

Report to Cabinet

Thursday, 28 September 2023

By the Cabinet Member for Planning and Infrastructure

DECISION REQUIRED



Not Exempt

Conservation Area Assessment and Designation; Horsham (Park Terrace Gardens)

Executive Summary

The Planning (Listed Building and Conservation Areas) Act 1990 places a duty on local planning authorities to review whether any parts or further parts of their area should be designated as conservation areas.

Cabinet agreed on 21 July 2022 to undertake public consultation regarding the proposed designation of a new Conservation Area for the Park Terrace Gardens Conservation Area (Horsham).

A public consultation exercise was held between the 1 September 2022 and the 6 October 2022, and the 13 October to the 10 November 2022 inviting comments on the designation of the proposed Park Terrace Gardens Conservation Area, its Appraisal and Management Plan with further informal consultation ongoing during the summer of 2023.

This report sets out the key issues raised by respondents to the draft Conservation Area Appraisal during the consultation period, and the recommended responses to the comments.

It is recommended that (i) Park Terrace Gardens is designated as a conservation area, and, (ii) a final version of the Conservation Area Appraisal and Management Plan, incorporating revisions following consultation, is adopted.

Recommendations

It is recommended that Cabinet asks Council to:

- i) Approve the designation of Park Terrace Gardens, (as shown on the Conservation Area designation map (**Map 1**) included in this report) as a conservation area.
- ii) Approve and adopt the Conservation Area Appraisal and Management Plan for Park Terrace Gardens as set out in **Appendix 2**.
- iii) Delegate authority to the Cabinet Member for Planning & Infrastructure to approve minor changes prior to final publication of the Conservation Area designation map and Conservation Area Appraisal and Management Plan.

Reasons for Recommendations

- i) To formally designate the new conservation area boundary.
- ii) To provide updated conservation area guidance for residents, occupiers, developers and Members in determining applications.
- iii) To give the Cabinet Member for Planning and Infrastructure delegated authority to approve minor changes to the Conservation Area designation map and Conservation Appraisal and Management Plan, without the need for it to be referred back to Cabinet.

Background Papers

1. Representations and Responses to the draft Conservation Area Appraisal and Management Plan for Park Terrace Gardens (See Appendix 1)
2. Conservation Area Appraisal and Management Plan for Park Terrace Gardens (September 2023) (See Appendix 2)

Wards affected: Denne

Contact: Catherine Howe, Head of Strategic Planning x5505.

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Background Information

1 Introduction and Background

- 1.1 Conservation areas were introduced through the Civic Amenities Act (1967). Conservation areas exist to manage and protect the special architectural and historic interest of an area and contribute to forming a unique sense of place. Horsham District Council has a duty under the Planning (Listed Buildings and Conservation Areas) Act 1990 to designate conservation areas where appropriate, to review the designations regularly, and to plan for the management of conservation areas to ensure that they retain their special character and interest. There are 37 designated conservation areas within the Horsham District at present.
- 1.2 The designation of a conservation area is undertaken where the local planning authority identifies that an area has a special architectural quality or historic interest. Evidence of the special interest of Park Terrace Gardens has been submitted by a number of local residents. It is also identified within the Horsham Blueprint Neighbourhood Plan and earlier documents. Further sections of this report set out more detail on how the process of designating Park Terrace Gardens as a new Conservation Area has been considered.

