



**John Lyon School, Middle Road, Harrow HA2 0HN**

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APP/3

Officer report LPA ref: P/2504/19

**DELEGATED APPLICATION REPORT**

Address: John Lyon School Middle Road Harrow HA2 0HN

Reference: P/2504/19

Description: Modification To Section 106 Planning Obligation Relating To Planning Permission West/695/94/Ful Dated 23Rd June 1995 (Principal Agreement) To Amend The Building Envelope To Reflect Extensions Permitted Under Application References P/2160/10 And P/3420/06

Ward: Harrow on the Hill

Applicant: James Govier

Agent:

Case Officer: CATRIONA COOKE

Expiry Date: 25/07/2019

**RECOMMENDATION**  
**Schedule of Modification**

1. **Modification to Clause 1 of the second schedule relating to no development to take place outside a building envelope shown edged red on Plan No.977/31/B.**
2. **Insert new Clause to require demolition of existing Oldfield House an amendment to Plan No. 977/31/B to show footprint of New Oldfield House.**

**REFUSE** permission for the development described in the application and submitted plans for the following reason(s):

**REASON**

In the absence of an approved development there is no justification for the amendment to the building envelope edged red on plan No. 977/31/B The proposal is therefore considered to be unacceptable as a modification to the Section 106 Agreement associated with Planning Permission Ref: WEST/695/04/FUL under the Town and Country Planning Act 1990 (Section 106A).

**Statutory Return Type:**

**Council Interest:** None

**Gross Floorspace:** n/a

**Net additional Floorspace:** n/a

### **Site Description**

- The application site comprises Oldfield House located on the top end of Middle Road at the junction with Crown Street.
- The School provides secondary level education for boys between 11 to 18 years of age.
- The site is bounded by residential development to the east, south and west and by Metropolitan Open Land to the North. There is a significant level change from Crown Street to Lower Road. The existing Oldfield House is sited to the front of the site and is largely obscured by a listed wall
- The site is located within The Harrow on the Hill Village Conservation Area and within the setting of Roxeth Hill Conservation Area.

### **Proposal Details**

- The application proposes modification to section 106 planning obligation relating to planning permission WEST/695/94/FUL dated 23rd June 1995 (principal agreement) to amend the building envelope to reflect extensions permitted under application references P/2160/10 and P/3420/06

### **Revisions to Previous Application**

N/A

### **Relevant History**

P/1813/19 - Redevelopment to provide four storey teaching block with basement; hard and soft landscaping; parking (demolition of existing building)  
Refused - 24/11/2020

Reason for refusal:

The proposal, by reason of excessive scale and inappropriate siting, would do harm to the local character of the area and would not preserve or enhance the character and appearance of the Conservation Area, contrary to policies DM1, DM6, DM7 and DM46 of the local plan, CS18, CS10 and CS3A of the Core Strategy and 7.4, 7.6 and 7.8 of the London Plan (2016) and D1, D2 and HC1 of the Draft London Plan (2019).

### **Applicant Submission Documents**

### **Consultations**

**Advertisement**

Site notice – Expiry 06/06/19

Harrow Times – Expiry 06/06/19

**Notifications**

Sent: 177

Replies: 212

Expiry: 05/06/2021

**Summary of Responses**

- the School is still trying to find a way of expanding pupil numbers. They have not been allowed to do on successive applications to Harrow Council due to their reluctance to deal effectively with traffic problems they already cause. The school want to be allowed to invest in larger premises so they can turn around later and claim they are being discriminated against when their next application to increase pupil numbers is made and refused on the grounds of traffic nuisance.
- The building they wish to erect is ugly oversized for the location and architecturally banal. In such a special area one either has to build in the vernacular or with outstanding flair; the proposed building does not succeed architecturally and strengthen's the school's hand in future negotiations with Harrow Council to increase pupil numbers.
- The existing Section 106 needs to be amended to accommodate this latest proposal however the criteria necessitating the original Section 106 when it became binding in 1995 has not changed and therefore it should not be amended to legally allow the current proposal.
- In their application the school appears to have purposefully misrepresented the section 106 agreement to suggest that it relates to footprint rather than location and then use this as a pretext to justify a new build outside the agreed built envelope, as long as it occupies the same footprint.
- The rationale for having a no-build envelope around Oldfield House in 1995 was the same then as now i.e. the preservation of the character of the Harrow on the Hill conservation area.

**APPRAISAL****MAIN CONSIDERATIONS**

- 1) Planning Obligation
- 2) Consultation Responses

**1) Planning Obligation**

This application seeks a modification to the original 106 agreed and dated 23<sup>rd</sup> June 1995 (principle agreement) attached to planning permission granted under reference WEST/695/94/FUL, to amend the building envelope to reflect extensions permitted under application references P/2160/10 and P/3420/06 and that sought under P/1813/19 for the demolition of Oldfield House and the construction of a replacement teaching block (previously modified by deed of

variation dated 24.09.2007 and 22.11.2011)

The original section 106 secures planning obligations, *inter alia*, to secure a fixed build envelope on the site. This application was submitted together with an application for the construction of a New Oldfield House (P/1813/19) on land outside of the build envelope and the demolition of the existing Oldfield House. This application was refused on 24/11/2020. Therefore in the absence of an approved development the Local Planning Authority cannot support amendments to the agreed built envelope.

On this basis this application is recommended for refusal.

## **2) Consultation Responses**

Dealt with above.

## **CONCLUSION**

Having regard to Section 106A of the Town and Country Planning Act 1990, the policies and proposals in The London Plan (2021), the Harrow Core Strategy (2012) and the Development Management Policies Local Plan (2013), it is considered that the modification of the section 106 would have an unacceptable impact on the agreed build envelope and is recommended for refusal.

Plan Nos: Letter dated 29<sup>th</sup> May 2019 from JTS Partnership ref: JPG/km/8871.

## **Delegation of Decision**

**Modification of a section 106 obligation can be determined under powers delegated to the Director of Planning as the application falls within Category 22 (b) and is not excluded by provisos A-G of the schedule of delegation dated 12<sup>th</sup> December 2018.**

**Case Officer: Catriona Cooke**

**Date: 23/04/2021**

**Case Officer to agree that Draft Decision Notice is accurate and correct:**

Yes  No

**Delegated Officer: Sushila Bhandari**

**Date: 24/05/2021**



**John Lyon School, Middle Road, Harrow HA2 0HN**

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APP/4 Heritage Impact Assessment prepared by Hamilton Grey Heritage

# PLANNING APPEAL STATEMENT OF CASE [HERITAGE ISSUES]

JOHN LYON SCHOOL,  
OLDFIELD HOUSE  
MIDDLE ROAD  
HARROW, HA2 0HN



Prepared by:

Hamilton-Grey Heritage Services

July 2022

Sophie Hamilton-Grey [BA (Hons), M.Arch ARB]



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# 1 INTRODUCTION

## 1.1 Context

This Heritage Statement has prepared by Hamilton Grey Heritage Services on behalf of the London Borough of Harrow (LBH) who are defending refusal decisions (P/1813/19, P/2504/19 and P/2092/21) at appeal via an Informal Hearing Procedure. The three appeals relate to works proposed at John Lyon School, namely new development near to the site currently occupied by Oldfield House.

The Heritage Statement forms part of the wider Statement of Case made on behalf of the LBH. It deals solely with matters relating to heritage and conservation policy within the built environment but should be read in close conjunction with the further supporting documentation which covers other relevant matters.

This Appeal relates to a planning application (ref: P/1813/19), submitted in April 2019 which seeks full planning permission for:

*“Redevelopment to provide four storey teaching block with basement; hard and soft landscaping; parking (demolition of existing building)”*

There is one reason for refusal listed on the Decision Notice, (dated 24th November 2020): “The proposal, by reason of excessive scale and inappropriate siting, would do harm to the local character of the area and would not preserve or enhance the character and appearance of the Conservation Area, contrary to Policies DM1, DM6, DM7 and DM46 of the local plan, CS18, CS10 and CS3A of the Core Strategy and 7.4, 7.6 and 7.8 of the London Plan (2016) and D1, D2 and HC1 of the Draft London Plan (2019).”

The application site boundary ('Appeal Site') and its immediate vicinity is illustrated on the site location plan below (outlined red).



Figure 1 – The ‘Appeal Site’ (Part of the John Lyon School complex and currently occupied by the 1980s building ‘Oldfield House’)



This Statement sets out an overview of all of the heritage issues relating to this appeal pursuant to Section 78 of the Town and Country Planning Act 1990 (as amended).

## 1.2 Overarching Conservation Policy Context

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Historic England's Conservation Principles and the NPPF define 'conservation' as 'the process of maintaining and managing change to a heritage asset in a way that sustains and where appropriate enhances its significance'<sup>1</sup>. Some legislation refers to 'preservation' as an alternative concept. Case Law interprets this as 'preservation from harm'. That includes harm to its historic significance, not simply its physical fabric.

Legislation that has been developed to offer protection to recognised "heritage assets" within the built environment. This was prompted by, and, continued to evolve against a background of turbulence during the twentieth and twenty first centuries. In part, as a consequence of the widescale building development and re-development prompted by the industrial revolution but then further still following the catastrophic losses of fabric from the second world wars bombings. Accordingly, policy has been developed in a piecemeal fashion and to some degree on a needs-be basis.

The notion of 'Significance' uses a variety of criteria to identify the 'essence' of what makes a heritage asset valued and worthy of protection. The law refers variously pre-agrees notions: namely the architectural, historic, artistic, and archaeological interest of heritage assets and the character that derives from those attributes.

In summary, 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 their assets', importance and no more than is sufficient to understand the potential impact of a proposal or its significance (Para. 194).

The duty determines that in determining applications, Local Planning Authorities should take into account: : The desirability of sustaining and enhancing the significance of Heritage Assets and putting them to (optimal) viable uses consistent with their conservation; : The positive contribution the conservation of Heritage Assets can make to sustainable communities, including their economic vitality; and : The desirability of new development making a contribution to local character and distinctiveness (Para. 197).

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 (Para 200).

Where development proposals 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 (Para 202).

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<sup>1</sup> <https://historicengland.org.uk>



### 1.3 Authorship

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This heritage statement has been prepared by Hamilton Grey Heritage services Ltd. We specialise in the conservation, reinterpretation and redevelopment of heritage assets and exclusively work within the historic environment.

This report has been prepared by Sophie Hamilton-Grey [BA(hons) MArch, ARB], Specialist (Conservation) architect and heritage consultant. Sophie has worked exclusively within the historic environment since qualifying as an architect for some of the industry leaders including Purcell LLP and Heritage Architecture Ltd.

She has worked in London on the repair and conservation of some of the city's most significant buildings and landmarks including Liberty Department Store, London Wall Buildings and the Houses of Parliament. She has a significant number of projects in and around the Harrow Area, and has extensive experience across different building typologies and designations including Grade I, II\* and Scheduled Ancient Monuments.

Sophie was extensively involved with the RICS Project of the Year 2016, Cardigan Castle, a Grade I-listed building and Scheduled Ancient Monument. The site of Wales' first Eisteddfod in 1176, this large-scale regeneration scheme has been heralded as one of the most significant regeneration projects in Wales' history.

