

“FAIRFIELD”, 22, MAIN STREET, NEWTON SOLNEY, DERBYSHIRE DE15 0SJ.

HERITAGE STATEMENT TO ACCOMPANY AMENDED PROPOSALS

FOR REPLACEMENT GATES AND RAILINGS ETC.



Cover: General view of the house from street, showing location of former pedestrian gate (walled up) that led to the front door.

CONTENTS

	page
INTRODUCTION	4
THE HERITAGE ASSETS	4
• The Newton Solney Conservation Area	4
• “Fairfield”	5
THE PROPOSAL, AS ORIGINALLY SUBMITTED AND AS AMENDED	6
IMPACT OF THE PROPOSAL	11
CONCLUSION	13

INTRODUCTION

1. The writer was commissioned by Mr. and Mrs. Hopton to work alongside the architects and the commissioned artist-blacksmith to devise an amended scheme for new gates and railings etc. at 22, Main Street, Newton Solney. The writer's involvement followed adverse conservation officer concerns about the scheme that was originally submitted for planning permission on 12/10/2018 (SDDC ref. 9/2018/1096). The application remains pending while amendments are considered.

2. This statement is submitted in line with paragraph 189 of the National Planning Policy Framework (NPPF) February 2019, which says:

"In determining applications, local planning authorities should require an applicant 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. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation."

THE HERITAGE ASSETS

3. Two heritage assets are principally affected:

- a) The Newton Solney Conservation Area, a designated heritage asset.
- b) "Fairfield", no. 22, Main Street which, as a positive contributory feature of the conservation area, may be regarded as a non-designated heritage asset.

Consideration of any other elements of the built environment that might be affected by the proposals are covered by the assessment of impact upon these two principal assets.

a) The Newton Solney Conservation Area

4. The Newton Solney Conservation Area was first designated by South Derbyshire District Council on 12th October, 1978. Its boundary has remained unchanged since designation, and a thorough conservation area appraisal was adopted by the Council in 2011, to which the present writer contributed text and information.

5. In the 18th century, most of Newton Solney belonged to the Every family of Egginton, but much of it was sold off in 1799. The chief estate in Newton Solney thereafter was that of Abraham Hoskins of Newton Park, who built up his estate partly by an exchange agreement with Sir Henry Every in 1798, and partly through subsequent purchase. Hoskins, originally from Burton on Trent, sold up in 1836 and moved to Uttoxeter, and thereafter Newton Solney found favour with other gentry of Burton on Trent and elsewhere, seeking a place in the country without eschewing society and refinement. In particular these included Burton brewers of the Ratcliff, Salt and Worthington families - members of the so-called "Beerage".

6. The conservation area appraisal sums up the salient features of the Newton Solney designation as follows:

“• its appearance is dominated by two distinct areas of different character: - Newton Park; a heavily wooded, largely early 19th century designed landscape, incorporating modern housing, and - the village; an eclectic mix of early 19th century rendered villa and picturesque cottage orné housing, and 19th century and early 20th century largely brick-built housing

• individual and quirky buildings

• being very close to Burton-on-Trent, its development was highly influenced by “money” from Burton in the 19th century and it is distinguished by the former homes of several well-to-do Burton families, who had aspirations of enhancing their status through their buildings and land.”

b) “Fairfield”

7. “Fairfield” is singled out in the conservation area appraisal, appropriately, as a positive contributor to the character of the conservation area. Its history has apparently never been researched in any detail, but its proportions and massing suggest a Georgian house – a farmhouse, perhaps - which has been rendered and re-windowed to effect a late Victorian or Edwardian makeover.

8. Its Georgian date appears to be supported by a house shown in the same position on the 1827 plan of Newton Solney (Staffordshire Record Office D3009/2), which the writer takes to be the present one. The lighting of the attics from the gable ends instead of from the front is a typical Georgian “farmhouse” characteristic in south Derbyshire, resulting in a wide gap between the first floor window heads and the eaves. The original house was no doubt of plain, unrendered brick, and of a far less ostentatious character than it now has. The two-storey section to the left has been regarded as an addition, but may be original, or could even be earlier than the rest of the house (cf. Grange Farm, Overseal, where the subsidiary wing on the front elevation is in fact the earlier part).

