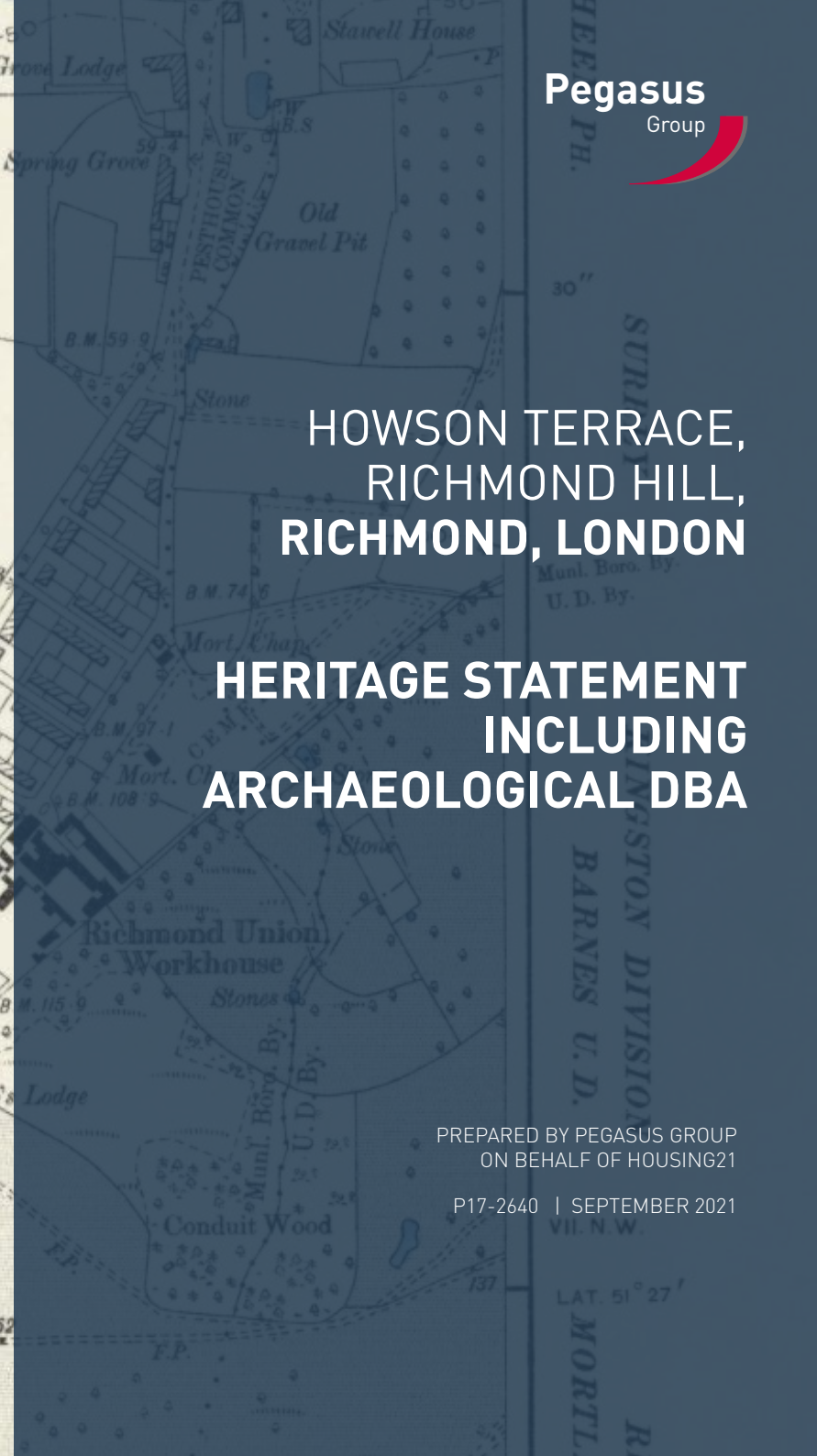


HOWSON TERRACE, RICHMOND HILL, RICHMOND, LONDON

HERITAGE STATEMENT INCLUDING ARCHAEOLOGICAL DBA

PREPARED BY PEGASUS GROUP
ON BEHALF OF HOUSING21

P17-2640 | SEPTEMBER 2021





Document Management				
Version	Date	Author	Checked/approved by:	Reason for revision
1	27.08.2021	CG/RW	GS	-
2	08.09.2021	CG/RW	GS	Finalisation of report

Pegasus Group

Pegasus House | Querns Business Centre | Whitworth Road | Cirencester | GL7 1RT
T 01285 641717 | E Cirencester@pegasusgroup.co.uk | W www.pegasusgroup.co.uk

Birmingham | Bracknell | Bristol | Cambridge | Cirencester | Dublin | East Midlands | Edinburgh | Leeds | Liverpool | London | Manchester | Newcastle | Peterborough | Solent

DESIGN | ENVIRONMENT | PLANNING | ECONOMICS | HERITAGE

HERITAGE STATEMENT

Including Archaeological DBA

HOWSON TERRACE, RICHMOND HILL, RICHMOND, LONDON

ON BEHALF OF: HOUSING21

Pegasus Group

Pegasus House | Querns Business Centre | Whitworth Road | Cirencester | GL7 1RT
T 01285 641717 | **E** Cirencester@pegasusgroup.co.uk | **W** www.pegasusgroup.co.uk

Birmingham | Bracknell | Bristol | Cambridge | Cirencester | Dublin | East Midlands | Edinburgh | Leeds | Liverpool | London | Manchester | Newcastle | Peterborough | Solent

DESIGN | **ENVIRONMENT** | **PLANNING** | **ECONOMICS** | **HERITAGE**

CONTENTS:

1. INTRODUCTION	1
2. SITE DESCRIPTION AND PLANNING HISTORY	3
3. PROPOSED DEVELOPMENT	13
4. METHODOLOGY	14
5. PLANNING POLICY FRAMEWORK	21
6. THE HISTORIC ENVIRONMENT	31
7. IMPACT ASSESSMENT	38
8. CONCLUSIONS	51

APPENDICES:

APPENDIX 1: 2017 PRE-APPLICATION RESPONSE

APPENDIX 2: 2020 PRE-APPLICATION RESPONSE

APPENDIX 3: GAZETTEER

APPENDIX 4: FIGURES

APPENDIX 5: GRADE II REGISTERED TERRACE AND BUCCLEUCH GARDENS ENTRY

FIGURES:

FIGURE 1: AREAS OF ARCHAEOLOGICAL POTENTIAL

FIGURE 2: GREATER LONDON HER EVENT DATA

FIGURE 3: GREATER LONDON HER MONUMENT DATA

PLATES:

PLATE 1: SITE LOCATION (RED), GRADE II TERRACE AND BUCCLEUCH GARDENS (GREEN), GRADE II* RICHMOND TERRACE WALK (BLUE), GRADE II LISTED BUILDINGS (PURPLE), GRADE II* LISTED BUILDINGS (ORANGE), GRADE I LISTED BUILDINGS (YELLOW), CONSERVATION AREA BOUNDARY (BLACK).	1
PLATE 2: VIEW SOUTH-WEST INTO THE SITE FROM RICHMOND HILL	3
PLATE 3: VIEW SOUTH FROM WITHIN THE SITE ADJACENT TO BROMWICH HOUSE	3
PLATE 4: VIEW NORTH FROM THE SOUTHERN EXTENT OF THE SITE	4
PLATE 5: 1741-45, JOHN ROCQUE MAP.	5
PLATE 6: EXTRACT FROM THE 1879 ORDNANCE SURVEY MAP.	5
PLATE 7: EXTRACT FROM 1896 ORDNANCE SURVEY MAP.	6
PLATE 8: EXTRACT FROM 1936 ORDNANCE SURVEY MAP.	7
PLATE 9: AERIAL VIEW, 1935 (EPR000468).	8
PLATE 10: AERIAL VIEW, 1931 (EPW036446).	8
PLATE 11: EXTRACT FROM 1960 ORDNANCE SURVEY MAP.	9
PLATE 12: VIEW OF THE FRONT OF CARDIGAN HOUSE FROM RICHMOND HILL, 1965 (LMA: 163457).	9
PLATE 13: VIEW OF THE REAR OF CARDIGAN HOUSE FROM RICHMOND HILL, 1965 (LMA: 163445).	10
PLATE 14: EXTRACT FROM 1975-76 ORDNANCE SURVEY MAP.	10
PLATE 15: EXTRACT FROM 1976-92 ORDNANCE SURVEY MAP.	11
PLATE 16: RECENT AERIAL PHOTO (BING).	11
PLATE 17: PROPOSED VIEWPOINT 1 (SUMMER) WITH WIRELINE OF THE PROPOSED DEVELOPMENT (YELLOW LINE IS NON VISIBLE EXTENT AND BLUE LINE IS VISIBLE EXTENT).	42
PLATE 18: PROPOSED VIEWPOINT 1 (WINTER) WITH WIRELINE OF THE PROPOSED DEVELOPMENT (YELLOW LINE IS NON VISIBLE EXTENT AND BLUE LINE IS VISIBLE EXTENT).	42
PLATE 19: PROPOSED VIEWPOINT 2 (SUMMER) WITH WIRELINE OF THE PROPOSED DEVELOPMENT (YELLOW LINE IS NON VISIBLE EXTENT AND BLUE LINE IS VISIBLE EXTENT).	43
PLATE 20: PROPOSED VIEWPOINT 2 (WINTER) WITH WIRELINE OF THE PROPOSED DEVELOPMENT (YELLOW LINE IS NON VISIBLE EXTENT AND BLUE LINE IS VISIBLE EXTENT).	44

PLATE 21: PROPOSED VIEWPOINT 3 (SUMMER) WITH WIRELINE OF THE PROPOSED DEVELOPMENT (YELLOW LINE IS NON VISIBLE EXTENT AND BLUE LINE IS VISIBLE EXTENT).	45
PLATE 22: PROPOSED VIEWPOINT 3 (WINTER) WITH WIRELINE OF THE PROPOSED DEVELOPMENT (YELLOW LINE IS NON VISIBLE EXTENT AND BLUE LINE IS VISIBLE EXTENT).	46
PLATE 23: PROPOSED VIEWPOINT 4 (SUMMER) WITH WIRELINE OF THE PROPOSED DEVELOPMENT (YELLOW LINE IS NON VISIBLE EXTENT AND BLUE LINE IS VISIBLE EXTENT).	47
PLATE 24: PROPOSED VIEWPOINT 4 (WINTER) WITH WIRELINE OF THE PROPOSED DEVELOPMENT (YELLOW LINE IS NON VISIBLE EXTENT AND BLUE LINE IS VISIBLE EXTENT).	47
PLATE 25: PROPOSED VIEWPOINT 5 (SUMMER) WITH WIRELINE OF THE PROPOSED DEVELOPMENT (YELLOW LINE IS NON VISIBLE EXTENT AND BLUE LINE IS VISIBLE EXTENT).	49
PLATE 26: PROPOSED VIEWPOINT 5 (WINTER) WITH WIRELINE OF THE PROPOSED DEVELOPMENT (YELLOW LINE IS NON VISIBLE EXTENT AND BLUE LINE IS VISIBLE EXTENT).	49

1. Introduction

- 1.1 Pegasus Group have been commissioned by Housing21 to prepare a Heritage Statement to consider the proposed redevelopment of the site at Howson Terrace, Richmond Hill, Richmond, London, TW10 6RT as shown on the Site Location Plan provided at Plate 1.
- 1.2 The site occupies a stretch of land adjacent to the public Terrace Gardens, below Richmond Hill and above Petersham Road. The site falls within the Grade II Registered Terrace and Buccleuch Gardens, whose boundary is just to the west of the existing buildings, and within the Richmond Hill Conservation Area.
- 1.3 This Heritage Statement provides information with regards to the significance of the historic environment and archaeological resource to fulfil the requirement given in paragraph 194 of the Government's National Planning Policy Framework (the NPPF¹) which requires:
- "an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting."*²
- 1.4 In order to inform an assessment of the acceptability of the scheme in relation to impacts to the historic environment and archaeological resource, following paragraphs 199 to 203 of the

NPPF, any harm to the historic environment resulting from the proposed development is also described, including impacts to significance through changes to setting.