In her free time, Sophie has a passion for research, particularly in social history, and accordingly has extensive work published nationally about her architectural research. She was winner of the Norwest Holst Prize and Charles Reilly Medal in 2010, the highest commendation for Masters students in architecture. Her work has been exhibited at Massachusetts Institute of Technology (2011) and the RIBA Supermodels Exhibit, (2012).

The research undertaken to complete this report was based upon primary and secondary sources of local history and architecture, including maps, drawings, and other anecdotes.



## 2 BRIEF HISTORY OF THE SITE AND ITS IMMEDIATE SURROUNDINGS

### 2.1 Harrow on the Hill Village

The origins of Harrow date back as far as 767AD when a small settlement known as 'Gumeninga Hergae' formed part of a wider tribal land known as 'The Gumeningas'. Harrow-on-the-Hill however wasn't established in its own right until many centuries later in 1398, as 'Harrow atte Hille'. One explanation for the name is that it is a derivative from the Saxon Word 'Hearge' translating to Church. Following evolution of the term, it is understood that 'Harrow atte Hille' translates to 'the church upon the hill', which may have significance as the area had been historically known as a place of pagan worship.

Harrow on the Hill is also an ecclesiastical parish with St. Mary's Church at its apex, some 225 ft above the surrounding landscape and some 400 ft above sea level. The Church has fabric dating back to the 12th century, set within a little-changed quaint churchyard and cemetery. The unique topography of the site of harrow-on-the-Hill with its crowning fifteenth century church spire has made it an extremely important landmark and has provided a consistent visual point of reference over the ages.

Its celebrated 'landmark' quality is recognised by the sheer volume of paintings, etchings and historic photographs featuring the familiar steeply sloping tree covered hill and church spire from near and far. One of the best-known examples is *Sandpits: View near Harrow on the Hill, Middlesex*, by British artist Francis Jukes.



Figure 2 – *'Sandpits: View near Harrow on the Hill, Middlesex'*, coloured aquatint by British artist Francis Jukes. St Mary's Church and the hill is seen in the background, 1798 © British Museum

The (greatly enlarged) detail from an 1554 drawing below is one of the earliest known depictions of Harrow Hill contained within the background of this piece presented by Phillip II of Spain on his





marriage to Mary Tudor. Centuries later in the early nineteenth century, renowned print-maker Rudolph Ackermann reworked the scene to include changes to the landscape and buildings.

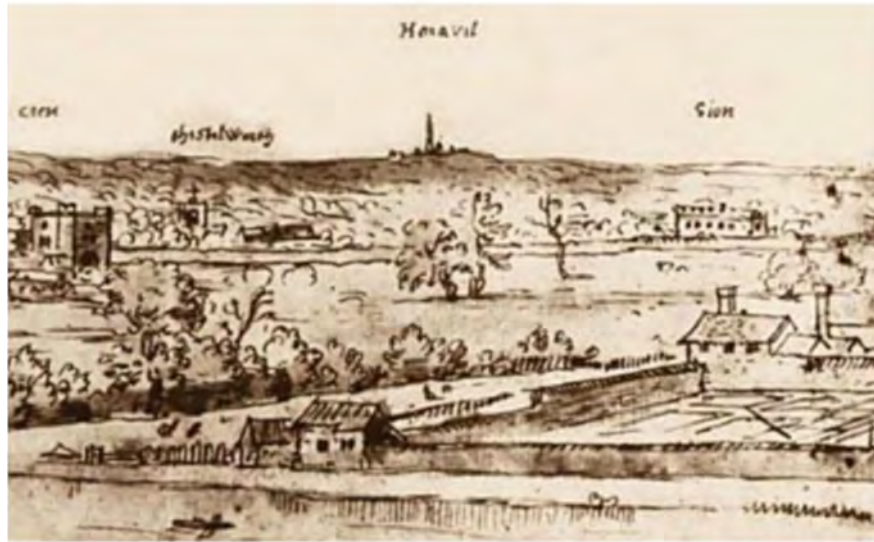


Figure 3 – 'excerpt from wider drawing, © Harrow Through Time, paperback, 2015, Don Walter

In this regard, the village of Harrow-on-the-Hill has important historic and community significance, having remained a prominent landmark for some 500 years. Seen in closer view in the rural etching below, it is evident that the village has evolved slowly, retaining a rural and domestic feel that is still experienced in the village today.



Figure 4 – circa 1807 Print (Sourced from Ebay, postcard sales)

The majority of the area's earliest buildings are collected around the site of the historic market place, the origins of the High Street. The village's early growth was organic and fronted natural pathways and well-tread routes set-out by the natural hilly topography. The principal passage became the



High Street, which roughly followed the north-south divide of the Hill slope, although a significant medieval route named 'Old Village Way' remained an important route from the village down the Hill's western flank to meet with flatter terrain below.

The most prolific period of development of Harrow-on-the-Hill in terms of infrastructure and sheer scale of growth was the nineteenth century. This is typical of the pattern of development of London Boroughs and villages due to the political and industrial activity of the time. Crown Street, (location of the appeal site) and some properties on Byron Hill Road were first constructed during the early 1800s, growing gradually denser by around 1850. The evolution of the village is further demonstrated on the map showing the area's morphology.

In 1894 however, Harrow, including Harrow on the Hill began to transform quite significantly in terms of the boundaries and territories socially, politically and physically. 'Harrow town' was formed in 1934 as an *urban district* of Middlesex. This was initiated by the Middlesex Review Order 1934, as a merger of Harrow on the Hill Urban District, Hendon Rural District and Wealdstone Urban District. On 4 May 1954 the urban district became a municipal borough and later in 1965 this was abolished and transferred to Greater London from Middlesex to form the London Borough of Harrow.

Today the village is celebrated for its rich history, domestic scale and picturesque streetscapes.

## 2.1 History of the John Lyon School

One of the most significant and enduring buildings within the village (or indeed complex of buildings) is the Harrow School (Estate). The school was founded in 1572 by John Lyon, a local landowner and philanthropist, under a Royal Charter of Queen Elizabeth I to found "the Free Grammar School of John Lyon", the pre-cursor of Harrow School.



Figure 5 – The Charter, John Lyon School from: 'Charters, Orders and Rules By the Governors of the Free Grammar School at Harrow-on-the-Hill', 1853 reprint



The school quickly established a wide-reaching reputation for excellence despite some minor political and social scandals over the years. By the mid nineteenth Century, helped by John Lyon's fore-planning and generous donations, "the Free Grammar School" had become "Harrow School", one of the most prestigious public schools in the UK.

Whilst the success of the school was well-celebrated, it had also become increasingly apparent that the now-named "Harrow School" had dramatically moved away from the founder's original manifesto which very much focused upon the education of children of the parish, thus contributing to the local economy and wider interests of the community of Harrow Village. Boys from outside the parish hugely outnumbered the local scholars and perception was increasingly that the school was elitist and not in line with the ancient Foundation Charter.

In response, John Lyon School (formerly The Lower School of John Lyon) was founded in 1876 by the Governors of Harrow School. for the education of young scholars, in keeping with the belated wishes of John Lyon, Harrow School's founder.

Nowadays, the John Lyon School (which recently accepted mixed sex education) is divided into three age sections:

- Oldfield – Years 7 and 8
- Upper School – Years 9, 10 and 11
- Sixth Form – Lower Sixth and Upper Sixth

Students in the first two years at the John Lyon School are largely based in form rooms in Oldfield House. There are 3 forms in Year 7, and 3 in Year 8.

## 2.2 History of Oldfield House and its surrounding plot

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Oldfield House (located on the appeal site) is an early 1980's detached building accessed from the Southern end of Crown Street via hard-standing used principally for loading, drop-off and school transport parking. It is one of the later buildings of the school complex whose buildings lie along Middle Road with entrance and frontages onto the road,

Oldfield House is inconspicuous from the road on account of it being broadly hidden behind a brick boundary wall that is a hybrid of early sections formed in imperial red-brick topped with a soldier course and later rubble-course (over) that is punctuated by more modern red-brick re-built sections.



*Figure 6 – Oldfield House, Crown Street Elevation, partially obscured behind a perimeter boundary wall formed in historic imperial red-brick punctuated by sections of modern infill.*





The site slopes downwards in a northerly direction and is fringed with mature trees to the easterly and westerly sides. The building is ground plus one storey from the Crown Street approach elevation and ground plus two storeys on the north facing side. The second, partial storey is contained within an a-symmetrical roof) from the cricket ground side which, is also named as the 'front elevation' within the Appellant's documentation on account of it being the entrance elevation.



*Figure 7 – aerial view of the current Oldfield House in its immediate context.*

The existing building is considered to be a 'neutral contributor' to the Harrow-on-the-Hill Village Conservation Area. It is architecturally unremarkable, (perhaps intentionally) and remains low-key and subservient to its neighbours. It is formed in red brick to match the adjacent buildings with shallow slate-style roof and wide-plan-form.

Of note, the design features a significant degree of glazing which is a known architectural tool for the creation of a light-weight appearance, allowing transparency and reducing visual bulk. Whilst it is not considered to be of significant architectural merit, it remains demure and inconspicuous. Its original design evidently responded to its low-lying domestic context which is evidenced by how shallow its roof lies compared to the breadth of its floor-plan.



*Figure 8 – Oldfield House, north-facing elevation*



Figure 9 – John Lyon School, Aerial View © My-London (possible third party, please assume ultimate copyright © John Lyon School) Boundary between conservation Areas shown indicatively in red.





### 3 HISTORIC MAP PROGRESSION

A historic map progression is an important tool for understanding the evolution of a site and its local surroundings. Sequential maps from the earliest history to the modern day highlight patterns of growth and development and, in turn this should also shed light on the significance of localised areas such as Conservation Areas.

Map progression sequence:

- |                             |                             |
|-----------------------------|-----------------------------|
| A. 1665 (Middlesexia) Map   | F. 1940 Ordnance Survey Map |
| B. 1754 Roque's Map         | G. 1947 Ordnance Survey Map |
| C. 1868 Ordnance Survey Map | H. Modern map               |
| D. 1897 Ordnance Survey Map |                             |
| E. 1914 Ordnance Survey Map |                             |



Figure 10 – Map A : Blaeu Atlas Maior (Middlesexia) 1662-5

One of the earliest maps of the county of Middlesex during the mid sixteenth century. Due to the scale, the site cannot be seen precisely, but its early style is charming and it gives a flavour of the area at this time. The rising mounds of the hills can be seen with the settlement of Harrow-on-the-Hill at their peak.



Figure 11 – Map B : John Roque Map, 1754 : A Topographical Map of the County of Middlesex : Approximate site location shown red outlined.

One of the first maps to show the site area in a distinguishable form suggests a vacant (rural) site with 'approaching' development to the north. The village, in its own right, is now clearly established as a lively settlement with a number of named landmarks within the vicinity. The church is one such landmarks with roads radiating outward from it indicating its importance to the pattern of the development of the early village. The individual buildings are typical of farmsteads and agricultural tenures with modest footprints contained within cultivated fields associated with wider farmland.



