

**Appeal by Castleoak Care Developments
Limited in respect of proposals for land to
the rear of Burston Garden Centre St
Albans AL2 2DS**

Proof of Evidence of Kevin Murphy B.Arch MUBC RIBA IHBC

Local planning authority reference: 5/20/3022

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Consultancy for the
Historic Built Environment

KMHHeritage

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1 Introduction

Statement of background and qualifications

- 1.1 I am Kevin Murphy B.Arch MUBC RIBA IHBC. I hold an honours degree in architecture, I am a registered architect, and I am a member of the Royal Institute of British Architects. I also have a Masters in Urban and Building Conservation, and I am a full member of the Institute of Historic Building Conservation.
- 1.2 I am a consultant providing advice and guidance on all aspects of the historic built environment. I have undertaken this work since June 2005. Prior to this I was the head of the Historic Buildings Unit at John McAslan and Partners, architects, for a period of approximately eight months. An early project undertaken by me as a consultant was to prepare draft listed building management agreements for Piccadilly Line Underground stations.
- 1.3 Between 1999 and November 2004, I was an Inspector of Historic Buildings in the London Region of English Heritage dealing with a range of projects involving listed buildings and conservation areas in London. During that period I was responsible for planning casework in the London Borough of Enfield. Prior to this, I was a conservation officer with the London Borough of Southwark, and I led the Conservation & Design Team at the London Borough of Hackney.
- 1.4 As an architect, I worked in London, Dublin, Paris and Glasgow, on a broad range of projects in a variety of contexts. This range includes office and other commercial buildings, residential development, transportation, healthcare and pharmaceutical buildings, and on the conservation and reuse of older buildings. I have considerable experience of architectural and urban design in various environments.

My appointment, and experience relevant to the appeal

- 1.5 I was appointed by the appellant in respect of this Appeal in September 2021.
- 1.6 In 2019 I was asked by Strutt and Parker LLP acting on behalf of Castleoak Care Partnerships Ltd to provide an opinion concerning the Burston Garden Centre development, at land to the rear of Burston Garden Centre, North Orbital Road, Chiswell Green, St Albans, Hertfordshire AL2 2DS. This site was the subject of planning application ref 5/2018/1324. The application was refused planning permission on 20 March 2019. My advice was sought in respect of the issues raised by the Council in refusing the application.
- 1.7 I have visited and inspected the appeal scheme site and its surroundings.
- 1.8 I have carefully assessed the appeal scheme and the Council's reasons for refusal. I have personally prepared this Proof of Evidence in support of the appeal against the Council's refusal of planning permission.
- 1.9 The evidence that I have prepared and provide for this appeal in this Proof of Evidence is my professional opinion and has been prepared and is given in accordance with the guidance of my professional institutions. I confirm that the opinions expressed are my true and professional opinions.

The appeal

- 1.10 Refused application ref 5/20/3022, in respect of Land to Rear of Burston Garden Centre North Orbital Road Chiswell Green St Albans Hertfordshire, was for:

Demolition of all existing buildings, structures and hardstanding and redevelopment of the site to provide a new retirement community comprising 80 assisted living apartments with community facilities and 44 bungalows together with associated access, bridleway extension,

*landscaping, amenity space, car parking and associated
and ancillary works*

The content and organisation of my Proof of Evidence

- 1.11 My evidence will address reason for refusal number 2, set out below:

The development would cause less than substantial harm to the grade II listed Burston Manor and the grade II listed outbuildings. The urbanisation of the application site would sever the last tangible link between the Manor groups and its historic landscape setting. This would cause harm to its significance. The creation of the houses along the southern boundary of the Manor group, with the 3 storey blocks visible beyond together with the amount and scale of built form, would result in the complete reduction in Burston Manor's visual prominence in the surrounding land from the south and east. This would result in the complete loss of the perception that the Grade II* listed Manor house is a historic and important house, set in a wider agricultural setting. The formality of the proposed landscaping would completely erode the designed juxtaposition between the gardens around the Manor Group and the farmland around the site. The development would result in the severing of the last tangible link between the assets and their original setting. The historic relationship between the Burston Manor grouping and How Wood and Birchwood would be all but lost. The proposed screening in itself would be a harmful addition as this further blocks the long range views from and to the Manor group, in particular those between the Manor group and How Wood and Birch Wood. The proposed screening would fully visually contain the designated heritage assets and substantially reduce the appreciable link between the Manor group and the land which it is associated with. Overall the proposals would result in less than substantial harm to the significance of the grade II* and grade II listed buildings forming the Burston Manor group which is not*

outweighed by public benefits, including the provision of additional dwellings. In accordance with the Framework and the statutory obligations imposed, great weight is given to this harm. As a result, the development would conflict with Local Plan Policy 86 and the NPPF 2019

- 1.12 The scope of my evidence is limited to considering the effect of the appeal scheme on heritage assets. Otherwise, I defer to David Phillips's evidence in relation to planning matters and particularly the planning balance between harm to heritage significance and public benefits. In my evidence I consider whether harm is caused to the significance of the relevant heritage assets and, if so, the nature and level of that harm. I do not consider how harm that I might identify might be balanced by public benefits in the manner set out in the National Planning Policy Framework. I defer to Andrew Smith's evidence in relation to landscape, visual impact and character and appearance matters.
- 1.13 In Section 2 of my evidence I briefly set out the relevant legislation, policy and guidance in relation to the assessment of heritage effects in this matter. Section 3 provides a summary description of the appeal scheme and its site in relation to the heritage assets that I consider may be affected by the development. In Section 4 I consider the heritage significance of these assets and the contribution made by the Site to that significance. I then proceed in Section 5 to consider the effect of the appeal scheme on the heritage assets that I have identified as affected by the appeal scheme. Finally, there is a Summary and Conclusion.
- 1.14 My evidence is focussed on considering the effect of the appeal scheme on the significance of the relevant affected heritage assets. It does not repeat background information regarding the history and evolution of the area, information concerning heritage assets and their significance and information concerning the design of the appeal scheme, all of which is available to the Inspector in other appeal documents. I have reviewed the appellant's

application material concerning heritage assets and
heritage significance.

- 1.15 The planning history concerning this site is provided in David Phillips's evidence, and, again, I do not refer in my proof of Evidence to background information the Inspector will find set out in detail elsewhere. Mr Phillips sets out an account of the previous refused application for the site and subsequent unsuccessful appeal, as well as the process that has led to the present appeal.

2 Legislation, policy and guidance in relation to heritage assets

Introduction

- 2.1 This section of my Proof of Evidence briefly sets out the national and local policy and guidance relevant to my evidence. The purpose of this is not to reproduce information provided elsewhere but to make selective reference to policy and guidance basis upon which I have made various judgments in respect of heritage effects.
- 2.2 I also refer to aspects of policy and guidance in the next section of my Proof of Evidence.

