

Heritage Assets and their Setting: Views from a Practitioner

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Introduction

In a dynamic city such as London, with its pace and scale of change, the majority of complex cases considered by Historic England involve impact on the setting of heritage assets. In many cases, especially where tall buildings are proposed, those heritage assets will be of national or international significance and their settings will be of a complex, largely urban character. Assessing the impact of new development on the setting of highly valued historic places is an essential skill both for applicants and decision-makers. Reaching a judgment on impact relies on a clear approach, ideally founded on an agreed understanding of the significance of the historic environment being affected and a good grasp of the concept of setting.

Our experience at Historic England in London is that applicants are improving in clearly defining the setting of heritage assets, but identifying the contribution of setting to significance is much more challenging and often not carried out at all. Because of that failure, assessment of the impact of development upon setting is often poorly carried out, usually with reference solely to visual impact, and incorporated into townscape assessment.

Without a good understanding of the significance or special interest of the asset affected it is not possible to clearly identify the contribution made by setting. It follows that, without an understanding of the contribution made by setting, any assessment of impact will be flawed and meeting the statutory tests relating to having special regard for preserving setting, and convincingly identifying the level of harm, will be difficult to achieve. Correctly assessing the level of potential harm is important because the appropriate approach to the planning judgement flows from it.

How to define the setting of a heritage asset

Definition of setting:

“The setting of a heritage asset is the surroundings in which it is experienced. Its extent is not fixed and may change as 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.”¹

Setting does not have a fixed boundary and cannot be definitively and permanently described as a spatially bounded area or as lying within a set distance of a heritage asset.

How we experience heritage assets is largely a mix of the *environmental*, the *physical* and the *intellectual*.² The degree to which an individual experiences an asset and the value they place on the different methods of experiencing it will vary. Different experiences of setting can make a greater or lesser contribution to understanding the significance or importance of the asset to which it relates and, therefore, the enjoyment or appreciation of it.

¹ National Planning Policy Framework glossary.

² *Environmentally*: Through activity; traffic, pedestrian movement, remoteness, time of visit, e.g. day or night.

Physically: Formal and informal views to, from, across and within the asset, noise, vibration and tranquillity.

Intellectually: Cultural associations, historic associations artistic representations, degree of interpretation and tradition.

Take, for example, Rievaulx Abbey in Yorkshire.³ The remote rural setting contributes both physically and intellectually to the significance of the site and was a driving factor behind the original selection of location by the Cistercians; the remoteness supplied the spiritual needs of the religious community and their need for land that could supply water, food and fuel. Maintaining this remote and rural character of the setting provides a link to the reasons for the establishment of the Abbey complex and therefore contributes to understanding its significance.

The complex also derives a layer of significance from its ruinous state, which was the result of one of the most historically and culturally significant events in England's history: the Reformation and dissolution of the monasteries. The understanding of what that meant is illustrated by the partial state of the physical remains in their rural setting which lends a romantic and picturesque quality to the site. Artistic interest is part of the significance of such sites, especially where they have provided inspiration for artists such as Turner, as at Tintern Abbey.⁴

Visiting Rievaulx at different times of the year, during the height of summer, late autumn, or indeed winter, will bring particular aspects of the setting into sharp relief and enhance the various essential qualities of the site. A late autumn afternoon's sunlight can highlight the relief of the carvings and tracery for example, enabling better appreciation of the craftsmanship and architectural interest of the surviving buildings. Similarly, low winter sunlight raking across the ground, revealing the humps and bumps of more ruinous buildings, enables greater understanding of the site as a whole. As many of the structures are domestic or functional in character, a more complete understanding of the relationship between the complex and its surrounding land can be achieved. Development that affects any of these experiences can be therefore said to affect the contribution that the setting makes to understanding the significance of the building.

The noise and activity at the height of summer at Rievaulx will give a different experience from the greater solitude of the site in winter, but at all times the remoteness of the site underpins its significance. Whilst new development that can be seen within and adjacent to the surviving buildings will have an obvious visual impact on setting, even development that cannot easily be seen, e.g. improving or widening an access road, can change the character of the setting by reducing the sense of remoteness, thus affecting the experience and understanding of its significance.

Identification of the contribution of setting to significance or “special interest”

From the brief description above, it will be apparent that the first requirement for understanding what the current setting of a heritage asset contributes to its special interest is to identify the key attributes of the asset itself. Only then can you consider if the physical surroundings contain elements that add to the understanding of significance. Having established the special interest of the asset and its setting, the next step is to identify how those surroundings are experienced, physically, environmentally and/or intellectually, in order to establish which elements of the setting contribute positively or negatively to that experience.

One method of establishing the contribution of setting to significance that is currently being tested by Historic England is “relationship mapping”. This identifies features within the setting of an asset and assigns weight to the relationship. Those features can be tangible or intangible and the relationship can be expressed as contribution to an asset and contribution made by an asset. The greater the weight assigned to the relationship, the greater its contribution to significance. Therefore, if an asset will be eroded or harmed, the assessment of the potential degree of that harm becomes easier.⁵ This approach is not a

³ Founded in 1132 by St Bernard of Clairvaux as the first Cistercian outpost in the north of England. Sited in the broad valley of the River Rye and circled by wooded hills, it was one of the most prestigious foundations in the country.

