

**APPENDIX 5B:**

**UPDATED ASSESSMENT REPORT (MAY 2017)**

# APPENDIX 5B: UPDATED ASSESSMENT REPORT – HARM vs PUBLIC BENEFIT

## 1. OVERVIEW

### 1.1. Purpose of this document

- 1.1.1. This document is an appendix to report to Cabinet on Revised Character Appraisals for the Driffield Road and Medway Conservation Areas. It provides a detailed appraisal of the potential impacts arising from adopting a more permissive approach to the consideration of planning applications for mansard roof extensions in the Driffield Road and Medway conservation areas. The document also considers the possible public benefits that may arise from this approach and weighs those against the harm identified in accordance with the established planning decision making framework.
- 1.1.2. This report is an updated version of one that was appended to a report to Cabinet on 6 December 2016. That report found that adopting a more permissive approach to mansard roof extensions would cause harm to the character and appearance of the Driffield Road and Medway conservation areas. It also concluded that due to the relatively little weight that could be attached to any public benefits that may arise from mansard roof extensions, and the considerable importance and weight that should be attached to the harm to the historic environment, the public benefits would not overcome the harm.
- 1.1.3. This updated report takes account of additional guidance provided in the following documents:
  - Detailed design guidance for façade enhancements in the Driffield Road Conservation Area (Consultation Draft April 2017).
  - Detailed design guidance for façade enhancements in the Medway Conservation Area (Consultation Draft April 2017).
  - Potential for enhancement to streetscape in the Driffield Road and Medway conservation areas (Consultation Draft April 2017).
- 1.1.4. The first two of these documents describe and illustrate enhancements that may be made to individual properties that will help to improve the character and appearance of the two conservation areas by the reinstatement of lost features. The third document identifies

potential streetscape enhancement schemes that may help to improve the character and appearance of the two conservation areas.

- 1.1.5. It is intended that the enhancements identified in the above documents will be delivered alongside proposals for mansard roof extensions to suitable properties in the two conservation areas. The enhancements may provide additional public benefit, which may help to mitigate some of the harm that mansard roof extensions would cause.

## **1.2. Findings**

- 1.2.1. This report finds the following:

- Adopting a more permissive approach to mansard roof extensions would result in harm to the significance of the Driffield Road and Medway conservation areas.
- Some public benefits in the form of supporting social cohesion, improving building façades, contributing to streetscape enhancements and supporting/creating construction jobs may arise. However, the nature of these benefits means that they can only be given limited weight in the decision making process.
- In order to comply with statutory duties in relation to preserving designated heritage assets, local planning authorities must attach 'considerable importance and weight' when weighing any identified harm against the public benefits of this proposal.
- Overall, the public benefits are not considered to overcome the significant harm associated with adopting a more permissive approach to mansard roof extensions.

## **2. DECISION MAKING FRAMEWORK**

### **2.1. Development in conservation areas**

- 2.1.1. This section sets out the decision making framework relating directly to the consideration of development in conservation areas. It should be noted that other policy considerations may also apply as part of any decision making process, notably the protection of other non-designated heritage assets (such as listed buildings) and the protection of residential amenity.

### **2.2. Statutory**

- 2.2.1. The Council, as local planning authority, has a duty under section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 to determine applications for planning permission in accordance with the development plan.

2.2.2. In addition, section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 requires local planning authorities, in exercising their planning functions, to pay special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas.

### **2.3. Policy**

2.3.1. Section 12 of the National Planning Policy Framework (NPPF) sets out the national planning policies for the conservation and enhancement of the historic environment. The objective of these policies to maintain and manage change to heritage assets in a way that sustains and, where appropriate, enhances their significance.

2.3.2. Annex 2 (Glossary) of the NPPF also identifies conservation areas (and listed buildings) as designated heritage assets. Paragraphs 132 to 134 of the NPPF set out a sequenced decision-making structure applicable to development affecting conservation areas, as designated heritage assets. Paragraph 132 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

2.3.3. Paragraph 133 states that 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 loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or if certain other specific criteria are met. Paragraph 134 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

2.3.4. The determination of whether or not a more permissive approach to mansard roofs will result in harm to the significance of the conservation areas in question, and the degree of any such harm (substantial or less than substantial), is a matter of judgement. However, the Conservation Area Character Appraisals and Management Guidelines provide useful tools to assist with this (see below under paragraph 2.5.4). Where it is determined that any harm would be less than substantial, and that the test under paragraph 134 is relevant, it should be applied having regard to the requirement, under section 72 of the Planning (Listed Building and Conservation Areas) Act 1990, to pay special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas.