The Planning (Listed Buildings and Conservation Areas) Act 1990

- 2.3 The legislation governing listed buildings and conservation areas is the Planning (Listed Buildings and Conservation Areas) Act 1990 ('the Act'). Section 66(1) of the Act requires decision makers to 'have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses' when determining applications which affect a listed building or its setting. Section 72(1) of the Act requires decision makers with respect to any buildings or other land in a conservation area to pay 'special attention... to the desirability of preserving or enhancing the character or appearance of that area'.

The National Planning Policy Framework

- 2.4 The National Planning Policy Framework was revised on 20 July 2021 and sets out the government's planning policies for England and how these are expected to be applied. The revised Framework replaces the previous National Planning Policy Framework published in March

2012, revised in July 2018 and updated in February 2019.

¹.

- 2.5 Chapter 16 of the National Planning Policy Framework: ‘Conserving and enhancing the historic environment’ deals with Heritage Assets describing them as ‘an irreplaceable resource’ that *‘should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations’* (paragraph 189).²
- 2.6 Paragraph 197 says that ‘In determining applications, local planning authorities should take account of:
- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
 - b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
 - c) the desirability of new development making a positive contribution to local character and distinctiveness.’*
- 2.7 Paragraph 199 advises local planning authorities that *‘When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.’*
- 2.8 Paragraph 200 continues: *‘Any harm to, or loss of, the significance of a designated heritage asset (from its*

¹ Ministry of Housing, Communities & Local Government (2019). Available at: <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

² The policies set out in this chapter relate, as applicable, to the heritage-related consent regimes for which local planning authorities are responsible under the Planning (Listed Buildings and Conservation Areas) Act 1990, as well as to plan-making and decision-making.

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.’³*

2.9 In terms of proposed development that will lead to substantial harm to (or total loss of significance of) a designated heritage asset, paragraph 201 states that ‘*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 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.’

2.10 It continues ‘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,

³ 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.

where appropriate, securing its optimum viable use’
(paragraph 202).

- 2.11 In considering the effect of an application on the significance of a non-designated heritage asset the local authority should employ a ‘balanced judgement’ in regard to the scale of any harm or loss and the significance of the heritage asset (paragraph 203).
- 2.12 In terms of development within the setting of heritage assets, paragraph 206, advises 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’ (paragraph 206).
- 2.13 The setting of a heritage asset is defined in the NPPF 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’.*⁴

Planning Practice Guidance

- 2.14 Planning Practice Guidance provides streamlined guidance for the National Planning Policy Framework and the planning system. It includes guidance on matters relating to protecting the historic environment in the section entitled ‘Conserving and Enhancing the Historic Environment’. It is subdivided into sections giving specific advice in the following areas:
- 2.14.1 Historic Environment Policy and Legislation

⁴ <https://www.gov.uk/guidance/national-planning-policy-framework/annex-2-glossary>

- 2.14.2 Heritage in Local Plans
 - 2.14.3 Decision-taking: Historic Environment
 - 2.14.4 Designated Heritage Assets
 - 2.14.5 Non-Designated Assets
 - 2.14.6 Heritage consent processes and consultation requirements
- 2.15 The Government published an updated Historic Environment section of PPG on 23 July 2019 to reflect the changes made to the National Planning Policy Framework (NPPF) since the 2012 edition.
- 2.16 Planning Practice Guidance says the following regarding the setting of heritage assets:

The setting of a heritage asset is defined in the Glossary of the National Planning Policy Framework.

All heritage assets have a setting, irrespective of the form in which they survive and whether they are designated or not. The setting of a heritage asset and the asset's curtilage may not have the same extent.

The extent and importance of setting is often expressed by reference to the visual relationship between the asset and the proposed development and associated visual/physical considerations. Although views of or from an asset will play an important part in the assessment of impacts on setting, the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust, smell and vibration from other land uses in the vicinity, and by our understanding of the historic relationship between places. For example, buildings that are in close proximity but are not visible from each other may have a historic or aesthetic connection that amplifies the experience of the significance of each.

The contribution that setting makes to the significance of the heritage asset does not depend on there being public

rights of way or an ability to otherwise access or experience that setting. The contribution may vary over time.

When assessing any application which may affect the setting of a heritage asset, local planning authorities may need to consider the implications of cumulative change. They may also need to consider the fact that developments which materially detract from the asset's significance may also damage its economic viability now, or in the future, thereby threatening its ongoing conservation⁵.

2.17 Planning Practice Guidance also considers the assessment of harm to heritage assets generally⁶ and to conservation areas⁷.

2.18 I make further reference to Planning Practice Guidance in the next section of my Proof of Evidence.

Historic England's guidance on the setting of heritage assets

2.19 Historic England's Good Practice Advice Notes provide 'information on good practice to assist local authorities, planning and other consultants, owners, applicants and other interested parties in implementing historic environment policy in the National Planning Policy Framework (NPPF) and the related guidance given in the national Planning Practice Guide (PPG)'

2.20 *GPA 3: The Setting of Heritage Assets*⁸ provides guidance regarding the setting of heritage assets and how to assess

⁵ <https://www.gov.uk/guidance/conserving-and-enhancing-the-historic-environment>, Paragraph: 013 Reference ID: 18a-013-20190723, Revision date: 23 07 2019

⁶ <https://www.gov.uk/guidance/conserving-and-enhancing-the-historic-environment>, Paragraph: 018 Reference ID: 18a-018-20190723, Revision date: 23 07 2019

⁷ <https://www.gov.uk/guidance/conserving-and-enhancing-the-historic-environment>, Paragraph: 018 Reference ID: 18a-019-20190723, Revision date: 23 07 2019

the effect of change on that setting. The guidance echoes the definition of 'setting' in the NPPF as quoted above.

2.21 The guidance provides, at Paragraph 12, a step-by-step methodology for identifying setting, its contribution to the significance of a heritage asset, and the assessment of the effect of proposed development on that significance. The document then sets out how the step-by-step methodology is used and considers each step in more detail.

2.22 I make further reference to *GPA 3: The Setting of Heritage Assets* in Section 4 of my evidence.

St Albans District Local Plan Review 1994

2.23 The current adopted Local Plan is the District Local Plan Review 1994. The policy relevant to the subject of my evidence is Policy 86 'Buildings of Special Architectural or Historic Interest'. The policy echoes the relevant legislation in stating:

In considering any application for listed building consent for the demolition, alteration or extension of a listed building (and also any application for planning permission for development which affects a listed building or its setting), the Council will have special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest which it possesses;

⁸ *Historic Environment Good Practice Advice in Planning Note 3 (Second Edition)*, Historic England, December 2017.

3 The appeal scheme, the relevant heritage assets and the approach to assessment

Introduction

- 3.1 In this section of my evidence I provide a summary description of the appeal scheme and its site in relation to the heritage assets that I consider may be affected by the development.

