

Document 1 of 2: Heritage Proof of Evidence

Buzz Bingo Hall, Bolton Road,
Banbury, Oxfordshire, OX16 0TH



Client:
Cherwell District Council

Date:
July 2022

Author:
Samantha Pace





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TOWN AND COUNTRY PLANNING ACT 1990

Bolton Road, Banbury, Oxfordshire, OX16 0TH

Heritage Proof of Evidence

Document 1 of 2

Samantha Pace

July 2022

PLANNING INSPECTORATE REFERENCE:
APP/C3105/W/22/3296229

Cherwell District Council Reference:
21/04202/F

1. Introduction

Qualifications and Experience

- 1.1. I am a Built Heritage Consultant at Place Services, Essex County Council. I hold a Bachelor's (Hons) degree in History (University of Chichester), and a Master's degree (MSc) in Historic Conservation (Oxford Brookes University with the University of Oxford). I am a full member of the Institute of Historic Building Conservation (IHBC).
- 1.2. I have worked as a heritage consultant for both the private and public sectors, across the UK and Ireland. I have over three years' experience working on large scale development projects across the UK, specialising in the regeneration and adaptive re-use of historic buildings and sites. I have extensive experience of heritage issues arising from development in both urban and rural settings.
- 1.3. The evidence set out in this statement is provided on behalf of Cherwell District Council and includes my opinions based on my experience. I visited the appeal site in preparation of this statement.

Applicant's Proposal

- 1.4. These appeals pertain to (Planning Ref: 21/04202/F) the demolition of the existing Buzz Bingo buildings and redevelopment of the cleared site with 80 [now 78] elderly persons apartments and associated facilities, plus remedial works to Trelawn House (21/04179/LB). The submissions propose a new building of 3-4 storeys in height under a pitched roof fronting Castle Street and North Bar. Vehicular and pedestrian access to the site would be from Bolton Road to the rear of the site. A landscaped square is proposed on the junction of Castle Street/Southam Road to provide an area of public open space with an element of public art.
- 1.5. 'Reason for refusal 1' (CDC Rule 6: 4.3) states:
"The development proposed, by virtue of its scale, form and design in relation to Trelawn House adjacent and the Banbury Conservation Area is considered to have a detrimental impact (less than substantial) upon the character and appearance, historical integrity and setting of this grade II Listed building and would fail to preserve and enhance the character and appearance of the Banbury Conservation Area. Furthermore, the development by virtue of its form and design fails to provide the bespoke landmark building as required by Policy Banbury 8 and the Banbury Vision and Masterplan SPD 2016. The benefit of bringing the site back into use and making efficient use of the land would not outweigh the harm caused to the heritage assets. The proposals are therefore contrary to saved Policy C18 of the adopted Cherwell Local Plan 1996, Policies Banbury 8 and ESD15 of the adopted Cherwell Local Plan 2015 and Government guidance within paragraphs 199, 202 and 206 of the National Planning Policy Framework."

Involvement and Scope of Evidence

- 1.6. I was not instructed to advise or be otherwise involved with these applications prior to Cherwell District Council's resolution of the 19th May 2022. My assessment specifically addresses the effect of the proposed development on the significance of heritage assets. This assessment will not perform any balancing exercise of harm against public benefit, which I leave to be addressed by the Council's planning witness.
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- 1.7. I have visited the appeal sites and their surroundings for the purpose of undertaking my assessment, the results of which are set out in Sections 4, 5 and 6 of this proof of evidence.
- 1.8. This assessment considers the impact of the development on the following heritage assets:
- Designated Heritage Assets:
- Grade II Listed Trelawn House (List Entry ID: 1046925); and
 - Banbury Conservation Area.
- 1.9. The evidence I have prepared relates to the effect the proposed development will have on the significance of these heritage assets having regard to the contribution to their significance made by their settings.
- 1.10. As part of my evidence, I have provided a set of photographs (**Appendix B**) to illustrate key points made in relation to setting, views and potential impacts. These are also provided in order to give a visual indication of the views to and from the heritage assets referred to in my proof of evidence. In doing so, I recognise that the photographs do not purport to fulfil the same role of photomontages, the standards for which are set out in Guidelines for Landscape and Visual Impact Assessment published by the Landscape Institute (2013).

Structure of my Evidence

- 1.11. My evidence is structured as follows:
- 1.12. Relevant heritage legislation, heritage planning policy, and national guidance in the context of which a decision on these appeals must be made is outlined in Section 2.
- 1.13. Section 3 sets out the methodology used in my evidence. I have made my own assessment of the heritage interest of the designated assets and have assessed the impacts that the proposed development will have on their setting and significance, and the ability to appreciate and enjoy that significance. My methodology follows steps 1 to 3 of the Historic England Historic Environment Good Practice Advice Note 3: The Setting of Heritage Assets (Second Edition, 2017).
- 1.14. Section 4 assesses the heritage assets that would be affected by the proposed development and their significance. Section 5 identifies the contribution made by the setting of the heritage assets to their significance.
- 1.15. Section 6 considers the impact of the proposed development on the significance of the affected heritage assets. Section 7 provides conclusions and a summary.
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2. Legislation, Planning Polices and Guidance

- 2.1. The relevant planning policy, national and local guidance, and background studies I have taken into account when preparing my proof of evidence include:
- Planning (Listed Buildings and Conservations Area) Act 1990;
 - National Planning Policy Framework 2021;
 - National Planning Practice Guidance: conserving and enhancing the historic environment 2019;
 - Historic Environment Good Practice Advice Note 2: Decision-Taking in the Historic Environment 2015;
 - Historic Environment Good Practice Advice Note 3: The Setting of Heritage Assets 2017;
 - Historic England Advice Note 12: Statements of Heritage Significance 2019; and
 - Banbury Conservation Area Appraisal 2018.
- 2.2. Key policies and guidance from these documents, relating to the assessment of the appeal site, are set out below.

Planning (Listed Buildings and Conservation Areas Act 1990 (LBA))

- 2.3. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the statutory duty for development that affects the setting of listed buildings:
- “In considering whether to grant planning permission for development which affects a listed building or its setting, the Local Planning Authority or, as the case may be, the Secretary of State, shall 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.”*
- 2.4. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the statutory duty for development that affects the setting of listed buildings:
- “In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in subsection (2)¹, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.”*
- 2.5. Case law² has clarified how the statutory duty is to be exercised when considering development affecting a listed building or its setting. The Courts have confirmed that a decision maker should give "considerable importance and weight" to any harm to the setting and significance of a listed building and to the desirability of preserving that setting. Because of this, where such harm exists it gives rise

¹ Section 72(2): “The provisions referred to in subsection (1) are the planning Acts and Part I of the Historic Buildings and Ancient Monuments Act 1953 and sections 70 and 73 of the Leasehold Reform, Housing and Urban Development Act 1993.”

