

Heritage Impact Assessment

Walled Garden at Northaw House, Judge's Hill, Cuffley

Introduction

1. This Heritage Impact Assessment has been prepared by HCUK Group on behalf of LW Developments Ltd. It relates to an application for listed building consent for the introduction of two new door openings into the walled garden at Northaw House, Judge's Hill. Welwyn Hatfield Borough Council are the determining authority.
2. The application site covers a small portion (the southern boundary wall) of the Walled Garden at Northaw House (**Figures 1-3**), a grade II listed building located to the east of the walled garden. The walled garden forms part of that listed building by virtue of Section 1(5)(b) of the Planning (Listed Building and Conservation Area) Act 1990, sometimes referred to as 'curtilage listed'.

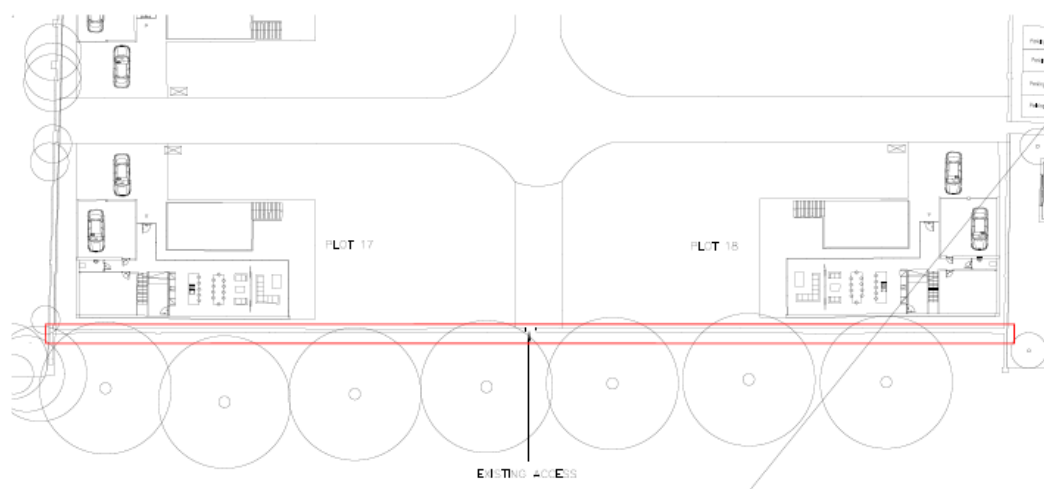


Figure 1: Site location plan

3. Consent for a scheme of enabling development at Northaw House was previously consented (LPA refs: 6/2019/0217/MAJ and 6/2019/0218/LB). This application included the restoration of the walled garden and the introduction three new detached dwellings into that space. The construction of these dwellings is underway.



Figures 2 and 3: Views (outside the walled garden) of the southern wall where two new openings are proposed

4. Current proposals relate to the introduction of two pedestrian openings in the south wall of the walled garden to provide access between the two dwellings in this location and the strip of land behind the walled garden. These new openings would be designed to match other openings present within the walled garden and will facilitate easy maintenance of the strip of land. While resulting in a change to the walled garden (a curtilage listed building), the proposals have been based on a thorough understanding of the significance of the identified heritage assets and seek to enhance the functionality of the estate while preserving the unique values of heritage assets.
5. The purpose of this Heritage Impact Assessment is to assist with the determination of the application by informing the decision takers on the effects of the proposed development on the historic built environment. In accordance with the requirements of Paragraph 200 of the National Planning Policy Framework (NPPF, December 2023) this statement describes the significance of the identified heritage assets and effects of the proposals upon that significance are appraised. Particular regard is given to the provisions of the Planning (Listed Building and Conservation Areas) Act, 1990. The report also sets out how the proposal complies with the guidance and policy of the NPPF (December 2023) and local planning

policy. The site and heritage assets affected have been observed and assessed following various site visits made by the author.