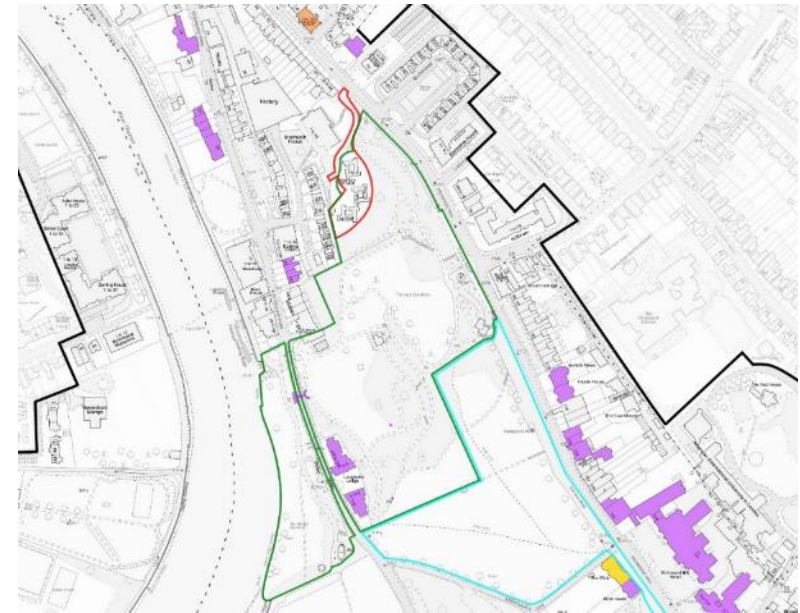


Plate 1: Site location (red), Grade II Terrace and Buccleuch Gardens (green), Grade II* Richmond Terrace Walk (blue), Grade II Listed buildings (purple), Grade II* Listed buildings (orange), Grade I Listed buildings (yellow), Conservation Area boundary (black).

¹ Ministry of Housing, Communities and Local Government (MHCLG), *National Planning Policy Framework (NPPF)* (London, July 2021).

² MHCLG, *NPPF*, paragraph 194.

1.5 As required by paragraph 194 of the NPPF, the detail and assessment in this Report is considered to be "*proportionate to the asset's importance*"³.

1.6 A pre-application advice letter was issued in March 2017 which accepted the principle of development, but raised issues with the scale and height of the development in relation to constraints such as heritage. The response can be found in Appendix 1.

APPENDIX 1: 2017 PRE-APPLICATION RESPONSE

1.7 A second pre-application was submitted to the London Borough of Richmond-upon-Thames on 31 March 2020 presenting proposals for a revised scheme. Whilst officers were supportive of the change in design, they remained concerned in respect of its scale (up to five storeys) in relation to heritage and other receptors. The letter can be found in Appendix 2.

APPENDIX 2: 2020 PRE-APPLICATION RESPONSE

1.8 During pre-application discussions, no concerns have been raised to date with regard to below-ground archaeology, but it was noted that the site falls within an Archaeological Priority Area and a proportionate assessment should be included as part of a submission for Planning Permission.

³ MHCLG, NPPF, paragraph 194.

2. Site Description and Planning History

2.1 As stated above, the site occupies a stretch of land adjacent to the public Terrace Gardens, below Richmond Hill which runs uphill to the east of the site and above Petersham Road and a private residential development downhill sited to the west of the site. To the north of the site is the five-storey Bromwich House adjacent to the access from Richmond Hill (Plate 2). The Terrace Gardens define the southern edge of the site.



Plate 2: View south-west into the site from Richmond Hill

2.2 The existing buildings on the site were constructed in 1971 and comprise three separate blocks of flats, with eight flats per block (Plates 3-4). All of the buildings have flat roofs and external concrete staircases which link the flats via half landings. As shown in the image below, a number of the flats have been boarded up.



Plate 3: View south from within the site adjacent to Bromwich House

2.3 A number of large, mature trees and grassed open space areas are present within the site.



Plate 4: View north from the southern extent of the site

Site Development

- 2.4 The site was formerly part of a complex of pleasure grounds, a pump room, assembly and gaming rooms, which were developed in 1696 after a chalybeate spring was discovered on the hillside in the 1670s that had similar properties to the water at Epsom. The Wells, as the complex was known, was used on a regular basis for daily concerts and weekly balls until the mid-18th century when the site was closed down. The List Description for the Registered Park and Gardens states:

"In 1755, the buildings were demolished and replaced by Cardigan House as a residence for the sixth Earl of Cardigan. When the eighth Earl of Cardigan died in 1837 the estate was sold. Richmond Council purchased the estate in 1926 and extended Terrace Gardens to the north by cutting a doorway through the old boundary wall of the Cardigan House estate. A 'Woodland Garden' was laid out and in the 1960s further ornamental trees and rhododendrons were planted from famous collections at Exbury (qv) and Ascott, Bucks (qv). Cardigan house continued to belong to the British Legion Poppy Factory Ltd, and was used as the Legion's clubhouse until 1970 when the building was demolished and the remaining estate developed as apartments. Outside the Registered area, Bromwich Drive follows the route of the original drive to Cardigan House, now the site of the C20 Bromwich House residential block."

- 2.5 The John Rocque Map from 1741-45 (Plate 5) shows some smaller built form on or near the site, likely the Wells complex. It is also clear that the wider area is largely undeveloped, with the concentration of built form towards the Richmond town centre to the north, and along Petersham Road and Richmond Hill.



Plate 5: 1741-45, John Rocque Map.

- 2.6 The 1879 Ordnance Survey map (Plate 6) shows Cardigan House on the site, along with the other former houses of the Registered Park and Garden, Lansdowne House and Richmond (Buccleuch) House. The map shows considerable planting around the

boundaries of the estates and throughout. To the south of Cardigan House is a large open area where the site exists currently. It is also clear that the driveway to the site has followed the historic access to Cardigan House, as mentioned in the List Description. The area to the south of the Terrace and Buccleuch Gardens RPG, which is designated as the Grade II* Richmond Terrace Walk RPG is shown as open land with few trees. The present Grade II Listed Gloucester House and Grade II* Old Vicarage School are also seen north of the site.

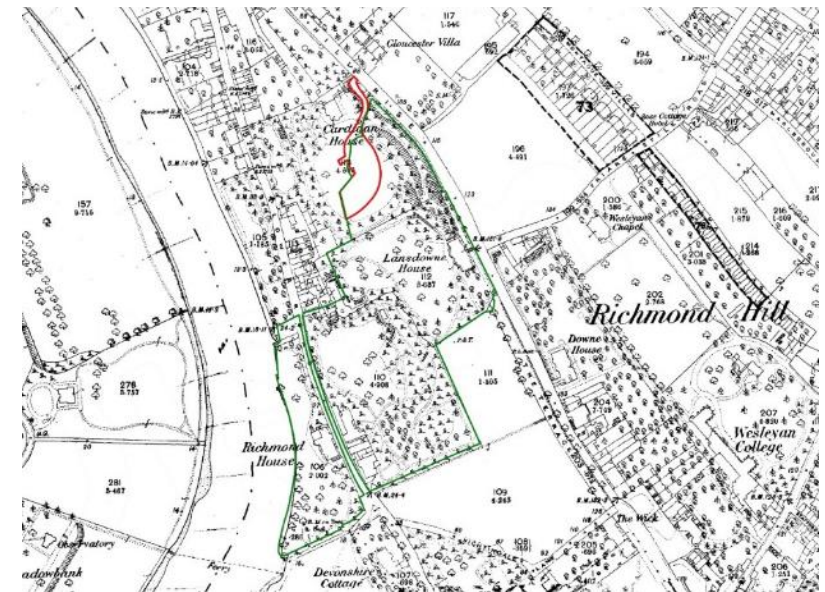


Plate 6: Extract from the 1879 Ordnance Survey Map.

2.7 The 1881 Ordnance Survey map does not show any changes from the previous map. The 1896 Ordnance Survey Map (Plate 7), however, shows the gardens of Richmond House and Lansdowne House having been merged along with the presumed vacant site of Lansdowne House, which has been replaced with a fountain. This is further evident in the removal of the wall dividing the two estates and the gardens being renamed 'Terrace Gardens.' The List Description states that the fifth Duke of Buccleuch, who acquired Lansdowne House and estate in 1863, eventually demolished the house, incorporating the gardens into his own (Richmond/Buccleuch House to the west), so he could throw lavish parties. The site still remains within the demise of Cardigan House, which still exists. The overall layout of the estate also appears to be largely unchanged, with the site still occupying an area without trees.

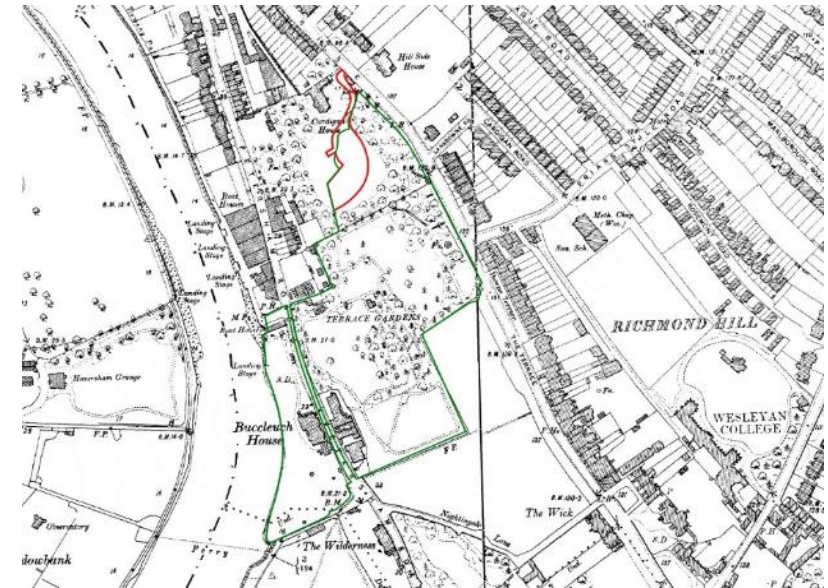


Plate 7: Extract from 1896 Ordnance Survey Map.

2.8 The 1913 Ordnance Survey map does not show any significant changes from the 1896 map. However, the 1936 Ordnance Survey map (Plate 8) shows the beginnings of the subdivision of the estate surrounding Cardigan House. A large portion of the estate to the west of the main house and the site has been developed with two-plus storey apartment blocks. It is clear that this change has contributed to the existing boundary of the RPG, as well as the current site's perimeter. This is also due to Richmond Council purchasing the estate in 1926 and extending Terrace Gardens to the north by cutting a doorway through the old boundary wall of the Cardigan House estate. The boundary wall is not shown extending all the way up the hill to Richmond Hill any longer. The map still shows the presumed locations of larger trees, which remain limited to the former and existing boundaries of the grounds of the house. Further trees have been planted along the revised boundary between Terrace Gardens and the grounds, now adjacent to the site. Whilst Cardigan House still exists here, its estate has been reduced. The 'woodland garden' mentioned in the List Entry Description was created in the area formerly in the grounds of Cardigan House was also developed from this point onwards.