2 Relevant Council policy

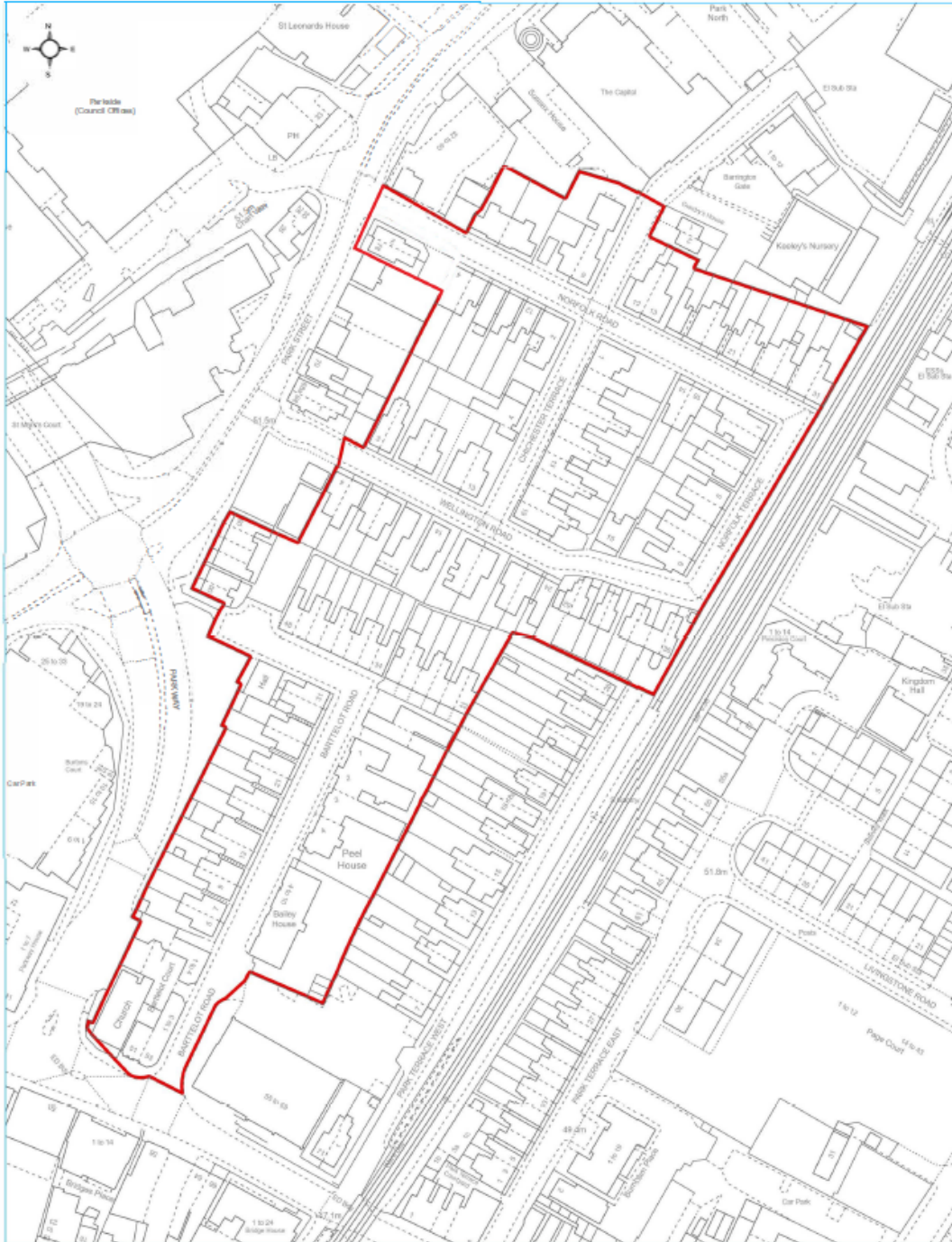
- 2.1 The Horsham District Planning Framework (HDPF) is the relevant Plan that sets out how growth and development will take place in the District in the period to 2031. Policy 34 “Cultural and Heritage Assets” sets how the Council will deal with development proposals affecting cultural and heritage assets in the District. The appraisals, once adopted, will be used along with Policy 34 where relevant to help determine planning applications and as historic guides for local residents.