9. On the front, the makeover involved replacing the windows, adding surrounds to them, and adding the bays and porch to the ground floor. The whole was rendered to disguise the earlier brickwork and the changes to it, and the chimneys were rebuilt, the result being that the house now looks superficially Edwardian. The makeover must have been done while the house belonged to the Ratcliff family, who apparently owned it from about 1870 to 1956¹. Henry Ball of Fairfield died aged 81 in 1910²; perhaps the alterations were done for a new tenant upon his death, if they had not already been done previously.

10. Fronting the street, the east part of the boundary currently comprises a wall of two different builds, with earlier brickwork to the bottom on a stone foundation, and later brickwork above, with moulded red clay copings.

11. To the west of this full-height wall is a crudely walled-up pedestrian gateway, formerly accessing a garden path to the front door, and then a low brick wall with a stone coping supporting a

¹ Newton Solney by M. Day and M. Craven (2009), pages 155-157.

² “Derbyshire Advertiser and Journal” 22/7/1910.

remaining length of wrought iron railings, fairly squat. These are of an attractive period design, but are incomplete: at their east end, the pedestrian gate has been lost, and the railings have been truncated at the west end to create a new vehicular access with heavy, crudely-detailed brick pillars. The original vehicular access appears to have been further west, accessing outbuildings which have now been split off as a separate dwelling. The remaining railings are unsatisfactorily terminated at each end.

12. Planning permission has recently been given for extensive alterations and additions at the house, but the contribution of its front elevation as seen from the street will remain as important as ever, additions notwithstanding.

THE PROPOSAL (AS SUBMITTED AND AS NOW AMENDED)

13. The present owners of the house, Mr. and Mrs. Hopton, are prepared to invest heavily in the property, as shown by their ambitious scheme for alteration and extension. They are also prepared to spend a substantial amount of money on the front wall for its own sake as a positive contribution and improvement to the special architectural and historic interest of the village

14. It appears that all interested parties (owners / architects / District Council) agree that the front boundary is unsatisfactory as it stands, and that improvements are desirable. There is also no objection, in principle, to changing the entrance point. So there is some common ground, and the issue concerns the nature and extent of the changes.

15. The planning application for alterations to the front boundary was originally devised by BiDesign of Repton, who had previously successfully applied for alterations and extensions to the house itself on behalf of the owners. The Council's conservation officer commented on the scheme as submitted as follows:

"The CA Statement notes the building [NB this means the house] as being of positive merit and making a positive contribution to the character of the conservation area (CA) reflecting the C19/C20 built form within the settlement. The architectural character of the house; its scale, form, design and detailing and its location within a spacious plot all indicate a historic dwelling of some status. While the building has had alterations/re-modelling over time the 1881 OS maps indicates a large dwelling in this location, recessed within the plot in spacious grounds which is likely the current building. It positively contributes to the palette of materials and forms within the CA reflecting its historic expansion and evidence of the influx of wealth associated with the area. Although the building is recessed within the plot it remains visible from the public realm due to its scale and inter-visibility through boundary treatments. Positive characteristics and detailing includes the symmetrical front elevation with a vertical emphasis (with the later two storey extension remaining subservient so the three bay plan remains dominant), fenestration and decorative detailing in contrasting material. Although there have been alterations to the rear these are less evident due to their location at the rear of the property. Planning permission has recently been granted for development of the site and various extensions and alterations (9/2018/0239). As part of this consultation it was noted that the intention to retain the walls and railings that contribute to the character of the area was positive.

Boundary treatments are varied across the CA with earlier and estate walls being of stone and later C18-C19 walls being of brick. It also notes that the CA has many frontages embellished with fine sets of railings. The wrought iron railings at the front of the site are distinctly picked out and noted as wrought iron railings of the late C19. The boundary wall that fronts the site makes a positive contribution to the character of the CA, despite later alterations, defining the areas between the private and public realm and indicating a dwelling of some status. The wall is of brick with the lower area having stone coping topped with the identified wrought iron railings and the higher wall being capped with triangular copings. Sections of the wall have been altered including the existing entrance which is of new brick and a section of wall adjacent to the railings with a later modern brick and tile/mortar capping. Despite these later alterations the wall generally retains its historic character and makes a positive contribution to the character of the area.

The proposal looks to demolish the wall and re-build with a central access point – currently the entrance to the driveway is offset to the left. While there is no objection to the alteration to the modern brickwork and current entrance, the proposal would result in the loss of the historic boundary treatment, including the railings. While it is the intention to replicate the railings, the application does not seek to retain the existing. Plans note that the existing wall needs to be re-built due to very poor structural and visual condition. However, no structural information has been provided to provide evidence of this. An on-site inspection also did not indicate that the wall was structurally unsound, although it is acknowledged that in parts bricks will need to be replaced and re-pointed.