Relevant Planning Policy Framework

6. The decision maker is required by sections 16(2) and 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 to have special regard to the desirability of preserving a listed building and its setting when exercising planning functions. The decision maker must give considerable importance and weight to the desirability of preserving the significance of the listed building, and there is a strong presumption against the grant of permission for development that would harm its heritage significance.
7. For the purposes of this statement, preservation equates to an absence of harm. Harm is defined in paragraph 84 of Historic England's Conservation Principles as change which erodes the significance of a heritage asset.
8. The significance of a heritage asset is defined in the National Planning Policy Framework (NPPF) as being made up of four main constituents: architectural interest, historical interest, archaeological interest and artistic interest. The assessments of heritage significance and impact are normally made with primary reference to the four main elements of significance identified in the NPPF.
9. The NPPF requires the impact on the significance of a designated heritage asset to be considered in terms of either "*substantial harm*" or "*less than substantial harm*" as described within paragraphs 207 and 208 of that document. National Planning Practice Guidance (NPPG) makes it clear that substantial harm is a high test, and case law describes substantial harm in terms of an effect that would vitiate or drain away much of the significance of a heritage asset. The Scale of Harm is tabulated at **Appendix 1**.
10. Paragraphs 207 and 208 of the NPPF refer to two different balancing exercises in which harm to significance, if any, is to be balanced with public benefit. Paragraph 18a-020-20190723 of National Planning Practice Guidance (NPPG) online makes it clear that some heritage-specific benefits can be public benefits. Paragraph 18a-018-20190723 of the same NPPG makes it clear that it is important to be explicit about the category of harm (that is, whether paragraph 207 and

208 of the NPPF applies, if at all), and the extent of harm, when dealing with decisions affecting designated heritage assets, as follows:

11. Within each category of harm (which category applies should be explicitly identified), the extent of the harm may vary and should be clearly articulated.
12. Paragraphs 205 and 206 of the NPPF state that great weight should be given to the conservation of a designated heritage asset when considering applications that affect its significance, irrespective of how substantial or otherwise that harm might be.
13. One of the overarching objectives of sustainable development, as expressed in paragraph 8 of the NPPF, is mitigating and adapting to climate change, including moving to a low carbon economy. Historic England has a Climate Change Strategy, and has published Mitigation, Adaptation and Energy Measures. More specifically, Historic England has published a Heritage and Climate Change Carbon Reduction Plan (March 2022). These and similar strategies run in parallel with heritage-specific methodologies relating to the assessment of significance, and the effect of change on significance.
14. Relevant local planning policy for Welwyn Hatfield Borough Council comprises the Welwyn Hatfield District Plan which was adopted in 2005. In 2008 a number of policies contained within the plan were 'saved'. Of those saved policies it is only policy R27 which is relevant to this report.
15. **R27 Demolition of Listed Buildings:** This policy notes that listed building consent for complete or partial demolition of any listed building will not be granted except in the following exceptional circumstances:

i) Clear and convincing evidence has been provided that it is not practicable to continue to use the building for its present or previous use and that no viable alternative uses can be found, and that preservation in some form of charitable or community ownership is not possible;

ii) The physical condition of the building has deteriorated, to a point that it can be demonstrated that demolition is essential in the interests of public safety. A comprehensive structural report will be required to support this criterion;

iii) Demolition or major alteration will not be considered without acceptable detailed plans for the site's development. Conditions will be imposed in order to ensure a contractual obligation has been entered into for the construction of the replacement building(s) and / or the landscaping of the site prior to the commencement of demolition; and

iv) Where, exceptionally, consent is granted for the demolition or major alteration to a listed building, before any demolition or major alteration takes place, applicants will be required to record details of the building by measured drawings, text and photographs, and this should be submitted to and agreed by the Council.

16. A number of policies, primarily *R25 Works to Listed Buildings* and *R26 Alternative Uses for Listed Buildings*, were not saved following the 2008 assessment. As such, national planning policy contained within the NPPF falls to be the relevant consideration here.