3 Details

- 3.1 As part of the proposed designation of the Park Terrace Gardens Conservation Area, a draft appraisal was undertaken and management plan produced to provide guidance (if the conservation area was to be designated) to preserve and enhance the area. The appraisal sets out the significance of the proposed conservation area and has been undertaken in accordance with current best practice as described in Historic England’s document, Conservation Area Designation, Appraisal and Management, Historic England Advice Note 1 (2016).
- 3.2 The proposed conservation area encompasses an area of special architectural and historic interest the character or appearance of which should be preserved. In addition to being part of a cherished and familiar local scene, the proposed conservation area is of interest for the group value of its buildings, as well as its townscape value in a wider sense, including the quality and consistency of materials and architectural details which reflect the Victorian development of Horsham town. The National Planning Policy Framework (“NPPF”) is clear that local planning authorities should ensure that an area justifies its status as a conservation area because of its special architectural or historic interest and ensure that the concept of conservation is not devalued through the designation of areas that lack special interest.

3.3 The proposed Park Terrace Gardens Conservation Area would encompass Norfolk Road, Norfolk Terrace, Wellington Road, Chichester Terrace, Barttelot Road, Park Terrace, Park Street and East Street in Horsham as shown in **Map 1**. The conservation area boundary has been amended since the public consultation with part of the area fronting Park Street now being removed. The reasoning for this change is considered further on in this report.

Map 1 – Proposed Conservation Area Boundary



Proposed Conservation Area:
Norfolk Terrace, Chichester Terrace, Barttelot Road, Wellington Road

Reference:	Scale: 1:1,500 (at A4)
Date: 09/08/2023	Revision:

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- 3.4 The Conservation Area Appraisal sets out background information relating to the historic development of the area. It includes details of its setting. The appraisal looks at the townscape and historic environment of the locality and describes the key features of the conservation area. The appraisal looks in turn at each of the character areas that have been identified. There is a section on views and negative elements of the conservation area. There is also a Management Plan included with the Conservation Area Appraisal. The role of the Management Plan is to take forward the challenges and opportunities identified in the appraisal, and to identify means by which the special interest of the Conservation Area will become self-sustaining into the future. One appendix is included within the document and a glossary of terms.
- 3.5 In response to the formal consultation on the draft Consultation Area Appraisal, a total number of 60 comments from 31 respondents were received. Comments were received from Denne Neighbourhood Council, the Horsham Society, local landowners and local residents. A peer review considering the heritage and proposed boundaries of the conservation area was undertaken. An online drop-in session was also held to enable those who commented on the proposed designation to speak to officers, as well as a further walk around the area with some local residents/business owners. All comments have been reviewed and, where appropriate, changes are proposed to the text of the documents in light of the comments received. A summary of comments received, and the Council's response is included at **Appendix 1**. The updated Conservation Area Appraisal is included as **Appendix 2**.
- 3.6 A summary of the main consultation points raised is set out below.

Placement of Conservation Area boundary

- 3.7 Several correspondents identified concerns with regards to the delineation of the conservation area boundary including querying why Park Terrace West, and the house on the corner of East Street and Park Terrace West had not been included in the conservation area.
- 3.8 It is acknowledged that the properties on the corner of East Street and Park Terrace West are non-designated heritage assets and are recognised as such within the Horsham Town Local List. However, the inclusion of sites within a conservation area requires robust justification as the entire area needs to be of special historic and architectural interest not just specific buildings. In this instance, although the buildings within Park Terrace West were constructed earlier than those within Barttelot Road, and Chichester and Norfolk Terrace the buildings have undergone a greater quantum of change which have lessened the historical quality of the buildings. It is considered that the architectural and historic features within Norfolk Terrace, Norfolk Road, Chichester Terrace and Barttelot Road exhibit a greater consistency and quality of features representing a positive example of Victorian urban expansion than those of Park Terrace West.
- 3.9 The special character of conservation areas does not come only from the antiquity or not of its buildings. Elements such as the historic layout of roads, paths and boundaries and characteristic building and paving materials all contribute to a familiar and cherished local scene.