² Most notably *East Northamptonshire DC v SSCLG* [2014] EWCA Civ 137 (Barnwell Manor wind turbine case) as further explained by the High Court in *R (Forge Field Society) v Sevenoaks DC* [2014] EWHC 1895 (Admin) (Penshurst Place affordable housing case).

to a "strong presumption" that planning permission should be refused. The presumption to refuse permission, however, may be outweighed by other material considerations, provided these considerations are of sufficient weight to do so

- 2.6. Case law³ has also established that a conservation area may be 'preserved' even if it is altered by development, if its character or appearance is not harmed.

National Planning Policy Framework, NPPF (2021)

- 2.7. The planning policy context for the assessment of impact on the setting of heritage assets is set out in the National Planning Policy Framework. Annex 2: Glossary of the NPPF defines the terms 'heritage asset', 'significance' and 'setting'.

“Designated heritage asset: *A World Heritage Site, Scheduled Monument, Listed Building, Protected Wreck Site, Registered Park and Garden, Registered Battlefield or Conservation Area designated under the relevant legislation.*

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

Setting of a heritage asset: *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.*

Significance (for heritage policy): *The value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting. For World Heritage Sites, the cultural value described within each site's Statement of Outstanding Universal Value forms part of its significance.”*

- 2.8. Paragraph 189 of the NPPF sets out that heritage assets 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 this and future generations'.
- 2.9. The following paragraphs in the NPPF are of particular importance when assessing the impact of development on the significance and setting of a heritage asset:
- 2.10. Paragraph 194 requires applicants to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.
- 2.11. Paragraph 199 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. 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.

³ South Lakeland District Council v Secretary of State for the Environment and another [1992] 1 ALL ER 573

- 2.12. Paragraph 200 sets out that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
- 2.13. Paragraph 202 sets out that where less than substantial harm is involved this harm should be weighed against the public benefits of the proposal.

National Planning Practice Guidance 2021 (NPPG)

- 2.14. The National Planning Practice Guidance reiterates that the conservation of heritage assets in a manner appropriate to their significance is a core planning principle. Key elements of the guidance relate to assessing harm to a heritage asset. In paragraph 018, the NPPG advises that what matters in assessing if a proposal might cause harm is the impact on the significance of the heritage asset, and confirms that significance derives not only from a heritage asset's physical presence, but also from its setting. It is the degree of harm to the asset's significance rather than the scale of development that is to be assessed and confirms that harm may arise from development within the setting of a heritage asset. Whether a proposal causes substantial harm will be a judgment for the decision maker, having regard to the circumstances of the case and the policy in the NPPF.
- 2.15. Paragraph 006 explains that in legislation and designation criteria, the terms 'special architectural or historic interest' of a listed building and the 'national importance' of a scheduled monument are used to describe all or part of what, in planning terms, is referred to as the identified heritage asset's significance.
- 2.16. In paragraph 013, it is stated that all heritage assets have a setting, irrespective of the form in which they survive and whether they are designated or not. The extent and importance of setting is often expressed by reference to visual considerations. Although views of or from an asset will play an important part, the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust 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.
- 2.17. Paragraph 013 also confirms that the contribution that setting makes to the significance of the heritage asset does not depend on there being public rights or an ability to access or experience that setting. The contribution may vary over time and according to circumstance.

Historic Environment Good Practice Advice Note 2: Decision-Taking in the Historic Environment, 2015

- 2.18. The Historic Environment Good Practice Advice Note 2 (2015) provides a useful summary of the approach that Historic England promotes in cases where development may affect the significance of heritage assets. Paragraph 4 explains the overarching purpose of the guidance:

“Development proposals that affect the historic environment are much more likely to gain the necessary permissions and create successful places if they are designed with knowledge and understanding of the significance of the heritage assets they may affect”

- 2.19. This is expanded in paragraphs 8 to 10 which suggest that decision making should be guided by a sound understanding of the level, extent and nature of this identified significance.

Historic Environment Good Practice Advice in Planning Note 3 (Second Edition): The Setting of Heritage Assets, 2017

- 2.20. The Historic England Good Practice Advice in Planning Note 3 (Second Edition): The Setting of Heritage Assets (2017) provides the base framework for the assessment of proposed changes to the setting of a heritage asset. This Good Practice Advice was published on 25th March 2015, and updated December 2017, both superseding The Setting of Heritage Assets (2011).
- 2.21. A relevant extract from the Advice Note includes:

“Setting is not itself a heritage asset, nor a heritage designation, although land comprising a setting may itself be designated. Its importance lies in what it contributes to the significance of the heritage asset or to the ability to appreciate that significance.” (paragraph 9).

Historic England Advice Note 12: Statements of Heritage Significance, 2019

- 2.22. To assess the heritage significance of the identified heritage asset, this assessment has drawn guidance from Historic England which recommends making assessments under the categories of: Archaeological interest, Architectural and artistic interest, and Historic interest. These interests together contribute to the overall significance of a place or site.
- 2.23. These attributes of significance are described as:
- Archaeological interest**
- 2.24. There will be archaeological interest in a heritage asset if it holds, or potentially holds, evidence of past human activity worthy of expert investigation at some point.
- Architectural and artistic interest**
- 2.25. These are interests in the design and general aesthetics of a place. They can arise from conscious design or fortuitously from the way the heritage asset has evolved. More specifically, architectural interest is an interest in the art or science of the design, construction, craftsmanship and decoration of buildings and structures of all types. Artistic interest is an interest in other human creative skills, like sculpture.
- Historic Interest**
- 2.26. An interest in past lives and events (including pre-historic). Heritage assets can illustrate or be associated with them. Heritage assets with historic interest not only provide a material record of our nation’s history, but can also provide meaning for communities derived from their collective experience of a place and can symbolise wider values such as faith and cultural identity.
- 2.27. The Advice Note sets out a 5 point ‘staged approach’ to decision making in applications affecting heritage assets.
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Banbury Conservation Area Appraisal (2018)

- 2.28. Part of each appeal site fronting North Bar Street is included in the Figure 17 Character Area – Main Route Corridor of the Banbury Conservation Area. In Figure 18 the Bingo Hall is identified as a ‘negative landmark.’ Paragraph 22.2.3.1 encourages ‘heritage-led regeneration’ along the main routes of the town including North Bar Street.