That is, all elements of the planning balance should not be given equal weight but that considerable importance and weight should be given to any harm identified.

## **2.4. Regional**

- 2.4.1. The London Plan Policy 7.8 (Heritage Assets and Archaeology) states that development affecting heritage assets and their settings should conserve their significance, by being sympathetic to their form, scale, materials and architectural detail.

## **2.5. Local**

- 2.5.1. The Core Strategy (CS) Policy SP10 states the Council will protect and enhance a range of heritage assets and their settings, including conservation areas. It also states that the Council will preserve or enhance the wider built heritage and historic environment of the borough, enabling the creation of locally distinctive neighbourhoods. In particular, by promoting and implementing placemaking across the borough to ensure that the locally distinctive character and context of each place is acknowledged and enhanced.
- 2.5.2. The Managing Development Document Development Plan Document (MD DPD) Policy DM24 (Place-sensitive design) states that development will be required to be designed to the highest quality standards, incorporating principles of good design, including ensuring design is sensitive to and enhances local character.
- 2.5.3. MD DPD Policy DM27 (Heritage and the historic environment) development will be required to protect and enhance the borough's heritage assets and their significance as key elements of developing the sense of place of the borough's distinctive 'places'. It also states that applications for alteration or extension within a heritage asset will only be approved where it does not result in an adverse impact on the character, fabric or identity of the heritage asset or its setting; it is appropriate in terms of design, scale, form, detailing and materials in its local context; and it enhances or better reveals the significance of the asset or its setting.
- 2.5.4. In the context of development in conservation areas, the above policies are supported by the Conservation Area Character Appraisals and Management Guidelines (CACAAMG). These documents are a useful tool that describe the special interest of each of the boroughs conservation areas and provide a greater understanding and articulation of their special character and appearance. As adopted documents, they are a material consideration in the determination of planning applications.

### 3. IDENTIFICATION AND ASSESSMENT OF HARM

#### 3.1. Harm to conservation areas

- 3.1.1. To assess harm to a designated heritage asset it is first necessary to consider its significance. Annex 2 (Glossary) of the NPPF defines 'significance' as:

*“The value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset’s physical presence, but also from its setting.”*

- 3.1.2. Historic England’s guidance document *Conservation Principles (2008)*, which is aimed at supporting the quality of decision making, identifies four types of heritage value that an asset may hold: aesthetic, communal, historic and evidential value. These values can be considered as another way of analysing the significance, and can help in deciding the most efficient and effective way of managing the heritage asset so as to sustain its overall value to society.
- 3.1.3. In the case of conservation areas, their significance derives from their special character and appearance. They are *areas* of special interest, that is, the significance is not found in one single building or view but in the sum of their parts.
- 3.1.4. The Driffield Road and Medway conservation areas possess aesthetic value in the rhythm and uniformity of the homogenous layout of streets, as well as the variety of ornamental detail. Their communal value derives from the fact that the physical fabric of the conservation areas has provided a backdrop for resident’s lives over many years and features in community memories. The way that the conservation areas can be seen to have developed over time demonstrates their historical value. The evidential value of the conservation areas comes from the way that they yield evidence about past human activity. For example, the name and dates plaques that allow you to identify the design details of a particular time, such as decorative ironwork or the details of the roof structure.
- 3.1.5. To explore the impact on the significance of the Driffield Road and Medway conservation areas in more detail, an appraisal of all the main character elements has been carried out. The main character elements appraised are those set out in the draft refreshed versions of the character appraisals documents, which provide the most up-to-date assessment of the character of the conservation areas. Whilst this appraisal is not an exhaustive examination

of the character, it does, nonetheless, address the main elements that may be affected by the addition of mansard roofs to buildings in the conservation areas.