Plate 8: Extract from 1936 Ordnance Survey Map.

2.9 Aerial views from the 1930s show the site as well as the wider Registered Park and Garden. A bowling green is seen that is not depicted until the 1960 Ordnance Survey map. The small woodland walk that was created with the acquisition of some of the estate to Cardigan House is also seen on the right of Plate 9. It is also clear that the centres of the former estates remain open in nature, with many of the larger trees kept to the perimeter of the former boundaries. This is most evident in Plate 10.



Plate 9: Aerial view, 1935 (EPR000468).



Plate 10: Aerial view, 1931 (EPW036446).

2.10 The 1960 Ordnance Survey map (Plate 11) shows few changes to the RPG itself apart from the loss of Buccleuch House. The paths have mostly been retained and show the historic walkways throughout the three estates. The site has seen little change from the 1936 layout, but the 1960 map shows the bowling green in the location of the present apartment blocks. Therefore, the open nature of the site which relates to its original appearance is retained. Cardigan House still exists and is seen in pictures from 1965 (Plate 12 and Plate 13).



Plate 11: Extract from 1960 Ordnance Survey Map.



Plate 12: View of the front of Cardigan House from Richmond Hill, 1965 (LMA: 163457).



Plate 13: View of the rear of Cardigan House from Richmond Hill, 1965 (LMA: 163445).

2.11 By the time the 1975-76 Ordnance Survey Map was produced (Plate 14), Cardigan House had been demolished and the plot vacant. The three blocks of flats currently located within the site have also been developed. The overall layout of Terrace Gardens has also not changed and the paths that were laid when the gardens were part of separate estates are still visible.



Plate 14: Extract from 1975-76 Ordnance Survey Map.

2.12 The 1976-92 Ordnance Survey map (Plate 15) again shows little change to the RPG and site, but Bromwich House has been constructed in the place of the former Cardigan House.

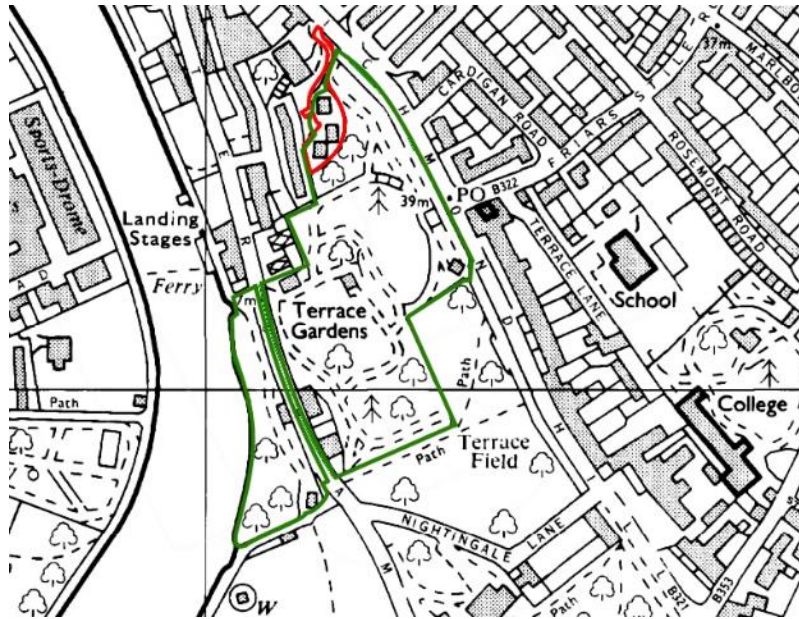


Plate 15: Extract from 1976-92 Ordnance Survey Map.

2.13 More recent aerial views show the mid-20th century built form in the context of the Registered Park and Garden, but it is evident that the RPG has not changed dramatically (Plate 16). The most treed areas continue to be the former boundaries of the estates and the walkways and paths have also remained the same.



Plate 16: Recent aerial photo (Bing).

Planning History

- 2.14 Whilst the historic mapping described above indicates the development of the local area, a review of the recent planning history records held online by Richmond Borough Council has also indicated a number of applications which are relevant to the current proposals, as follows:
- 2.15 **99/2731** – 19 and 23 Howson Terrace, Richmond Hill, Richmond – Installation of New Upvc Window to Side Elevation at Ground and First Floor Flats. **Permission Granted 21st August 2000.**
- 2.16 **92/2074/FUL** – Howson Terrace, Richmond Hill, Richmond – Provision of additional 2no. Car Parking spaces on land currently used as garden. **Permission Granted 12th February 1993.**

3. Proposed Development

3.1 The application seeks Planning Permission for the following:

"Demolition of buildings and erection of a building containing 28no. affordable retirement apartments, car parking and associated landscaping."

3.2 The proposals are detailed on the following plans which form the application package and which this assessment considers:

- **APL 003 1:200 Site plan**
- **APL 004 1:100 Lower ground floor plan**
- **APL 005 1:100 Ground floor plan**
- **APL 006 1:100 First floor plan**
- **APL 007 1:100 Second floor plan**
- **APL 008 1:100 Third floor plan**
- **APL 009 1:100 Roof plan**
- **APL 010 1:100 West elevation**
- **APL 011 1:100 East elevation**
- **APL 012 1:100 South elevation**
- **APL 013 1:100 North elevation**
- **APL 014 1:100 Site sections proposed**
- **APL 015 1:20 Detailed section / elevation**

4. Methodology

4.1 The aims of this Heritage Statement are to assess the significance of the heritage resource within the site, to assess any contribution that the site makes to the heritage significance of the surrounding heritage assets, and to identify any harm or benefit to them which may result from the implementation of the development proposals, along with the level of any harm caused, if relevant. This assessment considers the archaeological resource, built heritage and the historic landscape.

Sources of information and study area

4.2 The following key sources have been consulted as part of this assessment:

- **The National Heritage List for England for information on designated heritage assets;**
- **The Greater London Historic Environment Record (HER) for information on the recorded heritage resource and previous archaeological works;**
- **The Richmond Hill Conservation Area Analysis Map as prepared by the London Borough of Richmond;**
- **The Richmond Hill Conservation Area Note as prepared by the London Borough of Richmond;**
- **Archival sources, including historic maps, held**

online; and

- **Online resources including Ordnance Survey Open Source data; geological data available from the British Geological Survey and Cranfield University's Soilscape Viewer; Google Earth satellite imagery; and LiDAR data from the Environment Agency.**

4.3 For digital datasets, information was sourced for a 500m study area measured from the boundaries of the site. Information gathered is discussed within the text where it is of relevance to the potential heritage resource of the site. A gazetteer of recorded sites and findspots is included as Appendix 3 and maps illustrating the resource and study area are included as Appendix 4.

APPENDIX 3: GAZETTEER

APPENDIX 4: FIGURES

4.4 Historic cartographic sources and aerial photographs were reviewed for the site, and beyond this where professional judgement deemed necessary.

4.5 Heritage assets in the wider area were assessed as deemed appropriate (see Section 6).

Site Visit

4.6 A site visit was undertaken by Claire Gayle on 9th January 2018,

during which the site and its surrounds were assessed. Selected heritage assets were assessed from publicly accessible areas.

- 4.7 The visibility on this day was clear. Surrounding vegetation was not fully in leaf at the time of the site visit and thus a clear indication as to potential intervisibility between the site and the surrounding areas could be established.

Assessment of significance

- 4.8 In the NPPF, heritage significance is defined as:

*"The value of a heritage asset to this and future generations because of its heritage interest. That 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 Outstanding Universal Value forms part of its significance."*⁴

- 4.9 Historic England's *Managing Significance in Decision-Taking in the Historic Environment: Historic Environment Good Practice Advice in Planning: 2*⁵ (hereafter GPA 2) gives advice on the assessment of significance as part of the application process. It advises understanding the nature, extent, and level of

⁴ MHCLG, *NPPF*, pp. 71-72.

⁵ Historic England, *Managing Significance in Decision-Taking in the Historic Environment: Historic Environment Good Practice Advice in Planning: 2* (2nd edition, Swindon, July 2015).

⁶ English Heritage, *Conservation Principles: Policies and Guidance for the Sustainable Management of the Historic Environment* (London, April 2008). These

significance of a heritage asset.

- 4.10 In order to do this, GPA 2 also advocates considering the four types of heritage value an asset may hold, as identified in English Heritage's *Conservation Principles*.⁶ These essentially cover the heritage 'interests' given in the glossary of the NPPF⁷ and the online Planning Practice Guidance on the Historic Environment⁸ (hereafter 'PPG') which are **archaeological**, **architectural and artistic** and **historic**.

- 4.11 The PPG provides further information on the interests it identifies:

- **Archaeological interest:** "As defined in the Glossary to the National Planning Policy Framework, there will be archaeological interest in a heritage asset if it holds, or potentially holds, evidence of past human activity worthy of expert investigation at some point."
- **Architectural and artistic interest:** "These are interests in the design and general aesthetics of a place. They can arise from conscious design or fortuitously from the way the heritage asset has evolved. More specifically, architectural interest is an interest in the art or science of the design, construction, craftsmanship and decoration of buildings and structures of all types. Artistic interest

heritage values are identified as being 'aesthetic', 'communal', 'historical' and 'evidential', see idem pp. 28-32.

⁷ MHCLG, *NPPF*, p. 71.

⁸ Ministry of Housing Communities and Local Government (MHCLG), *Planning Practice Guidance: Historic Environment (PPG)* (revised edition, 23rd July 2019), <https://www.gov.uk/guidance/conserving-and-enhancing-the-historic-environment>.

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.”⁹

- 4.12 Significance results from a combination of any, some or all of the interests described above.
- 4.13 The most-recently issued guidance on assessing heritage significance, Historic England’s *Statements of Heritage Significance: Analysing Significance in Heritage Assets, Historic England Advice Note 12*,¹⁰ advises using the terminology of the NPPF and PPG, and thus it is that terminology which is used in this Report.
- 4.14 Listed Buildings and Conservation Areas are generally designated for their special architectural and historic interest. Scheduling is predominantly, although not exclusively, associated with archaeological interest.

Setting and significance

⁹ MHCLG, *PPG*, paragraph 006, reference ID: 18a-006-20190723.

¹⁰ Historic England, *Statements of Heritage Significance: Analysing Significance in Heritage Assets, Historic England Advice Note 12* (Swindon, October 2019).

¹¹ MHCLG, *NPPF*, p. 72.

- 4.15 As defined in the NPPF:

“Significance derives not only from a heritage asset’s physical presence, but also from its setting.”¹¹

- 4.16 Setting is 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.”¹²

- 4.17 Therefore, setting can contribute to, affect an appreciation of significance, or be neutral with regards to heritage values.

Assessing change through alteration to setting

- 4.18 How setting might contribute to these values has been assessed within this Report with reference to *The Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning Note 3*¹³ (henceforth referred to as ‘GPA 3’), particularly the checklist given on page 11. This advocates the clear articulation of “what matters and why”.¹⁴
- 4.19 In GPA 3, a stepped approach is recommended, of which Step 1 is to identify which heritage assets and their settings are

¹² MHCLG, *NPPF*, p. 71.

¹³ Historic England, *The Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning Note 3* (2nd edition, Swindon, December 2017).