- 3.10 A comment was received querying why Majestic Wine and Pets at Home are outside of the proposed conservation area. The writer notes if the site was to be redeveloped this could have a significant impact on the road and its appearance.
- 3.11 The boundaries of the proposed conservation area were carefully considered to ensure that the area justifies its status because of its special architectural or historic interest, and that the concept of conservation is not devalued through the designation of areas that lack special interest. It was considered that the site of Majestic Wine and Pets at Home on the periphery of the character area would form an understandable boundary to the conservation area. If the site was to be put forward for development it would be within the setting of the conservation area and therefore its design, form, scale and use would be required to consider the impact of the proposal on the special historic and architectural interest of the conservation area.
- 3.12 An observation was made querying the inclusion of Barttelot Road within the proposed conservation area. Barttelot Road was included within the conservation area due to the characteristic features of its dwellings, and also the grouping of locally listed buildings on the eastern side of the road. The area was also identified in the Horsham Blueprint document as being part of a “New Street Character Area,” and in the revised Horsham Society Local List of Buildings and Conservation Areas – draft proposals for inclusion.
- 3.13 Several objections were received suggesting that properties within Park Street and at its junction with Norfolk Terrace had been so modified that they do not meet the key positive characteristics of the conservation area. We have considered all the points raised from interested parties and officers have reflected on the boundaries to the proposed conservation area. This is to ensure that the boundaries of the area reflect the core areas special interest and comply with national guidance.
- 3.14 The NPPF is clear that in designating conservation areas local authorities should ensure that an area justifies such status because of its special architectural or historic interest. After careful consideration it is considered that on balance the 62 – 76 (evens) Park Street have fewer notable features that reflect and define the qualities of the core of the conservation area, than the central areas such as Norfolk Terrace and Chichester Terrace. The local authority therefore reviewed whether this area is of sufficient quality to reflect the importance of the conservation area, and that the designation of the conservation area boundary is not prompted to include areas which do not have the requisite special interest but may be vulnerable to redevelopment.
- 3.15 It is recognised that the buildings in Park Street are important historically in contributing to the ‘setting’ of the proposed conservation area and its relationship to Horsham town centre. The buildings provide evidence of the evolution of the area with changes to the form and appearance of the buildings providing a visual historical narrative. However, it is not considered that these elements would on balance be of such a quality that they could be considered to have special historic and architectural interest in themselves. It is suggested that the area gains its importance in providing a transition between the identified qualities of the conservation area and its wider setting within the town.

- 3.16 Consequently it was determined that the conservation area boundary should be amended to exclude part of Park Street whilst retaining numbers 2 Norfolk Road and 78 Park Street within the Conservation Area. The area to be removed will however form part of the setting of the conservation area. The importance of the setting (or fringe) of the conservation area and the role it plays are important considerations in the determination of any planning proposals. The Conservation Area Appraisal Guidance from Historic England (Advice Note 1 (second addition)) states that heritage assets can gain significance from their relationship with their setting. The Guidance states appraisals should identify how the townscape that the area is located within contributes to its special interest. It is proposed to amend the conservation area boundary to exclude part of Park Street and to identify it as forming part of the setting of the conservation area, similar to the landscape fringes of rural conservation areas in Horsham District.

Lack of Special Historic and Architectural Features

- 3.17 Objections were raised noting that within the proposed conservation area there are few properties that retain their original features, and that many properties have been rebuilt or altered dramatically and this has diminished their historic character. A further objection was raised noting that a large number of properties in neighbouring terraces already have loft conversions. There are also many properties that would need a huge investment to refurbish or restore their original features. Whilst the incremental changes to some properties are noted, and some properties have lost some original features, it is considered that the area retains sufficient notable features that it would be desirable to preserve or enhance. As a whole, the proposed conservation area does have special architectural or historic interest. The proposed management plan seeks to inform and proactively encourage the retention of or reinstatement of traditional features when work is considered where this is reasonable and practicable.
- 3.18 Further objections were received highlighting that the areas historic value has been unmaintained for too many years and costs to repair the original features would be unrealistic for a vast number of properties. Whilst it is understood that costs of repair and renovation are a key concern, the historic features of an area are often the features that add to amenity and can make areas more attractive for prospective occupiers. With regards to features such as windows, traditional windows can often be simply and economically repaired, usually at a cost significantly less than replacement. For timber windows this is largely due to the high quality and durability of the timber that was used in the past (generally pre-1919) to make windows. Properly maintained, old timber windows can enjoy extremely long lives. The whole-life environmental costs of replacement will be much greater than simply refurbishing. It will take many years before savings on heating offset the large amounts of energy used to make PVC-u windows in the first place. Repairing traditional windows rather than replacing them is not only more environmentally sustainable but makes better economic sense, particularly when the use of shutters or secondary glazing to improve their thermal performance is considered.
- 3.19 A further response noted that the Causeway is a good example of a conservation area as it had many original buildings and features in direct contrast to the proposed conservation area.