Figure 12 – Map C: Middlesex : OS Survey Map (six-inch), England and Wales, 1842-1952 : Surveyed 1864, Published 1868





The 1868 OS map captures a snapshot of Harrow-on-the Hill Village during one of its most prolific periods of development, in the mid nineteenth century. The generalised layout of the village remains legible from the earlier mapping with development clustered along the key roadsides. The original Oldfield House has been constructed, but the later school buildings are yet to be erected and there is a large area of open-land around almost all of the site.



Figure 13– Map D: Middlesex: OS Survey Map (six-inch), England and Wales, 1842-1952 : Surveyed 1894-1895, Published 1897 Crown and West Streets are evidently key routes with tightly packed houses creating the dense streetscapes still experienced today.

The OS map of 1897 is only some thirty years later and hence remains little-changed from its predecessor. The style and scale further accentuates the open-ness of the land around the site which is sharply contrasted against the dense grain of Crown Street. The original John Lyon School Building is now seen.



Figure 14 – Map E: Middlesex: OS Survey Map (six-inch), England and Wales, 1842-1952 : Revised 1912, Published 1914

An even lesser time period has passed since the preceding map but the increased scale offers further legibility. The listed buildings along Byron Hill Road and cornering onto Crown Street and Middle Road are seen in their original setting with large generous gardens to their rears and sides.





Longitudinal views would have been much more abundant prior to the more modern infill developments, in particular the later school buildings.



Figure 15 – Map F : Middlesex: OS Survey Map (six-inch), England and Wales, 1842-1952 : Revised 1935-1936, Published 1940

Once more, little time has past since the previous map's publication. Perhaps the most significant area of development is to the south east of the site to the rear of the celebrated King's Head Hotel, a popular cultural and social landmark. Land has seemingly been sub-divided and cultivated. The school itself to the west of the site has also been developed with new reflected-L shaped educational building shown black alongside the original school with retaining wall and steep banking changing the topography locally to the relevant area.



Figure 16– Map G : Middlesex: OS Survey Map (six-inch), England and Wales, 1842-1952 : Revised 1938, Published 1947



With just seven years since the preceding map, there is no material change to the general area or the site.



Figure 17– Map H: Modern day OS map

#### Executive summary:

The historic map progression has illustrates the urban pattern of development of Harrow-on-the-Hill-Village. It captures the densification from the former rural farmland settlement to the modern density. The map sequence illustrates the patterns of growth and change with settlements forming along road sides and around popular landmarks and amenities.

Crown and West Streets have remained evidently key routes with tightly packed grains creating the dense streetscapes still experienced today. Another key, barely changing feature has been the generous cricket and recreation ground around the site which has allowed the site to be easily identified over the years.

Maps of the village today allow the following attributes to be understood:

- Organic planning with little symmetry, rigidity, overall 'master-planning'
- Variable and greatly mixed scale of buildings including larger (named) villas houses, small dense terraces and a relatively high number of much larger commercial and institutional buildings.
- Contrast between tight urban grain and wide-open-spaces.
- Sharply steeping topography with roadways that have been formed organically. Density of mature trees and other natural features.



## 4 LOCAL DESIGNATED & NON-DESIGNATED HERITAGE ASSETS

### 4.1 Introduction

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One of the key principals at the heart of the Planning (Listed Building and Conservation Areas) Act 1990 and conservation policy more generally is understanding the difference between 'designated' and 'non-designated heritage assets'.

'Designated Assets' qualify for statutory protection and thereby receive 'special protection' under the National Planning Policy Framework (The NPPF). Any proposals affecting 'Designated Assets' must be impartially assessed to ensure that they preserve or enhance the asset<sup>2</sup>. If an asset has *not* been formally designated, it does not necessarily mean that it does not possess *any* heritage significance but rather, simply, that there is no such onerous burden under the overall planning and governance system and NPPF as for those which are statutorily protected.

It is Historic England *and* Local authorities who are powered with designating different types of heritage assets. Historic England's Definition of a Designated Heritage Asset is as follows: "*A World Heritage Site, Scheduled Monument, Listed Building, Protected Wreck Site, Registered Park and Garden, Registered Battlefield or Conservation Area designated under the relevant legislation.*"

In this case, the building itself is therefore not a dedicated heritage asset and as such does not qualify for any statutory protection under the act in its own right. The Conservation Areas, however, *are* such assets, placing additional burden and consideration on decision-making within the Council and indeed at national (governmental) level.

Section 69 of the Act deals with designation of Conservation Areas specifically and dictates that "*When considering any planning application... a local planning authority must pay special attention to the desirability of preserving or enhancing the character or appearance of that area*".

Simply put (and established by case law), any development that merely maintains the status quo, would satisfy the statutory consideration. Thereby, technically speaking, a non-contributing asset could be replaced like-for-like by a similarly non-contributing asset. That said, however, separately from this burden, in a number of ways the policies in the NPPF seek to positive *improve* conservation areas not to merely preserve the status quo. Most explicitly paragraphs 197 and 200 to 203 require that local planning authorities should take into account "the desirability of new development making a positive contribution to local character and distinctiveness".

Section 72 of the act outlines the '*duty as respects conservation areas in exercise of planning functions. (1) In the exercise, with respect to any buildings or other land in a conservation area, of any [F1] functions under or by virtue of [any of the provisions mentioned in subsection (2)], special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. (2) The provisions referred to in subsection (1) are the planning Acts and Part I of the M1 Historic Buildings and Ancient Monuments Act 1953 [F2] and sections 70 and 73 of the Leasehold Reform, Housing and Urban Development Act 1993. [F3] (3) In subsection (2), references to provisions of the Leasehold Reform, Housing and Urban Development Act 1993 include references to those provisions as they have effect by virtue of section 118(1) of the*

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<sup>2</sup> See Historic England Definitions, policy.

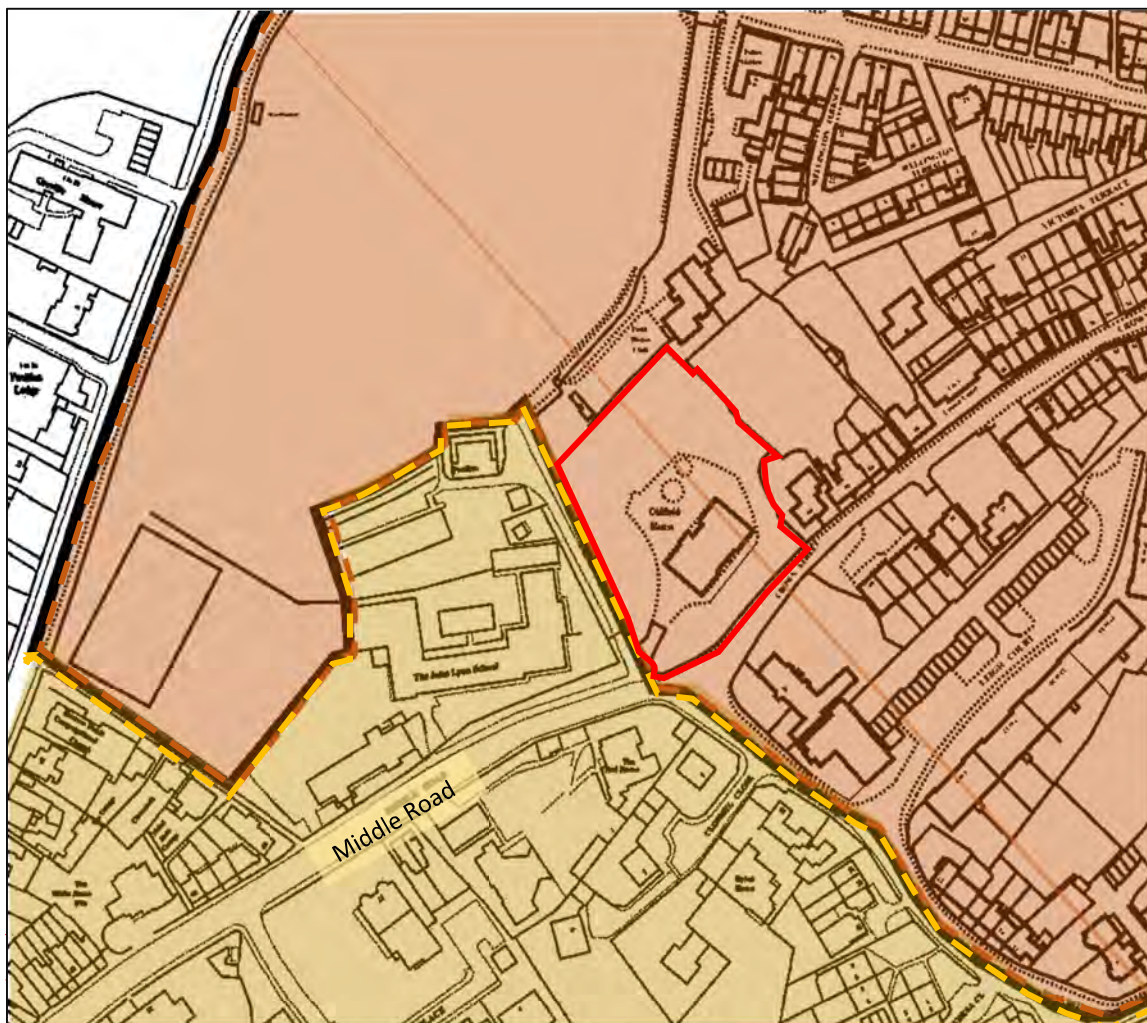




*Housing Act 1996.][F4(4)Nothing in this section applies in relation to neighbourhood development orders.]*

The Appeal site lies within the Harrow on the Hill Village Conservation Area but is also adjacent to the North Easterly boundary of the Roxeth Hill Conservation Area. As such, any proposals on the subject site have the potential to affect *both* conservation areas and important views into and within these designated areas.

In addition to this, there are a number of listed buildings within the vicinity of the site which are also (separately protected) designated heritage assets. The proposals have the potential to affect the settings of these listed buildings. A number of non-designated heritage assets are also located within close proximity of the site, those buildings and structures that feature on Harrow Council's Local list. All known heritage assets which have the potential to be affected by the proposals are presented herewith.



Key:



Site Boundary



Harrow-on-the-Hill Village Conservation Area



Roxeth Hill Conservation Area



*Figure 18 (previous page)– has been prepared to indicate the boundary between the two conservation areas; maps of the whole conservation areas are included within the appendices.*

#### 4.2 Harrow on the Hill Village Conservation Area (Designated Heritage Asset)

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Oldfield House (The Appeal site) is located within the Boundaries of the Harrow-on-the-Hill Village Conservation Area. As discussed, it is also adjacent to the boundary of Roxeth Hill Conservation Area which also contains the majority of other buildings within the John Lyon School complex.

The Conservation Area was first designated in 1968. The Civic Amenities Act designated the first Conservation Areas in 1967 and as such, this is one of the earlier Conservation Areas to be designated, testament perhaps to its overall historic significance.

The Council adopted an overarching 'Harrow on the Hill' Conservation Areas Supplementary Planning Document for all eight conservation areas within Harrow on the Hill in May 2008. The Council's Dedicated Conservation Area Appraisal summarises the character and history of the area as:

*" Harrow on the Hill Village Conservation Area forms the historic core of the Hill, scattered with the area's earliest buildings. Its unique townscape comprises a historical settlement of considerable antiquity and visual quality, set along an irregular network of ancient highways, and bounded by open spaces, which serve to accentuate its distinction from the surrounding London sprawl."*

Whilst the Conservation area isn't formally divided into 'character areas', or 'sub-areas', it has a diverse mix of styles, uses and building clusters, which are defined as 'pockets' within the Council's designated Conservation Area Appraisal. Notable examples include the school estate and its grounds (including the cricket pitches), the commercial centre of the High Street and the wider residential areas.