The appeal scheme site

- 3.2 The appeal scheme site is described in the Appellant's Statement of Case. The 5.8 ha site, is in the eastern part of the wider Burston Garden Centre. It was previously used as a commercial rose production site and is thus previously developed land. The site is occupied by twelve structures largely clad and roofed with asbestos cement sheets, polytunnels and water tanks as well as extensive hard surfaced setting out areas, irrigation and drainage systems, HGV loading bays and scrap areas. The combined footprint of the twelve structures measures 7,215 square metres. They have maximum heights ranging from circa. 8.8m to 9.8m. As the Statement of Case points out, the largest buildings are located adjacent to both the western (sheds and glass houses) and southern boundaries (polytunnels) of Burston Manor

The Appeal Scheme

- 3.3 The appeal scheme proposes the demolition of all existing buildings, structures and hardstanding and redevelopment of the site to provide a new retirement community comprising eighty assisted living apartments with community facilities and forty four bungalows together with associated access, bridleway extension, landscaping, amenity space, car parking and associated and ancillary works.
- 3.4 The appeal scheme is described in detail in the drawings Design & Access Statement, Landscape and Visual Impact

Assessment and Built Heritage Statement that accompanied the refused application and which form part of the appeal core documents.

The heritage assets that are affected by the appeal scheme

- 3.5 I have visited the site and the surrounding area, and I have also examined the appeal scheme. It is clear from the second reason for refusal that the sole matter that I wish to address is the effect of the appeal scheme on the setting of two designated heritage assets: the Grade II* listed Burstone Manor House⁹ and the Grade II listed Outbuilding Immediately to East of Burston Manor House. I refer to these two assets collectively as the 'Burston Manor House group' in the subsequent parts of my evidence.

My approach to considering the effect of the appeal scheme on the relevant heritage assets

- 3.6 No heritage assets are directly affected by the appeal scheme. Any effect of the appeal scheme upon the significance of designated heritage assets can only result from change within their settings.
- 3.7 In order for 'substantial' or 'less than substantial harm' as defined in the NPPF to be caused, both levels of harm must be caused to the significance of a designated heritage asset – in this case, the listed buildings identified above.
- 3.8 Paragraph 200 of the revised NPPF confirms that significance can be harmed or lost through alteration or destruction of a designated heritage asset or by development within its setting.
- 3.9 Given that it is clearly established that the setting of a heritage asset can contribute to its significance, I

⁹ The list description for this heritage assets is entitled 'Burstone Manor House'. However, within the list description and elsewhere the building is referred to as Burston Manor House, and I shall follow this usage.

acknowledge that change within the setting of a heritage asset has to potential to cause harm to the significance of that asset.

- 3.10 I have closely reviewed the current version of Historic England's guidance on the setting of heritage assets¹⁰ My approach to considering the setting of heritage assets acknowledges Historic England's and PPG's emphasis that, though visual connectivity between a heritage asset and its surroundings is an important (and in many cases the only) factor when considering setting, 'buildings that are in close proximity but are not visible from each other may have a historic or aesthetic connection that amplifies the experience of the significance of each'¹¹.
- 3.11 However, I note that nowhere – not in legislation, nor in national, regional or local policy, nor in any guidance – is the visibility of new development within the setting of a heritage asset suggested as *automatically* causing harm to the significance of the asset. Visibility has the *potential* to cause harm to heritage significance, but it is not necessarily the case that this will cause harm to significance. Whether it will or not depends upon the nature of the significance of the asset, the contribution that a site within the setting of the assets makes to that significance and the circumstances in each case.

¹⁰*ibid*

¹¹ Planning Practice Guidance, *ibid*

4 The significance of the relevant heritage assets and the contribution of the appeal scheme site to their significance

Introduction

4.1 In this part of my evidence I consider the significance of the Grade II* listed Burstone Manor House and the Grade II listed Outbuilding Immediately to East of Burston Manor House ('the listed buildings'). I consider in turn the following:

- The special architectural or historic interest/heritage significance of the assets;
- The nature of the assets' setting; and
- The contribution of setting to the special architectural or historic interest/heritage significance of the assets.

4.2 In the next section of my evidence I consider the effect of the appeal scheme on the special architectural or historic interest/heritage significance of the assets by virtue of the effect of the change that it will cause within their setting.

The significance of the Burston Manor House group

4.3 The Built Heritage Statement contains, in Section 3, a detailed description and assessment of the history and evolution of the site and its surroundings and of the listed buildings. As stated in the introduction to my Proof of Evidence, I have reviewed the submitted material concerning heritage assets and heritage significance, and I am satisfied that it represents a thorough and accurate account of the site, its surroundings and the heritage significance of the relevant heritage assets.

4.4 The list description for 'Burston Manor House' is as follows:

*TL 10 SW ST STEPHEN NORTH ORBITAL ROAD (south side)
HOW WOOD*

12/329 Burston Manor House

19.10.53

GV II*

Manor house, now house. C12, probably 1st half. Altered and extended in C15 and mid C17. Recased early-mid C19. Timber- frame. White-painted weatherboarding. Plain tile roof. The front has a projecting gable end on left. To right is a cross passage and 2 bays of a former aisled hall, datable by a scalloped capital embedded in a 1st floor partition wall. The aisles have been removed, probably when the hall was floored over in the C16-17. The front aisle probably came flush with the left gable end, inside which the original C15 wall is preserved. 2 storeys. 5 sash windows. C20 door in a C19 moulded frame with shaped brackets and flat hood. To right of door is a shallow canted sash bay with 5 sashes. Rear elevation has C16 red brick casing to the hall section. C15-16 4-centred arch door on right: chamfered spandrels, 3 vertical panels. On left end at rear is a mid C17 gabled projection with floor band and an attached chimney stack. Single ground and 1st floor windows with plain brick frames. Centre part of elevation with 2 recessed sash windows. Interior of house has good C15 screens passage behind door. 2 4- centred doors opening from service end. Front room of this end shows holes from a 2-light C15-16 diamond mullioned window. Two trusses from the aisled hall are exposed on the upper floor, both with long passing braces. The upper wall of the landings shows geometrical relief plasterwork from mid C17.

Listing NGR: TL1353403713

- 4.5 The list description for the Grade II Outbuilding is as follows:

*TL 10 SW ST STEPHEN NORTH ORBITAL ROAD (south side)
HOW WOOD*

*12/330 Outbuilding immediately to E of Burston Manor
House*

GV II

Small outbuilding, built as granary and dovecote. Late C17, altered early C19. Red brick. Plain tile pyramid roof surmounted by a slatted wood square ventilator, itself with pyramid roof. Dentilled brick eaves. W side has a broad plank door in a heavy oak frame. Adjoining at right end on this side is a short stretch of mid-C17 garden wall with saw-tooth corbels and saddleback coping. C20 garage door on S side.