The site, including the front boundary treatment, makes a positive contribution to the character of the CA. While the existing boundary wall has been subject to later modifications the wall is of historic interest and the loss of this would adversely impact on its character and the positive contribution that it makes to the character of the CA. While the proposal looks to retain a boundary treatment and replicate details of the existing, it will result in the loss of historic fabric, including the C19 railings. Therefore, the proposal will reduce the interest of the existing boundary treatment and its positive contribution. This is not considered to be justified considering the existing access and no structural report. Therefore, the proposal will result in minor less than substantial harm and fails to comply with Local Plan Policies BNE2 and BNE10. As per paragraph 196 of the NPPF where a proposal will result in less than substantial harm this should be weighed against the public benefits of the proposal. In this instance there is not considered to be any associated public benefits and the harm is not considered to be justified.”

16. There have been no formal conservation officer comments so far on any of the amended proposals put forward. The writer was asked, following receipt of the original comments, for an opinion on how the matter might be taken forward, and made the following observations and suggestions:

- The railings are compromised and incomplete, and not in good condition.
- The railings were designed to front a garden with pedestrian access only, and are too squat to be compatible with a boundary that now contains an authorised vehicular access as well. The proposal as originally submitted last year involved raising the height of the dwarf wall to

achieve the extra height. A more congruent design, that can respect the scale both of vehicular and pedestrian gates, would be better.

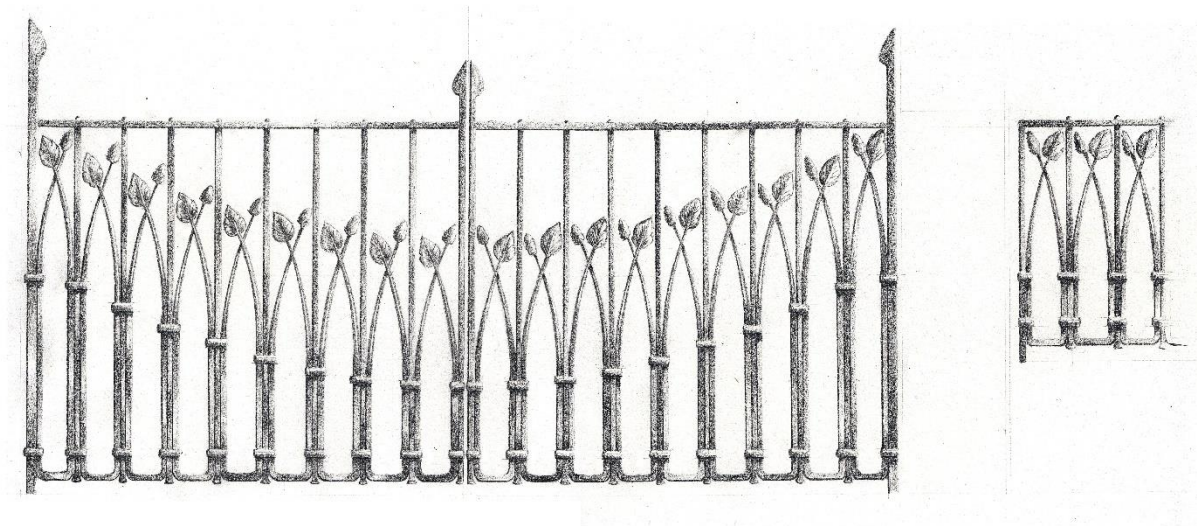
- The arrangement as submitted for planning approval could be improved:
 - by setting out tighter radii for the vehicular access, and reducing the distance from the highway edge to the new gates. The proposal would then be made more traditional and formal, and would make a better “framework” for the display of new railings.
 - by separating out the vehicular and pedestrian gates. The driveway could then be narrower with a traditional feel, more in scale with the house. A separate pedestrian gate could then open to a pedestrian path leading to the side of the house, giving a more intimate and friendly feel for people arriving at the house on foot.
 - by sensitive treatment and placing of the masonry piers associated with the gates and railings, and retention of part of the full-height wall to the east end of the site.
 - by ensuring a good quality of design and workmanship for the new railings, that would make a positive contribution and thereby provide public benefit.
- Railings are an acknowledged feature of the Newton Solney Conservation Area, and the current ones are of an attractive design, illustrated in the conservation area appraisal as the conservation officer has noted. However, preserving the character of a conservation area does not always require existing historic fabric to be kept; new work can also meet the test to “preserve”, and can indeed “preserve and enhance”.
- The design of much new ironwork, especially when bought “off the peg”, is notoriously inadequate for historic environment contexts. A high standard would be essential to outweigh the disbenefit of losing the existing railings. However, the owners of No. 22 Main Street welcomed the writer’s idea that the heritage of ironwork in the village could be actively preserved and enhanced by commissioning an artist blacksmith to design, manufacture and install the new gates and railings. The writer particularly suggested David Tucker, an artist blacksmith of considerable renown who lives in the district. His commissions have included work at numerous listed building and conservations areas in South Derbyshire, already sufficient to amount to a corpus of local interest in itself.