With such a rich cultural and social history, there are a high number of listed buildings and important landmarks in the Conservation Area. The Church of St Mary's on the Hill which has remained consistent over the centuries is one such landmark, but there are other more subtle elements that have shaped the townscape of the village; the historic market-place located on the medieval Old Village Way route - the pre-cursor perhaps to the now High Street, the development of the School estates and their long-standing relationship with the townspeople; even the steep topography in itself has also carved out natural pathways and such 'pockets'. As such the village is hugely diverse in architectural style. Overall, what is consistent is the quality of building stock and the longstanding relationships between the eclectic buildings that contributes to the uniqueness of this area.

Accordingly, Harrow-on-the-Hill is a popular tourist destination attracting visitors not only due to its quaint café-culture and idyllic views but also those who have an interest in one of the facets of its rich past with associations with Pagan worship, Harrow School culture, ancient British History to name a few.

The Conservation Area has a number of important formal designations that set it apart as being of particular importance, not just locally but on a national level; of significance to the United Kingdom as a whole. Needless to say, not all Conservation Areas warrant these additional protective measures, the designation is again associated with the Area's ancient history and overall high historic significance.



Important Formal Designations affecting the Conservation Area that recognise its particularly high significance:

1. Designation of Areas of *'Area of Special Character'*:

At Borough level, the area has been designated as an 'area of Special Character'. This local designation recognises areas of locally distinct character and identifies the particular features that the London Borough of Sutton wishes to preserve and enhance.

2. Designation of *Archaeological priority Area [APA]*

With ancient history dating back to Saxon times and earlier, the entire conservation area (with the exception of a small section to the rear of the High Street) is designated as an Archaeological Priority Area. An Archaeological Priority Area is a defined area where there is significant known archaeological interest or particular potential for new discoveries. As such, they are an important tool for the recognition of, and conservation of archaeologically important sites.

3. Designation of *Sites of Importance for Nature Conservation [SINCs], Borough level*

SINC's (or Wildlife Sites) are sites of substantive nature conservation value. Their designation is a non-statutory one but they are vital for enabling the planning system to recognise, protect and enhance special sites.

*Table 1: Critical Conservation Area Designations*

The corner of the Conservation Area containing Oldfield House is characterised by domestic buildings and the John Lyon School Estate. Crown Street is a mixed, high quality residential route that has evidently grown organically over time. As such it has a charming quality and its variation in style is pleasing with so many eclectic buildings being held together by their overall aesthetic and architectural quality.

The Council excerpt from the Conservation Area Appraisal map indicates the high concentration of listed and locally listed buildings around the subject site.

Relevant Policy from Harrow-on-the-Hill Village management Strategy:

- A presumption will be made against proposals for insensitive infilling of large amounts of private open space and natural gaps between buildings, especially where good views are evident. To encourage best practice, owners will be referred to the Harrow on the Hill Village Conservation Area Design Guide. The Council will aim to further protect the existing residential areas from intrusive and large-scale development to prevent the erosion of the area's character in these parts.
- It is essential when planning works within conservation areas that a considered approach which preserves or enhances the areas character or appearance is adopted. Where a conflict with general planning and highways policies occur special care must be taken to find a solution which meets both the needs of the local community and the historic environment





Figure 19– Variety of high quality domestic dwellings along Crown Street



Figure 20– The Council excerpt from the Conservation Area Appraisal map indicates the high concentration of listed and locally listed buildings around the subject site.

The Council's CA Appraisal outlines particular key views, into, within and out of the Conservation Area. Due to the site topography and the limited architectural merit of the current Oldfield House, short-reaching views across its site or onto the building itself are not identified as significant views.

However, the long-distance views over and onto the site (again associated with the village's hill-top topography) do include the site and due to the open-land around the site, it remains a prominent and sensitive plot within the Conservation Area.

In summary, the Conservation Area is of very high overall significance on account of its historical, architectural and communal qualities and due in part to the high number of important landmark buildings and structures.



### 4.3 Roxeth Hill Conservation Area (Designated Heritage Asset)

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The principal John Lyon School buildings lie within the Roxeth Hill Conservation Area. Oldfield House lies on the margin of the two areas and within the immediate setting of the Roxeth Hill Conservation Area.

The Roxeth Hill Conservation Area was first designated by the London Borough of Harrow in 1969 but now benefits from a Conservation Area Appraisal adopted by the Council in 2008.

According to the Council's Conservation Area Appraisal,

*'The area is dominated by the two principal roads of Roxeth Hill and Middle Road, which contain two of the most important conservation area sites, Harrow Hospital and John Lyon School respectively.'*

As per Harrow on the Hill Village Conservation Area, it contains large areas of open space with development clustered around the roads, predominantly buildings of domestic scale in residential use.

The growth of this Conservation Area is predominantly associated with the eighteenth century as a consequence of the development of the wider village. The establishment of the nearby Harrow School in the early seventeenth century meant the Village expanded to accommodate its growth over time. The resultant area features handsome Edwardian villas intermixed with earlier terraced Victorian terraces and of course the larger community institutions and their infrastructure.

Unlike Harrow-on-the-Hill Village Conservation Area, the Roxeth Hill CA is divided into 'Character Areas'. The closest reaches to Oldfield House are part of Character zone 2, 'Upper Reaches of the Hill'; the largest expanse of the three which features the John Lyon School buildings. Which, also would seemingly fall under the Appraisal's 'loose, larger scale development' footprint definition.

Character Area 2: Byron Hill Road is described as: *"There is an open character to the upper level of Middle Road. It is relatively quiet and sheltered set away from the junction and buildings are detached and have a dispersed plan form set back from the road. Also there is a leafy feel as buildings are surrounded by greenery (shrubs, grass and/or trees). A more open character is evident towards the Byron Hill Road end as more properties are detached, and the elevation provides long distance views."*

A further key feature identified within the appraisal of the 'Middle Road townscape' (the land around the site) is *"the contrast between the decorative and varied Arts and Crafts styles towards the upper reaches (the Red House and the John Lyon School for example) and the simplicity of the cottage style buildings which are more Classical in style. All cottages vary slightly giving added interest."*

The Roxeth Hill Conservation Area Appraisal also describes the John Lyon School educational buildings as: *"The John Lyon School buildings dominate the upper level of Middle Road. They provide consistency due to their scale, use of red brick and collective ownership and use. The school site begins with the corner sited, grade II listed, The Red House. This links it to the Gothic style, original John Lyon School building (1876 by H.M. Burton)."*



#### 4.4 Designated Heritage Assets : Listed Buildings

Whilst the existing building, Oldfield House is not a 'heritage asset' itself per se, however, its immediate and wider site *is* part of a designated Heritage Asset (The Conservation Area) and is broadly accepted as being an important site for all of the reasons previously stated.

For the sake of assessing the local designated (and indeed non-designated heritage assets), the methodology and definitions from 'The Setting of Heritage Assets Historic Environment Good Practice Advice in Planning Note 3 (Second Edition)' have been used.

Accordingly, an assessment has been made of the building's 'Zone of Theoretical Visibility' and includes all areas from where the building can technically be seen. In the interest of transparency, we have not taken a scientific approach to calculating this theoretical range, but instead relied on physical views and vantages experienced from site visitations in addition to discussions between the applicant and Council with regards to the verified views produced to demonstrate the impact of the development proposals. All heritage assets within said study zone fall within a catchment area of around a 200 metres as the crow flies to the site.



Figure 21 – Map of designated heritage assets, Local setting. Hatched assets fall within the 'Zone of Theoretical Visibility'

KEY



Designated Heritage Assets



Non-designated Heritage Assets





## HERITAGE ASSETS - INDEX

- ① The Red House and front boundary wall, Middle Road Grade II Listed (list Entry 1358656) pictured in 1969. It is a charming classically designed dwelling house with decorative entry gate to the formal boundary wall.

The Roxeth Hill Conservation Area Appraisal describes the building and its significance as: *The front section is a typical red brick Georgian building. However, E.S. Prior built a large red brick Arts and Crafts addition (1883). From Byron Hill Road, the Red House's red tile hanging is visible, with its small dormer windows with steeply pitched roofs to mirror the slope of its cat slide roof. From Middle Road, there are numerous Ipswich (overhanging curved bay) windows and a mock Tudor overhanging first floor gable end constructed of imitation timber and rough cast infill. Its tall chimney is visible from all around. All these features together create a lot of visual interest.*



- ② Suffolk House, Byron Hill Road, Grade II Listed, Early 19th century villa (List Entry: 1358614). This is a handsome villa house that commands significant presence on account of its smart classical façade. Its Location at the corner of two intersecting roads that broadly 'face' onto the site make it one of the assets that will be most impacted by proposals at the site.



- ③ 'Byron House' (29 and 31 Byron Hill Road), Byron Hill Road Listed at Grade II Listed, Late 18th century house with 19th century extension (List Entry: 1079735). This demure English vernacular house is of some age and has further communal and historical association on account of being Home to renowned writer Matthew Arnold 1868-1873.



- ④ 56 Crown Street Listed at Grade II Listed, Late 18th century (and earlier), bold classical façade with Doric columned porch. (List Entry: 1079713).

The grandeur of this building's front façade is testament to its high architectural quality. It is one of the larger properties along the road and its symmetrical, architecturally formal style commands a high degree of prominence within the street façade. Its location as near-neighbour to the Oldfield House site makes it vulnerable to impacts on longitudinal views down Crown Street,



#### 4.5 Non-Designated Heritage Assets (Summary)

- ⑤ Locally Listed Buildings :John Lyon School, (Original building), : 1876 together with John Lyon School (new building), 70 Middle Road, 1973 by prominent contemporary architects, Sheppard Robson







6 Locally Listed Building: 38 Byron Hill Road, Former Baptist Church



7 Locally Listed Building: Field House, overlooking the Cricket Ground and playing fields Local List Four storey, detached 18th century house with later additions.



8 Locally Listed Buildings: 50 and 52 Crown Street



9 Locally Listed Building: Pavilion to Lower School of John Lyon See here in 1976



10 Two sets of Gate Piers to Oldfield House



When seen in map view, (at Figure 22, it becomes apparent how sensitive the site surroundings are with both nationally and locally listed buildings on all sides of the appeal site.



## 5 SIGNIFICANCE ASSESSMENT, EXISTING BUILDING, SITE

### 5.1 Introduction, Methodology

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Significance is one of the key principles which runs through the historic environment section of the NPPF. The NPPF defines significance as *'the value of a heritage asset to this and future generations because of its heritage interest'. Such interest may be archaeological, architectural, artistic or historic'* It states that significance may derive 'not only from a heritage asset's physical presence, but also from its setting'

The NPPF 2021 (Para 194) 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 also be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on that significance."* This assessment appraises the significance of the host site (and building) and appraises its wider setting.