Listing NGR: TL1355203713

- 4.6 The Built Heritage Statement that accompanied the appeal scheme application identifies Burston Manor House as having ‘aesthetic and evidential value as a small former Manor House with twelfth-century origins and comprising a moat’ and explains why¹². I believe the author intended to state that the Manor House also

¹² *Ibid*, Paragraph 3.33

possessed historical value because, when assessing the Outbuilding, he says that:

Like the principal Manor House, the Outbuilding exhibits a high degree of historic value, derived from it being a component of a small gentry house; its design and materials; and, its original use as a dovecote and granary, which provides a visual identifier as to the relative historic wealth and status of the Manor. It shares a strong and important group value with the Manor House, having been historically subsidiary to this building¹³.

- 4.7 I have no reason to disagree with the assessment of heritage significance undertaken.
- 4.8 The Built Heritage Statement points out, and I agree, that ‘Both buildings have been significantly altered throughout their existence, which has included the removal of original fabric. More recent detrimental alterations include inserting a garage door in the separately listed Outbuilding¹⁴..
- 4.9 In summary, therefore, I consider that that the significance of Burston Manor House can be expressed as follows:
- Aesthetic value: moderate to high. The Built Heritage Statement refers, at Paragraph 3.33, to the re-casing of timber framed buildings and the use of brick, as well as historic architectural detailing and the Manor House is a good example of a multi-phase historic building where the architectural expression of each phase generally remains legible. The aesthetic value of the property is somewhat moderated by the more recent and modern alterations to the listed building, as noted at Paragraph 3.36 of the Built Heritage Statement. However, its shape, scale, massing, profile, materiality, style(s) and siting in relation to the former moat remain appreciable.

¹³ *Ibid*, Paragraph 3.35

¹⁴ *Ibid*, Paragraph 3.33

- Evidential value: moderate to high. The Manor House clearly provides evidence of the past in its design, detailing and fabric, and in the manner in which these features vary in the alterations and extensions made to the listed building over time. The building is evidence of a past now radically transformed by the 20th century development of St Albans as a settlement.
- Historical value: moderate to high. The Manor House is associated with the history of this part of St Albans and the rural social hierarchy in the area prior to the urbanisation of its context in the 20th century.

4.10 I consider that that the significance of the Outbuilding can be expressed as follows:

- Aesthetic value: moderate. The Outbuilding is, as would be expected, a simple and modest building. It possesses architectural features (described at Paragraph 3.34 of the Built Heritage Statement), which endow it with the aesthetic value appropriate to its subservient status to the more important Manor House. Its aesthetic value is compromised by later alteration.
- Evidential value: moderate to high. The Outbuilding provides evidence of the nature of the former Manor House grouping and how such a site might have functioned in relation to the principal dwelling. The evidential value of the building is linked solely to the Manor House site itself. The assessment of evidential value is based on the clearly surviving legibility of this relationship.
- Historical value: moderate. The historical value of the Outbuilding derives from its association with the Manor House as the principal building at the site.

The setting of the Burston Manor House group

- 4.11 Paragraphs 3.37 to 3.51 of the Heritage Statement provide a detailed analysis of the setting of the listed group. I agree with the analysis set out in these paragraphs.

The immediate setting

- 4.12 I concur with the view that the meaningful setting of both listed buildings, the one that is discernible and comprehensible and capable of being experienced as such, is that within its immediate present bounded and enclosed site, where the Outbuilding can be seen in relation to the Manor House. Though the former farm buildings are relatively close to the Manor House/Outbuilding group, I agree that they make a very limited contribution to the overall significance of the group, for the reason given.
- 4.13 I concur, therefore, with the opinion expressed in the Built Heritage Statement at Paragraph 3.37:

The Burston Manor Grouping is primarily experienced from within its immediate and intermediate setting. These comprise the surrounding former farm complex and the sequestered, private, domesticated gardens, including the remains of the moat. The moated enclosure formed the historic extent of the Manor House grounds when it was the manorial seat. This helps to provide some historic context to its understanding as such. It has progressively played a less visual role as the means of enclosure (see below) though provides remnant visual evidence of its historic role. There is no sense at all of the presence of the moat from the Site.

- 4.14 The setting of the Outbuilding, as an ancillary building to the Manor House, is confined to the immediate surroundings of the Manor House itself, where its relationship and role can be discerned.

The wider setting

- 4.15 The Built Heritage Statement accurately points out at Paragraph 3.40 that

The wider setting of the Burston Manor Grouping has changed over time, including the construction of the former farm complex to the north. As a manorial seat, pre-nineteenth century historic mapping suggests that the Grouping may have existed in relative isolation and in a largely rural context. The degree of woodland planting around the Site, present from at least the nineteenth century, has significantly minimised any historic long-distance views to and from the Manor House. Beyond the extent of the woodland and also to the north of the Grouping, the extensive post-war suburban housing estates, the busy North Orbital Road 100 metres north of the Grouping and the M25, c.800 metres south-west, all further enclose the heritage assets and introduce noise and background light spill at night.

- 4.16 The Built Heritage Statement makes a useful and relevant point as to how vegetation, trees and planting in the vicinity of the Manor House have evolved over time and affected ‘openness’ and visibility of the Manor House and its ancillary buildings, and how the 20th century saw the radical alteration of the wider setting of the Manor House. A key point is that the visual screening provided by the vegetation, trees and planting is historic, not recent – the boundary condition of the Manor House site and its immediate setting is part of its historic evolution and not a response to the development of the Site with built structures.
- 4.17 Paragraph 3.43 of the Built Heritage Statement makes pertinent points as to how the relationship between the Manor House and its context altered over time to respond to the changing circumstances and role of the Manor House and change in the nature and extent of its setting. The interface – the actual physical natural and built boundary that limits intervisibility - between the Manor

House site and its context has changed to reflect the reduction of the Manor House's role as a visually prominent object in the landscape and as a manorial seat or important 'big house'. The mature tree planting that now screens visibility of the Manor House group and the moat from its surroundings represents the present state of a historical process whereby the Manor House group has been physical and intellectually separated from its context. In a very straightforward way, one cannot now easily see the Manor House group from even very close by – when I inspected the site I found it difficult to see the Manor House from a series of positions along its boundary with the Site and I obtained only one or two long, glimpsed views of upper storeys and the roof from the southern part of the Site. While the degree of intervisibility may not be the sole factor in considering the setting of heritage assets, it is indisputably an important one.