3. Methodological approach used in this proof of evidence

- 3.1. The impacts of the proposed development upon the significance of the heritage assets are both direct and indirect by reason of part of the appeal site lying within the Banbury Conservation Area boundary and part without. As such, there are two relevant pieces of guidance that have been consulted.
 - 3.2. With regards to direct impacts, these have been assessed using 'Historic England Advice Note 12: Statements of Heritage Significance' and the impact of the proposals on the following attributes:
 - **Archaeological interest;**
 - **Architectural and artistic interest, and;**
 - **Historic Interest.**
 - 3.3. The assessment of the impact on the Conservation Area has also had regard to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the statutory requirement to pay special attention to the desirability of preserving or enhancing the character or appearance of the area.
 - 3.4. With regards to indirect impacts, the Historic England guidance document 'Historic Environment Good Practice Advice in Planning Note 3 (Second Edition): The Setting of Heritage Assets' (2017) sets out a methodology for assessing harm to the setting of heritage assets as part of the planning process, comprising a five-step process that applies proportionally to complex or more straightforward cases as follows:
 - **Step One:** identifies which heritage assets and their settings are affected;
 - **Step Two:** assesses whether, how and to what degree these settings make a contribution to the significance of the heritage assets;
 - **Step Three:** assesses the effects of the proposed development on that significance;
 - **Step Four:** explores ways to minimise harm;
 - **Step Five:** is the making and documenting of the decision.
 - 3.5. Steps One to Three of this assessment process have been used to determine the impact of the proposed development on the setting and significance of designated heritage assets which will be affected by the proposed development.
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4. Assessment of Heritage Assets Affected

Identifying the heritage assets affected and their significance

- 4.1. For this purpose, the Historic England Good Practice Advice Note on the Setting of Heritage Assets (2017) indicates that the setting of a heritage asset is the surroundings in which the asset is experienced. *'Where that experience is capable of being affected by a proposed development (in any way) then the proposed development can be said to affect the setting of that asset'* (p.9, para 20).
- 4.2. In order to further understand the heritage assets, and their settings and significance, which are affected by the proposed development, desk-based research and a site inspection was undertaken. From this appraisal, the designated heritage assets identified as being affected by the proposed development are:
 - Grade II Listed Trelawn House (List Entry ID: 1046925); and
 - Banbury Conservation Area.
- 4.3. These designated heritage assets are considered further below. The list description for Trelawn House is reproduced in **Appendix A**. Figures, maps and viewpoints, which are referenced in the text, are located in the document which accompanies this proof (**Appendix B**).
- 4.4. A map showing the location of the heritage assets is located in **Map 1, Appendix B**.

The Significance of Trelawn House (Grade II Listed)

- 4.5. In statutory terms, the significance of the heritage asset has been recognised by its designation as a Grade II Listed Building which reflects the 'special interest' of the structure. The principal significance of the designated heritage asset is found in its architectural interest as a good example of a late-Georgian townhouse.
- 4.6. Trelawn House is located to the south-east of the North Bar / Warwick Road crossroads.
- 4.7. Interior inspection of the building was not undertaken. The designation information provides a description:

House now offices. Early C19. Red brick. Hipped slate roof. 2 brick end stacks. 2 storeys; 3-window range. Central entrance has panelled door with decorative overlight and doorcase with fluted ionic columns. Doorway is flanked by 2 sashes with glazing bars (3-pane width). 3 similar windows to first floor. All windows have stepped keystone voussoirs. Interior: plain C19 details including doors, door frames, ceiling mouldings and staircase.
- 4.8. An external view of the building (**Appendix B, Figure 1**) confirms the listing description.
- 4.9. Trelawn House is typical of a large nineteenth-century townhouse. Brick facades and hipped roofs typify the Georgian style and double-hung or sliding sash windows with divided lights were standard at this time. Trelawn House is well-proportioned and attractive decoration and ornamentation of architectural interest is focused around the main entrance.
- 4.10. Trelawn House is set behind a low brick-built boundary wall and small front yard; historic photographs show that historically the heritage asset was bounded to the front by decorative iron railings atop

brick (**Appendix B, Figure 6**). It is now enclosed to the rear and both sides by modern development comprising the appeal site.

- 4.11. The building is shown on the 1852 Tithe and later Ordnance Survey maps (**Appendix B, Maps 3-6**).
- 4.12. The Tithe Apportionment, which accompanies the map (**Appendix B, Map 3**), shows that the bulk of the appeal site was not tithed, with plots that were being described as gardens or a bowling green. The Tithe Apportionment also lists the owners of part of the appeal site in 1852 and these details are reproduced in the table below. It is known that James Danby was the owner of Trelawn House in the mid-nineteenth century.

Plot	Landowner	Occupier	Date	Land Use / Description
130	James Danby	William Floyd	31/12/1850	Garden
131	Samuel Glaze	William Floyd	31/12/1850	Garden
132	Samuel Glaze	Samuel Glaze	31/12/1850	Garden
133	Harris and Co.	Robert Cockerill	31/12/1850	Garden
134	Mary Ann Hawkins	Clement Bromley	31/12/1850	Garden
139	Charles Page	Charles Page	31/12/1850	Garden
141	Elizabeth Beesley	Elizabeth Beesley	31/12/1850	Garden
142	Elizabeth Beesley	Charles Page	31/12/1850	Garden
140	Charles Page	Charles Page	31/12/1850	Bowling Green

- 4.13. In the summer of 1850 William Wilson, a vicar in Neithrop, undertook a detailed survey of the inhabitants of Neithrop township. Wilson's survey began in North Bar among the tradesmen of the borough and included a fruiterer, tea dealer, harness maker, milliners, dressmakers, cordwainer, maltster, grocer, and shoemakers, among others.
- 4.14. Wilson noted that 'at the large house now called "Trelawn" lived William Floyd, a currier and leather cutter employing 5 men, and two house servants'. He was treasurer of the Borough Conservative Association between 1842 and 1844. His house was built by James Danby who had left it to go to the Ark House in Water Lane.⁴
- 4.15. The properties 'round about' were known as the Tanyard and were owned by a board of Trustees under a deed of gift of John Newman of 1766, under which the proceeds were to augment the salary of the minister of the Presbyterian Old Meeting House. In 1827 there were 11 tenants of the 'old thatched tumbledown cottages'. In 1840 James Danby took over the site on a 75-year lease and within a few years had pulled down some of the property and built new cottages. Despite this, in 1849 the area was noted as being 'particularly unhealthy' and '40 people in the ten occupied houses shared one privy'.⁵ Historic photographs show the houses in the Tanyard in a dilapidated condition at the end of the nineteenth century (**Appendix B, Figure 7**).
- 4.16. As is evident from Wilson's survey and historic maps, the land use of the east side of Horse Fair and North Bar Street in the nineteenth century was predominantly commercial and professional services, with some religious and residential uses. At the northern end of North Bar Street, on the west side and opposite Trelawn House, is the site of the former Barns and Austin Brewery, latterly Dunnel and Co.