⁴ Tintern Abbey was founded 1131 for the Cistercians in Wales. It is adjacent to a tidal river with wooded hills in the setting.

⁵ See accompanying presentation for a case study of the listed water tower on Bath Road, Reading which identifies ancillary walls, reservoir banking and elements in the street scene which form part of the setting of the Grade II listed water tower graphically by means of arrows. Each arrow has a

substitute for professional judgement but could provide a framework within which to make an assessment and articulate it in a logical and transparent manner (see also below).

Setting and views

Perhaps the most easily understood way in which people experience, and therefore value, the historic environment is through their senses. Overwhelmingly it is the visual, or views of an asset, that are often the most valued. The contribution of setting to the significance of a heritage asset is often expressed by reference to views, i.e. a purely visual impression of an asset or place, because this is often the easiest and most direct way to experience, and importantly to quantify the experience of, setting. Views can often be confused with setting, especially in trying to interpret policy and particularly in the assessment of impact. However, views are only one element of setting.

So what is a view?

At its simplest, a view is the visual appreciation of an object or objects (without going down the route of Schrodinger). Primarily, but not solely, visual, its value will depend upon its character or type. The time of observation may add a different meaning and character and therefore potentially lead to a richer response from individuals. The question of whether a view of itself is capable of being a designated, or even undesignated, heritage asset has been hotly debated within English Heritage/Historic England, not least during the development of, and consultation on, its publication “Seeing the History in the View”.

The location from which a view is available may itself be historic and thereby add value (largely intellectual) to the experience. For example, the view from the south bank of the Thames across to the Tower of London was chosen by cartographers of the capital from the time of the earliest maps. Standing in the same location and becoming the latest in a long line of viewers can add intellectual interest to the view and your experience of the contribution it makes to understanding and appreciation of the Tower. Whilst this historic viewing place and the view it affords may add to the understanding of what is being viewed, the view itself is not the asset. A view might be called historic if it has remained unchanged over time or was deliberately designed. However, other than for those focussed on an individual asset, unchanged views must be increasingly rare when you consider how much even iconic historic views, e.g. the dreaming spires of Oxford, have in fact changed constantly over time.

In summary, a view is the visual appreciation from a single location of a heritage asset, but it is only one element of its setting. That visual appreciation of the contribution made by the setting to the significance of the heritage asset will change as the location or viewing point changes. Views themselves can be of different types, e.g. panorama, townscape, or designed, and the contribution they make to the understanding of significance will therefore vary. Views can be static or dynamic (kinetic) and may incorporate the settings of one or more assets nested within them. It is because a view only partly coincides or overlaps with setting that the potential for confusion arises.

Where a view is the only one available of an asset or object, then correlation between setting and view is very high. Where there are multiple views of an asset or object, then the correlation between setting and an individual view is less. Where there are multiple objects within a view then the correlation between their settings individually and in the view, will depend on what other views are available of each object and will, therefore, vary. What is clear is that in no case is a view exactly the same as setting.

Some views are of deemed to be of such value that they are identified and managed through planning policy, e.g. the London View Management Framework (“LVMF”) or the Oxford View Cones, but management of the view is not the same of management of setting. In these examples (Oxford and LVMF)

summary statement of the relationship and therefore contribution made by the feature. The thicker the arrow the more important is the contribution of the relationship to significance.

the view itself is regarded as an asset, being of sufficient value to have its qualities set out as justification for policy designation, whereas setting is not intrinsically a heritage asset, nor a heritage designation, but is of value for its contribution to the building, structure or land that is designated.

Keeping a clear distinction between formally identified views and setting is vital because the latter has a statutory duty attached to it, whereas the former as a policy designation does not. However, it is always necessary to identify what a view contributes to the understanding of significance of the designated asset within it, or to which it relates, as part of setting.

Take, for example, one of the most celebrated of the designated London views managed through the LVMF, Townscape View 26A: St James's Park to Horse Guards Road which incorporates a number of individual components.⁶ Within those components is a designated heritage asset; the Grade I listed Foreign and Commonwealth Office ("FCO"). The view therefore incorporates part of the setting of the designated heritage asset but does not constitute the whole of its setting.

In this case, the viewing point for View 26A is located in another designated heritage asset, St James's Park, registered at Grade I. It therefore forms part of this heritage asset, as well as being in the setting of the other asset, the FCO. In both cases the view itself is only part of the setting of the two, separately designated, heritage assets, each of different and distinctive significances. Because of those differences, the contribution the view makes to setting is also different in each case. Where the focus of an LVMF view partly correlates to the setting of individual assets the same view may make a different contribution to the significance of each individual asset, because of their different character, and each contribution has therefore to be separately assessed.