- 4.18 The greater part of the appeal scheme site is effectively a brownfield site and the remainder does not resemble farmland in any way. It has no open agricultural character at all. It is ugly and artificial and, as the Inspector in the previous appeal put it, is 'diminished' and 'unkempt'. It is most certainly not a field. It has no vestige whatsoever of a historical agricultural character or appearance, and to consider it so is simply to imagine it thus rather than observe it as such.
- 4.19 As the Built Heritage Statement and the previous Inspector note, the wider setting of the Manor House group has fundamentally changed in the course of the 20th century. Burston Manor's setting, as well as the more immediate context of the Manor House group discussed above and in the Built Heritage Statement, consists of the roads, commercial development and suburban housing of St Alban's southern hinterland, just north of one of Britain's busiest motorways. That setting is already and comprehensively urban in character, with a busy dual carriage way passing a mere 100 metres from the northern elevation of Burston Manor itself. Burston

Garden Centre represents an extensive and continuous area of built development in close proximity to the listed complex and the moat. Burston Manor lies less than a kilometre from the M25. The setting of Burston Manor already contains night-time light spill from the hundreds of homes in the vicinity of the site. There is no semblance whatsoever of the open and agricultural character in the setting of Manor House group that may have existed prior to the 20th century. In much the same way as the significant tree screening around the Manor House group disconnects it from a wider setting, so the presence of How Wood and Birch Wood serves to mitigate the importance of this in considering setting, but it does not eliminate the reality of where the Manor House is.

The contribution of setting to the significance of the Burston Manor House group

The proper consideration of how setting might contribute to significance

- 4.20 In considering the contribution of the Site to the significance of the Burston Manor House group, it is logical that the Site is considered *as it is now found* rather than at some original or early point in its past, at which point in time its actual historical state, notwithstanding historical mapping and accounts, can only be the subject of estimation as opposed to observation.
- 4.21 In my opinion, it is erroneous to consider the Site as being almost, nearly or just about in a state that corresponds to the original wider setting of Burston Manor. This approach seems to be present in Council's position regarding the Site and in the previous appeal decision. In actual fact, the Site in its present state represents a fundamental change in that wider setting, and an existing state that has persisted for a considerable time. This is abundantly clear from an objective inspection of Burston Manor, the Site and the wider context. A misstep occurs between obtaining the available knowledge of a historical open field and considering the Site in its present state as

somehow the same, 'albeit diminished' and 'unkempt'. In my opinion this is an unduly theoretical and notional consideration of the Site which is at odds with the reality of its actual circumstances.

- 4.22 Furthermore, such an approach is not supported by Historic England guidance on setting:

Change over time

Settings of heritage assets change over time. Understanding this history of change will help to determine how further development within the asset's setting is likely to affect the contribution made by setting to the significance of the heritage asset. Settings of heritage assets which closely resemble the setting at the time the asset was constructed or formed are likely to contribute particularly strongly to significance but settings which have changed may also themselves enhance significance, for instance where townscape character has been shaped by cycles of change over the long term. Settings may also have suffered negative impact from inappropriate past developments and may be enhanced by the removal of the inappropriate structure(s).

Cumulative change

Where the significance of a heritage asset has been compromised in the past by unsympathetic development affecting its setting, to accord with NPPF policies consideration still needs to be given to whether additional change will further detract from, or can enhance, the significance of the asset. Negative change could include severing the last link between an asset and its original setting; positive change could include the restoration of a building's original designed landscape or the removal of structures impairing key views of it (see also paragraph 40 for screening of intrusive developments)¹⁵.

¹⁵ *Ibid*, Paragraph 9

- 4.23 Implicit in the Historic England guidance I quote is the necessity of considering the reality of change when considering contribution to setting. In my view, it is a misinterpretation of Historic England's guidance (and that of the PPG) that original conditions, in some cases lost a very long time ago and in no way evident, are invoked in the analysis of the present reality of a site and its surroundings as an objective, rather than solely as means of measuring the degree of change found in the present condition.

Discussion

- 4.24 For the reasons I give above, the immediate setting of the Manor House group is constrained to its own site – the site that is clearly defined as enclosing the group now. This is a historical setting, not a new or artificial one, and one that is discernibly and tangibly so. It is not a setting that has to be imagined or speculated about, as it is evident and present. The contribution of the site of the Manor House group to the significance of the two listed buildings it contains is clear and obvious.
- 4.25 As I shall explain, the wider immediate setting to the south, containing the Site, contributes relatively little to the heritage significance that can now be identified in the two listed buildings concerned. In the following paragraphs I will explain why I hold this view.
- 4.26 The Burston Manor House group is not legible in the rural context of its original condition because that original condition has long disappeared, and the present condition of the surroundings of the group in the immediate surroundings just beyond its curtilage (I use the term carefully) to the south is analogous to that original condition in only the loosest way. Beyond those immediate surroundings of the group (but nonetheless physically close to the listed buildings) is a 21st century environment that bears no relation to the agrarian world of previous centuries in which the Manor House was situated.

- 4.27 There is no designed relationship between the Site and Burston Manor, and there never was. The Site happened to previously be an open field or fields next to Burston Manor, in the same way that fields sat or sit adjacent to many thousands of historic houses across the country. That relationship cannot realistically be linked to specific heritage significance.
- 4.28 It should be noted that the principal elevation of the Manor House faces north – not southwards towards the Site. This, of itself, underpins the lack of connection between Burston Manor and the Site – the Manor House was not positioned and orientated so as to command or address a view across the Site.
- 4.29 Similarly, the relationship between Burston Manor, How Wood and Birch Wood is wholly fortuitous, now and historically – the fact that How Wood and Birch Wood are in the vicinity of Burston Manor has nothing whatsoever to do with the heritage significance of the Burston Manor House group. The woodlands would, possibly, contribute to that heritage significance if they were linked to Burston Manor by means of a formal landscape design or by a programme of tree planting definitively linked to Burston Manor or its occupants (there is no evidence for such). However, that is not the case, and Burston Manor has the same incidental relationship to How Wood and Birch Wood as any building in a rural, semi-rural or suburban setting has to a nearby wood or forest. The presence of How Wood and Birch Wood may be pleasant, but that does not enable the woodlands to contribute anything to the heritage significance of the Burston Manor House group.
- 4.30 This leaves the question of ‘openness’ as a component of setting and possibly the significance of Burston Manor House. The fact that the site is partially unbuilt upon does not automatically make it ‘open and agricultural’ for reasons that are obvious when the site is visited. In any event, it is questionable that the generic quality of open countryside or fields surrounding a house in the country

can be considered to automatically contribute to significance as opposed to being a neutral circumstance shared with literally any other building in the countryside. In my opinion, an accurate assessment of heritage significance should focus on distinct and discernible qualities that are specific to a heritage asset and the landscape setting of heritage asset becomes significant when it possesses an explicit relationship with the asset in question. I therefore disagree with the previous Inspector's view that 'The historic relationship between the Burston Manor grouping and How Wood and Birchwood would be all but lost'¹⁶. For such a relationship to be more than incidentally 'historic' it would need to be specific, intended and discernible, rather than generic, coincidental and unplanned.