- 3.20 The proposed management plan seeks to inform and proactively encourage the retention of or reinstatement of traditional features when work is considered. The Causeway represents a 'traditional' view of a conservation area. The perception of heritage has evolved overtime as people have become to value the importance of preserving buildings and areas that provide evidence of the development, and growth of our towns post the seventeenth/eighteenth century. The designation of conservation areas provides the opportunity to ensure that as time progresses and our appreciation of buildings of historic and architectural interest expands areas can be reconsidered or identified where in the past they may have been considered too new or too commonplace. Buildings of the nineteenth and twentieth century are often the most undervalued and vulnerable and it is important to recognise that this irreplaceable resource contributes to our experience of place.
- 3.21 It is clear within the document that conservation area designation does not prevent development but seeks to ensure that where it takes place it makes a positive contribution to local character and distinctiveness. This is further underlined within the NPPF which requires all development irrespective of whether it is within a conservation area or not is required to be well designed.

Constraints and Costs of Conservation Area Designation

- 3.22 Objections were raised noting that the conservation area may constrain non-residential premises currently in Park Street. These businesses have survived through their ability to adapt and change the usage of its property over time. The potential restrictions on demolition of buildings and types of advertisements could prove to be detrimental to the non-residential properties in the future. This could lead to either conversion of these properties to residential or them being left empty and going into disrepair, neither option necessarily retaining its original character. Whilst these concerns are noted the buildings provide evidence of the evolution of the area with changes to the form and appearance of the buildings enabling new uses. Nevertheless and for the reasons stated at paragraph 3.16, these properties have been excluded from the conservation area but any future applications will consider the value and positive contribution these properties make to the appreciation of and setting of the conservation area.
- 3.23 Several objections/comments were received relating to the costs of renovation to properties within the proposed conservation area. Writers have noted that the conservation area would be detrimental to homeowners due to loss of house value as prospective buyers would be looking to extend and add potential alterations to improve their property for a more modern lifestyle. Homeowners who intended to enlarge their home both appropriately and sympathetically would no longer be able to due to the restrictions imposed by the conservation area.
- 3.24 Research by Historic England and the London School of Economics and Political Science have indicated that people value conservation areas for their distinctiveness, visual appeal and historic character. This value is reflected in the price of properties in conservation areas. Generally, they cost more and appreciate in price more than properties in other areas, even after adjusting for location and other factors. Extensions under permitted development can still be undertaken to properties within the conservation area depending on the size and location of the extension. Being within a conservation area does not preclude sensitive extensions

where they preserve or enhance the special historic and architectural interest of the locality.

