting the use of wrought-iron estate railings along the southern boundary of the appeal site, which shows that views from the house to the north and north-west were from the start intended to be open ones as they still are today. Humphrey Repton, among others, championed the use of estate railings for exactly that reason.
- 2.6 In my opinion, the appeal site also makes a fundamental contribution to the setting of Charlton Manor (originally known as Simla Lodge – presumably a reference to its airy, elevated position – and later Leasowe before taking its present name), which was first built in 1864, probably to the designs of Henry Dangerfield, Cheltenham Borough Engineer, who laid out the Battledown Estate.
- 2.7 Indeed, as noted in the Historic England list entry (Charlton Manor was first listed in 1983 at a time when many Victorian houses of this type were not deemed to meet the criteria for statutory listing), the house was the first to be built on the Estate, which can only increase its importance historically.
- 2.8 It is also the case that, as acknowledged by Grover Lewis (see paragraphs 3.18 & 3.19 of their Heritage Impact Assessment), the rear elevations of the house are at least as important in architectural and historic terms as the front one. This is reflected not only in the architectural detailing and treatment of the rear elevations, but also in the way in which they have been sited precisely where they are to gain maximum benefit of the open views looking south-west and west from the property.
- 2.9 The main ground- and first-floor rooms of the house are all at the back of the house, their large windows clearly designed to take advantage of the fine views from them over the house's garden, the adjoining fields (the appeal site) and the area beyond, which include the grounds of the school, the Cotswold escarpment and the Black Mountains in Wales.
- 2.10 In addition to these rooms, there is a two-storey canted bay window projection in the angle between the main rear elevation and the house's rear wing. Internally, this is located near the principal staircase and its original purpose (one which it continues to serve today) was to cast additional light into the staircase area, and particularly on the first floor, to provide additional views out from the house.

- 2.11 Critically, the importance of these extensive, outward views was acknowledged by the 2019 Inspector, notably at paragraph 75 of his decision letter, where he writes: *'The windows of the upper rooms especially afford open views across the appeal site, past the Ice House mound and as far as the mountains of South Wales on the far side of the Severn Estuary. Again, unlike the Inspector examining the draft Cheltenham Plan, I was able to experience these views personally'*.
- 2.12 The Inspector's view on how the appeal site contributes in its present undeveloped form to both Ashley Manor and Charlton Manor is then nicely summed up in paragraph 76: *'I recognise an historic and visual association between the appeal site and Ashley Manor and a strong visual interrelationship between the site and Charlton Manor. In terms of the relevant guidance to which I refer above, I consider that the appeal site, with the Ice House it encompasses, contributes importantly to the historic and current visual setting of both these listed buildings, as designated heritage assets'* (my emphasis).
- 2.13 Unsurprisingly perhaps, the appellants' heritage consultants, Grover Lewis, the fourth such consultancy to be engaged by the appellants in their attempts to develop the site, underplay the important contribution that the appeal site makes to the significance of the setting of Ashley Manor and Charlton Manor (a stance also evident in the Council's Conservation Officer's comments to the case officer dated 7 July 2020), although even Grover Lewis have to concede (paragraph 3.14 of their Heritage Impact Assessment, April 2020) that *'...the application site, with its former icehouse and open aspect, contributes modestly to the wider setting and significance of Ashley Manor'* (see also paragraph 3.10 of that document).
- 2.14 Grover Lewis adopt a similar position in their assessment of the contribution that the appeal site makes to significance of the setting of Charlton Manor, stating (paragraph 3.19) that *'Whilst the significance of Charlton Manor derives principally from its intrinsic architectural quality and its historical interest, its wider landscape setting, embracing the open land to the immediate west, contributes to its significance'*.