⁴ Banbury Historical Society, *Cake and Cockhouse*, 1966, p.87

⁵ *Ibid.*

- 4.17. Trelawn House would have been an unusually suburban residential building in the nineteenth-century street-scene of North Bar Street, surrounded largely by much smaller commercial premises, and represents an early phase of the migration towards residential land use. It is a physical testament to the integration of wealthier merchants and professional classes into the working-class enclaves of Neithrop and an important era of historic development within Banbury.
- 4.18. The map (1850) which accompanied Wilson's survey shows that Trelawn House was the largest of all the buildings along the northern end of North Bar Street, with the exception only of the brewery (**Appendix B, Map 7**).
- 4.19. The significance of Trelawn House derives from its special architectural and historic interest. As an important surviving element of North Bar, Trelawn House facilitates an understanding of a significant era of historic development in Banbury and of the nineteenth century streetscene that previously existed. Trelawn House is a physical testament to the social changes that took place in the nineteenth century whereby wealthier merchants and professionals were constructing more elaborate homes in previously commercial and working-class areas. Furthermore, Trelawn House illustrates the architectural fashions and aspirations in Banbury during this time.
- 4.20. Architecturally, the heritage asset is a fine example of a late-Georgian townhouse which is prominently located at the North Bar crossroads. Trelawn House retains much of its external historic fabric, traditional detailing and ornamentation. The contribution its setting makes to its significance is outlined in Section 5.

Banbury Conservation Area

- 4.21. The Banbury Conservation Area was designated by Oxfordshire County Council in 1969. The conservation area boundary was previously reviewed and extended in May 1991, then subsequently in October 2004. The conservation area boundary was further reviewed and extended to include the working-class enclave of Neithrop in 2018. The Banbury Conservation Area Appraisal dates from 2018 and provides a sound and concise assessment of the history, character, and appearance of the area.
- 4.22. The Banbury Conservation Area comprises a number of areas of differing character and appearance which includes the medieval core, church precinct, main route corridor, several nineteenth century suburbs, an area with large villas in grounds, and an area of late-nineteenth and early-twentieth century villas (**Appendix B, Figure 5**).
- 4.23. The Conservation Area Appraisal provides an overview which states:

Banbury is a rural market town whose central core retains its medieval street pattern intact, populated however with buildings principally from the 18th and 19th centuries. This core is immediately surrounded by suburbs which grew out of economic resurgence of the town during the 18th and 19th centuries. (P.4, Para.1)

The appraisal identifies areas of unified character. Part of the 2 appeal sites falls within the Main Route Corridor character area, the description of which reads:

Despite comprising a variety of building types, ages, uses and architectural styles, the homogeneity of this character area is derived from its linear space clearly defined by strong building lines. The lines of street trees and front gardens in South Bar (west) offer rare greenery in the town centre street scene. A high proportion of professional services occupy what would have been grand residential premises although now many of these premises are vacant and awaiting refurbishment. This is one

of the busiest areas of the town with constant movement of vehicles and pedestrians throughout the day and evening. (P.4, Para.6)

Of North Bar Street the Conservation Area Appraisal goes on to state:

North Bar is the poor relation in this linear family of streets and, despite the construction of a fairly massive block of apartments at the Warwick Road junction, lacks landmark buildings of any note. (P.46, Para.5) (Appendix B, Figure 2)

- 4.24. Whilst the Conservation Area Appraisal states that the street ‘lacks landmark buildings of any note’ the streetscape, in which historic buildings are key features alongside more modern infill, contributes to the area’s character and appearance.
- 4.25. Furthermore, the cupola of St Mary’s Church, which is a prominent landmark throughout the town centre and other parts of the town, can be viewed from North Bar Street as well as from Castle Street and across the appeal site.
- 4.26. Buildings along North Bar Street are a blended mix of two and three storeys in height, which provides for a fairly consistent, but varied, roofline. Taller buildings predominantly front the roads and there are limited instances of taller buildings intruding into the backdrop of the streetscene. The roof types to the east side of North Bar Street are principally pitched, with very few dormers, and offer a sense of cohesion to the streetscape. Street-facing gables and dormer windows are much more notable features to the roofscape of the west side of North Bar Street.
- 4.27. It is known that the properties along North Bar Street were predominantly occupied by commercial and professional users in the mid-nineteenth century with some residential properties. The surviving historic building stock, including buildings such as Trelawn House, provides an understanding of the historic building uses, and the changes and development within the area over time.
- 4.28. The appeal site is located directly opposite the terraced housing of Castle Street which falls within the 19th Century Suburbs (North) – Neithrop, Warwick Road, and Castle Street character area. The character area appraisal states:

The site of the castle remained unexploited until the coming of the canal when Castle Wharf came into existence and access to the canalside was put through. Slum clearance from central Banbury from 1852 onwards saw the conversion of Back Lane into Castle Street West and Castle Street East. However, modern town planning has not been kind to the castle site, to the industrial buildings associated with the canal nor the 19th century enclave of workers’ houses and these have mostly been swept away to make way for Castle Quays Shopping Centre. All that remains of the 19th century road layout is Castle Street – what remains of Castle Street West and Castle Street East.

The terraced housing along Castle Street is reminiscent of other speculative mid-19th century working class housing. The terraces comprise narrow fronted, red brick houses of three storeys with minimal flat arch detailing over the ground and first floor openings. The terrace to the west is ‘bookended’ with pairs of two storey houses.
- 4.29. The nineteenth century terraced houses on Castle Street are a mixture of two but mostly three storey dwellings and were built as part of the expansion of Banbury, in short red brick terraces under Welsh slate roofs **(Appendix B, Figure 4)**.
- 4.30. The significance of the Banbury Conservation Area derives from its special architectural and historic interest. Architecturally, the conservation area contains a rich variety of building types and ages illustrating the complex development of the area, whilst also contributing aesthetically to the variety of building materials, styles, scale, design, and detailing.