¹⁴ Historic England, *The Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning Note 3* (2nd edition, Swindon, December 2017), p. 8.

affected. Step 2 is to assess whether, how and to what degree settings make a contribution to the significance of the heritage asset(s) or allow significance to be appreciated. The guidance includes a (non-exhaustive) checklist of elements of the physical surroundings of an asset that might be considered when undertaking the assessment including, among other things: topography, other heritage assets, green space, functional relationships and degree of change over time. It also lists aspects associated with the experience of the asset which might be considered, including: views, intentional intervisibility, tranquillity, sense of enclosure, accessibility, rarity and land use.

4.20 Step 3 is to assess the effect of the proposed development on the significance of the asset(s). Step 4 is to explore ways to maximise enhancement and minimise harm. Step 5 is to make and document the decision and monitor outcomes.

4.21 A Court of Appeal judgement has confirmed that whilst issues of visibility are important when assessing setting, visibility does not necessarily confer a contribution to significance and also that factors other than visibility should also be considered, with Lindblom LJ stating at paragraphs 25 and 26 of the judgement (referring to an earlier Court of Appeal judgement)¹⁵:

Paragraph 25 – "But – again in the particular context of visual effects – I said that if "a proposed development is to affect the setting of a listed building there must be a distinct visual relationship of some kind between the two – a visual relationship

which is more than remote or ephemeral, and which in some way bears on one's experience of the listed building in its surrounding landscape or townscape" (paragraph 56)".

Paragraph 26 – "This does not mean, however, that factors other than the visual and physical must be ignored when a decision-maker is considering the extent of a listed building's setting. Generally, of course, the decision-maker will be concentrating on visual and physical considerations, as in Williams (see also, for example, the first instance judgment in R. (on the application of Miller) v North Yorkshire County Council [2009] EWHC 2172 (Admin), at paragraph 89). But it is clear from the relevant national policy and guidance to which I have referred, in particular the guidance in paragraph 18a-013-20140306 of the PPG, that the Government recognizes the potential relevance of other considerations – economic, social and historical. These other considerations may include, for example, "the historic relationship between places". Historic England's advice in GPA3 was broadly to the same effect."

Levels of significance

4.22 Descriptions of significance will naturally anticipate the ways in which impacts will be considered. Hence descriptions of the significance of Conservation Areas will make reference to their special interest and character and appearance, and the significance of Listed Buildings will be discussed with reference to the building, its setting and any features of special architectural or historic interest which it possesses.

¹⁵ *Catesby Estates Ltd. V. Steer* [2018] EWCA Civ 1697, para. 25 and 26.

4.23 In accordance with the levels of significance articulated in the NPPF and the PPG, three levels of significance are identified:

- **Designated heritage assets of the highest significance**, as identified in paragraph 200 of the NPPF, comprising Grade I and II* Listed buildings, Grade I and II* Registered Parks and Gardens, Scheduled Monuments, Protected Wreck Sites, World Heritage Sites and Registered Battlefields (and also including some Conservation Areas) and non-designated heritage assets of archaeological interest which are demonstrably of equivalent significance to Scheduled Monuments, as identified in footnote 68 of the NPPF;
- **Designated heritage assets of less than the highest significance**, as identified in paragraph 200 of the NPPF, comprising Grade II Listed buildings and Grade II Registered Parks and Gardens (and also some Conservation Areas); and
- **Non-designated heritage assets**. Non-designated heritage assets are defined within the PPG as “buildings, monuments, sites, places, areas or landscapes identified by plan-making bodies as having a degree of significance meriting consideration in planning decisions, but which do not meet the criteria for designated heritage assets”.¹⁶

4.24 Additionally, it is of course possible that sites, buildings or areas have **no heritage significance**.

Assessment of harm

¹⁶ MHCLG, PPG, paragraph 039, reference ID: 18a-039-20190723.

¹⁷ *Bedford Borough Council v Secretary of State for Communities and Local Government* [2013] EWHC 2847 (Admin), para. 25.

4.25 Assessment of any harm will be articulated in terms of the policy and law that the proposed development will be assessed against, such as whether a proposed development preserves or enhances the character or appearance of a Conservation Area, and articulating the scale of any harm in order to inform a balanced judgement/weighting exercise as required by the NPPF.

4.26 In order to relate to key policy, the following levels of harm may potentially be identified for designated heritage assets:

- **Substantial harm or total loss**. It has been clarified in a High Court Judgement of 2013 that this would be harm that would “have such a serious impact on the significance of the asset that its significance was either vitiated altogether or very much reduced”;¹⁷ and
- **Less than substantial harm**. Harm of a lesser level than that defined above.

4.27 With regards to these two categories, the PPG states:

“Within each category of harm (which category applies should be explicitly identified), the extent of the harm may vary and should be clearly articulated.”¹⁸

4.28 Hence, for example, harm that is less than substantial would be further described with reference to where it lies on that spectrum or scale of harm, for example low end, middle of the

¹⁸ MHCLG, PPG, paragraph 018, reference ID: 18a-018-20190723.

spectrum and upper end of the less than substantial harm scale.

- 4.29 With regards to non-designated heritage assets, there is no basis in policy for describing harm to them as substantial or less than substantial, rather the NPPF requires that the scale of any harm or loss is articulated. As such, harm to such assets is articulated as a level of harm to their overall significance, with levels such as negligible, minor, moderate and major harm identified.
- 4.30 It is also possible that development proposals will cause **no harm or preserve** the significance of heritage assets. A High Court Judgement of 2014 is relevant to this. This concluded that with regard to preserving the setting of a Listed building or preserving the character and appearance of a Conservation Area, 'preserving' means doing 'no harm'.¹⁹
- 4.31 Preservation does not mean no change; it specifically means no harm. GPA 2 states that "*Change to heritage assets is inevitable but it is only harmful when significance is damaged*".²⁰ Thus, change is accepted in Historic England's guidance as part of the evolution of the landscape and environment. It is whether such change is neutral, harmful or beneficial to the significance of an asset that matters.
- 4.32 As part of this, setting may be a key consideration. For an

¹⁹ *R (Forge Field Society) v Sevenoaks District Council* [2014] EWHC 1895 (Admin).

²⁰ Historic England, *GPA 2*, p. 9.

evaluation of any harm to significance through changes to setting, this assessment follows the methodology given in GPA 3, described above. Again, fundamental to the methodology set out in this document is stating "what matters and why". Of particular relevance is the checklist given on page 13 of GPA 3.

- 4.33 It should be noted that this key document also states that:

"Setting is not itself a heritage asset, nor a heritage designation..."²¹

- 4.34 Hence any impacts are described in terms of how they affect the significance of a heritage asset, and heritage values that contribute to this significance, through changes to setting.

- 4.35 With regards to changes in setting, GPA 3 states that:

"Conserving or enhancing heritage assets by taking their settings into account need not prevent change".²²

- 4.36 Additionally, it is also important to note that, as clarified in the Court of Appeal, whilst the statutory duty requires that special regard should be paid to the desirability of not harming the setting of a Listed Building, that cannot mean that any harm, however minor, would necessarily require Planning Permission to be refused.²³

²¹ Historic England, *GPA 3*, p. 4.

²² Historic England, *GPA 3.*, p. 8.

²³ *Palmer v Herefordshire Council & Anor* [2016] EWCA Civ 1061.

Benefits

- 4.37 Proposed development may also result in benefits to heritage assets, and these are articulated in terms of how they enhance the heritage values and hence the significance of the assets concerned.
- 4.38 As detailed further in Section 6, the NPPF (at Paragraphs 201 and 202) requires harm to a designated heritage asset to be weighed against the public benefits of the development proposals.
- 4.39 Recent High Court Decisions have confirmed that enhancement to the historic environment should be considered as a public benefit under the provisions of Paragraphs 201 and 202.
- 4.40 The PPG provides further clarity on what is meant by the term 'public benefit', including how these may be derived from enhancement to the historic environment ('heritage benefits'), as follows:

"Public benefits may follow from many developments and could be anything that delivers economic, social or environmental objectives as described in the

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

Examples of heritage benefits may include:

- sustaining or enhancing the significance of a heritage asset and the contribution of its setting*
- reducing or removing risks to a heritage asset*
- securing the optimum viable use of a heritage asset in support of its long term conservation."²⁴*

- 4.41 Any 'heritage benefits' arising from the proposed development, in line with the narrative above, will be clearly articulated in order for them to be taken into account by the Decision Maker.

²⁴ MHCLG, PPG, paragraph 020, reference ID: 18a-020-20190723.

5. Planning Policy Framework

5.1 This section of the Report sets out the legislation and planning policy considerations and guidance contained within both national and local planning guidance which specifically relate to the site, with a focus on those policies relating to the protection of the historic environment.

Legislation

5.2 Legislation relating to the built historic environment is primarily set out within the *Planning (Listed Buildings and Conservation Areas) Act 1990*,²⁵ which provides statutory protection for Listed Buildings and Conservation Areas.

5.3 With regards to development within Conservation Areas, Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states:

"In the exercise, with respect to any buildings or other land in a conservation area, of any powers under 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."

5.4 Unlike Section 66(1), Section 72(1) of the Act does not make reference to the setting of a Conservation Area. This makes it

plain that it is the character and appearance of the designated Conservation Area that is the focus of special attention.

5.5 In addition to the statutory obligations set out within the Planning (Listed Buildings and Conservation Area) Act 1990, Section 38(6) of the *Planning and Compulsory Purchase Act 2004* requires that all planning applications, including those for Listed Building Consent, are determined in accordance with the Development Plan unless material considerations indicate otherwise.²⁶

National Planning Policy Guidance

The National Planning Policy Framework (July 2021)

5.6 National policy and guidance is set out in the Government's National Planning Policy Framework (NPPF) published in July 2021. This replaced and updated the previous NPPF 2019. The NPPF needs to be read as a whole and is intended to promote the concept of delivering sustainable development.

5.7 The NPPF sets out the Government's economic, environmental and social planning policies for England. Taken together, these policies articulate the Government's vision of sustainable development, which should be interpreted and applied locally to

²⁵ UK Public General Acts, *Planning (Listed Buildings and Conservation Areas) Act 1990*.

²⁶ UK Public General Acts, *Planning and Compulsory Purchase Act 2004*, Section 38(6).

meet local aspirations. The NPPF continues to recognise that the planning system is plan-led and that therefore Local Plans, incorporating Neighbourhood Plans, where relevant, are the starting point for the determination of any planning application, including those which relate to the historic environment.

5.8 The overarching policy change applicable to the proposed development is the presumption in favour of sustainable development. This presumption in favour of sustainable development (the 'presumption') sets out the tone of the Government's overall stance and operates with and through the other policies of the NPPF. Its purpose is to send a strong signal to all those involved in the planning process about the need to plan positively for appropriate new development; so that both plan-making and development management are proactive and driven by a search for opportunities to deliver sustainable development, rather than barriers. Conserving historic assets in a manner appropriate to their significance forms part of this drive towards sustainable development.

5.9 The purpose of the planning system is to contribute to the achievement of sustainable development and the NPPF sets out three 'objectives' to facilitate sustainable development: an economic objective, a social objective, and an environmental objective. The presumption is key to delivering these objectives, by creating a positive pro-development framework which is underpinned by the wider economic, environmental and social provisions of the NPPF. The presumption is set out in full at paragraph 11 of the NPPF and reads as follows:

"Plans and decisions should apply a presumption in favour of sustainable development.