Statement of Significance

17. This chapter of the report establishes the significance of the relevant heritage assets in the terms set out in the NPPF. On accordance with paragraph 194 of the NPPF, the descriptions are proportionate to the asset's significance and are sufficient to understand the nature of any impact the proposals may have upon that significance.
18. It is recognised that not all parts of a heritage asset will necessarily be of equal significance. In some cases, certain aspects or elements could accommodate change without affecting the Government's objectives which include the conservation of heritage assets, and which seeks to ensure that decisions are based on the nature, extent and level of significance of heritage assets. Change is only considered to be harmful if it erodes an asset significance.

Northaw House (grade II)

19. Northaw House is the primary listed building on the estate and was originally known as Nyn Lodge having been constructed in 1698 for Mrs Angin. The building and its surroundings have been extended and altered notably over time.

20. Northaw House, as a grade II listed building, is of considerable architectural and historic interest. This interest primarily derives from the building, despite alteration, being a fine example of a gentleman's residence in the context of a small Hertfordshire Estate. Key aspects of the building's interest can be considered to derive from the building's appearance and architectural style, phasing and development over time, plan form, surviving historic fabric (both internally and externally), historic associations with the neighbouring estate (Nyn Hall) and archaeological interest derived from its multi-phase nature.

Walled Garden at Northaw House

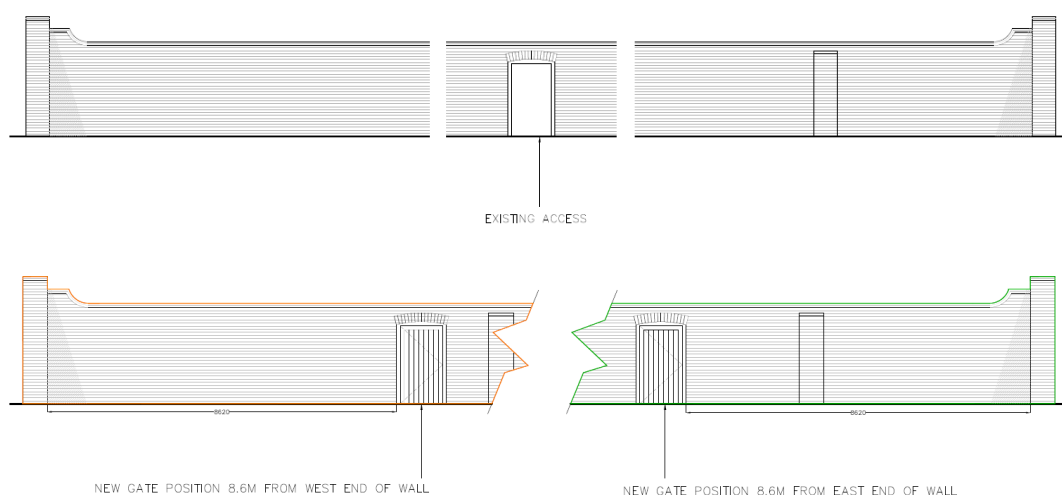
21. According to Section 1(5)(b) of the Planning (Listed Buildings and Conservation Areas) Act 1990 "*any object or structure within the curtilage of the [listed] building which, although not fixed to the building, forms part of the land and has done so since before 1st July 1948, shall be treated as part of the building.*" Such structures are treated as part of the listed building for the purposes of development control and planning decisions.
22. Curtilage listing is criteria-based (i.e. any structure that satisfies the criteria of date and location is included by default) and does not reflect on any qualitative considerations (i.e. historic interest or character, etc.). Because it is criteria-based this does not necessarily reflect inherent special interest, but it is relevant in terms of how the structures are dealt with procedurally in terms of planning and development control. Essentially, they are assessed as part of the listed building.
23. The c.1800 walled garden located to the West of Northaw House would fall into this category and is, procedurally, considered to be part of the listed building of Northaw House (grade II).
24. The walled garden is constructed from red brick with notable areas of repair and construction in phases. The walls stand more than two metres high, forming a large and virtually continuous rectangular enclosure that stands as a reminder of the substantial effort that was needed to supply a small country house of this type with fruit and vegetables. The wall is substantially complete and impressive example for a house of this size and type. It's close direct relationship with the house demonstrate its important role in the running of the estate.
25. The walled garden derives its heritage significance from both architectural and historic interest. Architectural interest is derived from the walled garden being a

good quality, mostly intact, representative example of a large late Georgian walled garden. The structure is of historic interest, illustrative value, as a good example of a walled garden illustrating the development of horticulture at a large country estate since the late 18th or early 19th century. The close visual and physical relationship between Northaw House and the walled garden are an important and positive feature of the significance of both structures.