- 3.25 An objection was raised to the proposed conservation area as the government is prompting the use of green energy and will shortly ban the sale of gas boilers in favour of heat pumps, to encourage fitting of solar energy, to insulate houses and buy electric cars. The writer suggests that the designation of a conservation area will prevent the installation of car charging points, result in the refusal of solar panels, and the refusal of double glazing unless bespoke. The points raised are noted however electrical outlets for recharging vehicles under Class D and E of the General Permitted Development Order (GDPO) would be permitted development within the conservation area provided they meet the criteria of class D1, E1 and conditions D2 and E3.
- 3.26 Solar panels would also be permitted development provided the proposal met all the requirements of Part 14, Class A of the GDPO. Permission would be required where the panel would be installed on a wall which fronts the highway. Ground source heat pumps are also permitted development. Timber windows in comparison to UPVCu windows have a lower carbon footprint and will when maintained have a longer lifespan which supports the climate agenda.
- 3.27 Objections were raised highlighting that whole life carbon and circularity must be considered. Climate resilience and the ability to upgrade properties are key points which can legitimately justify the demolition of buildings that are outdated and have poor fabric performance. The loss of some low grade, volume built, Victorian buildings and the benefits of new built form can give whole life carbon benefits and fit the wider carbon zero targets set by government. It is accepted that the replacement of buildings due to their condition may be appropriate in some cases. This however should be balanced against the carbon embodied within the building, with consideration given to retrofitting or upgrading particularly where buildings contribute positively to the conservation area. All applications for planning permission and associated demolition are considered on their individual merits. If the proposal were to be accepted as a conservation area, special attention would be required to be paid to the desirability of preserving or enhancing the character or appearance of that area.
- 3.28 Concern was raised about the need to give notice to undertake works to trees and the delays these would cause when they are close to powerlines or the railway, or if you rented a property. The designation of a conservation area would not impact on the need for requests to landlords for work to trees as anyone can notify the Local Authority of the intention to carry out works to a tree in a conservation area. The process in which notices are dealt with are not as onerous as those for TPO's. It is a 6-week notice period which once expired, the work detailed in the notice can be carried out. Where work is required by statutory undertakers it is often exempt to the need to give notice. Trees enrich the locality and the conservation area designation would give the existing trees some level of protection, but would not preclude works to trees to be carried out.

Inclusion of positive and negative buildings within the Conservation Area

- 3.29 The draft Conservation Area Appraisal identified designated and non-designated heritage assets. It was suggested a description of buildings outside these

categories which could be considered to positively or negatively contribute to the Conservation Area should be included. This change was made as it was agreed that the inclusion of an analysis of non-designated 'positive' and 'negative' buildings, in addition to those that have been designated, would help better understand the quality of the built environment within the conservation area. This would inform opportunities to improve, and build upon, the character, heritage and setting of the Conservation Area by future development, in line with the NPPF's stance in Paragraph 185 that plans should set out positive strategies to the conservation and enjoyment of the built environment through new development making a positive contribution to local character and distinctiveness.

Name of Conservation Area

- 3.30 Comments were received regarding the proposed name of the conservation area suggesting that the proposed name is confusing. A further suggestion was to name the conservation area the Park Gardens Conservation Area. The name of the conservation area is suggested as the Park Terrace Gardens Conservation Area as this is the name used for the land on the 1870/71 OS map and therefore reflects the history of this area of Horsham Town.

4 Next Steps

- 4.1 Following any recommendation from Cabinet to support the recommendations contained in this report, this would be referred to full Council for approval. If the recommendations are approved by Council, officers will comply with the requirements contained in paragraph 8 of this report and update the Conservation Area Maps accordingly.
- 4.2 The completed Conservation Area Appraisal and Management Plan, once adopted, will help inform private owners, interested parties and developers about the conservation area and constitute a material consideration in future planning decisions regarding developments within or adjoining the areas. Management Plans take forward the issues raised in the Appraisal, identifying the means by which the special interest of the conservation area will become self-sustaining into the future.

5 Views of the Policy Development Advisory Group

- 5.1 A meeting of the Planning & Infrastructure Policy Development Advisory Group (PDAG) was held in July 2023 where an update was provided to Members relating to the proposed conservation areas. Further information was provided on the 12 September 2023. Members provided commentary and feedback on the extent of the proposed boundary, but were content with the principle of amending the boundary of the Conservation Area to take account of the consultation feedback.

6 Consultation

- 6.1 Public consultation was carried out on the draft Conservation Area Appraisal between 1 September 2022 and the 6 October 2022, with a further consultation period from the 13 October to the 10 November 2022. All relevant Neighbourhood Councils and district councillors were consulted. In addition, a public notice was put into the West Sussex County Times. All address points within the proposed

Conservation Area and within 20m of the boundary of the relevant area were written to (a total of 227 letters). Details of the public consultation and electronic copies of the draft Conservation Area Appraisal were available to view and download on the Council's website. A further meeting was undertaken on the 23 May 2023 which was open to all those who had responded to the consultation and provided a further opportunity for any concerns or queries regarding the designation to be discussed, as well as a further meeting with local businesses. This has ensured all concerns and issues have been taken into account when determining the boundary for the conservation area.