The key criteria for assessing the significance of a heritage asset has been recently updated by Historic England in 'Statements of Heritage Significance: Analysing Significance in Heritage Assets', published 21 October 2019. These definitions are in alignment with the NPPF definition of significance and are as follows:

- Archaeological interest – 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 skills, 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 order to determine the significance of a certain component of a heritage asset the sum of its archaeological interest, architectural and artistic interest and historic interest needs to be disaggregated and determined. The grading of values is considered using three categories: low, medium and high

In this instance, the affected Heritage Asset is the Conservation Area setting(s) since the building is not a heritage asset. For completeness, we have assessed the contribution that the non-designated heritage asset (the site) makes to the wider conservation area.

### 5.2 Significance Assessment

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- Archaeological interest: The site lies within the Historic Harrow Archaeological Priority Area (APA). It is not common for a site to lie within a designated APA and this status indicates that the local area has very high significance in terms of early history. Section 3 of this report details in brief the evolution of Harrow-on-the-Hill as an ancient settlement.



The high significance of the wider conservation Area should not however confuse the overall archaeological significance of the site plot itself. Given that the site has a large area of hard-standing and has been the site of the present and former Oldfield house throughout the nineteenth and twentieth centuries, there is little to suggest that the site in itself is of high archaeological potential and similarly, there is a lack of evidential value due to the (relatively) modern age of the buildings.

In summary, the Archaeological interest of the Conservation Area (The Heritage Asset) is **high**. As for the plot itself, the archaeological significance is **medium to low**.

- Architectural and artistic Interest: The building that currently adopts the sight is of no historic or architectural interest. Similarly, when considering the site of the building, there are no significant artistic or architectural relationships worthy of mention.

On this basis, The architectural and artistic significance of the overall Harrow-on-the-Hill Village Conservation area (The Heritage Asset) is deemed **medium**. As for the plot itself, the architectural and artistic significance is **low / none**.

- Historic interest – The overall Harrow-on-the-Hill Village area has a celebrated, unusually long-standing history which dates back to the eighth century BC. As such, its rich history socially, culturally and architecturally is hard to dispute. That said, however, the individual site does not have any significant known built-history with the previous Oldfield House site being relatively recent in its age and history.

On balance, the overall historic significance of Harrow-on-the-Hill Village Conservation area (The Asset) is deemed **High / Very high**. As for the plot itself, the historic significance, on balance of the context versus built-history is considered **medium**.

## 5.2 Overall Significance

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It is critical to note that the overall assessment should consider the wider context and the site (or site building) equally, just as would be the case of a non-listed building within a hugely significant Conservation site, or on the contrary, a listed building that lies within a lower-profile area.

Overall, the contribution that the building makes to the Conservation Area is **neutral**. The Conservation Area over-all (and its contained important buildings) is considered to be **highly significant**.



## 6. IMPACT ASSESSMENT

### 6.1 Introduction

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As discussed in the preceding chapters, it is recognised that the proposals have the potential to impact the setting of those heritage assets formerly stated. As such, the applicant is required by the NPPF to impartially assess the impact upon all heritage assets that may be affected by a proposals.

### 6.2 Impact Assessment : Summary

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The Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the statutory duties in respect of Listed Buildings and Conservation Areas. It states that

*"In determining applications, local planning authorities should take account of:*  
*(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."* (Paragraph 197)

It goes on to state 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"* (Paragraph 199)

"Harm" is defined by Historic England as "Change for the worse, here primarily referring to the effect of inappropriate interventions on the heritage values of a place.<sup>3</sup>" How harm is assessed and 'categorised' is a long-contested issue that has been debated in the courts multiple times. The NPPF does not define substantial harm, instead advocating a balanced judgement approach, having regard to *"the scale of any harm or loss and the significance of the heritage asset"*

One critical case has been seen to offer some clarity on how to measure this important policy threshold at which harm becomes substantial, in the absence of a formalised and adopted definition, the case of Bedford BC v SSCLG38 (2013). Ultimately, the High Court held that in order for harm to designated assets should be considered substantial, "the impact on significance was required to be serious such that very much, if not all, of the significance was drained away". The implicit message is therefore that 'substantial harm' would equate to the total loss or near total loss of an asset's significance. Nevertheless, the NPPF continues to advocate for the application of professional expert judgement.

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<sup>3</sup> p71, Conservation Principles, English Heritage, 2008



On this basis, assessment should be made on the impact of the proposals against the following criteria:

- Proposals constitute substantial harm
- Proposals constitute Less than substantial harm
- Proposals constitute no harm.

### 6.3 The Proposals

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The proposals are shown within the case documentation provided by the applicant and in turn have been replicated within the wider LPA's Statement of Case. The planning history and history of the applications are also covered within this document.

### 6.4 Impact Assessment Methodology

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The assessment of heritage significance is a complex process and guidance and best-practice has changed over the recent years, decades. The process is subjective and is particularly complex in sites of large-scale development (Townscape) or where multiple heritage designations are at play.

For the sake of assessing the local designated (and indeed non-designated heritage assets), the methodology and definitions from ' *The Setting of Heritage Assets Historic Environment Good Practice Advice in Planning Note 3 (Second Edition)* 'has been adopted. This methodology advocates a step-by-step approach to the assessment as to the particular significance of any heritage asset that may be affected by a proposal (including their settings).

The steps to be undertaken are as follows:

Step 1: Identify which heritage assets and their settings are affected.

Step 2: Assess the degree to which these settings make a contribution to the significance of the asset(s) or allow significance to be appreciated.

Step 3: Assess the effect of the proposed development, whether beneficial or harmful on that significance or on the ability to appreciate it.

Step 4: Explore ways to maximise enhancement and avoid or minimise harm.

Step 5: Make and document the decision and monitor outcome

### 6.4 Impact Assessment : Summary of assets and potential for impact

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The Heritage Assets that have the potential to be impacted are outlined in the previous chapter(s). Broadly speaking, they can be grouped under the following headings:

Asset	Potential Impact
Harrow-on-the-Hill Village Conservation Area	Visual : Setting, views, character, streetscape
Roxeth Hill Conservation Area	Visual : Setting, views, character, streetscape
Locally listed buildings within the ZTVI	Visual : Setting, views, hierarchy





Listed Buildings within the ZTVI	Visual : Setting, views, hierarchy
Effect upon the Archaeological Priority Area	Physical

*Table 2: Impact Potential*

## 6.5 Impact Assessment : Visual Impact, Verified Views

The applicant has commissioned verified views of the application proposals in order to demonstrate and assess the visual impact on the applicable nearby Designated and Non-designated Heritage Assets. The assessment captures verified views of 'as existing' and 'as proposed' scenarios from a variety of viewpoints from positions along the public roadways from both 'sides' of the site; longitudinally from Lower Road and West Street and at their intersection and, from close range on the Middle Road and Crown Street approaches. As such, all key publicly accessible areas have been captured and tested.

Having considered the visual impact, it is considered that the proposals would result in notable harm to the majority of the assets outlined above. Most significantly:

- The view along Middle Road which currently affords significant degree of visual shielding by the boundary wall (Fig 6 Section 2) will be transformed by the considerably higher four storey building. The solidity of the façade treatment in lieu of the earlier high proportion of glazing will only increase the change to the sense of enclosure and visual dominance experienced along Middle Road. The tall and somewhat blank mansard-style roof gives the building-a top-heavy appearance, further asserting a sense of solidity along the streetscape. Cumulatively, the alterations to this façade will result in significant visual harm to the sense of openness on this side of the property, inhibiting the existing views down the slopes and disrupting the visual connection through to the cricket grounds of the lower hill.



*Figure 22– Verified view of the junction of Middle Road : Applicant's Verified View 5*

- Even greater harm is experienced from the longitudinal views in the opposite direction, albeit from a further vantage point. The appellant's view 2 captures the harm most markedly and serves to highlight the issues associated with the building's re-positioning, increased bulk and



scale and, in turn, the resultant affect upon the surrounding heritage assets (including of course, the conservation Areas).

The positioning of the proposed building draws it forward away from the screening of trees (not a material consideration given seasonal change) and further into the open space. Whilst the re-positioning is not dramatic metrically per se, the visual consequence is, with a notable visual increase in bulk and mass associated, in part with the increased height and change in materiality.

There are various further heritage considerations associated with and illustrated by this view (and its neighbouring verified views, views 1 and 3).

Heritage sites, structures and buildings rely upon (and have always relied upon) the concept of architectural hierarchy whereby 'important' buildings (those that are generally considered to be of higher standing) are designed to remain dominant over those which have lesser architectural, cultural and social 'significance' (See previous definitions and assessments as to definitions). As such, one of the key concepts that governs heritage within the built environment is the concept of subservience versus dominance.

If the subtle balance of this recognised subservience and dominance is too often tipped, then a sense of understanding of a place is eroded, as too is the balance of preserving the settings of heritage assets.

As illustrated from this angle, the increased height, mass and re-location of what was once a low-key and demure building has had an averse effect on the surrounding assets; namely the locally listed and listed buildings along Middle Road and Crown Street, this area of the Conservation Area more generally and, the views across the cricket pitches which are recognised as important views within the Harrow-on-the-Hill Conservation Area.

The preceding sections have, in addition to the Council's own guidance, illustrated the high importance of this particular part of the Conservation Area which is also recognised by the additional designations, (table 1, Section 4.2) which apply to the Conservation area as a whole. Any development in this high significance area must ensure to preserve the delicate balance of the existing building relationships.

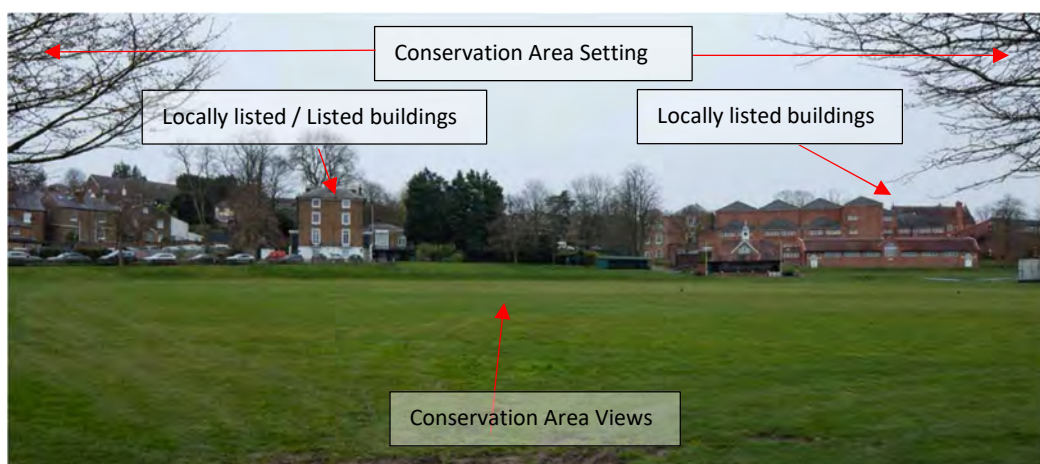






Figure 23– Verified view as existing and proposed across the cricket pitches : Applicant's Verified View 5

The settings of various listed buildings will be affected by the proposals. The impact is perhaps best appreciated from applicant's view 6.