26. Previously overgrown and, in part, collapsed, consent for the repair and introduction of three detached houses into the walled garden was granted as part of the enabling development scheme of works. These dwellings are currently under construction.

Heritage Impact Assessment

27. This chapter assesses the impact of the proposed development on the significance of heritage assets, as identified above. This chapter should be read in conjunction with the preceding chapter and the drawn submission of the application.
28. As identified in the Introduction, and as seen in the drawn submission, the proposals amount to a minor change to the southern wall of the Walled Garden to introduce two new pedestrian doors. Each door would be located 8.6m from the edge of the wall so that, with the existing central door already in place, the wall's symmetrical character would be retained (**Figures 4 and 5**).



Figures 4 and 5: Existing south elevation of the walled garden (top) and proposed (bottom)

29. The openings themselves are of a modestly scaled single door width ensuring that limited fabric from the walls need to be removed. The detailing of the openings would match existing openings present elsewhere in the walled garden (**Figures 6 and 7**) with new brick relieving arches introduced alongside legged and braced timber doors.



Figures 6 and 7: Existing central access in the southern wall (left) and existing opening within the walled garden serving Oak Cottage (right), the detailing of which will be replicated by the proposed openings

30. Modestly scaled single door openings are common features in traditional walled gardens from the 18th and 19th centuries and a number of such openings are already present within the walled garden at Northaw House. On this basis, the inclusion of two new openings would not, therefore, be out of keeping with the character of a productive walled kitchen garden, especially considering the changes made to the walled garden in recent years (i.e. the introduction of three dwellings within the space).
31. The new openings would also have a wholly limited visual impact on the walled garden itself as, in views from the walled garden, they would be concealed from view behind the new dwellings themselves (**Figures 8, 9 and 10**).

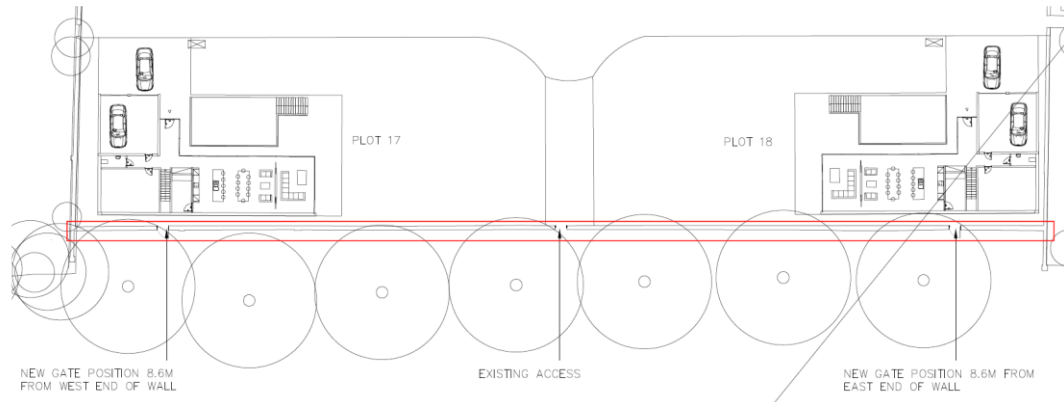


Figure 8: Proposed site plan showing the new openings in conjunction with the dwellings, indicating the doors would be concealed from view



Figures 9 and 10: Photographs of the dwellings constructed within the walled garden showing the location of the proposed doors

32. While new openings would be created, this would be a wholly minor change that would have no effect on the overall proportions of the walled garden or the enclosing character and function of the walls. In addition, the placement of the doors respects the overall symmetrical character of the walled garden and its existing features. As such, the walls would not be changed to any degree where the character of the walled garden would be altered.