- 4.31 However, and given that the site is partially unbuilt upon, I accept that this residual and altered openness can be considered as signalling or hinting at something of the now-disappeared 'open and agricultural' landscape that surrounded the Manor House. To that very limited extent, the Site makes a very minor contribution to the evidential and historical significance of Burton Manor. That contribution is based on the reasonable assumption that the fields to the south of Manor House, where the Site is located, were probably linked to the Manor House. It requires some effort to perceive this contribution when actually experiencing either the Site or the Manor House, and it is only by means of consideration of the historical background that it might be understood.

Summary

- 4.32 The question is, therefore, to what extent does the Site contribute to the heritage significance of the Burston Manor House group as analysed in terms of the heritage

¹⁶ Appeal Ref: APP/B1930/W/19/3235642 Land to the rear of Burston Garden Centre, North Orbital Road, Chiswell Green, St Albans, AL2 2DS, Appeal Decision dated 9th January 2020, Paragraph 60

values I discuss earlier. I summarise the contribution as follows:

Burston Manor House

- Aesthetic value: none - there is no connection between the Site as it is now found and the aesthetic value of the Manor House as described in my evidence and in the Built Heritage Statement. This judgement applies even if one were to ignore the important temporal aspect of setting analysis that I highlight above. It cannot be assessed that the fields we observe in historic mapping made any specific difference historically to what makes the Manor House or the Outbuilding significant now in aesthetic terms.
- Evidential value: very low - the partially unbuilt nature of the Site provides a hint or suggestion that it may previously have been open, and the historical record shows the 'open and agricultural' landscape that has now disappeared.
- Historical value: very low - the Site in its present condition tells us very little about Burston Manor, its creation, its design, its ownership, its uses, its history or evolution. The evolution of the site into its present condition occurred independently of the Manor House.

The Outbuilding

- Aesthetic value: none - there is no connection between the Site as it is now found and the aesthetic value of the Outbuilding as described in my evidence and in the Built Heritage Statement.
- Evidential value: very low – as with the setting of the Manor House, the partially unbuilt nature of the Site intimates that it was previously linked to the Manor House complex, as seen in historical mapping.

- Historical value: very low - the Site in its present condition tells us very little about the significance of the Outbuilding as an ancillary building serving the Manor House.

5 The effect of the appeal scheme on the significance of the relevant heritage assets

Introduction

- 5.1 Does the Manor House group retain heritage significance in its present circumstances? Yes. Does this significance rely on the ‘openness’ of the site to the south to a greater or lesser extent, or the absence of development? Yes, but to a very limited degree in relation to evidential or historical value, for the reasons I set out, and it certainly does not rely on an absence of development.
- 5.2 For instance, would it be appropriate for a tall, dense and visible (from and around the Manor House group) development to occur on the site and would this detract from the significance of the Manor House group? No, it probably would not be appropriate and, yes, it would potentially harm the significance of the Manor House group by visually intruding into its meaningful setting, the Manor House site itself. Is development on the site possible while preserving the significance of the Manor House group? Certainly, as long as that development acknowledges the presence and (albeit limited) visibility of the Manor House in its siting, layout and design.
- 5.3 In other words, an accurate assessment of the Site and its relationship to the heritage significance of Burston Manor does not mean that the site should remain undeveloped on the one hand or is susceptible to any amount of development on the other.

The effect of the appeal scheme on the significance of the Burston Manor House group

- 5.4 I have reviewed the planning application material that accompanied the appeal scheme, and I note the changes that were made to the proposals in the light of the previous appeal decision. I consider that, while seeking to deliver a similar proposal, the scheme has been meaningfully altered, particular on that part of the site

closest to the Manor House group. Adjustments to the siting, scale and massing of the appeal scheme has clearly resulted in greater visual permeability across the site, which assists in preserving the limited and glimpsed views of Burston Manor House permitted by the Manor House site's historical tree boundary that I refer to earlier.

- 5.5 The appeal scheme is, in my opinion, very well designed and is wholly appropriate to its context. It proposes low density housing in a variety of forms, expressed in a modest and respectful contemporary fashion that nonetheless alludes to its traditional building typologies in its materiality, roof forms, etc. Built form has been integrated into a high quality landscaped setting. The overall development is reminiscent of a garden suburb, and, as such, could be considered as an exemplar that offers an alternative to the kind of generic suburban development found just beyond the woods.
- 5.6 The appeal scheme clearly occupies more of the site than at present and with more built form. This does not, in my view, affect the heritage significance of Burston Manor when the additional built form is carefully considered, using the clear, comprehensive application material and the physical experience of the site in relation to the Manor House group. That reduction in openness needs to be considered properly in relation to the degree to which the significance of the Manor House group relies on openness on the site. As I state above, I do not consider that what openness there is contributes to a notable degree to the significance of the group, and the appeal scheme creates very little intervisibility between the Site and the main setting of Burston Manor (the Manor House site itself).
- 5.7 In the previous section of my evidence, I clearly set out the contribution that the appeal scheme site makes to the heritage significance of the Burston Manor House group that is also analysed in my evidence and in the Built Heritage Statement. That heritage significance is composed of the heritage values that can be assessed as being possessed by the Burston Manor House group.

- 5.8 I have assessed that the Site contributes in a very minor way to the heritage significance of the Burston Manor House group as analysed in terms of the evidential and historical heritage values I discuss earlier. Its development therefore does not automatically affect the significance of the listed group. That does not mean that a development on the Site can never affect the Burston Manor House group. However, and as I point out at the start of this section of my evidence, in order for that to occur a development of very considerable scale, intruding visually into the Manor House site itself, would need to happen. That is clearly not the case, and the appeal scheme does not reduce or remove a measurable level of contribution to heritage significance made by the Site.

The previous appeal decision

- 5.9 I have made clear earlier in my evidence that I disagree with the previous Inspector's position regarding the relationship between Burston manor and the Site. I do not observe in the section of her appeal decision dealing with the heritage effects of the previous appeal scheme an analysis of that relationship which closely follows Historic England guidance on setting.
- 5.10 I note that, at Paragraph 59 of her decision, the Inspector states that 'the appeal site has a more limited negative impact upon setting than the remainder of the BGC site'. I agree; even if the Site does not contribute to the significance of the Burston Manor House group, its condition in glimpsed views north across the Site towards where the Manor House can just be seen through trees is, to a small degree, harmful., reducing further the degree to which it provides the very limited evidential and historical value that I consider it has. Given that the appeal scheme indisputably improves upon that situation, it seems to me that that enhancement must be a central consideration. This view is, of course, linked to my assessment that the appeal scheme does not visually

intrude into the immediate and main setting of the Manor House group and does not create greater harm.