For plan-making this means that:

- a. all plans should promote a sustainable pattern of development that seeks to: meet the development needs of their area; align growth and infrastructure; improve the environment; mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects;*
- b. strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless:*
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area; or*
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

For decision-taking this means:

- a. approving development proposals that accord with an up-to-date development plan without delay; or*

b. where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.²⁷

5.10 However, it is important to note that footnote 7 of the NPPF applies in relation to the final bullet of paragraph 11. This provides a context for paragraph 11 and reads as follows:

"The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 180) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 68); and areas at risk of flooding or coastal change."²⁸ (our emphasis)

5.11 The NPPF continues to recognise that the planning system is

²⁷ MHCLG, *NPPF*, para. 11.

²⁸ MHCLG, *NPPF*, para. 11, fn.7.

plan-led and that therefore, Local Plans, incorporating Neighbourhood Plans, where relevant, are the starting point for the determination of any planning application.

5.12 Heritage Assets are defined in the NPPF as:

"A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. It includes designated heritage assets and assets identified by the local planning authority (including local listing)."²⁹

5.13 The NPPF goes on to define a Designated Heritage Asset as a:

"World Heritage Site, Scheduled Monument, Listed Building, Protected Wreck Site, Registered Park and Garden, Registered Battlefield or Conservation Area designated under relevant legislation."³⁰ (our emphasis)

5.14 As set out above, significance is also 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

²⁹ MHCLG, *NPPF*, p. 67.

³⁰ MHCLG, *NPPF*, p. 66.

*Outstanding Universal Value forms part of its significance.*³¹

5.15 Section 16 of the NPPF relates to 'Conserving and enhancing the historic environment' and states at paragraph 195 that:

*"Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal."*³²

5.16 Paragraph 197 goes on to state that:

"In determining planning 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."*³³

5.17 With regard to the impact of proposals on the significance of a heritage asset, paragraphs 199 and 200 are relevant and read as follows:

*"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."*³⁴

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

- a. grade II listed buildings, or grade II registered parks or gardens, should be exceptional;*
- b. assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional."*³⁵

³¹ MHCLG, *NPPF*, pp. 71-72.

³² MHCLG, *NPPF*, para. 195.

³³ MHCLG, *NPPF*, para. 197.

³⁴ MHCLG, *NPPF*, para. 199.

³⁵ MHCLG, *NPPF*, para. 200.

5.18 Section b) of paragraph 200, which describes assets of the highest significance, also includes footnote 68 of the NPPF, which states that non-designated heritage assets of archaeological interest which are demonstrably of equivalent significance to Scheduled Monuments should be considered subject to the policies for designated heritage assets.

5.19 In the context of the above, it should be noted that paragraph 201 reads as follows:

"Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a. the nature of the heritage asset prevents all reasonable uses of the site; and*
- b. no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*
- c. conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and*
- d. the harm or loss is outweighed by the benefit of bringing the site back into use."³⁶*

³⁶ MHCLG, *NPPF*, para. 201.

³⁷ MHCLG, *NPPF*, para. 202.

5.20 Paragraph 202 goes on to state:

"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."³⁷

5.21 The NPPF also provides specific guidance in relation to development within Conservation Areas, stating at paragraph 206 that:

"Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. 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."³⁸

5.22 Paragraph 207 goes on to recognise that "*not all elements of a World Heritage Site or Conservation Area will necessarily contribute to its significance*"³⁹ and with regard to the potential harm from a proposed development states:

"Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either as substantial harm under paragraph 200 or less than substantial harm under paragraph 201, as appropriate, taking into account the relative significance of the element affected and its

³⁸ MHCLG, *NPPF*, para. 206.

³⁹ MHCLG, *NPPF*, para. 207.

*contribution to the significance of the Conservation Area or World Heritage Site as a whole.*⁴⁰ (our emphasis)

- 5.23 With regards to non-designated heritage assets, paragraph 203 of NPPF states that:

*"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."*⁴¹

- 5.24 Footnote 68 of the NPPF clarifies that non-designated assets of archaeological interest which are demonstrably of equivalent significance to a Scheduled Monument will be subject to the policies for designated heritage assets.
- 5.25 Overall, the NPPF confirms that the primary objective of development management is to foster the delivery of sustainable development, not to hinder or prevent it. Local Planning Authorities should approach development management decisions positively, looking for solutions rather than problems so that applications can be approved wherever it is practical to do so. Additionally, securing the optimum viable use of sites and achieving public benefits are also key material

⁴⁰ Ibid.

⁴¹ MHCLG, *NPPF*, para. 203.

considerations for application proposals.

National Planning Practice Guidance

- 5.26 The then Department for Communities and Local Government (now the Ministry for Housing, Communities and Local Government (MHCLG)) launched the planning practice guidance web-based resource in March 2014, accompanied by a ministerial statement which confirmed that a number of previous planning practice guidance documents were cancelled.
- 5.27 This also introduced the national Planning Practice Guidance (PPG) which comprised a full and consolidated review of planning practice guidance documents to be read alongside the NPPF.
- 5.28 The PPG has a discrete section on the subject of the Historic Environment, which confirms that the consideration of 'significance' in decision taking is important and states:
- "Heritage assets may be affected by direct physical change or by change in their setting. Being able to properly assess the nature, extent and importance of the significance of a heritage asset, and the contribution of its setting, is very important to understanding the potential impact and acceptability of development proposals."*⁴²
- 5.29 In terms of assessment of substantial harm, the PPG confirms that whether a proposal causes substantial harm will be a

⁴² MHCLG, *PPG*, paragraph 007, reference ID: 18a-007-20190723.

judgement for the individual decision taker having regard to the individual circumstances and the policy set out within the NPPF. It goes on to state:

"In general terms, substantial harm is a high test, so it may not arise in many cases. For example, in determining whether works to a listed building constitute substantial harm, an important consideration would be whether the adverse impact seriously affects a key element of its special architectural or historic interest. It is the degree of harm to the asset's significance rather than the scale of the development that is to be assessed. The harm may arise from works to the asset or from development within its setting.

*While the impact of total destruction is obvious, partial destruction is likely to have a considerable impact but, depending on the circumstances, it may still be less than substantial harm or conceivably not harmful at all, for example, when removing later inappropriate additions to historic buildings which harm their significance. Similarly, works that are moderate or minor in scale are likely to cause less than substantial harm or no harm at all. However, even minor works have the potential to cause substantial harm."*⁴³ (our emphasis)

The London Plan

- 5.30 The London Plan, produced by the Mayor of London, sets out the overall strategic plan for London and was produced in March 2021.
- 5.31 Chapter Seven of The London Plan is titled 'Heritage and Culture'

⁴³ MHCLG, PPG, paragraph 018, reference ID: 18a-018-20190723.

and comprises several policies relating to heritage.

- 5.32 Policy HC1c states:

"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."

- 5.33 Policy HC1d states:

"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."

Local Planning Policy

- 5.34 Planning applications within Richmond are currently considered against the policy and guidance set out within the London Borough of Richmond Upon Thames Local Plan (adopted July 2018).

5.35 Policy LP 3 refers to Designated Heritage Assets and states:

"A. The Council will require development to conserve and, where possible, take opportunities to make a positive contribution to, the historic environment of the borough. Development proposals likely to adversely affect the significance of heritage assets will be assessed against the requirement to seek to avoid harm and the justification for the proposal. The significance (including the settings) of the borough's designated heritage assets, encompassing Conservation Areas, listed buildings, Scheduled Monuments as well as the Registered Historic Parks and Gardens, will be conserved and enhanced by the following means:

- 1. Give great weight to the conservation of the heritage asset when considering the impact of a proposed development on the significance of the asset.*
- 2. Resist the demolition in whole, or in part, of listed building. Consent for demolition of Grade II listed buildings will only be granted in exceptional circumstances and for Grade II* and Grade I listed buildings in wholly exceptional circumstances following a thorough assessment of the justification for the proposal and the significance of the asset.*
- 3. Resist the change of use of listed buildings where their significance would be harmed, particularly where the current use contributes to the character of the surrounding area and to its sense of place.*
- 4. Require the retention and preservation of the original structure, layout, architectural features, materials as well as later features of*

interest within listed buildings, and resist the removal or modification of features that are both internally and externally of architectural importance or that contribute to the significance of the asset.

- 5. Demolitions (in whole or in part), alterations, extensions and any other modifications to listed buildings should be based on an accurate understanding of the significance of the heritage asset.*
- 6. Require, where appropriate, the reinstatement of internal and external features of special architectural or historic significance within listed buildings, and the removal of internal and external features that harm the significance of the asset, commensurate with the extent of proposed development.*
- 7. Require the use of appropriate materials and techniques and strongly encourage any works or repairs to a designated heritage asset to be carried out in a correct, scholarly manner by appropriate specialists.*
- 8. Protect and enhance the borough's registered Historic Parks and Gardens by ensuring that proposals do not have an adverse effect on their significance, including their setting and/or views to and from the registered landscape.*
- 9. Protect Scheduled Monuments by ensuring proposals do not have an adverse impact on their significance.*

B. Resist substantial demolition in Conservation Areas and any changes that could harm heritage assets, unless it can be demonstrated that:

1. *in the case of substantial harm or loss to the significance of the heritage asset, it is necessary to achieve substantial public benefits that outweigh that harm or loss;*
2. *in the case of less than substantial harm to the significance of the heritage asset, that the public benefits, including securing the optimum viable use, outweigh that harm; or*
3. *the building or part of the building or structure makes no positive contribution to the character or distinctiveness of the area.*

C. All proposals in Conservation Areas are required to preserve and, where possible, enhance the character or the appearance of the Conservation Area.

D. Where there is evidence of intentional damage or deliberate neglect to a designated heritage asset, its current condition will not be taken into account in the decision-making process.

E. Outline planning applications will not be accepted in Conservation Areas. The Council's Conservation Area Statements, and where available Conservation Area Studies, and/or Management Plans, will be used as a basis for assessing development proposals within, or where it would affect the setting of, Conservation Areas, together with other policy guidance, such as Village Planning Guidance SPDs."

5.36 Policy LP 4 deals with Non-Designated Heritage Assets and states:

"The Council will seek to preserve, and where possible enhance, the significance, character and setting of non-designated heritage assets, including

Buildings of Townscape Merit, memorials, particularly war memorials, and other local historic features.

There will be a presumption against the demolition of Buildings of Townscape Merit."

5.37 Policy LP 5 refers to Views and Vistas and states:

"The Council will protect the quality of the views, vistas, gaps and the skyline, all of which contribute significantly to the character, distinctiveness and quality of the local and wider area, by the following means:

1. *protect the quality of the views and vistas as identified on the Policies Map, and demonstrate such through computer-generated imagery (CGI) and visual impact assessments;*

2. *resist development which interrupts, disrupts or detracts from strategic and local vistas, views, gaps and the skyline;*

3. *require developments whose visual impacts extend beyond that of the immediate street to demonstrate how views are protected or enhanced;*

4. *require development to respect the setting of a landmark, taking care not to create intrusive elements in its foreground, middle ground or background;*

5. *seek improvements to views, vistas, gaps and the skyline, particularly where views or vistas have been obscured;*

6. *seek improvements to views within Conservation Areas, which:*

- a. are identified in Conservation Area Statements and Studies and Village Plans;
- b. are within, into, and out of Conservation Areas;
- c. are affected by development on sites within the setting of, or adjacent to, Conservation Areas and listed buildings.”

5.38 Policy LP 7 deals with Archaeology and states:

“The Council will seek to protect, enhance and promote its archaeological heritage (both above and below ground), and will encourage its interpretation and presentation to the public. It will take the necessary measures required to safeguard the archaeological remains found, and refuse planning permission where proposals would adversely affect archaeological remains or their setting. Desk based assessments and, where necessary, archaeological field evaluation will be required before development proposals are determined, where development is proposed on sites of archaeological significance or potential significance.”