- 4.31. The historic functions of the buildings also contribute to an understanding of the development of the area and its historic land use in response to social changes over time. The surviving eighteenth- and nineteenth-century building stock contributes to the area's significance in permitting an understanding and appreciation of the growth and expansion of Banbury and the changing construction techniques, use of materials, and architectural styles.
 - 4.32. Of particular special interest to the Main Route Corridor character area of the conservation area are the strong building lines along North Bar Street which respond to, and reinforce, the linear group of historic streets.
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5. Assessing whether, how and to what degree their settings make a contribution to the significance of the heritage assets

- 5.1. As an aid to decision-making it is important to assess a heritage asset's significance (see section 4), and in the case of the proposed development, particularly the contribution that setting makes to its significance, in line with National Planning Policy Framework (paragraphs 194-195), which is the purpose of this section of my proof.
- 5.2. Historic England's advice note on setting includes a:

“(non-exhaustive) check-list of potential attributes of a setting that may help to elucidate its contribution to significance’. As the advice note states, ‘only a limited selection of the attributes listed will be of a particular relevance to an asset.’”
- 5.3. The Historic England advice note identifies the fact that heritage assets can include overlapping settings, as well as having a setting of their own.
- 5.4. The views noted in this section are located in **Appendix B, Map 2** of this document.

Trelawn House (Grade II Listed)

- 5.5. With regard to the non-exhaustive checklist, included in Historic England's guidance, I consider the following broad headings to be relevant in assessing this heritage asset:
 - The asset's physical surroundings:**
 - Topography;
 - Definition, scale and 'grain' of surrounding streetscape, landscape and spaces;
 - Openness, enclosure and boundaries; and
 - History and degree of change over time.
 - Experience the asset:**
 - Views from towards, though, across and including the asset;
 - Surrounding landscape of townscape character; and
 - Visual dominance, prominence or role as a focal point.
- 5.6. Many of the aspects included above overlap and can be considered in conjunction. To avoid repetition, I have addressed the application of the several elements above under the headings below.

Physical surroundings

- 5.7. Buildings along North Bar Street are principally two and three storeys in height. The adjacent buildings to the north and south of Trelawn House are both two-storey structures, and the resulting street-scene forms a strong building line. Continuous strong building lines are characteristic of the east and west side of North Bar Street and the heritage asset can therefore be appreciated as part of the wider townscape.
- 5.8. The buildings adjacent to Trelawn House are utilitarian in their design; with the building to the north being largely unfenestrated. By contrast, Trelawn House is a well-proportioned traditionally detailed late-Georgian townhouse with high-quality ornamentation. The blandness of the adjacent buildings promotes the prominence of the architectural and artistic quality of the heritage asset and contributes to its visual dominance within the streetscape.
- 5.9. Although an integral part of the strong building line on the east side of North Bar Street, the heritage asset is set behind a low brick-built boundary wall and small front yard, facilitating a legibility and understanding of the heritage assets original intended use as a townhouse; historic photographs show that historically the heritage asset was bounded by decorative iron railings and was a prominent feature along North Bar Street alongside other nineteenth century buildings (**Appendix B, Figure 6**).

Integrity and degree of change over time

- 5.10. Historic mapping (**Appendix B**) confirms that Trelawn House was constructed in close proximity to the location of the North Bar, one of five town bars erected in the mid-thirteenth century to establish the limits of a planned extension of the borough. The resulting medieval street pattern, which includes North Bar Street, survives intact although it is now predominantly populated with eighteenth- and nineteenth- century buildings.
- 5.11. The historic maps show that since the mid-nineteenth century the setting of Trelawn House has undergone considerable change. In 1850 Trelawn House formed part of a small row of buildings fronting North Bar Street, but was unenclosed to the north, east, and west. This remained the case until c.1980 when the heritage asset was enclosed to the north, east, and south by the existing buildings on the appeal site.
- 5.12. During the last four decades, Trelawn House has suffered the loss of its immediate historic neighbours and has been isolated from those that remain to the south by the existing buildings on the appeal site. More recently, on the corner of North Bar Street and Warwick Road, a substantial block of apartments has been erected on the site of the former nineteenth-century brewery buildings which have been lost piecemeal throughout the twentieth century.
- 5.13. There has been a high degree of change to the original and historic setting of Trelawn House. Despite this degree of change, the building line from Trelawn House southwards to the south-west corner of the appeal site reflects that of 1850 which remained unaltered until the early twentieth-century, if not later (**Appendix B, Figure 6**).

Topography, views, visual dominance and prominence

- 5.14. As set out in the Historic England guidance *The Setting of Heritage Assets* (2017), the setting of a heritage asset is likely to include a variety of views that can be important contributors to understanding and appreciating an asset's significance. Important views can include those from, towards, through, across and including an asset.
- 5.15. Trelawn House is orientated towards the west fronting North Bar Street in the Banbury Conservation Area. From St. Mary's Church, which is to the south of the appeal site, the land falls c.6.5m towards the North Bar and Warwick Road crossroads. As such, the architectural interest of Trelawn House is

best experienced in the immediate environs of the asset and from within the Conservation Area, such as the position shown at **Appendix B, Figure 1**.

- 5.16. Viewpoints 1 and 2 (**Appendix B**) are examples which show how the building is experienced within the established building line from the west side of North Bar Street and the Warwick Road junction. The ability to appreciate the heritage asset within the nineteenth century building line contributes to its significance as the last surviving historic building of this historic streetscene.
- 5.17. Glimpses of Trelawn House, specifically its eaves, boundary wall and ionic fluted columns can also be viewed from street level at the south-west corner of the appeal site; archived images show that this is a historic view (**Appendix B, Figure 4**).
- 5.18. As a two-storey building the scale of the heritage asset is in keeping with that which is characteristic of the surrounding streetscape. However, when considered in its immediate environs, specifically between the adjacent buildings, Trelawn House is visually the dominant structure; the eaves height of the heritage asset exceeds those of the building to the south, and the roof height of the building to the north.
- 5.19. The absence of any visible built form behind the heritage asset, when viewed from the west side of North Bar Street (**Appendix B, Figure 1**), provides for an open-sky backdrop which allows the silhouette of the heritage asset to be appreciated in isolation without intrusion from other buildings. This further contributes to its visual prominence within the street-scene.
- 5.20. This setting of the Trelawn House makes a positive contribution to its significance by reinforcing its visual dominance, enhancing its prominence as a Georgian townhouse of high-architectural quality, allowing the building to be appreciated in its historic building line, and providing important views of the heritage asset from within the conservation area.

Banbury Conservation Area

- 5.21. With regard to the non-exhaustive checklist, included in Historic England's guidance, I consider the following broad headings to be relevant in assessing this heritage asset:

The asset's physical surroundings:

- Definition, scale and 'grain' of surrounding streetscape, landscape and spaces; and
- History and degree of change over time.

Experience the asset:

- Surrounding landscape and townscape character; and
- Views from towards, though, across and including the asset.

- 5.22. Many of the aspects included above overlap and can be considered in conjunction. To avoid repetition I have addressed the application of the elements above under the headings below.