The position of Historic England

- 5.11 I have examined the response to consultation from Historic England dated 2nd March 2021, the rebuttal response to Historic England made by RPS dated 1st April 2021 and a subsequent email dated 4th May 2021 from Historic England to RPS following that rebuttal. That email also followed a site visit made by Historic England on 29th April 2021; as the RPS rebuttal letter pointed out, Historic England issued its objection letter of 2nd March 2021 without actually visiting the site.
- 5.12 The Historic England letter of 2nd March 2021 contains a brief account of the known history of Burston Manor, followed by a series of suppositions regarding that history and what it might mean in terms of heritage significance. The letter, despite evidence to the contrary in the Built Heritage Statement, denies the presence of historic planting along the southern edge of the Manor House site and asserts a ‘designed visual link between the immediate garden setting and the agricultural land beyond’ for which there is no evidence. Comments such as ‘...the manor has retained much of its former open setting to the south east. The existing greenhouses are unobtrusive and their height is low retaining the sense of open space beyond the garden land’ appear to reflect the absence of a site visit to inform the comments made in the letter. Historic England considered that there was ‘the potential for less than substantial harm, moderate in scale to the setting and significance of the grade II* listed Burston Manor though development within its setting.
- 5.13 However, the Historic England letter is notable for raising concerns about the appeal scheme without, apparently, undertaking the step-by-step process set out in own guidance on the setting of heritage assets in order to properly consider what the Site contributes to the heritage significance of the Manor House group. If that

process was undertaken in order to prepare the letter, one would expect the Historic England guidance to have been mentioned as underpinning the advice given to the local planning authority in the letter.

- 5.14 Historic England, with the benefit of a site visit, reduced its estimation of harm to heritage significance in its subsequent email of 4th May 2021 to ‘a low/moderate impact upon the significance of the grade II* Listed Building through development within its setting’. Historic England acknowledged the positive changes that had been made to the previous refused scheme. However, this view is still not supported by any assessment which follows an approach set out in Historic England’s own guidance.

The Roundhouse Farm appeal decision

- 5.15 I believe that the recent appeal decision¹⁷ concerning Roundhouse Farm, Land Off Bullens Green Lane, Colney Heath, in the same local planning authority area, is relevant to the consideration of the heritage aspects of this appeal. The relationship of the Grade II listed building 68 Roestock Lane to the Roundhouse Farm site is closely comparable to that between Burston Manor and the Site.
- 5.16 At Paragraphs 30 and 31 of their decision, the Inspector says:

From what I saw on my site visits, the significance of the heritage asset is in the main, locked into its built form and fabric. Given the mature vegetation which borders the rear garden, the extent of its setting that contributes to its significance is limited to the rear garden, and the way the front of the house addresses the main road. From Roestock Lane, the aesthetic value of the dwelling is evident through architectural detailing to the front elevation which is clearly visible.

¹⁷ Appeal refs: APP/B1930/W/20/3265925 and APP/C1950/W/20/3265926, Roundhouse Farm, Land Off Bullens Green Lane, Colney Heath, Appeal Decisions dated 14 June 2021

The appeal proposals would see residential development introduced to the existing open agricultural field which abuts the rear boundary of the heritage asset. There would be no change to the built form or fabric of the dwelling, or the relationship of the heritage asset with its immediate garden. To my mind, these are the factors which provide the greatest contribution to the significance of the heritage asset. The appeal proposals would see residential development introduced to the existing open agricultural field which abuts the rear boundary of the heritage asset. There would be no change to the built form or fabric of the dwelling, or the relationship of the heritage asset with its immediate garden. To my mind, these are the factors which provide the greatest contribution to the significance of the heritage asset.

- 5.17 Though further from the A405 than 68 Roestock Lane, these comments are fully applicable to the Manor House group (and the appeal scheme would be further from the Manor House than the Manor House is from the A405) and the effect of the appeal scheme. They accurately reflects the nature of the Manor House's significance, its orientation, its relationship to the Site and the potential effect of the appeal scheme.

- 5.18 The Inspector also questioned the local planning authority's assertion of an 'historical association with the surrounding agricultural land'. The Inspector said:

There is no evidence which confirms that the occupiers of the heritage asset were engaged directly with the appeal site. Neither does this serve to demonstrate any functional relationship between the appeal site and the heritage asset concerned¹⁸.

- 5.19 This, again, is applicable to the appeal scheme site. The inspector considers the matter of views from the site and says:

¹⁸ *Ibid*, Paragraph 32

The extensive and mature boundary vegetation to the property provides significant screening to the boundary of the property, such that these views would at best be described as limited. In any event, given my conclusions above regarding the linkage between the appeal site and the heritage asset, I am not convinced that longer-range views from the property make any contribution to the historical significance of the dwelling. As I have already set out, the main front of the dwelling addresses Roestock Lane. That situation would not be changed. Neither, given the existing screening, that could be augmented through reserved matters, would the significance the listed building derives from its garden setting be undermined by the proposals¹⁹.

- 5.20 In my opinion these comments are also wholly applicable to the appeal scheme. I note that the Inspector concluded that ‘the proposals would not result in any harm to the setting or significance of the heritage asset concerned.’²⁰

Conclusion

- 5.21 The existing condition of the site, as pointed out by the previous inspector, detracts from the setting of the Manor House group though it does so, in my opinion, to only a limited degree given the limited intervisibility between the Site and the Manor House group. The proposed scheme cannot credibly to be the same or worse than the sorry and degraded state of the site at present. It defies logic therefore to hold that the appeal scheme does anything other than provide a measure of enhancement to the setting of the Manor House group if some harm is presently caused– the scheme is well-designed and carefully considered and will be an attractive new place in the context of suburban St Albans . Even if additional built form on the eastern side of the site is said to cause harm to heritage significance due to loss of openness, that harm, when considered properly against the nature of the

¹⁹ *Ibid*, Paragraph 33

²⁰ *Ibid*, Paragraph 36

setting and the contribution of the Site to the significance of the Manor House group, can only be a very low level of less than substantial harm. Crucially, there is absolutely no reason why that very low level of harm to heritage significance should be considered to be inconsistent with the tangible enhancement that arises from the improvement in the setting of the group from the appeal scheme.