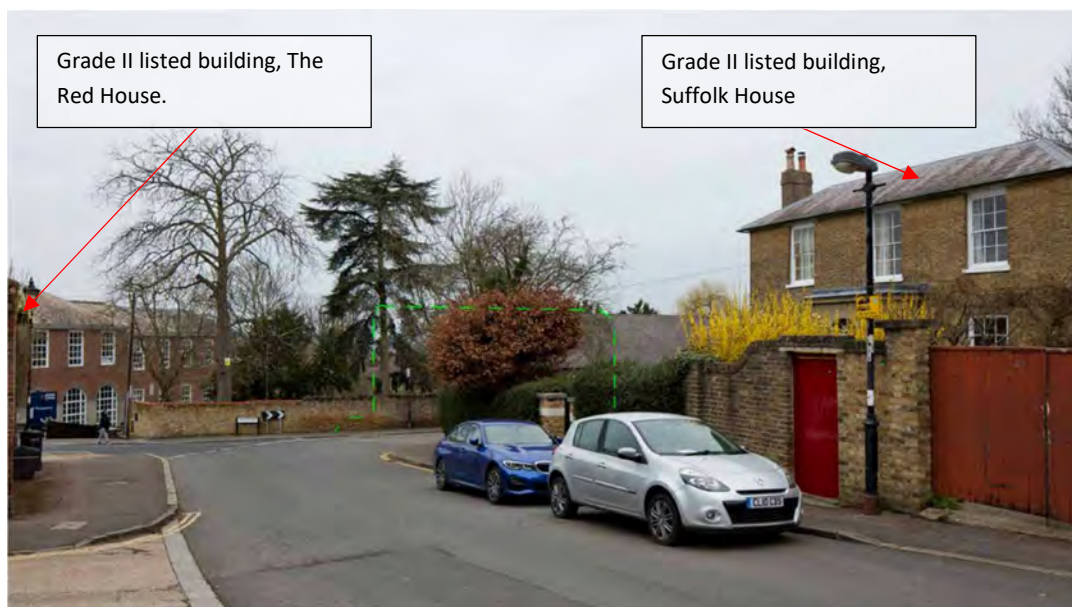


Figure 24– Verified view as existing and proposed across the cricket pitches : Applicant's Verified View 6, green outline denotes change in built-out-line.

This angle, in particular, serves to indicate how the visual shielding afforded by the current boundary wall will be lost once the new building's footprint location is changed and there is an increase in height and mass. Not visible on the wire-frame view, the increased solidity of the new design will further accentuate this.

This will undisputable have an effect on the setting of the two listed buildings captured, in part by this view. The increased prominence of the proposals will draw the eye away from the framing of the existing context with the proposals having a distracting effect.



Figure 25: Extract from Figure 21 (way-finding map indicating assets and views) Black arrows denote critical views of settings negatively effected by the proposals.

## 6.6 Impact Assessment : Plan form

Of lesser concern but still an important consideration is the change to the sites evidential value as a consequence of 'moving' the existing building footprint. The historic map progression at section 3 charts the development of the local area. It illustrates the development of the overall layout of Harrow-on-the-Hill Village from the point at which OS survey maps were routinely published.

Whilst the former Oldfield House building was always set back from the road, it maintained a relationship with the Middle Street Frontage still marked by the visually prominent gate piers. Development along the streets surrounding the school has always been characteristically clustered along road sides with little historic 'back-land' or 'open-field' development.

The principal of introducing alien building lines that do not bear any relationship to surrounding buildings can erode a sense of place and the understanding of the evolution of that unique place. Taking the example of a street-scene, so often historic maps remain recognisable in plan even when individual buildings are replaced. Traditional building lines are critical to maintaining the character of conservation areas in general terms and whilst it is acknowledged that the original building was always 'set-back' from the road, there seems no benefit (aside from operationally) to introduce an entirely different footprint which is more akin to large scale commercial development where new infrastructure and circulation is to be introduced from scratch.

Planning good-practice encourages developments to continue to maintain relationships with their historic surroundings as opposed to re-orientating and re-planning and / or developing green sites. Given the longevity of the new building it is important that an optimal solution is reached with regards to setting.

This is in line with the Council's Conservation Management Statement for the Harrow-on-the-Hill-Village-Conservation Area which states:

*"A presumption will be made against proposals for insensitive infilling of large amounts of private open space and natural gaps between buildings, especially where good views are evident. To encourage best practice, owners will be referred to the Harrow on the Hill Village*



*Conservation Area Design Guide. The Council will aim to further protect the existing residential areas from intrusive and large-scale development to prevent the erosion of the area's character in these parts"*

## 6.7 Impact Assessment : Character

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One of the reasons for refusal on the Decision Notice, (dated 24th November 2020) is that it would *"harm to the local character of the area and would not preserve or enhance the character and appearance of the Conservation Area....."*

Put simply, 'character' ([noun], within the built environment) can be defined as: a unique place's attributes that distinguish one area from another through identifying the features that set it aside and make it unique.

The use of the word 'Character' as an adjective has also become associated (within the historic environment) as a positive attribute for being desirable and / or interesting. 'A Character property' is a term that has come to be a well-used description for defining desirable qualities of a residential property or leisure hotel.

Sense of character has become an important feature to the human psychology, particularly in the modern global climate. It is more important than ever to preserve the character of Conservation Areas so that their historical development can continue to be preserved and understood.

The existing townscape character of the Harrow-on-the-Hill and Roxeth Hill Conservation Areas have been defined in detail (with examples) within the preceding chapters, most notably the area immediately surrounding the site boundary. In summary, the general character of properties surrounding the appeal site enjoy the following attributes:

- Properties tend to be clustered along road-sides which have steeply sloping topography with carved-out natural pathways,
- Wide-spread domestic-scale properties of 2 to 3 storeys.
- Architectural style is mixed but of high quality and generally traditional in style. Detail varies with style.
- Masonry construction; arguably the most common building type features brickwork facades (London Stock and red brick) with pitched and gable traditional roofs which are non-decorative and visually 'low-key'. Other building materials exist including timber-frame construction, stone.
- Traditional detailing, design, materials. Mixed style but long-standing properties that are celebrated for their character and unity as a group. Some modern infill.
- Contrast of light urban grain and open space which has a long-standing pattern of development and ethos and associated Key views and routes.
- An absence of modern contemporary 'feature designs' in preference of a 'fitting-in' culture rather than landmark-contemporary design.

To some degree, the character of the new proposed building is considered to have some of the attributes that would allow it to be 'generally in keeping' with the surrounding character on account



of its traditional materiality and relatively low-key design. It retains a broadly traditional aesthetic and its style is not controversial or *significantly* distracting.

However, there are other qualities that are not considered to be ideal. The prevailing building height in the area is two storeys plus roof. The building is considerably taller and in being so, draws eyes above the 'established roof line' but, does not necessarily warrant the increased attention given its limited significance on design, heritage or 'landmark' terms. The building is likely to feel over-bearing if approved, increasing the sense of enclosure around the site and, as discussed, changing the 'experience' and streetscape on the approach.

This is certainly increased by the solidity of the façade, its bulk and visual mass, and, its general design style. Whilst the aesthetic is considered to be broadly in-keeping, its steeply roof peaks and overtly-tall-and-slim design, offer a hint of gothic (revival) style, presumably deliberately, as it should be noted that 'gothic design' is not alien to the conservation area<sup>4</sup>.

It is, however of the utmost importance that the design is not considered 'distracting' or 'stand-out' in the sensitive surrounding context, and the proposals veer towards this, particularly in views that haven't been prepared for the impact assessment but rather for the enjoyment of the building in its own right,



*Figure 25: CGI Image from Applicant's design Statement (Curl la Tourelle Head Architectural Statement, May 2021) (slightly cropped)*

The view above, (which it is noted may not represent the exact scheme from which verified views were ultimately prepared<sup>5</sup>) serves well to indicate that the building proposed has the potential to be deemed as too dominant, a trait arguably associated with contemporary / neo-gothic design.

<sup>4</sup> Suffolk House, Harrow School, (various examples).

<sup>5</sup> our presumption is that this is indeed the final design scheme, certainly, it does not seem to be materially different





Whilst diversity of style (both historic and new) should be keenly celebrated, it is not felt that a bold and stand-out design is necessarily appropriate here and would be better appreciated in a less-statutorily protected area.

## 6.8 Impact Assessment : Conclusion

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The introductory sections of this chapter laid out the key definitions, obligations and methodology for the assessment of impact on heritage assets and how the level of any perceived harm should be quantified.

Despite the recurrent assertions by the applicant within their heritage statement, Townscape and Visual Impact Assessment (and overall Statement of Case) that *"No harm would be caused to the significance of any heritage assets"*, these assertions are largely based on subjective assessment by the applicant's team (respecting of course the author's well- executed methodology and the evidence-bases presented).

Historic England offers a 'check-list' entitled: *'the potential attributes of a development affecting setting that may help to elucidate its implications for the significance of the heritage asset'*<sup>6</sup>. This checklist 'tool' is intended to aid the assessment of sites based upon a pre-agreed criteria and in turn, is intended to lessen the subjective nature of impact assessments and to reinforce any findings of harm, or indeed no harm.

In order to support the findings of our impact assessment commentary, we have reviewed the criteria check-list and applied it to the proposals and their unique context.

In doing so, we have found that a significant proportion of these critical factors listed (figure 25, below) are certainly demonstrably relevant to the proposals, and as such, it is concluded, (with a greater degree of objectivity), that the scale of change as seen in the verified views is material and / or weighty. In other words, the proposals are impactful, and will result in material change to visual receptors in and around the site (put simply people whose views may be affected).

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<sup>6</sup> Historic England : The Setting of Heritage Assets Historic Environment Good Practice Advice in Planning Note 3 (Second Edition)



The following is a (non-exhaustive) check-list of the potential attributes of a development affecting setting that may help to elucidate its implications for the significance of the heritage asset. It may be that only a limited selection of these is likely to be particularly important in terms of any particular development.

#### Location and siting of development

- Proximity to asset
- Position in relation to relevant topography and watercourses
- Position in relation to key views to, from and across
- Orientation
- Degree to which location will physically or visually isolate asset

#### Form and appearance of development

- Prominence, dominance, or conspicuousness
- Competition with or distraction from the asset
- Dimensions, scale and massing
- Proportions
- Visual permeability (extent to which it can be seen through), reflectivity
- Materials (texture, colour, reflectiveness, etc)
- Architectural and landscape style and/or design
- Introduction of movement or activity
- Diurnal or seasonal change

#### Wider effects of the development

- Change to built surroundings and spaces
- Change to skyline, silhouette
- Noise, odour, vibration, dust, etc
- Lighting effects and 'light spill'
- Change to general character (eg urbanising or industrialising)
- Changes to public access, use or amenity
- Changes to land use, land cover, tree cover
- Changes to communications/accessibility/permeability, including traffic, road junctions and car-parking, etc
- Changes to ownership arrangements (fragmentation/permitted development/etc)
- Economic viability

#### Permanence of the development

- Anticipated lifetime/temporariness
- Recurrence
- Reversibility

*Figure 26: Historic England's 'check-list of the potential attributes of a development affecting setting that may help to elucidate its implications for the significance of the heritage asset'*

The sole remaining assessment thereafter is to agree whether the magnitude of this change is a positive or negative one and therefore constituting 'harm'.