- 3.1.6. The appraisal is presented in Table 1, with each character element considered in terms of the degree to which they may be affected by the addition of roof extensions to properties in the conservation areas. The assessment has been carried out on the basis that the roof extension would be in the form of the least harmful option presented in the Draft Character Appraisals and Management Guidelines (Option1 Revision A: double pitched mansard with 300mm setback).
- 3.1.7. Each character element has been assessed in terms of its sensitivity, significance, degree of change and the overall effect of this change.
- 3.1.8. Sensitivity is an assessment of the degree to which the character element would be altered by the introduction of a mansard roof. It is categorised as low, medium or high.
- 3.1.9. Significance is the consideration of how important the character element is to the character of the conservation area as a whole, bearing in mind that the designation of the conservation area is to protect its special character and appearance, as opposed to any one particular building. The significance must reflect the consistency of the character element throughout the area, the degree to which there has been any change, the extent to which alteration to that element would impact on the character of the conservation area and the degree to which it might be evident on a quick glance down the street. Significance is expressed as high, medium or low.
- 3.1.10. The degree of change to which that character element would be subjected, by the introduction of a mansard roof is categorised as major, moderate, minor or none.

<b>Table 1: Assessment of effect of mansard roofs on character elements</b>				
<b>Character element</b>	<b>Sensitivity</b>	<b>Significance</b>	<b>Degree of change</b>	<b>Effect</b>
Small-scale houses	Medium – modest artisan houses were never intended to have a roof storey.	High – a key element of the character is the modesty of the scale of the houses.	Moderate – caused by an additional storey.	Major harm
Consistency of parapet roofline, concealed roof and the horizontal emphasis that this creates	High - this ties groups of properties together, despite the variation in architectural details	High – it has a large impact on street views throughout the conservation area	Major - a mansard roof will interrupt the parapet line, and detract from the horizontality.	Major harm
Valley gutter, expressed on the rear elevation	High - clear indication of the historic London roof	Medium – it is not visible from the public realm, although visible from neighbouring properties	Major – it would result in the loss of the distinctive valley gutter profile	Major harm– can be mitigated by the retention of the expressed ‘V’ as demonstrated in the least harmful mansard option
Silhouetted chimneys	High - clear indication of how the houses were lived in historically	Medium - often more visible from the rear of the property	Moderate - chimneys are often removed in the addition of a mansard	Major harm – can be mitigated by building up the chimneys as part of the mansard proposals
Uniformity	High - despite variations in architectural detail the terraces have an overall feeling of uniformity	High – consistency, regularity and repetition highlighted as important within the appraisals	Major - ad hoc addition will interrupt uniformity	Major harm

Historical integrity	High - terraces appear much as they did historically	High	Major - however the change will not obliterate the historic integrity	Neutral
Long views	High	High	Moderate - interruptions to the horizontality and consistency of the parapet line	Moderate harm
View from canal towpath	Medium	Medium	Moderate	Moderate harm - this is a back elevation and substantial alterations are already visible
Materials	Medium	High	Minor	Minor harm - the change to materials is confined to the roof extension
Doors and windows	Low	High	None	No effect
Railings	Low	High	None	No effect
Variety of architectural details to include, architectural mouldings, foot scrapers, ironwork on window cills, name and date plaques etc.	Low	High	None – these elements will remain unaltered regardless of what happens at roof level	No effect

Downpipes	High - drainage is currently down the rear of the buildings, the introduction of a mansard will result in the introduction of downpipes on the front elevation	Low	Moderate	Moderate to major harm – but can be minimised by careful management
-----------	--	-----	----------	---

3.1.11. The appraisal in Table 1 demonstrates that the application of a mansard roof to properties in the Driffied Road and Medway Conservation Areas will, in many instances, result in harm to those elements that are significant to the character of those conservation areas.

### **3.2. The extent of harm**

3.2.1. Table 1 presents an assessment of the harm to the significance to the two conservation areas that would arise from the introduction of mansard roof extension. Depending on the number and distribution of mansard roof extensions introduced to the conservation areas, the extent of this harm will vary both spatially temporally. Harm to some elements of the significance of the conservation areas, such as the increase in scale of the small-houses and the loss of traditional roof structures, would increase as more and more roof extensions are introduced. However, other elements of harm, such as changes to the uniformity of the terraces, may improve over time, if the number of mansard roof extensions increases and uniformity is reintroduced.