Assessment of the Level of Harm Caused by the Appeal Proposals

- 2.15 The 2019 Inspector found that the proposals in front of him, including new landscape planting on the boundary between the site and Ashley Manor, which *'...would obstruct the relationship of the Manor to this part of its setting'* (paragraph 78), and their *'...effects on the visual relationship between the Grade II* Ashley Manor and the appeal site would have a very significant adverse impact upon the setting of the listed building'*.
- 2.16 With reference to Charlton Manor, the Inspector likewise commented (paragraph 84) that *'...new built development would still be visible from Charlton Manor and prominent in views available from its important west-facing windows. Distant views would be partly obstructed and, furthermore, the Ice House would be obscured by the intervening dwellings on plots 31-34. The appreciation of the Manor in views from within its setting to the west would be compromised, including for residents and members of the public living in or visiting the proposed dwellings'*, and (paragraph 85) that *'As in the case of Ashley Manor, I consider that these effects on the visual relationship between the Grade II Charlton Manor and the appeal site would have a very significant adverse impact also upon the setting of this listed building'*.
- 2.17 Taking the effect of the appeal proposals on the two designated heritage assets together, the Inspector went on to conclude (paragraph 87) that *'The harm to the settings of both these designated heritage assets, whilst less than substantial in terms of Framework paragraph 176, is nonetheless also significant. It requires consideration against the significance of the assets themselves as well as that of the level of any public benefit resulting from the development, in the final planning balance, addressed below'*.
- 2.18 The new appeal proposals are of course reduced in extent from the scheme dismissed in 2019 and the appellants will no doubt therefore seek to argue that their new scheme addresses all the heritage concerns expressed by the 2019 Inspector.
- 2.19 Certainly, this is the line adopted by Grover Lewis in Section 4.0 of their Heritage Impact Assessment, and following their lead, by the Council's Conservation Officer in his memorandum of 7 July 2020, but it is misleading in the extreme.

- 2.20 Paragraph 4.2 of the Grover Lewis report states that *'The scheme seeks to address the heritage issues raised by the Council's Conservation Officer and the Inspector at the Public Inquiry in September 2019'* but, given that none of the Inspector's specific concerns are addressed by them or anyone else on the appellants' team, it is simply not possible to understand how this has been done.
- 2.21 Indeed, rather than actually addressing the Inspector's clearly articulated concerns, or for that matters those expressed by the Council's Conservation Officer in his proof of evidence and at the 2019 inquiry, Grover Lewis take the view that because the housing numbers have been reduced, an 'open' area of land is left in the south-east corner of the site and because extensive tree screening is proposed, the impact on the significance of the settings of Ashley Manor, Charlton Manor and the icehouse¹ is somehow *'minimal'* and *'would be at the low end of less than substantial harm in terms of the NPPF'* (see paragraphs 4.7, 4.9 & 4.11 of their report).
- 2.22 This is simply not good enough. While it is true that the new scheme is slightly less damaging to the significance of the settings of Ashley Manor, Charlton Manor and the curtilage listed icehouse than that dismissed by the 2019 Inspector given that the assets are not completely hemmed in by development around them as they were previously, this does not make the new scheme acceptable.
- 2.23 The retention of an area of open land in the south-east corner of the site is an improvement on what was offered before, but as the whole of this site (which has never been developed) is currently open, it is only a very small one.
- 2.24 Furthermore, the proposed provision of extensive tree screening, made so much of by Grover Lewis for its supposedly beneficial function in forming a *'substantial visual buffer between the listed buildings and the developed parts of the site'*, misses the point completely.
- 2.25 As referred to earlier in this report, the 2019 Inspector clearly regarded the existing (and historic) openness of the site as forming a major element of the significance of

¹ At the time of the 2019 appeal the Council made it clear that it considers the icehouse to be curtilage listed to Ashley Manor. Critically, the 2019 Inspector did not take issue with this view.

the settings of the listed buildings and therefore concluded that the impact of the scheme on that openness would be highly adverse.

- 2.26 The 2019 Inspector was not persuaded that the proposed tree planting on the eastern and southern boundaries of the site would be an appropriate means of preventing or even mitigating harm and in this regard, I would draw the new Inspector's attention to paragraph 40 of Historic England's 'The Setting of Heritage Assets- Historic Environment Good Practice Advice in Planning Note 3, (2nd edn. December 2017).
- 2.27 This states that: *'As screening can only mitigate negative impacts, rather than removing impacts or providing enhancement, it ought never to be regarded as a substitute for well-designed developments within the setting of heritage assets. Screening may have as intrusive an effect on the setting as the development it seeks to mitigate, so where it is necessary, it too merits careful design'*.
- 2.28 Certainly, I can see no reason why the proposed dense belt of new tree planting across the centre of the appeal site should be regarded as compatible with the open views that Charlton Manor currently enjoys across the site towards the Black Mountains, particularly as these views were clearly historically intended.
- 2.29 Likewise, in their assessment of the impact of the new scheme on Ashley Manor in their letter of 13 May 2020 Historic England note that *'The revised application has removed the new planting, shown along the northern side of this boundary (i.e. the boundary between the site and Ashley Manor) on the dismissed scheme. However, a significant tree belt is proposed within a few metres of the boundary which would effectively divorce the visual connection between the carriageway approach to the west elevation of Ashley Manor and its open, green setting beyond. This impact may be demonstrated by some additional analysis of the view presented in Plate 7 (in addition to others) in the Heritage Impact Assessment. We remain very concerned over the visual severance of the open land to the north of Asley Manor'*.
- 2.30 This assessment of the harm the new scheme causes to the setting of Ashley Manor and its significance is one with which I concur completely.