We have identified and provided a clear rationale within our assessment as to why harm has been identified to the streetscape and character of the conservation areas, the settings of nationally listed (and locally listed buildings) as well as views within the Conservation Area (which, of course, contain designated assets).

Overall, our professional judgment considers the level of harm to be less than substantial. Regardless, it should be stated that, even if the harm were to be considered, on balance, to be lesser than the findings of our assessment and closer aligned with 'negligible, very minor in nature, closely aligned perhaps to the 'no harm' definition, case law supports the assertion that ALL harm should be considered to trigger the tests of the conserve or enhance balance. and it should be noted that a



landmark High Court case *Law* ruled that “even negligible harm was enough to fall within the bracket of ‘less than substantial harm’<sup>7</sup>”:

## 7 ADDITIONAL REBUTTAL, APPLICANT'S CASE DOCUMENTS

### 7.1 Documental Review

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The applicant has demonstrated a significant degree of due diligence across the disciplines in demonstrating the positive attributes of the design proposals. The case documents are well-detailed and a thorough approach has been taken to the assessment of all facets relating to the proposals.

There are, however, a number of areas in which findings between the applicant and the LPA disagree, most notably associated with the impact assessment of the proposals and, by association, the perception of ‘harm’ as a consequence of the proposals.

The LPA firmly asserts harm to multiple assets whereas the applicant finds no such harm and, presents balancing benefits should harm be perceived,

The Applicant's Visual Impact Assessment (together with its contained verified views) have been carefully scrutinised within this heritage statement with one view on each (principal) side of the site being further evaluated in more detail in order to capture the main observations (without the associated needless repetition across similar views).

The two critical views selected demonstrate the magnitude and the reach of the evidenced harm. Based upon these views and the additional more general observations contained within the earlier sections of this statement, it is concluded that the proposals will negatively impact the below assets (listed from most significantly affected to least significantly affected):

- Harrow on the Hill Conservation Area's unique setting, character and streetscape
- The adjacent Roxeth Hill Conservation Area character and views
- The setting of some of the listed buildings within the vicinity of the site.
- Other less significant considerations including the settings of locally listed buildings and structures and other non-designated heritage assets and views (in themselves) across and into the site which is protected by Conservation Area Policy.

Following the full review of the applicant's Visual impact assessment, it is concluded, in fact, that the majority of the views meet the criteria for ‘material change’ to those views when comparing ‘as existing’ to ‘as proposed’ and, secondary to that, demonstrate negative change. It should be noted that whilst it is readily accepted that the commission of ‘wireframe views’ is completely legitimate (and, in addition is generally pre-agreed as acceptable by both parties ahead of execution), it does not always fully allow for the full impact assessment of views, as the light-weight outline of the hypothetical space occupied by the prospective site building is quite dramatically less severe than the fully-rendered version of the same views. On this basis, there is always the same difficulties in assessing such views objectively;

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<sup>7</sup> *R. oao (James Hall and Company Limited) v City of Bradford Metropolitan District Council and Co-Operative Group Limited* [2019] EWHC 2899 (Admin) ruling that even limited or negligible harm was enough to fall within the bracket of ‘less than substantial harm’



Another principal difference between applicant and LPA falls within the assessment of the existing environs, Whilst it is, of course, tempting to assess the non-designated heritage assets as the critical and determining factor, the assessment of Oldfield House's quality on archaeological, architectural and community contribution is broadly factually immaterial to the case at hand. It is non-designated and hence is not one of the salient considerations under the NPPF or more general Planning and Conservation Policy as a whole. Whilst It is, or course, easier to discredit the attributes of the modern existing building than it would be the designated assets within the general assessment of significance, there is no real validity, on policy terms in discrediting the existing building since it is not one of the statutory assets which warrant concern. It is the wider conservation area and listed buildings which should be formally evaluated, (as designated assets) not the modern building.

The LPA support the Council's assertion that the building remains a neutral contributor to the Conservation Area in which it stands since there would seem to be little to no reason for the Council's appraisal to be anything other than impartial. There would seem to be little to no motive to represent the significance of the existing building. The applicant infers that the categorisation of the building as 'neutral' as being 'generous' (implying that instead it is a negative contributor),

*"the conclusion that the existing Oldfield House building is 'neutral' is generous"...*

They also assert that:

*"No buildings within the conservation area have been identified as being Negative within the appraisal,"*

This is however considered to misrepresent the contents of the report. Negative 'features' have been identified and assessed within the appraisal, critically, including buildings.

*"Crown Street is, for the best part, made up of historic buildings but is also **subjected to some poor modern infill development, especially at Crown Court**"*

and whilst this is not a 'formal categorisation' per se, illustrates that the Council appraisal does not shy away from declaring negative features, structures and buildings including, it should be noted, the condition of the piers of the former Oldfield House fronting the site boundary,

In the same vein, there is some difference in emphasis / opinion around the longer-term historical significance of the area with the LPA seemingly placing greater emphasis upon the historic evolution of the area than the applicant in order to demonstrate the acute importance of the locality on purely historical and evidential terms.

On balance, it is concluded that there are significant differences between the findings of both parties and careful consideration is required into the evidence-base and justification for each of the opposing specialist statements.





## 8 OUTLINE POLICY COMPLIANCE & JUSTIFICATION

### 8.1 Introduction

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This section outlines the legislative and Planning policy framework within which the Proposals for the Appeal site have been tested within the report thus far, and, will continue to be tested within this section.

Given the important status of the designated heritage assets outlined in the preceding chapters, the Council is required under national planning policy to have regard to the impact of any proposed development as it affects the various designated heritage assets identified. This consideration needs to be proportionate to the relative significance of the assets as well as the overall impact of what is proposed.

Within this chapter, the proposals are therefore considered against the below legislative and planning Policy Context:

- The Planning (Listed Building and Conservation Areas) Act 1990
- The objectives and policies for the historic environment stated in the National Planning Policy Framework (NPPF), (& Planning Practice Guidance).
- The London Plan
- Local Policy, [Harrow Local Plan Development Policies]
- Local Policy, [Harrow Core Strategy]

### 8.2 The Planning (Listed Building and Conservation Areas) Act 1990

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As detailed extensively within the preceding chapters, 'The Planning (Listed Buildings and Conservation Areas) Act 1990', is of relevance to the current proposals at the appeal site as 'the Act' provides specific protection for buildings and areas of special architectural or historic interest, over and above that provided by the wider principals of planning / development management. The legislation imposes specific requirements to consider the physical and visual impact of any works proposed which may impact on the special architectural or historic interest of dedicated heritage 'assets'. We have provided full details as to the relevant identified assets within section 4 of this report.

The 'key test', derived from the legislation and subsequent guidance, is whether the proposed changes make any negative difference to these assets' significance and / or an appreciation their special interest(s).

In accordance with these requirements, careful assessment of all relevant assets have been undertaken in addition to a dedicated impact assessment to identify and quantify any resultant harm and its magnitude.

'Substantial harm' under the 1990 Act is interpreted as having a fundamental impact on the significance of the heritage asset by means of: total loss, profound physical harm to its fabric, or the complete compromise of its setting. It follows that "less than substantial harm" is a physical



alteration or development affecting the setting of a designated heritage asset which may alter but does not fundamentally compromise its "special architectural or historic interest".

Therefore, if a negative (but not fundamental) impact is identified, the Council must determine whether the development is mitigated by its balancing 'planning benefits'.

Fundamentally, the legislation requires decision-makers to apply proportionate weight to the desirability of preserving the significant fabric, architectural character and historic interest of a designated heritage asset when determining planning proposals, balanced against identifiable public benefits. This requires appropriate analysis of the Site as a whole.

The Council must, therefore, use its judgement (based on relevant material evidence) to understand and objectively define the impact on the affected designated heritage asset(s), noting that change does not necessarily equate to 'harm'. Therefore, the weight to be applied by the Council must be proportionate to the status of the affected heritage asset and the nature of the proposed change.

This Heritage Statement aims to provide the evidence to appropriately balance consideration of the Current Proposals in accordance with the requirements of the 1990 Act. Our impact assessment details all 'harm' to the assets identified and is not repeated herewith by repetition.

### 8.3 National Planning Policy Framework (NPPF) (2021)

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The policies in the National Planning Policy Framework (NPPF) constitute the Government's view of what sustainable development means in practice. The definition requires development to give due weight to the appropriate conservation of heritage assets in order to be defined as sustainable development.

In accordance with the legislation, the NPPF's core principles, which underpins decision-taking, requires that Planning decisions should contribute to conserving designated heritage assets in a manner proportionate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations. In this instance the 'heritage assets' are the named Conservation Areas and the listed buildings whose 'settings' have the potential to be affected by the proposals (see section 4 of this report).

The NPPF stresses that "great weight" should be given to the conservation of designated heritage assets, emphasising the more important the asset, the greater the weight should be. The need to avoid "substantial harm" to such assets is outlined in terms of: demolition, alteration, or the compromise of its setting.

As "substantial harm" is interpreted as having a fundamental impact on the significance of the heritage asset by means of its total loss, profound physical harm to its fabric, or the complete compromise of its setting, it should be avoided. The NPPF (paragraph 199) however, notes that "great weight" should still be given to conservation regardless of whether "substantial harm" is evidenced.

#### Key Relevant Policy

**Part 16** of the NPPF details policies for the conservation and enhancement of the historic environment. It 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 by future generations.



**Paragraph 197** says that in determining applications, local authorities should take account of:

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

**Paragraph 199** says:

*"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."*

**Paragraph 200** says that any harm to, or loss of, the significance of a designated heritage asset, including from development within its setting, should require clear and convincing justification

**Paragraph 202** says 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.

**Paragraph 203** says 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.

'Significance' in the context of heritage policy is defined as

*"The value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting. For World Heritage Sites, the cultural value described within each site's Statement of Universal Value forms part of its significance."*

**Paragraph 206** says opportunities for new development within Conservation Areas, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably

**Paragraph 207** notes that not all elements of a Conservation Area or a WHS will necessarily contribute to its significance.

'Setting' in the context of heritage policy defined as:



*“The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.”*

#### Response to NPPF Considerations:

Rather than respond in isolation to each policy, we have taken a holistic approach through the production of this report and looked carefully at all material considerations of relevance to the site and the proposals and undertaken a dedicated assessment of impact, considering, in doing so how and to what degree the assets outlined within the policy above are materially affected. Our conclusions, which, are evidence-based and therefore as objective as possible are contrary to the spirit of the principles of the NPPF (included those specifically listed above). It is our overall conclusion that there would be some material sacrifice in the quality of the setting of the surrounding assets through the delivery of this building and to that end, we remain unable to support the proposals on heritage terms.