Physical Surroundings

- 5.23. The significance of the conservation area is principally drawn from the architectural interest of its varied historic building stock, and the historic interest derived from the variety of historic functions and land uses.
-

- 5.24. However, the industrial landscape of Cherwell Street and the former iron works to the east makes a positive contribution to its setting, enhancing the understanding of Banbury's transformation from market town to industrial town in the mid-nineteenth century. Although partially redeveloped with areas of dereliction, this was once a significant area close to Oxford Canal. The surviving historic buildings of this area provide an understanding of the development of Banbury town in response to industrial changes and expansion. Of this area, the Conservation Area Appraisal states:

The area is significant not only for its history and the remaining buildings that have survived from that time but also because it forms an important part of the setting of both conservation areas [Banbury and Oxford Canal] and defines the visual aesthetic of the canal basin and the views of Banbury for any visitor arriving on the outskirts of town. (P.92, Para.3)

- 5.25. The Castle Quay Shopping Centre also forms part of the setting of the conservation area. The shopping centre occupies the north side of Market Place on the site of a formerly dense area of terraced housing, agricultural machinery works, canal-related workshops and storages, and the former site of Banbury Castle. It makes an important contribution to the setting, forming part of the visitors' visual experience when arriving on the outskirts of Banbury from the north. The Conservation Area Appraisal states that this visual experience and the contribution it makes to the setting of the conservation area is '*an important factor to be borne in mind when regeneration packages are considered.*' (P.94, Para. 1)
- 5.26. The appeal site forms part of the setting of the conservation area to the north (of the Medieval Core character area), the east (of the Main Route Corridor character area), and the south (of the 19th Century Suburbs (North) – Neithrop, Warwick Road, and Castle Street character area). The built form on the site falls partly within and partly outside the conservation area boundary. Due to its elevational treatment and form which is at odds with the prevailing traditional characteristics of the conservation area's historic building stock it is not a positive aspect of the area's setting. However, due to the scale of the buildings, they are not intrusive elements of the conservation area's setting.

Surrounding townscape character and views

- 5.27. The immediate setting of the Main Route Corridor, the 19th Century Suburbs (North) – Neithrop, Warwick Road, and Castle Street, and the Medieval Core character areas comprises the northern section of Southam Road, Castle Street and Bolton Road, the appeal site and the car park to the rear.
- 5.28. The northern section of Southam Road lies outside of the conservation area boundary but forms an important part of the setting of the character areas. This section of Southam Road was extensively developed during the inter- and post-war periods, due to the arrival of large-scale industry independent of agriculture. The urban character of the Main Route Corridor becomes fragmented going north into Southam Road with mostly post-war terraces, and modern apartment buildings fronting the street. An important aspect of the setting of the conservation area, Southam Road enhances the understanding of the development and expansion of Banbury town. Furthermore, Southam Road provides an important view of the conservation area from the northern approach into the town, particularly of the North Bar and Warwick Road crossroads.
- 5.29. Although the larger appeal site is mostly located outside of the conservation area, it is, along with the car park to the east, Castle Street and Bolton Street, an important element in the setting of the conservation area, namely the approach to the medieval core of Banbury, as experienced by visitors to the town.
- 5.30. Of this area, the Conservation Area Appraisal states:

The town planning schemes of the 20th century have left Banbury with current day Castle Street and Bolton Road area, the remains of the northern working canal-side suburb of the town. The area now comprises a limited number of terraces of 19th century housing which sits ill with the 20th century roads that have been engineered through. The multi-storey carpark has now gone and the site sits ready for a heritage inspired scheme sympathetic to the northern boundary of the medieval core and the remaining terraced housing which will enhance the approach to the town and the canal.

- 5.31. The tower of St Mary's Church, a focal point of the Banbury Conservation Area, can be viewed from Castle Street across the appeal site which enhances how Banbury is experienced by visitors on the eastern approach into the central core of the conservation area.

Integrity and degree of change over time

- 5.32. The area comprising the appeal site and adjacent car park, Castle Street, and Bolton Street have undergone a high degree of change. The widening of Castle Street in the late twentieth century, along with the loss of a terrace of workers' cottages to the south side of Castle Street has left the nineteenth-century terraced housing on the north side of Castle Street at odds with its immediate surroundings.
- 5.33. The construction of the buildings on the appeal site represents a high degree of change to the setting of the conservation area, introducing a building of considerable massing to an area largely populated and surrounded by much smaller medieval, eighteenth- and nineteenth century buildings.
- 5.34. More recently the demolition of the multi-storey car park to the rear (east) of the appeal site, has further altered the setting of the character areas, and conservation area as a whole, resulting in an ill-thought-out open space between the Castle Street and Medieval Core character areas.
- 5.35. For the reasons outlined above, Cherwell Street and the site of the former ironworks, Castle Quay Shopping Centre and the northern section of Southam Road make a positive contribution to the setting of the conservation and therefore its significance.
- 5.36. The part of the appeal site which lies outside of the conservation area boundary, the car park to the east, Castle Street and Bolton Road make a negative contribution to the setting of the Banbury Conservation Area, particularly the Castle Street and Medieval Core character areas.

6. Assessing the effect of the proposed development on the setting and significance of the designated assets

- 6.1. In the previous section of my proof I identified and described those attributes of setting that contribute to the significance of the designated heritage assets. In this section of my proof I now summarise my assessment of specific effects of the proposed development on attributes of setting to establish the degree, if any, of harm caused. This approach broadly equates to Step 3 of the advice on assessing impacts on setting provided in the guidance from Historic England, *The Setting of Heritage Assets* (2017).
- 6.2. The impacts I have identified are either visual impacts on the setting of the heritage asset, impacts removing an important characteristics townscape, or impacts that affect people's experience of the asset and the ability to appreciate its significance. In arriving at my conclusions about the impact that the proposed development would have on the setting of the heritage assets, on their significance, and the ability to appreciate that significance, I have had regard to the relevant legal provisions, statutory duties, and local and national heritage policy and guidance.

Trelawn House (Grade II Listed)

- 6.3. With regard to the non-exhaustive checklist of potential attributes of a development affecting setting, included in Historic England's guidance, I consider the following broad headings to be relevant in assessing this heritage asset:

Form and appearance of development:

- Prominence, dominance, or conspicuousness;
- Competition with or distraction from the asset; and
- Dimensions, scale and massing.

Location and siting of development

- Position in relation to key views to, from, and across.

Permanence of development:

- Reversibility.

- 6.4. Many of the aspects included above overlap and can be considered in conjunction. To avoid repetition, I have addressed the application of the elements above under the headings below.

