

**APPENDIX 5A:**

**ASSESSMENT REPORT (DECEMBER 2016)**

## **APPENDIX 5: ASSESSMENT OF HARM AGAINST 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 a more flexible approach and weighs these against the potential harm identified in accordance with the established planning decision making framework.

#### **1.2. Findings**

1.2.1. This report concludes that :

- Adopting a more permissive approach to mansard roof extensions would result in less than substantial harm to the significance of the Driffield Road and Medway conservation areas.
- Some public benefits in the form of supporting social cohesion and improving social capital, improving building façades and supporting/creating construction jobs may arise. However, the nature of these benefits means that they are presently unquantifiable and can therefore 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.
- In view of the relative weight attached to the harm and the public benefits, adopting a more permissive approach to mansard roofs is not considered to be the most appropriate course of action.

### **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 is 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 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). The similarities between the character of the two conservation areas, which sit either side of Roman Road and are in parts contiguous, is such that it is appropriate to consider them together in one table.
- 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. This may reduce over time as the number of mansards increases and a degree of consistency is once more established.    |
| 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 to moderate 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 to moderate 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 – potentially reducing over time as more mansard roof extensions are introduced and a degree of uniformity is reinstated. |
| Historic character  | High - terraces appear much as they did historically   | High   | Moderate - however the change will not obliterate the historic integrity          | Moderate   |
| Long views  | High   | High   | Moderate - interruptions to the horizontality and consistency of the parapet line | Moderate harm  |
| View from canal towpath<br>[Driffield Road<br>Conservation Area only] | 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 and the preferred mansard option uses traditional materials.  |

|   |  |      |  |   |
|---|--|------|--|---|
| Doors and windows   | Low  | High | None   | No effect – or moderate improvement with package of mitigation measures.            |
| Railings  | Low  | High | None   | No effect – or moderate improvement with package of mitigation measures.            |
| 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 limited to moderate harm 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 of greatest significance to overall character of those conservation areas. However, the table also recognises that the harm can, to some degree, be mitigated with appropriate detailed designs and a package of mitigation measures might support this.

### **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 a more permissive approach to mansard roof extensions. Depending on the number and distribution of mansard roof extensions introduced to the conservation areas, the extent of this harm will vary both spatially and 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, and a decline in the consistency of the roofline 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 (36 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 registered 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 is distributed randomly throughout the conservation areas. As such, if these organisations did choose to add mansard roof extensions to their properties,

this would not in itself introduce any significant degree of uniformity of roof forms to the conservation areas, as it would not generally be possible to extend a whole terrace at one time.

- 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, in particular to the parapet line and the overall feeling of uniformity and consistency that the unbroken parapet line gives. It is difficult to foresee a circumstance whereby mansard roof extensions could 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 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 are not considered here. For example, harm to listed buildings or the setting of listed buildings (albeit that there is only one locally 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 roofs 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, particularly in the short(0-10yrs) to medium term(10-20yrs). There is, however, a prospect that harm would be lessened in the long-term(over 20yrs) 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, conversely it may also undermine social cohesion by encouraging buy-to-let investment and/or subdivision of family homes. | It is possible that some improvement to social cohesion will flow from the development. However, 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. Some benefit may also be delivered through less harmful forms of development, such as rear and/or basement extensions. Although, some feedback from the public consultations suggests that these alternative forms of | 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 the degree to which it would be delivered by allowing mansard roof extensions is unknown. Allowing mansard roof extensions may also be detrimental to social cohesion. |

|                                   |  |   |   |  |
|-----------------------------------|--|---|---|--|
|                                   |  | extension are not as effective at creating successful family accommodation.   |   |  |
| <b>Enable façade improvements</b> | Contributing to protecting and enhancing our built and historic environment. | There is no planning mechanism to guarantee that the benefit will be delivered. It may also be delivered without the need for mansard roof extensions.  | In nature, improving building facades would benefit the public. The scale is unknown, individual cases may deliver minimal benefit, but collectively the impact may be greater. | Very limited weight can be given to this benefit. Whilst improved facades would benefit the public, there is no planning mechanism to ensure that these are delivered alongside mansard roof extensions. |
| <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. Extended family homes may also support home working. | 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. Table 2 discusses the potential role that mansard roof extensions can play in supporting social cohesion. A number of residents have told the Council, through public meetings and public consultations, that by being able to extend their homes they would be able to better accommodate their expanding families or respond to other personal circumstances. Consequently, they would be able to remain living in the area. This, in turn, may help to support the development of social capital (the connections between people), which is considered to make a positive contribution to a number of aspects of well-being.
- 4.3.3. The Tower Hamlets Partnership's Community Plan [2015] provides long-term vision for the borough, articulating local aspirations, needs and priorities. Under the theme 'A great place to live', this plan recognises the challenges the borough faces from a growing population. In particular, it notes the problems caused by overcrowding and affordability, which can contribute to residents deciding to move out of the borough. To tackle these issues, the Plan recognises the need to improve existing homes, as well as provide new ones. The Plan also identifies the importance of creating a safe and cohesive community where there will be a safer place where people feel safer, get on better together and difference is not seen as a threat, but a core strength of the borough. The Council's Conservation Strategy [2010] also seeks to promote community cohesion, by increasing community pride, ownership and involvement in heritage. As such, the Council, and its partners, recognise the importance of social cohesion, and the role that housing and the historic environment can play in helping to promote it. However, the assessment in Table 2 notes that there remain questions about the degree to which this will be delivered by adopting a more permissive approach to mansard roof extensions.
- 4.3.4. Table 2 also identifies façade improvements and the creation/support of jobs as other potential public benefits that may arise from a more permissive approach to mansard roof extensions. Overall, 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.
- 4.3.5. One way of securing more quantifiable public benefits might be to consider a section 106 Scheme. No consultation has been carried out upon this option.



## **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. This concludes that although some public benefits may arise, the extent to which they might occur is unquantifiable and may only be given limited weight in the decision making process.

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

5.4.1. In view of the statutory duty to attach considerable importance and weight to the harm to the significance of the Driffield Road and Medway conservation areas, and the limited weight that can be attached to the potential public benefits that would arise, it can be concluded that adopting a more permissive approach to mansard roof extensions would not be compliant with planning policy.