Other Courses of Action Considered but Rejected

- 6.2 The option of not producing the Conservation Area Appraisal and Management Plan was considered but it was decided that the development pressures on this sensitive location was too great not to produce the conservation guidance which clearly sets out the Council's expectations for development proposals in these areas. It is also a duty of local authorities under the Planning (Listed Buildings and Conservation Areas) Act 1990 to review whether any parts or further parts of their area should be designated as conservation areas, as well as formulate and publish proposals for parts of their area which are conservation areas.

7 Resource Consequences

- 7.1 The cost of implementing the Conservation Area Appraisal will be met from within the existing budgets and will largely consist of staff time.

8 Legal Considerations and Implications

- 8.1 8.1 Local Planning authorities must:
- (i) determine areas which are desirable to preserve and enhance, and, designate them as conservation areas pursuant to section 69 (1) Planning (Listed Buildings and Conservation Areas) Act 1990 ("the Act");
 - (ii) review the past exercise of functions under the Act to determine whether further areas should be designated as conservations areas and designate them if appropriate, pursuant to section 69 (2) of the Act;
 - (iii) give notice to the Secretary of State and the Historic Buildings and Monuments Commission for England of any areas designated (varied or cancelled) as conservation areas under the aforementioned sections, pursuant to section 70(5) of the Act;
 - (iv) publish details of any designation (variation or cancellation) in the London Gazette and in at least one newspaper circulating in the area of the Local Planning Authority; and

- (v) formulate and publish proposals for the preservation and enhancement of conservation areas and consult the public in the area in question, taking account of views expressed pursuant to section 71 (1, 2 and 3) of the Act.
- 8.2 The designation of any areas as a conservation area shall be a local land charge pursuant to section 69(4) of the Act.
- 8.3 In the exercise by Local Planning Authorities of planning functions within the conservation area, “special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area” pursuant to section 72(1) of the Act.

9 Risk Assessment

- 9.1 The Appraisal’s will give both applicants and officers in Development Management improved information to develop and assess proposals, resulting in higher quality development.

10 Procurement implications

- 10.1 There are no procurement implications which arise from the consultation to designate a new conservation area and Conservation Area Appraisal and Management Plan.

11. Equalities and Human Rights implications / Public Sector Equality Duty

Equality and Diversity Implications

- 11.1 The adoption of a new Conservation Area and its Appraisal and Management Plans are not expected to have any adverse impact on people with protected characteristics under the Equality Act 2010. It is not considered that the Conservation Area Appraisal or their policies will have any direct impacts on gender reassignment, pregnancy and maternity, race, religion or belief, sex or sexual orientation.

Human Rights

- 11.2 Article 8 (Right to respect of a Private and Family Life) and Article 1 of the First Protocol (Protection of Property) of the Human Rights Act 1998 would be relevant in consideration of planning applications within the conservation area. Consideration of Human rights would form part of any planning assessment.

12 Environmental Implications

- 12.1 If adopted, the new conservation area and associated appraisal’s main focus is to provide guidance in protecting the historic environment but also indirectly delivers on the environmental objectives embedded in the Corporate Plan such as protecting and

enhancing air quality, the quality of places we work and live, protecting existing habitats and green infrastructure. It is considered that these policies will help to protect and enhance the local environment of the conservation areas in relation to planning matters. Implications and benefits in terms of climate change adaptations are set out in section 3.

13 Other Considerations

- 13.1 It is not considered that the adoption of the draft Conservation Area designation and associated Appraisal and Management Plan will have any further additional impacts including those in relation to GDPR/Data Protection or Crime & Disorder.

Appendix 1

Representations and Responses to the draft Conservation Area Appraisal and Management Plan for Park Terrace Gardens.

See separate Appendix 1

Appendix 2

Conservation Area Appraisal and Management Plan for Park Terrace Gardens Conservation Area.

See separate Appendix 2