Local Plan Policies with regards to the NPPF and the 1990 Act

5.39 With regard to Local Plan policies, paragraph 219 of NPPF states

that:

“...existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the close the policies in the plan to the policies in the Framework, the greater the weight that may be given).”⁴⁴

5.40 In this context, where local plan policy was adopted well before the NPPF, and does not allow for the weighing of harm against public benefit for designated heritage assets (as set out within paragraph 202 of the NPPF) or a balanced judgement with regards to harm to non-designated heritage assets (see NPPF paragraph 203) then local planning policies would be considered to be overly restrictive compared to the NPPF, thus limiting the weight they may be given in the decision-making process.

5.41 The policies outlined above are considered to be consistent with the policy and guidance within the NPPF.

⁴⁴ MHCLG, NPPF, p. 219.

6. The Historic Environment

6.1 This section provides a review of the recorded heritage resource within the site and its vicinity in order to identify any extant heritage assets within the site and to assess the potential for below-ground archaeological remains.

6.2 Designated heritage assets are referenced using their seven-digit NHLE number, HER 'APA' numbers have the prefix DLO, HER 'event' numbers have the prefix ELO and HER 'monument' numbers have the prefix MLO or are referenced using their 'PrefRef'.

6.3 A gazetteer of relevant heritage data is included as Appendix 1. HER records are illustrated on Figures 1-3 in Appendix 4.

Archaeological Priority Area

6.4 Archaeological Priority Areas (APAs) are areas based on evidence held on the Greater London Historic Environment Record (GLHER) where there is significant known archaeological interest or potential for new discoveries.

6.5 Two APAs have been identified within the study area. The site is recorded as lying within the southern extent of the Richmond APA, described as comprising the early medieval settlement of the Manor of Sceanes (Shene) which was later renamed Richmond following the construction of Richmond Palace by Henry VII in 1501 (DLO33468).

6.6 The second APA follows the Thames Foreshore and Bank (DLO33481). The Thames has been a focus for human activity from prehistory onwards and evidence has been recorded from the length of it. Finds of all periods have been recorded along its banks or have been dredged from the riverbed.

Previous Archaeological Works

6.7 No previous archaeological works have been recorded within the site.

6.8 Previous archaeological works recorded in the wider study area are depicted on Figure 2 and comprise the following:

- A desk-based assessment and watching brief at Petersham Road c. 55m west of the site in 2006 and 2010-2011 (ELO11614, 11953);
- An evaluation at Lancaster Mews c. 125m north of the site in 1994 (ELO3903);
- A watching brief at no. 7 Richmond Hill c. 180m north-west of the site in 2013 (ELO14214);
- An evaluation at Cambridge Road c. 245m west of the site in 1996-97 (ELO3025);
- The River Thames Greater London Survey c. 265m south-west of the site in 1996 (ELO1193);
- A desk-based assessment and trial trench evaluation at the Twickenham Bus Garage c. 375m west of the site in 1993 (ELO10491, 4679);

- A watching brief at The Old Garden c. 380m south-west of the site in 2009 (ELO11606);
- An evaluation at no. 27 Cambridge Park c. 380m south-west of the site in 1994 (ELO2988);
- An archaeological desk-based assessment at Wakefield Road c. 400m north-west of the site in 2004 (ELO5552);
- A watching brief at Dolphin House c. 400m north-west of the site (ELO19710);
- A watching brief at St Mary Magdalene Church c. 495m north of the site (ELO19269); and
- An evaluation at nos. 29-34 George Street c. 495m north of the site in 1992 (ELO10500).

6.9 The results of these works are discussed below, where relevant to the potential archaeological resource of the site.

Topography and Geology

6.10 The topography of the site falls approximately 7m from the northern extent to the southern extent.

6.11 The solid geology of the site is mapped as London Clay Formation comprising clay and silt formed between 56 and 47.8 million years ago during the Palaeogene period. No superficial geology is mapped within the site area.

Archaeological Baseline

Prehistoric (pre-43 AD) and Romano-British (AD 43 - 410)

6.12 No prehistoric finds or features have been recorded within the

site.

6.13 During the Thames Foreshore Survey in 1996, a deposit was recorded c. 375m west of the site which consisted of clays, shelly sands and gravels and was considered to be of prehistoric date (MLO69687, 022428/00/00). A second deposit of possible prehistoric date was also recorded which consisted of peat and organic clay (MLO69689, 022430/00/00).

6.14 During an evaluation at Lancaster Mews, c. 140m north of the site, a single residual waste flint of prehistoric date was recorded (MLO63897, 02196/00/00, ELO3903). No archaeological features were recorded.

6.15 A large number of findspots of prehistoric date have been recorded within the wider study area. These comprise the following:

- A Palaeolithic flint implement which showed evidence of having been burnt c. 360m north-east of the site (MLO9174, 020840/00/00);
- A Palaeolithic flint scraper given the generic grid reference TQ 1800 7470 c. 390m north of the site (MLO18932, 020947/00/00);
- A fragment of a Palaeolithic pointed handaxe c. 440m south-east of the site (MLO13531, 020867/00/00);
- Struck flints of prehistoric date c. 490m north-west of the site (MLO48460, 020922/02/00);
- A Mesolithic perforated antler beam mattock c. 440m north-west of the site (MLO69196, 022370/00/00);

- Two flint axes and a flint adze of Neolithic date c. 155m south-west of the site (MLO23451, 020965/00/00);
- A Neolithic drift flake given the generic grid reference TQ 1800 7470 c. 390m north of the site (MLO19087, 020949/00/00);
- A Neolithic flint arrowhead given the generic grid reference TQ 1800 7470 c. 390m north of the site (MLO18930, 020945/00/00);
- A flint axe and adze of Neolithic date given the generic grid reference TQ 1800 7470 c. 390m north of the site (MLO18931, 020946/00/00);
- A Neolithic flint axe given the generic grid reference TQ 1800 7470 c. 390m north of the site (MLO18933, 020948/00/00);
- Two flints of Neolithic date given the generic grid reference TQ 1800 7470 c. 390m north of the site (MLO18934, 020950/00/00);
- A Neolithic drift flake c. 440m north-west of the site (MLO3119, 100249/00/00);
- A Bronze Age looped palstave c. 85m east of the site (MLO18975, 021016/00/00);
- A Bronze Age knife or dagger found in the Thames at Richmond Bridge c. 440m north-west of the site (MLO3120, 100250/00/00);
- A Bronze Age socketed gouge from the riverbank c. 490m north-west of the site (MLO18987, 021030/00/00); and
- Iron Age pottery sherds c. 490m north-west of the site (MLO48461, 020922/03/00).

6.16 No Romano-British finds or features have been recorded within the site and activity of this date within the study area comprises a single findspot of a small Romano-British pewter vase which was recorded in the River Thames c. 440m north-west of the site (MLO22914, 100251/00/00).

Early medieval (410 AD – 1066) and Medieval (1066 – 1539)

6.17 The site was historically located in the parish of Richmond. Development was focused further to the north of the site at this time. This area had been part of the Royal Manor of Richmond since Domesday until the enclosing of Richmond Park by King Charles I in c. 1635.

6.18 The location of the present day Richmond Bridge was the site of a former horse ferry under the ownership of the Crown which linked Richmond with Twickenham and was located c. 410m north-west of the site (MLO72108, 023262/00/00). The earliest reference to the ferry crossing is from the State papers of 1443.

6.19 Two parallel strip lynchets of medieval date were recorded to the east of Stat and Garter Hill on Petersham Common c. 420m south-east of the site (MLO20017). The lynchets were orientated north-west to south-east along the 30m contour line below Richmond Hill.

6.20 During an evaluation at Lancaster Mews c. 140m north of the two residual sherds of medieval pottery were recorded (MLO63898, 021927/00/00, ELO3903). No archaeological features were recorded.

6.21 The findspot of medieval pottery sherds were recorded during an excavation in 1981 c. 490m north-west of the site (MLO48459, 020922/01/00, no event recorded on the HER).

Post-medieval (1540 – 1800) and Modern (1801 – present)

6.22 The development of the site through historic map regression has been described in Section 2 above. The site has been subjected to landscaping and previous construction of modern blocks of flats which would have required the digging of foundations which is likely to have disturbed or removed any earlier remains in these areas.

6.23 The site is located within the Terrace and Buccleuch Gardens (MLO101071, MLO101073, MLO18105, 201410/00/00). The Gardens is a public park which has been made up of the grounds of three 18th to 19th-century estates. The grounds of Buccleuch House and Landsdowne House were initially consolidated by the Duke of Buccleuch in the 1860s and became a public park in 1887. The grounds of neighbouring Cardigan House were added in the 1920s. None of these houses are still standing but the 19th-century layout of their gardens is still very much in evidence. The gardens have been designated as a Grade II Registered Park and Garden and are considered in further detail below.

6.24 Petersham Meadows, located c. 305m south of the site, is a continuation of public open space from Buccleuch Gardens (MLO103228). The meadows were formerly part of the Ham House estate and were used for the grazing of cows since at

least the 17th century.

6.25 Deposits associated with a parkland surrounding the 18th-century Cambridge House were recorded during evaluation c. 390m west of the site (MLO58660, 021401/00/00, no event recorded on the HER).

6.26 The Vineyard Passage Burial Ground lies c. 350m north of the site and was created as an extension to the Richmond parish churchyard of St Mary Magdalene during the late 18th century (MLO103983).

6.27 A bank or possible man-made frontage was recorded during an evaluation at Twickenham Bus Station c. 405m west of the site which was indicated by the height difference of natural gravels between two trenches (MLO63923, 021928/00/00, ELO4679). This is considered to date to the post-medieval period.

6.28 A number of features of post-medieval date have been recorded along the riverbank of the Thames by the Thames Foreshore survey in 1996 and relate to features along the riverbank including steps, railings, slipways, mooring bollards and drains. These are depicted on Figure 3.

Statement of Archaeological Potential and Significance

6.29 The site is located within an Area of Archaeological Potential which covers Richmond. However, the landscaping and construction of the existing development within the site is likely to have disturbed or removed any earlier remains within the site.

6.30 No prehistoric activity has been recorded within, or immediately

adjacent to the site. Prehistoric finds and features in the wider area include Palaeolithic, Mesolithic, Neolithic, Bronze Age and Iron Age residual finds which were focused in the area of the River Thames and its vicinity, as this was an area known for the focus of settlement. There is no current evidence to suggest that prehistoric activity was focused within the site and the potential for significant archaeological remains of this date within the site is considered to be low.

- 6.31 No Romano-British finds or features have been recorded within the site and only one residual findspot was recorded in the study area. There is no evidence to suggest that the site was the focus of Roman activity and the potential for significant archaeological remains of Romano-British date within the site is considered to be low.
- 6.32 The site was not a focus for medieval settlement, which was located further the north. The site and the wider surrounds were formerly part of the Royal Manor of Richmond since Domesday until the enclosing of Richmond Park by King Charles I in c. 1635. The potential for significant archaeological remains of medieval date within the site is considered to be low.
- 6.33 The site is located within the Terrace and Buccleuch Gardens which the site was incorporated into during the 1920s. The existing development within the site was constructed in 1971 and comprised three blocks of flats. The buildings within the site are not considered to be of heritage interest. Any potential below-ground remains of the post-medieval park and gardens

are likely to have been removed during the landscaping and construction of the site. The potential for significant archaeological remains of post-medieval to modern date within the site is considered to be low.