- 2.31 In short, it is my considered professional opinion that the new scheme causes considerable and irreversible harm to the significance of the settings of Ashley Manor, Charlton Manor and the icehouse.
- 2.32 I do not claim that this harm is 'substantial' (the NPPG accompanying the NPPF states that '*In general terms, substantial harm is a high test, so it may not arise in many cases*' – paragraph, 018 Reference ID: 18a-018-20190723), but for all the reasons set out above (and in the comments of Historic England regarding Ashley Manor) I consider it falls towards the upper end of the scale of 'less than substantial harm', as that term is used in paragraph 196 of the NPPF.
- 2.33 The appeal proposals thus also fail to meet statutory test set by Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and run contrary to adopted policy SD8 of the Council's Joint Core Strategy (2017).
- 2.34 I therefore ask the Inspector to take this assessment of harm into account when determining the 'planning balance' as she is required to do by paragraph 11d(ii) of the NPPF and to dismiss the appeal accordingly.

3.0 CONCLUSION

- 3.1 For all the reasons set out in the body of this report, I am firmly of the view that the appeal proposals would cause considerable and irreversible of harm to the settings of the Grade II* listed Ashley Manor, the Grade II listed Charlton Manor and the curtilage listed icehouse.
- 3.2 I place the degree of harm caused to these designated heritage assets towards the upper end of the scale of 'less than substantial harm', as that term is used in paragraph 196 of the NPPF.
- 3.3 The appeal proposals therefore also fail to meet statutory test set by Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and run contrary to adopted policy SD8 of the Council's Joint Core Strategy (2017).
- 3.4 I therefore ask the Inspector to take this assessment of harm into account when determining the 'planning balance' as she is required to do by paragraph 11d(ii) of the NPPF and to dismiss the appeal accordingly.

APPENDIX ONE

QUALIFICATIONS AND EXPERIENCE

NICHOLAS DAVID BARTHOLOMEW DOGGETT, B.A., Ph.D., Cert. Archaeol., FSA, MCIfA, IHBC, Managing Director of Asset Heritage Consulting:

After reading archaeology and history at the University of Southampton and completing a postgraduate qualification at the University of Oxford I worked for several years as an archaeologist, both in the United Kingdom and abroad. From 1984 to 1988 I was employed on the English Heritage Resurvey of listed buildings in Shropshire, Oxfordshire and Cornwall. From 1988 to 1989 I was a member of the Conservation Team at Bedfordshire County Council before joining South Oxfordshire District Council, where I was head of Conservation from 1991 to 2002, before leaving for CgMs in October 2002, of which I was a Director from 2004.

I left CgMs in November 2010 to establish Asset Heritage Consulting, a specialist heritage consultancy based in Oxford but working across the country.

My doctoral research on 16th-century English architecture was completed in 1997 and has subsequently been published. I am a member of the Institute of Field Archaeologists and the Institute of Historic Building Conservation. I was elected a Fellow of the Society of Antiquaries of London in October 2016.

I am the author of two books and several articles and papers on archaeology, building conservation and architectural history, including contributions to the *Oxford Dictionary of National Biography*, and have given lectures and taught on summer schools on these subjects for Oxford University Department of Continuing Education and many other organizations. I was formerly committee secretary of the Buildings Special Interest Group of the Chartered Institute for Archaeologists and have served for two periods as a committee member of the Oxfordshire Architectural & Historical Society.

In the private sector my clients have included Bournville Village Trust, various Oxford colleges, several Local Planning Authorities, the Metropolitan Police, the Home Office and numerous major house builders. I have also acted as a consultant for Historic England and Cadw on applications for listing, re-grading, de-listing and Certificates of Immunity. I have given evidence relating to the historic built environment at numerous public inquiries and hearings and in court, both for appellants, third parties and local planning authorities.