Scale, prominence and dominance

- 6.5. To the south of the heritage asset, and fronting North Bar Street, the proposed development would increase the building height from two storeys to three storeys. To the east (rear) of the heritage asset, and fronting Castle Street, the proposed development would increase the building height from two storeys to three and four storeys. This is a considerable increase in building height which would result

in the heritage asset being partly enveloped or consumed by the higher scale and mass of the proposed adjacent development. This effect seen on drawing no. 10116BB-PA08 B (Proposed North Bar Street Elevation) would detract from the character and appearance of the listed building resulting in a negative impact upon its visual dominance in its wider setting.

- 6.6. The proposed development to the east (rear) of the heritage asset will be visible behind and above the roofline of the heritage asset when viewed from within the conservation area. This will result in the loss of the open-sky backdrop and the silhouette of the heritage asset will be absorbed into that of the proposed development immediately to its rear. This would have a significant negative impact on the visual dominance of the heritage asset.
- 6.7. Historic photographs from the early twentieth century (**Appendix B, Figure 6**) show that the buildings to the south of Trelawn House were largely lacking in ornamentation or decoration, with the adjacent building and that to the south-west corner of the appeal site being much more vernacular in character and appearance. The street-facing elevation of the proposed development to the south of the heritage asset would comprise a significant increase in architectural detailing. In contrast to the existing plain facade, this would subdue the experience of the architectural interest and appreciation of the façade of Trelawn House, resulting in a significant negative impact upon the prominence of the heritage asset and its appreciation within the streetscene

Competition with or distraction from the heritage asset

- 6.8. In contrast to the existing buildings on the appeal site, the proposed development, by reason of its height and design immediately adjacent to Trelawn House, would compete with, and detract and distract from the prominence and visual dominance of the heritage asset in its setting.
- 6.9. The proposed introduction of metal railings atop a dwarf wall to the street-facing elevation of the proposed development to the south of Trelawn House, would also compete with the existing boundary treatment of the heritage asset, which was historically the only building in the streetscene to be set behind railings (**Appendix B, Figure 6**). This uncharacteristic design feature would additionally have a negative enclosing impact upon the visual prominence of the building in the streetscene.

Location and siting of development

- 6.10. The proposed development to the south of the Trelawn House would be set back from the existing building line behind metal railings atop a brick wall bounding a section of planting, significantly altering the existing and historic building line. It is considered that this would have a negative impact on the ability to appreciate Trelawn House within its historic building line and as a surviving remnant of this historic street-scene.

Permanence of the development

- 6.11. For the reasons stated above, the proposed development immediately adjacent to Trelawn House will result in a permanent negative change to the setting of the heritage asset which contributes positively toward its significance. Given the permanence of these adverse effects arising from the development, the proposals are considered seriously harmful to the significance of the building.
- 6.12. The proposed development cannot be considered to have a beneficial or neutral effect on the significance of the designated heritage asset. The harm to the designated heritage asset would be 'less than substantial harm' as referred to in the NPPF, and therefore paragraph 202 would apply. If we consider this in the scale of lower, middle, and upper, I consider the harm lies in the middle section of this scale.

Banbury Conservation Area

- 6.13. With regards to Banbury Conservation Area, this section considers both the direct and indirect impact of the proposed development on the significance of the heritage asset.

Direct impact

- 6.14. Part of the western side of the larger appeal site, namely that to the south of Trelawn fronting North Bar Street, is located within the boundary of the conservation area. For the following reasons, the proposed development on this part of the site will have a direct adverse impact on the character and appearance of and, therefore, the significance of, the Banbury Conservation Area.
- 6.15. This section of the appeal site contributes positively to the significance of the conservation area as part of a strong continuous building line which is characteristic of the Main Route Corridor character area. This building line reflects that of the mid-nineteenth century. The proposed development to the south of Trelawn House would be set back from this building line behind metal railings and planting, altering the established building line and limiting the understanding of the nineteenth century streetscape of which Trelawn House was an important element.
- 6.16. The proposed development to the south of Trelawn House will be set back from the street behind metal railings and planting. This will result in the loss of a strong continuous building line which is an important characteristic of the Main Route Corridor character area and which makes a positive contribution to the historic significance of the Banbury Conservation Area.
- 6.17. The absence of any building proposed to be located to the north-west corner of the appeal site will result in the north elevation of Trelawn House being fully exposed. Whilst not harmful to the listed building itself, it may reasonably be concluded that this blank brick façade of the building was not designed or planned to be exposed in the streetscene as part of its original eighteenth century design but to be adjoined to the north by built development.
- 6.18. The loss of the prominence and the visual dominance of Trelawn House in the streetscene, which makes a positive contribution to the special architectural and historic interest of the conservation area, will also have a negative impact upon its significance.

Indirect impact

- 6.19. With regard to the non-exhaustive checklist of potential attributes of a development affecting setting, included in Historic England's guidance, I consider the following broad headings to be relevant in assessing this heritage asset:

Form and appearance of development:

- Prominence, dominance, or conspicuousness; and
- Dimensions, scale and massing.

Wider effects of development

- Change to built surroundings and spaces.

Location and siting of development

- Position in relation to key views to, from, and across.

Permanence of development:

- Reversibility.
-

- 6.20. Many of the aspects included above overlap and can be considered in conjunction.
- 6.21. As proposed, the absence of any building to the north-west corner of the appeal site and the consequential exposure of blank north flank of Trelawn House (see 6.16 above) will result in the crossroads at North Bar becoming less defined by built development and will reduce the ability to appreciate the surviving historic street pattern which makes a positive contribution to the significance of the conservation area.
- 6.22. Furthermore, the proposed planting and public realm to the front of the proposed development adjacent to Trelawn House and fronting Castle Street would result in an increase in the distance between the terraced housing to the north of Castle Street, and of the proposed built form fronting Castle Street, particularly to the westernmost end of Castle Street which has already suffered the loss of historic terraced housing to the south. This would exacerbate the existing situation in which the nineteenth century terraced housing is at odds with the twentieth century roads that have been engineered through; a weakness identified in the Banbury Conservation Area Appraisal.
- 6.23. The gap between Trelawn House and the proposed development to its rear is ill-considered and, whilst not directly harmful, neither responds to nor has full regard to either heritage asset which is best practice to ensure a high-quality scheme in the historic environment.