Designated Heritage Assets

- 6.34 The site is part-located within the Grade II Terrace and Buccleuch Gardens Registered Park and Garden. The site is also located within the Richmond Hill Conservation Area and in close proximity to a number of Listed Buildings and other buildings identified by the Local authority as being '*Buildings of Townscape Merit*'. However, given the distance of the site from these other heritage assets, and the limited intervisibility, it is considered proportionate to assess them as part of the wider Richmond Hill Conservation Area.

Terrace and Buccleuch Gardens

- 6.35 The Grade II Registered Terrace and Buccleuch Gardens were added to the National List on 24th August 2001, with the Register Entry providing the following summary as to the history and composition of the designated area:

"Terrace Gardens and Buccleuch Gardens (collectively known as Terrace and Buccleuch Gardens) is a public park and made up of the grounds of three C18 and C19 estates. The grounds of Buccleuch House and Lansdowne House were initially consolidated by the Duke of Buccleuch in the 1860s and became a public park in 1887. The

grounds of neighbouring Cardigan House were added in the 1920s. None of these houses is still standing but the C19 layout of their gardens is still very much in evidence."

- 6.36 The Register also explains the reasons for designation, which are as follows:

"Terrace and Buccleuch Gardens are designated at Grade II for the following principal reasons:

** Historic plan: the late C18 and early C19 design and plan of the gardens, both in separate and then joint ownership is still clearly visible in the layout of the grounds - in particular the path system and location of borders and mature trees.*

** Planting: the gardens were purposely designed to be secluded and enclosed, a historic characteristic which dates from the C18 and indicated by surviving specimen trees and shrubs;*

** Historic interest: association with significant historical and political figures of C18 and C19, notably the Duke of Buccleuch; acquisition by Richmond Vestry and context of the Act of Parliament (1902), an important landmark in the history of the conservation of landscapes and of the amenity movement.*

** Setting: the gardens frame the important historic view from Richmond Hill (Richmond Terrace Walk, registered Grade II*) which was protected by Act of Parliament (1902); views within the gardens and across the grounds, with outward views to the River Thames and Surrey from the top of the Gardens; group value as one of the interlocking landscapes along the River Thames between Kew and Hampton Court."*

- 6.37 The full entry can be found in Appendix 5.

APPENDIX 5: GRADE II REGISTERED TERRACE AND BUCCLEUCH GARDENS ENTRY

- 6.38 The historical background above demonstrates the development of the site and its surroundings from the mid-18th century and onwards. The site currently comprises built form from the mid-20th century, which is considered to be of low quality, and to have eroded the previously open and recreational qualities of the area. The existing buildings do not demonstrate any outstanding design, but their low height and arrangement on the hillside do not impede any historic views from Richmond Hill across the site. The limited areas of open character within the site comprising the areas of modern landscaping between and in the immediate vicinity of the buildings are considered to make only a minimal contribution to the RPG. The buildings are well-screened from most of the RPG by large trees along the eastern boundary planted when the estate was subdivided.

- 6.39 The RPG was designated in 2001, well after Cardigan House was demolished and the site was developed with the modern blocks. It is presumed that the inclusion of the site within the boundaries of the RPG is due to its history as formerly being part of the estate of Cardigan House, which had historical associations to various figures. In addition, the RPG is considered to be "*an important landmark in the history of the conservation of landscapes and of the amenity movement,*" contains specimen trees, and was purpose-designed as secluded and enclosed,

demonstrating the former character of the estates of the three houses.

Richmond Hill Conservation Area

- 6.40 The Richmond Hill Conservation Area was first designated by the London Borough of Richmond upon Thames in 1969, with amendments to the boundary made in 1975, 1977 and 2000. The Conservation Area Statement prepared by the Local Authority identifies that:

"Richmond Hill conservation area spans the river to include the open landscape on both banks of the Thames south of Richmond town centre, and rises up to include the townscape along Richmond Hill, overlooking the river, as far as Richmond Gate of Richmond Park. The conservation area is almost entirely surrounded by other conservation areas towards Richmond, Petersham and Twickenham."

- 6.41 It is considered that the minimal contribution made by the Site to the character and appearance of the Conservation Area is associated with the contribution that it makes to the significance of the Terrace and Buccleuch Gardens (as set out above), and the 'riverside and rural' character of the eastern banks of the River Thames in this location. The latter is described within the Conservation Area Appraisal as follows:

"The historic open landscape encompassing both banks and the river Thames south of Richmond

Bridge, Terrace Gardens, Petersham Common and Richmond Park provides a distinctive rural setting to the important 18th and 19th century townscape of Richmond Hill. This townscape is subservient to this landscape, trees and the topography of the hill. Along Petersham Road fine groups and individual houses from the 18th to 19th centuries address the Thames, affording gap views to the river from the road. There is a general transition from more isolated buildings in the south to the more cohesive development along the road into town. The natural curve of the river allows unfolding views along the towpath and exceptional views to and from Richmond Hill and the town. The view from the hill, west towards Ham House, presents a dramatic panorama of rural riverside landscape. Within these strategic views key landmarks are: Richmond Bridge, Petersham Hotel, Star and Garter Home and St Matthias Church spire on the hill. The Twickenham bank is an open landscape of large gardens, trees and spaces, reinforcing the rural character of the wider area and offering a transition between Richmond town and Marble Hill Park."

- 6.42 Within the context of the above, no contribution is considered to derive from the existing built form within the Site, with any positive elements being associated with the landscape composition and topographical position only.

7. Impact Assessment

- 7.1 The Planning and Compulsory Purchase Act (2004) requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The policy guidance set out within the NPPF is considered to be a material consideration which attracts significant weight in the decision-making process.
- 7.2 The statutory requirement set out within the Planning (Listed Buildings and Conservation Areas) Act 1990, at Section 72 (1) confirms that considerable weight should be given to the preservation of the character and appearance of Conservation Areas. In addition, the NPPF states that the impact of development proposals should be considered against the particular significance of heritage assets such as Conservation Areas and Registered Parks and Gardens, and therefore this needs to be the primary consideration when determining the proposed application. It is also important to consider where the proposals cause harm. If they do, then one must consider whether any such harm represents 'substantial harm' or 'less than substantial harm' to the identified designated heritage assets, in the context of paragraphs 201 and 202 of the NPPF.
- 7.3 The PPG clarifies that within each category of harm ('less than substantial' or 'substantial'), the extent of the harm may vary and should be clearly articulated.
- 7.4 The guidance set out within the PPG states that substantial harm is a high test, and that it may not arise in many cases. The PPG makes it clear that it is the degree of harm to the significance of the asset rather than the scale of development which is to be assessed. In addition, it has been clarified in both a High Court Judgement of 2013 that substantial harm would be harm that would *"have such a serious impact on the significance of the asset that its significance was either vitiated altogether or very much reduced."*
- 7.5 When considering potential impacts of the proposed development on the character and appearance of the Conservation Area, it is important to recognise that the Conservation Area covers a large area. The Site itself represents a small portion of the total area covered by the Conservation Area and, as noted in the NPPF at Paragraph 207, it is necessary to consider the relevant significance of the element which has the potential to be affected and its contribution to the significance of the designation as a whole, i.e. would the application proposals undermine the significance of the Conservation Area as a whole?
- 7.6 The initial pre-application response from Richmond stated:
- "Interestingly, I am led to believe that the designation of the Historic Park and Garden was made after the current buildings were built. This is*

somewhat unusual and relevant as in some cases similar designations deliberately skirt around built form to exclude it from the designation so there was good reason for its inclusion despite its limited architectural and historic merit. In this respect however there is a historic association and setting in the landscape, tucked in with the surrounding trees."

- 7.7 In the second pre-application response from the Council, they stated:

"Within the details provided so far, there has been no meaningful analysis made of the significance of this site's inclusion within the Historic Park & Garden designation. In the absence of this and given the scale of the development, at present there is no reason for the Council to conclude that the level of harm to the heritage asset would not be substantial by destroying the significance of this area of the designation."

- 7.8 The designation report for the Registered Park and Garden had not been located by Historic England through the pre-application process, but in their response, they stated the following:

"According to historic maps the application site, which has been specifically included within the boundary of the Registered Park and Garden (RPG), was originally a central open, assumed grassed area, of the Cardigan Estate. The estate was subdivided and incorporated into the Terrace Gardens public park in the early half of the 20th Century. The site retained an open character when a bowling green was formed on the site, before being replaced by the current apartment buildings in the latter half of the 20th century."

These existing buildings are not of any historic interest, and their presence has somewhat eroded

the ability to appreciate its original open rural qualities when it formed part of the Cardigan Estate. Despite this, the low profile and inconspicuous form of these buildings, allows the landscape and planting to remain the dominant feature along this boundary, retaining the park's secluded and enclosed character. Larger 20th century developments adjacent to the application site's boundary can be visible through the plant screening; however this largely restricted to fleeting views when vegetation screening is much reduced."

- 7.9 The proposals continue to propose the demolition of the existing built form on the site, but this is not considered to result in a loss of structures which contribute to the heritage significance of either the Conservation Area or the Registered Park and Garden, and thus no harm is identified in associated with this element of the development proposals. It is understood that no concerns have been raised by the Local Authority in relation to the demolition of the existing buildings, and that there is no 'in principle' objection to the redevelopment of the Site from a heritage perspective.

- 7.10 With regard the proposed new built element of the development proposals, concerns raised by the Local Authority to date have been primarily associated with how the proposed development would be visible from the wider surrounds of the Site due to its massing and height, and the potential impact that this would have on the surrounding townscape from both a landscape and heritage perspective. With regard to the latter this is primarily associated with the impacts upon the character and appearance of the Conservation Area, and heritage significance of the

Registered Park and Garden.

- 7.11 The proposed built form on the site is a single building of a greater height and footprint. Currently, the only notable feature of interest that can be seen above the existing built form in views is the impression of vegetation. The proposed elevations show that, despite the increase in overall height, vertical gardens and green roofs will soften the built form in the landscape. This addresses comments within both pre-applications recommending green roofs and other landscaping measures to soften the development. The use of the vertical gardens and green roofs will retain the overall greenness of views towards the site in views from the surroundings, as demonstrated in the submitted AVRs.
- 7.12 The mass of the building has been reduced, better relating to the scale and height of the existing townscape as well as the local topography. The height reduces as one moves down the hill, thus creating the impression of the building hugging the hillside and sitting comfortably beneath the crowns of the surrounding mature trees, as shown in the proposed elevations. The building includes balconies, which give it a domestic character like that of the built form immediately surrounding the site and within the Conservation Area.
- 7.13 The articulation of the elevations and the differentiation between the residential units and the stair and lift cores will add interest and variety to the building and break up the massing visually. It will also have a more lightweight appearance in comparison

with existing built form, reducing its presence within views, as well be discussed below. Finally, the material palette (yellow brick with a blue engineering brick core) provides a suitable reflection of Cardigan House (now demolished) and other traditional built form of the surrounding Richmond Hill Conservation Area.

- 7.14 The incorporation of a contemporary design will also reflect the variety of built form found within the surrounds of the site, both in terms of immediate streetscape and longer distance views. The quality of the architecture of the proposals will also be an improvement upon the existing architecture on the site.
- 7.15 However, ultimately the proposals will remove grassed areas which fall within the Registered Park and Garden boundary and which inherently contribute to its significance as open areas of designed landscaping, albeit to a very minor degree in comparison with the landscaping inside the public park boundary. This will result in a minor negative impact.