David’s clients have included the District Council, for new railings in front of Swadlincote Town Hall. He is a Fellow and Bronze and Silver medal holder of the Worshipful Company of Blacksmiths for ‘work of a consistently high standard’. He was also winner of the 2017 Tonypany Cup, which may be awarded annually for a piece which is considered to be an outstanding example of the skill of the blacksmith. The cup is considered to be the most prestigious award given by the Company.

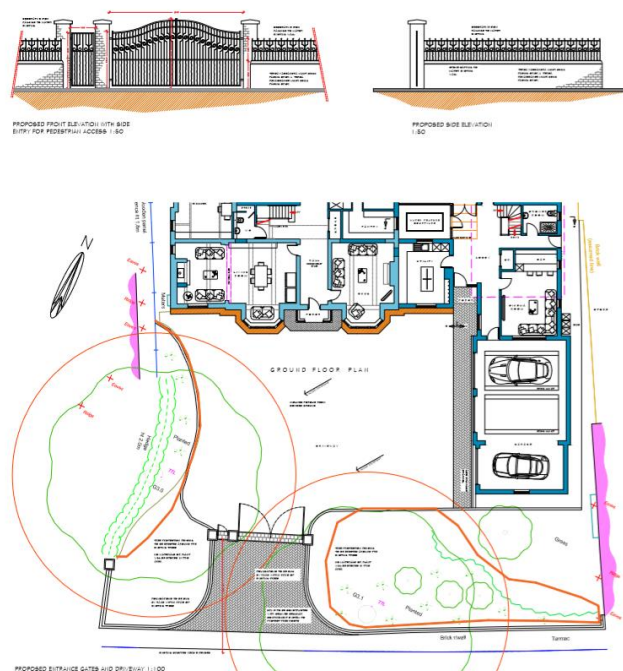
- The relationship of copings, pillars and piers to the railings also deserves careful consideration. The writer suggested:
 - terminating the railings at each end with piers on the street frontage.
 - using monolithic stone pillars for the entrance gates, but brick ones (with stone caps matching those of the stone pillars) for the ends of the railing runs.
 - re-using the triangular clay copings, from the short length of wall to be removed, for the new flank wall on the left hand side of the frontage.
- Resiting of the entrance point gives scope to provide soft landscaping to the left of the access, which will better frame the house and enhance its symmetry.

17. The above suggestions were adopted and put to the planning officer and conservation officer at a site meeting earlier this year. The conservation officer comments at that stage were verbal and informal; for the time being she maintained her stance that the existing railings should be retained in a new scheme, but undertook to review the position once some designs had been produced by the blacksmith for her consideration.

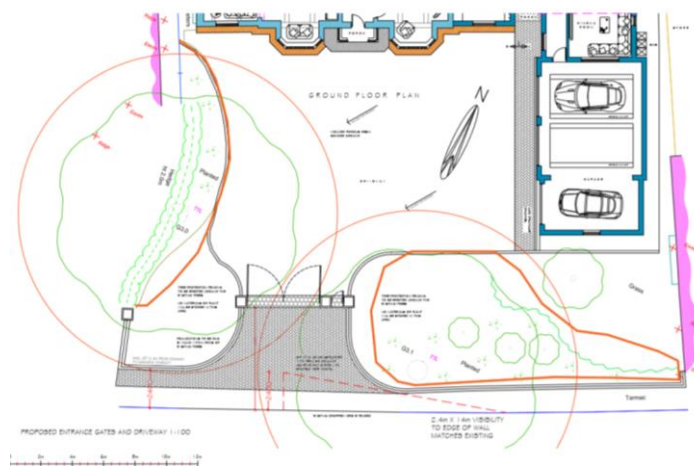
18. Since then, David Tucker has been commissioned to produce alternative designs for the ironwork, and the owners have selected their preferred design concept as below:



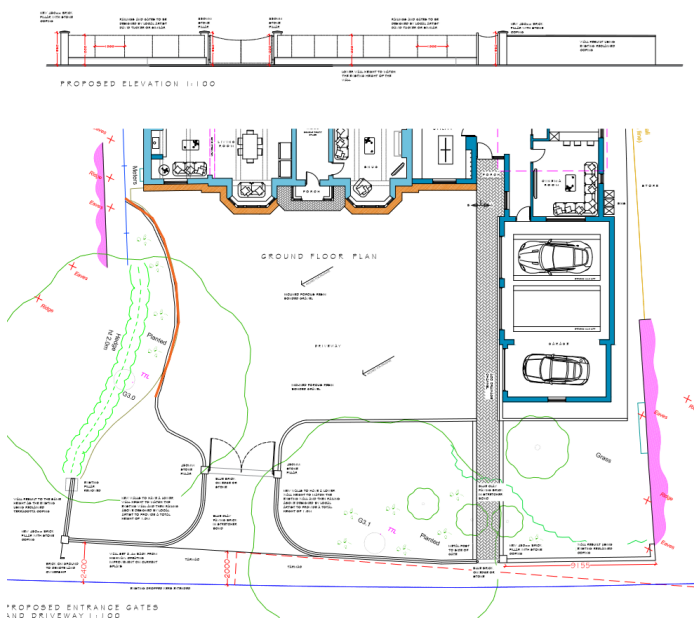
19. The amended proposals now being put forward are the result of the deliberations outlined above. Previous “iterations” of the proposal are illustrated below:



The proposal as submitted in October, 2018, which is only version the conservation officer has officially commented upon so far.



This amended plan of November, 2018 was designed to address the County Highways concerns.



This is the current proposal, which (among other things):

- retains a length of boundary wall as existing next to the pavement
- separates out the pedestrian access and an associated path
- rationalises the placing of the pillars
- narrows down the vehicular access, with tighter and more traditional radii. The gates could be set further towards the road if preferred.

IMPACT OF THE PROPOSAL

20. The main point in contention in these proposals is the existing railings, and whether their retention is necessary to achieve the appropriate preservation and/or enhancement of the conservation area.

21. We contend that retention is not necessary to achieve that objective. The existing railings – attractive though they are – actually present an impediment to the successful re-planning of the frontage as a whole, and inhibit the creativity and innovation that are encouraged by the National Planning Policy Framework, for example in paragraph 131:

“In determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.”

22. Given David’s national reputation, and the general difficulty in sourcing good quality ironwork, we suggest that this proposal falls into the categories of “outstanding” and “innovative”.

23. In the event that the Council still wishes to resist loss of the current railings, we offer the following reasoning:

24. A recent proposal to demolish and replace the house itself was refused, quite properly in the writer’s opinion. But the proposal to replace the railings does not stand to be judged the same way: the existing railings are compromised and are not fundamental to the historic fabric of the village in the way that the house is. While acknowledging that the existing railings are illustrated in the conservation area appraisal, we suggest that they are included as a design example, for reference, rather than for their individual importance in the street scene. The photograph in the appraisal is a close-up, not intended to show the railings in a street scene context.

25. It should also be remembered that many features illustrated in the conservation area documents enjoy no protection at all, and indeed some have since gone (e.g. front door and overlight of “The Limes”, Kings Newton). The conservation area photographs are illustrative and representative – like an artist’s palette - and should not be taken to imply that the features depicted will have indefinite permanence.

26. National Planning Guidance gives some useful advice on this particular point:

“What about harm in relation to conservation areas?”

An unlisted building that makes a positive contribution to a conservation area is individually of lesser importance than a listed building ([paragraph 194](#) of the National Planning Policy Framework). If the building is important or integral to the character or appearance of the conservation area then its demolition is more likely to amount to substantial harm to the conservation area, engaging the tests in [paragraph 195](#) of the National Planning Policy Framework. However, the justification for its demolition will still be proportionate to the relative significance of the building and its contribution to the significance of the conservation area as a whole....