6 Summary and conclusion

- 6.1 I was appointed by the appellant in respect of this Appeal in September 2021. I am a registered architect, a former local planning authority conservation officer and Inspector of Historic Buildings at English Heritage. I have a Masters in Urban and Building Conservation, and I am a full member of the Institute of Historic Building Conservation. I am a consultant providing advice and guidance on all aspects of the historic built environment.
- 6.2 I have carefully assessed the appeal scheme and the Council's reasons for refusal. I have personally prepared this Proof of Evidence in support of the appeal against the Council's refusal of planning permission.
- 6.3 In Section 2 of my evidence I briefly set out the relevant legislation, policy and guidance in relation to the assessment of heritage effects in this matter. Section 3 provides a summary description of the appeal scheme and its site in relation to the heritage assets that I consider may be affected by the development. In Section 4 I consider the heritage significance of these assets and the contribution made by the Site to that significance. I then proceed in Section 5 to consider the effect of the appeal scheme on the heritage assets that I have identified as affected by the appeal scheme.
- 6.4 I have reviewed the material submitted with the refused application concerning heritage assets and heritage significance, and I am satisfied that it represents a thorough and accurate account of the site, its surroundings and the heritage significance of the relevant heritage assets.
- 6.5 In Section 4 of my evidence I summarise the significance of Burston Manor House as follows:
- Aesthetic value: moderate to high. The Built Heritage Statement refers, at Paragraph 3.33, to the re-casing of timber framed buildings and the use of brick, as well as historic architectural detailing and

the Manor House is a good example of a multi-phase historic building where the architectural expression of each phase generally remains legible. The aesthetic value of the property is somewhat moderated by the more recent and modern alterations to the listed building, as noted at Paragraph 3.36 of the Built Heritage Statement. However, its shape, scale, massing, profile, materiality, style(s) and siting in relation to the former moat remain appreciable.

- Evidential value: moderate to high. The Manor House clearly provides evidence of the past in its design, detailing and fabric, and in the manner in which these features vary in the alterations and extensions made to the listed building over time. The building is evidence of a past now radically transformed by the 20th century development of St Albans as a settlement.
- Historical value: moderate to high. The Manor House is associated with the history of this part of St Albans and the rural social hierarchy in the area prior to the urbanisation of its context in the 20th century.

6.6 I summarise the significance of the Outbuilding as follows:

- Aesthetic value: moderate. The Outbuilding is, as would be expected, a simple and modest building. It possesses architectural features (described at Paragraph 3.34 of the Built Heritage Statement), which endow it with the aesthetic value appropriate to its subservient status to the more important Manor House. Its aesthetic value is compromised by later alteration.
- Evidential value: moderate to high. The Outbuilding provides evidence of the nature of the former Manor House grouping and how such a site might have functioned in relation to the principal

dwelling. The evidential value of the building is linked solely to the Manor House site itself. The assessment of evidential value is based on the clearly surviving legibility of this relationship.

- Historical value: moderate. The historical value of the Outbuilding derives from its association with the Manor House as the principal building at the site.

- 6.7 In Section 4 I then consider the setting of the Manor House and Outbuilding. The immediate setting of the Manor House group is constrained to its own site – the site that is clearly defined as enclosing the group now. This is a historical setting, not a new or artificial one, and one that is discernibly and tangibly so. It is not a setting that has to be imagined or speculated about, as it is evident and present. I also consider the wider setting of the listed buildings, and note the role of the historic visual screening provided by the vegetation, trees and planting that forms the boundary condition of the Manor House site and its immediate setting. This is part of its historic evolution and not a response to the development of the Site with built structures.
- 6.8 I consider that the greater part of the appeal scheme site is effectively a brownfield site and the remainder does not resemble farmland in any way. It has no open agricultural character at all. It is ugly and artificial and, as the Inspector in the previous appeal put it, is ‘diminished’ and ‘unkempt’. It is most certainly not a field. It has no vestige whatsoever of a historical agricultural character or appearance, and to consider it so is simply to imagine it thus rather than observe it as such. The wider setting of the Manor House group has fundamentally changed in the course of the 20th century.
- 6.9 In considering the contribution of the Site to the significance of the Burston Manor House group, I believe that it is logical that the Site is considered *as it is now found* rather than at some original or early point in its past, at which point in time its actual historical state,

notwithstanding historical mapping and accounts, can only be the subject of estimation as opposed to observation.

- 6.10 The Burston Manor House group is not legible in the rural context of its original condition because that original condition has long disappeared, and the present condition of the surroundings of the group in the immediate surroundings just beyond its curtilage (I use the term carefully) to the south is analogous to that original condition in only the loosest way. Beyond those immediate surroundings of the group (but nonetheless physically close to the listed buildings) is a 21st century environment that bears no relation to the agrarian world of previous centuries in which the Manor House was situated. There is no designed relationship between the Site and Burston Manor, and there never was. The Site happened to previously be an open field or fields next to Burston Manor, in the same way that fields sat or sit adjacent to many thousands of historic houses across the country.
- 6.11 However, and given that the site is partially unbuilt upon, I accept that this residual and altered openness can be considered as signalling or hinting at something of the now-disappeared 'open and agricultural' landscape that surrounded the Manor House. To that limited extent, the Site makes a very minor contribution to the evidential and historical significance of Burton Manor.
- 6.12 I summarise the contribution of the Site to the heritage significance of the Burston Manor House group as follows:

Burston Manor House

- Aesthetic value: none - there is no connection between the Site as it is now found and the aesthetic value of the Manor House as described in my evidence and in the Built Heritage Statement. This judgement applies even if one were to ignore

the important temporal aspect of setting analysis that I highlight above. It cannot be assessed that the fields we observe in historic mapping made any specific difference historically to what makes the Manor House or the Outbuilding significant now in aesthetic terms.

- Evidential value: very low - the partially unbuilt nature of the Site provides a hint or suggestion that it may previously have been open, and the historical record shows the 'open and agricultural' landscape that has now disappeared.
- Historical value: very low - the Site in its present condition tells us very little about Burston Manor, its creation, its design, its ownership, its uses, its history or evolution. The evolution of the site into its present condition occurred independently of the Manor House.

The Outbuilding

- Aesthetic value: none - there is no connection between the Site as it is now found and the aesthetic value of the Outbuilding as described in my evidence and in the Built Heritage Statement.
- Evidential value: very low – as with the setting of the Manor House, the partially unbuilt nature of the Site intimates that it was previously linked to the Manor House complex, as seen in historical mapping.
- Historical value: very low - the Site in its present condition tells us very little about the significance of the Outbuilding as an ancillary building serving the Manor House.

6.13 The existing condition of the site, as pointed out by the previous inspector, detracts from the setting of the Manor House group though it does so, in my opinion, to only a limited degree given the limited intervisibility between the

Site and the Manor House group. The proposed scheme cannot credibly be the same or worse than the sorry and degraded state of the site at present. It defies logic therefore to hold that the appeal scheme does anything other than provide a measure of enhancement to the setting of the Manor House group if some harm is presently caused– the scheme is well-designed and carefully considered and will be an attractive new place in the context of suburban St Albans . Even if additional built form on the eastern side of the site is said to cause harm to heritage significance due to loss of openness, that harm, when considered properly against the nature of the setting and the contribution of the Site to the significance of the Manor House group, can only be a very low level of less than substantial harm. Crucially, there is absolutely no reason why that very low level of harm to heritage significance should be considered to be inconsistent with the tangible enhancement that arises from the improvement in the setting of the group from the appeal scheme.

- 6.14 For these reasons, discussed at greater length in my Proof of Evidence, I respectfully ask that the appeal be allowed.

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