3.2.2. It is difficult to predict the exact number of residents that will choose to extend their homes in this way, and how these extensions would be distributed across the conservation areas. During a public consultation that took place between July and September 2016 a number of residents advised the Council that they were supportive of a more permissive approach to mansard roof extensions. The number of residents who responded to the public consultation in this way (42 people) is a low proportion of the total number of properties located in these conservation areas (1,535 properties). The reason for this number of responses may be related to the relatively low proportion of owner occupiers in the conservation areas (558 properties out of 1,535). On the other hand, 519 properties in the conservation areas are owned by two register providers (housing associations). These organisations were also contacted during the public consultation exercise, both choosing to neither support or reject proposals for a more permissive approach to mansard roofs. In addition, neither stated that they had any immediate desire to add roof extensions to their properties. However, one organisation did note that this may enable them to improve the number/choice of homes they were able to offer. It should be noted that the ownership of the registered providers distributed unevenly throughout the conservation areas. As such, if these organisations did choose to add mansard roof extensions to their properties

3.2.3. In view of the above, it seems likely that the extent of the harm to the conservation areas would be serious, particularly in the short and medium term where it seems likely that only some properties would be extended, resulting in harm to individual character elements. It

is difficult to foresee a circumstance whereby mansard roof extensions contribute to a high degree of uniformity in the conservation areas, except perhaps in the very long-term, when many or all of the properties have been extended. Even then, this would require a high-degree of consistency in the design and construction of roof extensions, which cannot necessary be guaranteed by the planning system.

### **3.3. Other harm**

3.3.1. The appraisal in Table 1 is based on the assessment of possible impacts of the addition of mansard roofs to properties on the character of the two conservation areas. It should be recognised that the addition of a mansard roof to a property may result in other harmful effects that not considered here. For example, harm to listed buildings or the setting of listed buildings (albeit that there is only one listed building in the two conservation areas), harm to non-designated heritage assets or adverse impacts on residential amenity.

3.3.2. Where other potentially harmful effects of proposed mansard roof are identified, these will need to also be taken into account in the decision making process, including the exercise of any planning balance. Here, however, assessment is carried out without reference to any other effects, so as to understand the baseline degree of harm to the significance of the conservation areas.

### **3.4. Conclusion on harm**

3.4.1. Overall the harm that would occur is considered to be less than substantial. As such, it should be weighed against the public benefits of the proposal in accordance with paragraph 134 of the NPPF.

3.4.2. The harm to the conservation areas is nonetheless likely to be serious, a particularly in the short to medium term. There is, however, a prospect that harm would be lessened in the long-term if a new sense of uniformity is established. Although, this is unpredictable and cannot be guaranteed.

## **4. IDENTIFICATION AND ASSESSMENT OF PUBLIC BENEFITS**

### **4.1. Public benefits**

4.1.1. The Government's Planning Practice Guidance (PPG) states that public benefits can be anything that arises from a development that delivers economic, social or environmental progress, as defined by paragraph 7 of the NPPF.

4.1.2. The PPG also states that public benefits may include heritage benefits, such as:

- 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.

#### **4.2. Public v. private benefits**

4.2.1. The PPG is clear that 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 should 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.

4.2.2. Private benefits are considered to be those received by an individual or a private business. Private benefits include, but are not limited to, monetary reward. In the case of roof extensions in the Driffield Road and Medway conservation areas; the benefits of increased floor space, and subsequent benefits to family life, are considered to be private benefits. As would be the increased value of the extended property.

#### **4.3. Public benefits potentially gained from mansard roof extensions**

4.3.1. Table 2 sets out an assessment of the potential public benefits that may arise from adopting a more permissive approach to mansard roof extensions in the Driffield Road and Medway conservation areas. Table 2 uses the definition of public benefits, as described above, to understand the potential outcomes from allowing mansard roofs and to evaluate the weight that these outcomes can be given in the decision making process.

<b>Table 2: Assessment of benefits potentially arising from mansard roof extensions</b>				
<b>Benefit</b>	<b>Does it deliver economic, social or environmental progress?</b>	<b>Does it flow from the proposed development?</b>	<b>Is it of a nature and scale to benefit the public at large?</b>	<b>What weight should be given to this benefit?</b>
<b>Support social cohesion</b>	Social progress may result through enabling residents to stay in the area, which consequently may support the development of social capital. However, it may also undermine social cohesion by encouraging buy-to-let investment and/or subdivision of family homes.	There is no guarantee that the benefit will flow from the development; some residents may have chosen to remain in the area without a roof extension or may choose to move away despite being able to build one. The benefit may also be delivered through less harmful forms of development, such as rear and/or basement.	In nature, improved social cohesion would benefit the public. The scale is unknown, individual cases may deliver minimal benefit, but collectively the impact may be greater.	Limited weight can be given to this benefit. Supporting social cohesion would be beneficial to the public, but there is no guarantee that it would be delivered by allowing mansard roof extensions. Allowing mansard roof extensions may also be detrimental to social cohesion.
<b>Enable façade enhancements</b>	Contributing to protecting and enhancing our built and historic environment.	There is no planning mechanism to guarantee that the benefit will be delivered. The benefit may also be delivered without the need for	In nature, improving building facades would benefit the public. The scale is unknown, individual cases may deliver minimal benefit, but	Limited weight can be given to this benefit. Whilst improved facades would benefit the public, there is uncertainty about whether or not they could