Permanence of the development

- 6.24. For the reasons stated above, the proposed development immediately will result in direct and indirect permanent negative change to the heritage asset. Given the permanence of these adverse effects arising from the development, the proposals are considered seriously harmful to the significance of the conservation area.
- 6.25. The proposed development cannot be considered to have a beneficial or neutral effect on the significance of the designated heritage asset. The harm to the designated heritage asset would be 'less than substantial harm' as referred to in the NPPF, and therefore paragraph 202 would apply. If we consider this in the scale of lower, middle, and upper, I consider the harm lies in the lower-middle end of this scale.
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7. Summary and Conclusions

- 7.1. I am a Built Heritage Consultant at Place Services, Essex County Council. For over three years I have worked as a heritage consultant for the private and public sectors, working across the UK and Ireland.
 - 7.2. The evidence I have prepared relates to the effect the proposed development will have on the significance of the identified heritage assets including the contribution to significance made by their settings. This proof has assessed and considered harm to the following heritage assets:-
 - Grade II Listed Trelawn (List Entry ID: 1046925); and
 - Banbury Conservation Area.
 - 7.3. I have visited the site and its surroundings for the purpose of undertaking my assessment, the results of which are described in sections 4, 5 and 6 of this proof of evidence.
 - 7.4. In Section 4 of my proof I outlined the significance of the heritage assets:

The significance of **Trelawn** House derives from its special architectural and historic interest. As an important surviving element of North Bar, Trelawn House facilitates an understanding of a significant era of development in Banbury and of the nineteenth century streetscene that previously existed. Trelawn House is a physical testament to the social changes that took place in the nineteenth century whereby wealthier merchants and professionals were constructing more elaborate homes in previously commercial and working-class areas. Furthermore, Trelawn House illustrates the architectural fashions and aspirations in Banbury during this time. Architecturally, the heritage asset is a fine example of a late-Georgian townhouse which is prominently located at the North Bar crossroads. Trelawn House retains much of its external historic fabric, traditional detailing and ornamentation.
 - 7.5. The significance of the **Banbury Conservation Area** derives from its special architectural and historic interest. Architecturally, the conservation area contains a rich variety of building types and ages illustrating the complex development of the area, whilst also contributing aesthetically to the variety of building materials, styles, scale, design, and detailing. The historic functions of the buildings also contribute to an understanding of the development of the area and its historic land use in response to social changes over time. The surviving eighteenth- and nineteenth-century building stock contributes to the area's significance in permitting an understanding and appreciation of the growth and expansion of Banbury and the changing construction techniques, use of materials, and architectural styles.
 - 7.6. Section 5 of my proof presents information that confirms the setting of the heritage assets contributes to their significance and that the appeal site makes a contribution to this setting.
 - 7.7. The setting of Trelawn House makes a positive contribution to its significance by reinforcing its visual dominance, enhancing its prominence as a Georgian townhouse of high-architectural quality, allowing the building to be appreciated in its historic building line, and providing important views of the heritage asset from within the conservation area.
 - 7.8. Cherwell Street and the site of the former ironworks, Castle Quay Shopping Centre and the northern section of Southam Road make a positive contribution to the setting of the **Banbury Conservation Area** and therefore its significance. The part of the appeal site which lies outside of the conservation area boundary, the car park to the east, Castle Street and Bolton Road makes a negative contribution to the setting of the Banbury Conservation Area, particularly the Castle Street and Medieval Core character areas.
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- 7.9. Section 6 of my assessment has demonstrated that there would be harm to the setting and significance of both heritage assets, and therefore their setting would not be preserved. The impacts I have identified are either visual impacts on the setting of the heritage assets or impacts that affect the experience of the asset and the ability to appreciate its significance.
- 7.10. The proposed development will compete with and detract from the sense of prominence and visual dominance of Trelawn House, reduce the ability to appreciate the heritage within its historic building line, and have a detrimental visual impact on the views of the heritage asset from within the conservation area.
- 7.11. The proposed development would result in the loss of the strong continuous building line fronting North Bar Street and will reduce the ability appreciate the historic street pattern to North Bar. The exposure of a bland façade in a prominent corner location, and the worsening of the disconnection of the terraced housing to Castle Street to its immediate more modern surroundings, represents significant missed opportunities to enhance the Banbury Conservation Area.
- 7.12. For the reasons I have set out in this proof of evidence, serious harm would be caused by the proposed development to the significance of the designated built heritage assets and to the character and appearance of the conservation area. While that harm is agreed to be classified as less than substantial harm (no listed buildings are lost and the damage to the character and appearance of the Conservation Area is not total) paragraph 199 of the NPPF makes it clear that 'great weight' should be given to the conservation of these assets; that is: to "the process of maintaining and managing change to a heritage asset in a way that sustains and, where appropriate, enhances its significance" (NPPF 2021, Glossary).
- 7.13. If we consider 'less than substantial harm' on a scale of lower, middle, and upper, I consider the harm lies in the middle section of this scale with regards to Trelawn House and the lower-middle end of the scale with regards to the Banbury Conservation Area.
- 7.14. Furthermore, the Planning (Listed Buildings & Conservation Areas) Act 1990 (Section 72(1)) provides that, when considering a planning application that affects a conservation area, a local planning authority must pay special attention to the desirability of preserving or enhancing the character or appearance of that area. Case law has established that a conservation area would be 'preserved' if the character or appearance was not harmed.⁶

⁶ South Lakeland District Council v Secretary of State for the Environment and another [1992] 1 ALL ER 573

8. Statement of Truth

- 8.1. I understand my duty to the Inquiry and I have complied, and will continue to comply, with that duty. I declare that the evidence which I have prepared and provide for this appeal is true. I confirm that this evidence identifies all facts which I regard as relevant to the opinion that I have expressed and that the Inquiry's attention has been drawn to any matter that would affect the validity of that opinion. I believe that the facts stated within this proof are true and confirm that the opinions expressed are my true and professional opinions.
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APPENDICES

A. Designation Descriptions

Trelawn⁷

Heritage Category: Listed Building

Grade: II

List Entry Number: 1046925

Date first listed: 16-Jun-1977

Statutory Address: Trelawn, 34, North Bar Street

County: Oxfordshire

District: Cherwell (District Authority)

Parish: Banbury

National Grid Reference: SP 45385 40743

Details

BANBURY NORTH BAR STREET (East side) SP4540NW No.34 (Trelawn) 6/129 16/06/77 GV II

House now offices. Early C19. Red brick. Hipped slate roof. 2 brick end stacks. 2 storeys; 3-window range. Central entrance has panelled door with decorative overlight and doorcase with fluted Ionic columns. Doorway is flanked by 2 sashes with glazing bars (3-pane width). 3 similar windows to first floor. All windows have stepped keystone voussoirs. Interior: plain C19 details including doors, door frames, ceiling mouldings and staircase.

Listing NGR: SP4538540743

⁷ <https://historicengland.org.uk/listing/the-list/list-entry/1046925>