Discussion on Submitted AVRs

Viewpoint 1

- 7.16 Viewpoint 1 is located southeast of the Site, within the publicly accessible seating area associated with the Terrace Gardens. The viewpoint is located within the bounds of both the Registered Park and Garden and the Conservation Area.
- 7.17 The existing baseline demonstrates that there are no views of the existing built form from this publicly accessible part of the

Registered Park and Garden (and Conservation Area) during the summer months, although it is anticipated that glimpsed views are likely during the winter months. Irrespective, visibility of the existing built form is not considered to make any appreciable contribution to the overall heritage significance of these assets.

7.18 The proposed view demonstrates that minor elements of upper parts of the proposed built form will be glimpsed amongst the existing vegetation, similar in fashion to how other elements of modern built form to the southwest is visible. The proposed building will sit below the crown of the mature trees along the park boundary and be viewed as a background element. During the winter months a greater degree of the proposed development will become visible, and this would largely 'replace' the views of the existing built form and the sky above.

7.19 In Historic England's pre-application response, their opinion was that the potential impact of the proposed development on the Registered Park and Garden would be most apparent in View 1. They stated:

"In our opinion, the principal impact of the development, based on the wireline visualisations provided, would be from within the Grade II Terrace Gardens, through development within its boundary and the impact this would have on the character and appearance of the Richmond Hill Conservation Area. This is best illustrated in Viewpoint 1 of the Pegasus Group AVR assessment (October 2018). In this view, which looks towards the wooden shelter, which is noted in the list entry as a focal point for looking out over the internal vistas of the park, the taller elements of the proposed building would be visible

above the vegetation screening. Whilst we appreciate the historic planting may screen the majority of the development in this view, particularly in the summer months, it would not altogether remove it. The introduction of a sizeable development would represent a visible urban hardening within the boundary of the RPG, which would somewhat erode the secluded and enclosed character of the park, as set out above.

This impact would be even greater when vegetation screening is much reduced, and as set out in the NPPG and Historic England's setting guidance, factors such as light spill and noise can equally contribute to, and exacerbate any potential impact the scheme may have on surrounding heritage assets.

On the basis of the information available, it is likely that the scheme would cause a degree of harm to the character and appearance of the Richmond Hill Conservation Area and significance of the grade II registered Terrace Gardens within. As per the NPPF, this conflict should first be avoided or minimised, with any residual harm clearly and convincingly justified, and weighed against the public benefits of the scheme.

To further minimise any potential conflict between the proposals and heritage asset, I would recommend the height of the scheme is reduced, and further consideration is given to breaking up and focussing the bulk of any development to the north of the site. This would help ensure the built environment remains subservient to this secluded and enclosed rural landscape."

7.20 It is acknowledged that the increase in height of built form on the site would mean it is more apparent within this view, and this would inherently result in some negative impact, but this

has been reduced from the pre-application proposals, and can be further mitigated through the incorporation of the green roofs and vertical gardens. As discussed, these elements of the proposals will soften the built form within the view and allow for the predominant greenness of the view to continue to be understood. It should also be noted that despite the visibility of the proposals, they will continue to remain a background element within the view. Nonetheless, the visibility of the proposals and increased built form in the view in summer months will still result in a minor negative impact.



Plate 17: Proposed Viewpoint 1 (summer) with wireline of the proposed development (yellow line is non visible extent and blue line is visible extent).



Plate 18: Proposed Viewpoint 1 (winter) with wireline of the proposed development (yellow line is non visible extent and blue line is visible extent).

Viewpoint 2 – Richmond Bridge

- 7.21 Viewpoint 2 is located northwest of the Site and is focused upon the view southeast towards the Site and its immediate environs from Richmond Bridge. The viewpoint is located on the boundary of the Richmond Hill and Richmond Riverside Conservation Areas, but outside of the boundary of the Registered Park and Garden.
- 7.22 The proposed view demonstrates that only a very minor element of the upper most part of the proposed development would be visible from the Bridge during the summer months, with this

being less than the pre-application schemes. Even during the winter months, it is considered that views of the proposed development would be extremely limited, and a small background element amongst the existing built form and vegetation.

7.23 Within this context, the glimpsed views of the proposed development would be seen in conjunction with other elements of existing built form already present along Richmond Hill and Petersham Road in this location. Visibility of the proposed development would not alter the experience and appreciation of the Conservation Area from this location, and most importantly would not be impacted upon the 'landscape and river setting' currently present in this location, as identified within the Conservation Area Statement.

7.24 Such views are not considered to make any meaningful contribution to the overall heritage significance of the Registered Park and Garden, and the resulting change in this view is not considered to impact upon the significance of this asset.



Plate 19: Proposed Viewpoint 2 (summer) with wireline of the proposed development (yellow line is non visible extent and blue line is visible extent).



Plate 20: Proposed Viewpoint 2 (winter) with wireline of the proposed development (yellow line is non visible extent and blue line is visible extent).

Viewpoint 3 – Capital Ring

- 7.25 Viewpoint 3 is located west of the Site and is focused upon the view east towards the Site from the towpath along the western side of the River Thames. The viewpoint is located within the boundary of the Richmond Hill Conservation Area, but outside of the boundary of the Registered Park and Garden.
- 7.26 As with Viewpoint 3, the proposed view demonstrates that only a very minor element of the upper most part of the proposed development would be visible from the Bridge during the summer months due to mature vegetation, with this being considerably less than the previously proposed schemes. Even

during the winter months, it is considered that views of the proposed development would be limited and understood as a background element amongst already present built form. It should be noted that built form within this view is larger in scale in that it includes blocks of flats or large terraces, such as the five storey Robins Court building, so the proposed development, when only glimpsed, would be in keeping with the character of the built form within this view. Thus, visibility of the proposed development would not alter the experience and appreciation of the Conservation Area from this location, and most importantly would not impact upon the 'landscape and river setting' currently present in this location, as identified within the Conservation Area Appraisal. The Thames and mature trees will still be read as the principal elements in the foreground of the view.

- 7.27 It is understood that concerns have been raised by the Local Authority with regard to the increased infill amongst the existing built form. But as a result of the topography of the area and existing built form, it is not considered the resulting change would 'infill' any notable gaps in the skyline or undeveloped areas which would impact upon the heritage significance of the Conservation Area, when seen from this location.
- 7.28 The Gardens Trust commented on the viewpoints in their pre-application consultation response, and with respect to Views 1 and 3, they stated:

"There will be some intrusion into the skyline beyond the trees, which could get better or worse subject to

the seasons and to the retention/growth of the trees. Careful choice of materials could help ameliorate this intrusion. Roof terraces and plant will add to the height of the building and more information is required on these aspects. The fenestration of the top floor is also important to avoid excessive light pollution at night where large expanses of lit glass unduly impact the view of the hill from the river."

- 7.29 As discussed, green roofs and vertical gardens have been incorporated to retain the impression of greenery within the views, and the design of the proposals has been amended so that only the core areas have more glazing. The remainder of the building has a brick materiality with domestic-scaled glazing. The overall architectural treatment of the building to differentiate stair and lift cores from the residential units would not be dissimilar to other modern built form in the Conservation Area, which employ a comparable approach.
- 7.30 This view in particular is not considered to make any meaningful contribution to the overall heritage significance of the Registered Park and Garden, and the resulting change in this view is thus not considered to impact upon the significance of the assets.



Plate 21: Proposed Viewpoint 3 (summer) with wireline of the proposed development (yellow line is non visible extent and blue line is visible extent).



Plate 22: Proposed Viewpoint 3 (winter) with wireline of the proposed development (yellow line is non visible extent and blue line is visible extent).

Viewpoint 4 – Petersham Road

- 7.31 Viewpoint 4 is located southwest of the Site and is focused upon the view north / northeast towards the Site from Petersham Road. The viewpoint is located on the boundary of the Richmond Hill Conservation Area, but outside of the boundary of the Registered Park and Garden.
- 7.32 As highlighted within the 2018 Landscape Technical Note prepared by Pegasus Group, which was submitted as part of the pre-application consultations, there are a limited number of locations along Petersham Road from where the existing two storey buildings on the site are visible – typically, they are just

glimpsed between other buildings in the foreground and they are not immediately apparent to pedestrians or other road users due to the topography and interposing built form. With regard to the identified heritage assets, this view is not considered to make any notable contribution to the overall experience and appreciation of the character and appearance of the Conservation Area in this location, nor is it considered to contribute to the heritage significance of the Registered Park and Garden, via setting.

- 7.33 As such, the proposed change as seen from Petersham Road and demonstrated by AVR 4 (the introduction of built form behind existing elements of built form) is not considered to impact upon either the character and appearance of the Conservation Area, or the Registered Park and Garden.



Plate 23: Proposed Viewpoint 4 (summer) with wireline of the proposed development (yellow line is non visible extent and blue line is visible extent).



Plate 24: Proposed Viewpoint 4 (winter) with wireline of the proposed development (yellow line is non visible extent and blue line is visible extent).

Viewpoint 5 – Richmond Hill

7.34 Viewpoint 5 provides an example of how the proposed development would be seen from Richmond Hill in an area close to the boundary of the Site. The viewpoint is located within the bounds of the Richmond Hill Conservation Area, but outside of the boundary of the Registered Park and Garden.

7.35 As set out in the 2018 Landscape Technical Note prepared by Pegasus Group:

"From other locations along Richmond Hill, the views are often heavily limited and/or shortened by the trees and other vegetation within Terrace Gardens, and this screening effect would be more substantial

during summer months when the deciduous vegetation is in leaf. The five storey Bromwich House is clearly visible through the existing winter tree cover from pavements along either side of Richmond Hill. The existing two storey buildings on the Site are hidden in views from the eastern pavement Hill by relative topography and the brick wall along the upper edge of Terrace Gardens."

- 7.36 The proposed view demonstrates that the upper elements of the proposed development would be partly visible from the eastern side of Richmond Hill in this location. Existing mature vegetation both in the foreground and background would remain visible, as would other elements of existing built form (whilst not visible within the single frame AVR view, the five storey Bromwich House is located closer to the roadside than the Proposed Development and its upper 3 storeys are visible from the eastern side of Richmond Hill). The only built feature of note within the single frame AVR is the brick and stone balcony along the pavement on the opposite side of the road.
- 7.37 The change resulting from the introduction of the upper storeys of the proposed built form from this location is considered to only have the potential to have a minor impact upon the overall experience of the Registered Park and Garden from this location, with the effect being reduced by the incorporation of the green roofs and vertical gardens to soften the presence of the building and blend it in with the surrounding vegetation. When viewed from Richmond Hill, the proposed development will be seen as an element of contemporary built form with intervening vegetation, much as the current composition. It is, however,

acknowledged that the proposed development inherently creates the impression of larger built form than is currently present and reducing the openness of the site generally due to the height of the proposals.

- 7.38 With regard to the Conservation Area, similar discussions are also relevant with regard to how the experience of the Registered Park and Garden forms a contributing element of the established character and appearance of the Conservation Area. The proposed development would result in a visual change to the outward views from Richmond Hill, as identified within the Conservation Area Statement; however, this would be in relation to very limited locations on this route only. Furthermore, it is highlighted that only the upper elements of the proposed development will be visible, and will be seen within the context of existing mature vegetation – thus views will not be ‘enclosed’ by built form in this location, nor will the wider semi-rural landscape character be extensively eroded. In summary, the visual change will have a minor negative impact upon this view, but with reference to the Conservation Area as a whole, as per Paragraph 207 of the NPPF, this negative is only considered to be extremely minor.
- 7.39 It should be noted that the Gardens Trust did not raise any concerns with regards to this view and stated:

"The new building will be visible, but for only a short stretch of the walk up the hill, and is unlikely to detract significantly from the view over the park and river, which is a dynamic and ever-widening prospect