		mansard roof extensions.	collectively the impact may be greater.	be secured through the planning process. Façade enhancements may also be considered to be incidental to the mansard roof extension, as they may arise independently.
<b>Contribute to streetscape enhancements in the common parts of the conservation area</b>	Contributing to protecting and enhancing our built and historic environment.	Financial contributions associated with planning applications could help to deliver streetscape enhancements. There is likely to be a delay between the collection of the funds and the delivery of the benefit.	In nature, enhancing the streetscape would benefit the public. The scale is unknown, significant funds will be needed to deliver even modest enhancements. Modest enhancements will have a limited impact on the conservation area.	Limited weight can be given to this benefit. Enhancements are only likely to have a limited impact on the character and appearance of the conservation area.
<b>Create/support jobs</b>	Contributing to building a strong, responsive and competitive economy.	Yes, some jobs for planners, architects and construction workers may be created or supported by the planning design and construction of mansard roofs.	In nature, creating/supporting jobs will benefit the public. The scale is unknown, individual cases may deliver minimal benefit, but collectively the impact may be greater.	Limited weight can be given to this benefit. Some jobs may be supported or created.

- 4.3.2. The assessment in Table 2 demonstrates that only limited weight in the decision making process can be given to the public benefits that may arise from adopting a more permissive approach to mansard roof extensions in the Driffield Road and Medway conservation areas.

## **5. PLANNING BALANCE**

### **5.1. The NPPF test**

- 5.1.1. The assessment carried out in section 3 of this report concludes that adopting a more permissive approach to mansard roof extensions would result in harm to the significance of the Driffield Road and Medway conservation areas. The harm identified is considered to be less than substantial. Consequently, the test set out in paragraph 134 of the NPPF is appropriate to the decision making process in this instance.

- 5.1.2. Paragraph 134 states that where a development proposal, in this instance adopting a more permissible approach to mansard roofs, 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.

### **5.2. Relative weight of harm to heritage assets**

- 5.2.1. It is noted above that section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 requires local planning authorities, in exercising their planning functions, to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas. Judgements by the Court of Appeal and the High Court in *East Northamptonshire v. Secretary of State for Communities and Local Government* [2014] (known as the Barnwell Manor case) and *R (on the application of The Forge Field Society and others) v Sevenoaks District Council* [2014] (known as the Forge Field case) have confirmed that in exercising this statutory duty, decision makers should attach 'considerable importance and weight' to desirability of preserving conservation areas. These decisions also confirm that the need to attach considerable importance and weight should apply even where the harm identified is less than substantial.

### **5.3. Relative weight of public benefits**

- 5.3.1. An assessment of the potential public benefits arising from adopting a more permissive approach to mansard roof extensions is presented in section 4 of this report. Four possible types of public benefit have been identified. Two of these, enabling façade enhancements and contributing to streetscape enhancements, may be considered to be heritage benefits

as they may contribute positively to the character and appearance of the conservation area. In line with the statutory in section 72 of the Planning (Listed Building and Conservation Areas) Act 1990, special attention to the desirability of preserving or enhancing the character or appearance of conservation areas should be given to any heritage benefits arising from the development of mansard roof extensions.

- 5.3.2. Notwithstanding the above, the heritage benefits arising from a more permissive approach to mansard roof extensions are considered to be materially more limited in scale and overall impact on the conservation area than the impact of mansard roof extensions themselves. There is also uncertainty about whether or not some of the benefits can be secured through the planning process. It may also be argued that some of the benefits are incidental as they may arise independently of proposals for mansard roof extensions.

#### **5.4. Conclusion on harm weighed against public benefits**

- 5.4.1. Overall, it is concluded that adopting a more permissive approach to mansard roof extensions would result in significant harm to the character and appearance of the Driffield Road and Medway conservation areas. Notwithstanding the attempt to introduce additional public benefit in the form of façade and streetscape enhancements; the significant harm to the character and appearance of the conservation areas would not be overcome by the likely public benefits.