#### 8.4 London Plan

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London plan policy HC1 relates to heritage Conservation and Growth, with parts C and D focused on development proposals and states:

*“C. Development proposals affecting heritage assets, and their settings, should conserve their significance, by being sympathetic to the assets’ significance and appreciation within their surroundings. The cumulative impacts of incremental change from development on heritage assets and their settings should also be actively managed. Development proposals should avoid harm and identify enhancement opportunities by integrating heritage considerations early on in the design process.”*

*“D Development proposals should identify assets of archaeological significance and use this information to avoid harm or minimise it through design and appropriate mitigation. Where applicable, development should make provision for the protection of significant archaeological assets and landscapes. The protection of undesignated heritage assets of archaeological interest equivalent to a scheduled monument should be given equivalent weight to designated heritage assets”*

#### 8.4 Local Plan – Harrow Council Development Management Policies,

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The reason for refusal states that the proposals are contrary to the following policies:

**Local Plan Policy DM1** relates to the achievement of a high standard of development.

**Local Plan Policy DM6** relates to Areas of Special character and seeks to preserve and enhance the features that contribute to the area of special character.

**Local Plan Policy DM7** focuses on Heritage Assets. Part A of the policy makes it clear that priority is afforded to the conservation of the assets affected and their settings, over other policies.

Therefore whilst the need for educational space is recognised, this does not take precedence over the need to conserve the Heritage Assets affected by the proposal.





Part B of the policy states that the impact of proposals affecting Heritage Assets will be assessed as having regard to:

*“b. relevant issues of design, appearance and character including proportion, scale, height, massing, bulk, alignment, materials, historic fabric, use, features, location, relationship with adjacent assets, setting, layout, plan form and landscaping”*

**Local Plan Policy DM46** relates to New Community, Sport and Education Facilities

### Response to Local Plan Policies

Local policy dictates that development proposals need to closely accord with adopted local plans which should be carefully developed to respond to the unique needs, development patterns and intricacies of the communities to which they serve.

The local Authority and, indeed other key strategic decision makers should play very close attention to the overall visions set out within the local plans of the community to ensure that the conflicting needs of stakeholders and the general public alike are met.

Harrow Council's 'Statutory Development Plan' includes a number of policies relating specifically to the protection and enhancement of the historic environment. These echo the wider principals of National (NPPF) policy, but, importantly, recognise that the historic environment is of increased significance on a regional and local level to this highly historically significant area.

At the heart of the policies outlined (above) is the need for conservation to remain of paramount importance and for there to be no compromise or sacrifice to heritage assets or the historic environment more generally on account of other influential factors such as the parallel (and legitimate) need for new facilities and commercial investment.

The preceding chapters have responded, in detail to the unique site context and statutory designations and indicated why the Local Authority believe that this key balance / obligation has not been met. Overall, there is the perception that the proposals, as submitted indeed *would* compromise the unique designated assets and their settings and *would* cause (less than substantial) harm to those assets stated. The Local Authority would strongly encourage the applicant to seek a solution that would be in line with the overall ethos of the local development plan so as to mitigate the harm identified.

### 8.4 Local Policy, Harrow Core Strategy

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The Core Strategy (2012) sets out Harrow's spatial strategy for managing development and growth in the Borough over the plan period from 2009 to 2026.

The reason for refusal states that the proposals are contrary to the following policies:

**Core Strategy Policy CS10**

**Core Strategy Policy CS18**

**Core Strategy Policy CS23A**

### Response to Local Core Strategy Policies



We understand that the reasons offered above on the refusal notice are stated in error (and that this is effectively a typo). However, we believe that policy CS3 which relates to Harrow-on-the-Hill Village (the Core Strategy relating to this geographical area of the Borough) is of relevance to the proposals and that the proposals are contrary to this policy. Most notably, the policy states that:

*"A high standard of design and layout, appropriate to the local context and immediate site setting, will be sought in all new development throughout the Borough"*

*and*

*"No applications approved for development adversely affecting an Area of Special Character"*

In an endeavour to avoid repetition, our response to this policy specifically is broadly in line with the other observations of this chapter and report more generally. This nevertheless does not diminish the importance of this part of the Council's vision for Harrow and it remains a material consideration.



## 9 CONCLUSIONS

The Appeal Site is located within Harrow-on-the-Hill Village Conservation Area in the London Borough of Harrow. It lies adjacent to the Roxeth Hill Conservation Area and hence proposals on the site will have the potential to affect both Conservation Areas. The site also lies within the close vicinity of a number of listed buildings as well as other non-designated heritage assets as scheduled in preceding chapters of this statement.

The significance assessment within this report has established a baseline from which the potential impact of the Proposals have been considered. Upon detailed assessment of impact of the identified assets, it has been concluded that the siting and design of the appeal proposal would cause harm to the local character and appearance, including harm to the Conservation Areas and settings of listed buildings, and, in addition, the scheme fails to meet the relevant policy tests designed to ensure appropriately high standards of design and the protection of heritage assets;

As dictated by policy, great weight should be given to the conservation of these heritage assets. The appeal proposal would conflict with the Development Plan when read as a whole and there are no material planning considerations that indicate that a decision should be made other than in accordance with the Plan.

The LPA's case is therefore, that the appeal should be dismissed and planning permission refused for the Appeal Scheme.



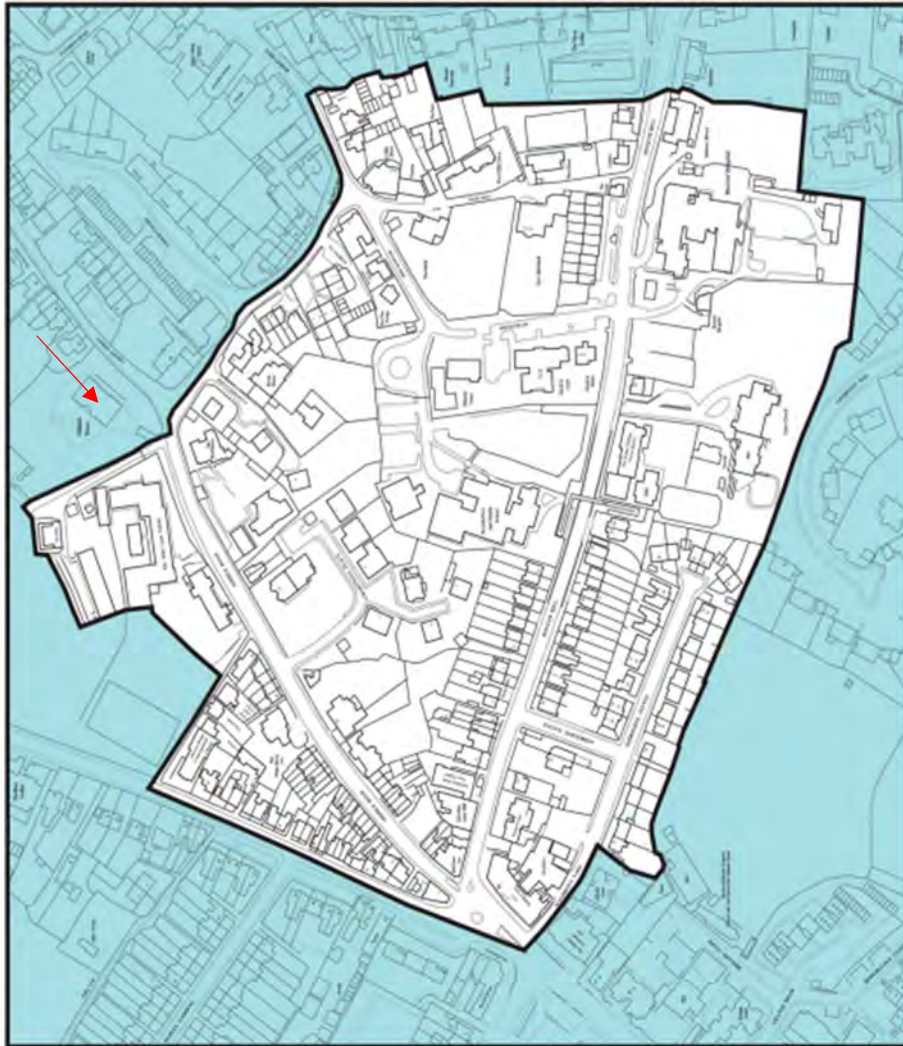
## 10 APPENDICES

In addition to the figure annotations within the main indexing of the document, there are a number of appendices included for general reference below:

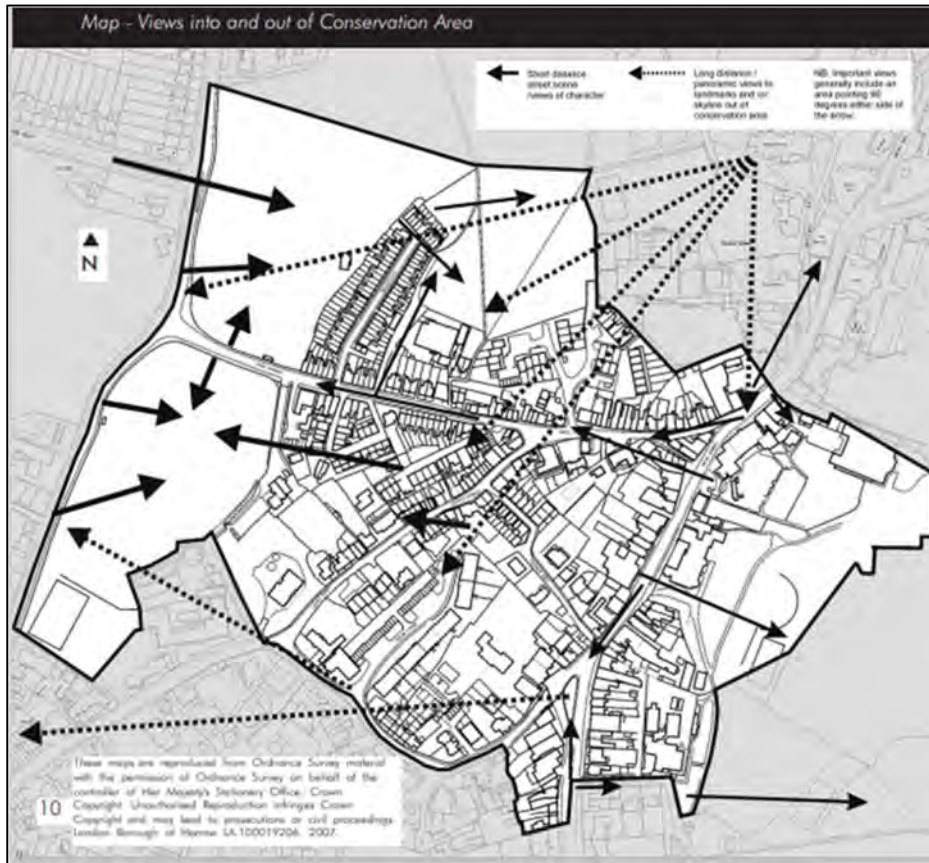


*Appendix A : Harrow-on-the-Hill Village Conservation Area (Plan). (note A-Typical orientation), as presented within the Council's Conservation Areas Maps. The site is at the lower end of the map in a central location, arrowed indicatively. It is further shown with outline / annotation (& northwardly orientated) in the remainder of this document.*





*Appendix B: Roxeth Hill Conservation Area (Plan), (note A-Typical orientation), as presented within the Council's Conservation Areas Maps. The site is to the left of the map, arrowed indicatively. It is further shown with outline / annotation (& northwardly orientated) in the remainder of this document.*



Appendix C : "Map - Views into and out of Conservation Area" : Harrow-on-the-Hill Village Conservation Area Appraisal