33. While there would be a minor loss of historic fabric associated with the creation of the two new openings, it is proposed that displaced bricks would be re-used for the new brick arches and finishing of the new openings. In addition, any left over bricks could be retained on site to be used in the future for repairs to the walled garden as required.

34. The detailing of the new openings would be of a high quality, traditional in character and architecturally in keeping with existing openings within the walled garden to avoid the openings jarring with the established character and form of this space.
35. The proposals facilitate a number of benefits insofar as enhancing the functionality of the new dwellings, allowing the strip of land to the south of the walled garden to be maintained and prevent overgrowing which could lead to deterioration of the walled garden itself. Improved access into this strip of land will also ensure that more oversight of the wall is created, allowing proactive maintenance of that part of the structure to be undertaken.
36. As identified above, the walled garden is not a listed building in its own right but is instead curtilage listed as part of Northaw House. The minor change to the walled garden would not result in any detrimental effect on the individual significance and heritage values of the walled garden. The significance of the walled garden, which relate to its substantial scale, relative intactness, and its evidential value as a representative example of a large late Georgian walled garden which illustrates the development of horticulture at a large country estate, would be entirely preserved.
37. The proposals are also not found to have any effect on the primary listed building on the site, Northaw House. The group value these two assets share would not be affected by the introduction of two wholly in keeping and traditional in nature pedestrian openings and the proposals would not result in any effect on the contribution that the walled garden makes to the significance of Northaw House. Overall, the significance of Northaw House, as a fine example of a gentleman's residence in the context of a small Hertfordshire Estate would be entirely preserved.

Conclusions

38. This Heritage Impact Assessment presents an assessment of significance of Northaw House (grade II) and its Walled Garden (curtilage listed). This is followed by an appraisal of the effects of the proposals upon these heritage assets with consideration given to local and national policy and guidance.

39. Section 5 of this report presents an assessment of the impact of the proposed works on the significance of the identified heritage assets and concludes that while amounting to a change within the walled garden the proposals would entirely preserve the significance of both the walled garden itself and Northaw House as a result of their modest and traditional nature and in keeping architectural design. The proposals would also result in a number of beneficial effects insofar as increasing opportunities for maintenance of the walled garden itself.
40. As such, it is the findings of this report that the proposed works would fall outside of the remit of paragraphs 207-208 of the NPPF insofar as they will not result in any harm to, or loss of significance. There would be preservation for the purposes of Sections 16 and 66 of the Planning (Listed Building and Conservation Areas) Act 1990. With regards to local planning policy, while relevant insofar as the proposals would result in some removal of fabric of the walled garden, this is wholly minor and could not reasonably be considered to amount to 'demolition' of the walled garden (even partial demolition).

Sara Davidson BSc MSc IHBC
5 March 2024

Appendix 1

Scale of Harm (HCUK, 2019)

The table below has been developed by HCUK Group (2019) based on current national policy and guidance. It is intended as simple and effect way to better define harm and the implications of that finding on heritage significance. It reflects the need to be clear about the categories of harm, and the extent of harm within those categories, to designated heritage assets (NPPF, paragraphs 207 and 208, and guidance on NPPG).¹

Scale of Harm	
Total Loss	Total removal of the significance of the designated heritage asset.
Substantial Harm	Serious harm that would drain away or vitiate the significance of the designated heritage asset
Less than Substantial Harm	High level harm that could be serious, but not so serious as to vitiate or drain away the significance of the designated heritage asset.
	Medium level harm, not necessarily serious to the significance of the designated heritage asset, but enough to be described as significant, noticeable, or material.
	Low level harm that does not seriously affect the significance of the designated heritage asset.

HCUK, 2019

¹ See NPPG 2019: “*Within each category of harm (which category applies should be explicitly identified), the extent of the harm may vary and should be clearly articulated.*” Paragraph 018 Reference ID: 18a-018-20190723.