Revision date: 06 03 2014"

27. The prospect of substantial harm, as outlined in the above guidance, could have applied to the proposed demolition of the house, for which permission was refused. The house would reasonably rank as "important or integral to the character or appearance of the conservation area": it was originally built during the most formative period in the development of the conservation area as we see it today, and its subsequent "gentrification" shows the increasing popularity of Newton Solney as a residence for the landed or professional classes of society.

28. I suggest, however, that the policy guidance paragraph cannot be applied equally to the replacement of the existing railings, which are incomplete, compromised, and capable of being replaced with something that makes an equal or better contribution to the character of the area. There would be no net harm at all in our opinion. Alternatively, the view might be taken that loss of the existing railings would amount to "less than substantial harm", but outweighed by the public benefit of substituting something better.

29. It is relevant, at this point, to draw attention to a comparable case in Repton, which was recommended for approval by Council officers, and endorsed by the planning committee. This case concerned the demolition and replacement of no. 35, Burton Road (ref. 9/2015/1199) where the loss of a positive building in the conservation area was considered to be outweighed by the quality of the proposed replacement. The committee report noted that the NPPF actively encourages innovative design, which was weighed in the balance. National planning guidance and local policy were essentially the same then as now, so the judgement criteria applying to our present case have not changed.

30. At Repton, the potential implications of the loss to the conservation area were more serious than those now under consideration at Newton Solney; at Repton, the building had been singled out specifically in the Conservation Area appraisal as being of merit. It had complementary value with a neighbouring Grade II listed building in similar style, yet was still allowed to be demolished. The planning officer recommendation was that the loss should be allowed, and the conservation officer comments were positive also.

31. The Repton case is in line with case law that provides clear examples of justifiable loss in conservation areas in certain circumstances, including:

a). "Fairwinds", Mill Green Road, Fryerning, Ingatestone CM4 0HS (planning appeal no. 2219012; decision date 2/9/2014). This was a 1920s or '30s house in a conservation area, and the Inspector found that "It is an attractive, well-built house which is typical of the properties in the Conservation Area and it makes a positive contribution to its character". Brentwood Borough Council considered that it was a non-designated heritage asset, and was proposing to place it on a local list, but the Inspector concluded:

"that the present contribution of Fairwinds to the character and appearance of the Conservation Area is as a large, attractive house which has substantial group value, but limited fundamental significance. Consequently, its replacement by a dwelling which would

make an equal or greater contribution to the character of the area would be acceptable in principle.”

As the inspector was satisfied by the proposed replacement, the appeal was allowed.

b). 22, Froggnal Way, Hampstead, London (High Court planning court case no. CO/1890/2017, date 8/12/2017).

This was a case brought against the judgement of a planning inspector who had allowed the demolition and replacement of a house in the Hampstead Conservation Area that English Heritage said was a positive contributor to the conservation area. Although English Heritage had declined to list the house, they acknowledged its local importance.

The High Court judge agreed in this case that the house was a non-designated heritage asset (NDHA), but dismissed the appeal and upheld the planning inspector’s decision that the house could be demolished.

In doing so, the Judge concluded that the demolition and proposed new house would not harm the special qualities of the conservation area as a whole, and that demolition of a “positive” building did not constitute harm if the replacement was acceptable.

The Judge noted that paragraph 138 of the 2012 NPPF, when read on its own, seemed to suggest that loss of a building that made a positive contribution to a conservation area would invoke the text of paragraphs 133 and 134 of the NPPF regarding “substantial harm” and “less than substantial harm”. However, she concluded that this could not always be the case given that the Planning inspector had concluded that no harm at all would result from a satisfactory redevelopment.

32. At Newton Solney, by contrast, we are concerned with a scheme that still aims to preserve and enhance an existing building (“Fairfield”) and not replace it. On the other hand, as at Repton, we are also considering a structure that has been altered and compromised, which was a consideration in allowing the Repton proposal.

33. We invite the Council to consider how the decision-making process at Repton, with a recommendation for approval, could be reconciled with a recommendation for refusal in the current, less significant, case. Although different in scale, both involve encouragement of good new design.

CONCLUSION

34. The proposals have progressed a long way from the original submission, and we believe that the amendments are of sufficient magnitude to warrant a fresh and positive consideration by the local authority.

35. Bearing in mind the list of changes as outlined in paragraph 16 above, we suggest that the proposal will now actively preserve and enhance the conservation area, and will provide a public benefit in so doing, sufficient to outweigh any perceived loss and harm.

Philip E. Heath, 7th April, 2019