So in this instance, the view itself is both an element of, and incorporates, part of the setting of one heritage asset (St James's Park) and, in addition, includes part of the setting of another asset (the FCO). Assessing the impact of development which appears above the tree line in this view will need to identify the contribution that the currently clear sky makes to the setting of the FCO, as an individual component in the view, both immediately adjacent and further away towards the edges. This is distinct from considering any impact on the FCO in the whole view. It is also necessary to separately assess the contribution the FCO and the skyline makes to the significance of St James's Park, before judging the impact of the proposal on that separately designated asset.

The management of the view as identified in the LVMF is only concerned with the view from the viewing point. The LVMF refers to the need to maintain the setting of heritage assets contained within it, which is an explicit recognition of the fact that the view is composed of individual elements, but the policy objectives relate to the whole view and not individual elements. It is concerned with, and provides guidance on, where development should not affect the value of the view.

The impact of a development within a view will vary depending on its relationship to the individual components of the view, and separately on the view as a whole. It is, therefore, not sufficient to say that if the impact on the view as a whole is acceptable, then the impact on an individual element is automatically similarly acceptable, particularly where that element is a designated heritage asset. However, that is what the Inspector considering the proposals at the Shell Centre did in his assessment of the application. He did not address the issue of whether the development affected the setting of the heritage asset from within which the view was gained (St James's Park), or assess separately the impact on the setting of the FCO as an individual element in the view. The simple fact in this instance is that if a proposal fails to preserve the setting of a designated asset, which is within the view, from harm then it fails the LVMF policy test, and not the other way round.

⁶ LVMF Townscape View 26A St James's Park to Horse Guards Road: The management guidelines state that no development is expected in the foreground and development in the background should be of a scale, mass and form that does not dominate, overpower or compete with either of the existing two groups of built form (Horse Guards and Whitehall Court to the left and the FCO and Shell Centre to the right) and should appear as part of the existing group.

How to demonstrate special regard to conserving the contribution of setting to significance⁷

Following the withdrawal of the Planning Practice Guidance by the Department for Communities and Local Government (“DCLG”) in April 2015, current advice on management of the historic environment, including setting, can be found in the Historic England Good Practice Advice Notes 1, 2 and 3. The note on setting advises the following broad brush approach to assessment to be taken as a series of steps that apply proportionately depending upon the complexity of the case.

When looking at a proposal the following steps are necessary:

- **Step 1:**
Identify which heritage assets and their settings are affected.
- **Step 2:**
Assess whether, how and to what degree these settings make a contribution to the significance of the heritage asset(s).
- **Step 3:**
Assess the effects of the proposed development, whether beneficial or harmful on that significance.
- **Step 4:**
Explore the way to maximise enhancement and avoid or minimise harm.
- **Step 5:**
Make and document the decision and monitor outcomes.

Development proposals involving the setting of a single and less significant asset or those which have straightforward effects on setting can be assessed using a simple checklist. This can usefully take the form of a short narrative statement for each step supported by appropriate plans and drawings etc. More complex proposals affecting more significant assets, multiple assets or changes considered likely to have a major effect on significance will require a more detailed approach. This will often happen within the framework of Environmental Impact Assessment procedures.

Each of the steps may therefore involve detailed assessment procedures and complex forms of analysis, including view-shed analysis, sensitivity matrices and scoring systems. These may assist but they cannot provide a systematic answer. Setting is a matter of qualitative and expert judgement and therefore technical analyses should be used as material supporting a clearly expressed and non-technical narrative argument. That narrative should set out what is important and why it is important in terms of heritage significance. It should identify the setting of the assets affected, together with the effects of the development upon them.

Particular points to consider for Step 1 are:

- Having due regard for the need for proportionality, identification by the decision-maker of which assets might be affected by a proposal should happen at pre-application or scoping stage.
- “Areas of search” are one way of approaching this, particularly for issues such as noise and vibration.

⁷ Historic Environment Good Practice Advice in Planning Note 3; The Setting of Heritage Assets Historic England on behalf of the National Heritage Forum March 2015.

- For visual assessment, and particularly for larger schemes, Zones of Visual Influence (“ZVI”) or Zones of Theoretical Visibility (“ZTV”) should be used to identify heritage assets and settings that may be affected at an early stage.

Particular points to consider for Step 2 are:

- A checklist of potential attributes of special interest is provided in the guidance but not all will apply.
- The identification of those relevant attributes at an early stage should be the goal, combined with a clear focus on what emphasis is attached to them.
- It should be remembered that it is useful to identify how the relevant attributes have contributed to the significance of the heritage asset in the past (e.g. when it was first built etc) the implications of changes over time and their contribution in the present in order to assist with the later stages of the assessment process (i.e. Step 4).
- This assessment of the contribution to significance made by setting will provide the baseline for establishing the effects of a proposal in the next step.

Particular points to consider for Step 3 are:

- Identifying effects and evaluating the resultant degree of harm or benefit may need to extend to cumulative and complex impacts in some cases and may not only be visual.
- The variety of circumstances in which setting may be affected, and the range of heritage assets that may be involved, precludes a single approach to assessment, but all assessments should consider the proposed development in terms of its location, form and appearance, additional effects and permanence.

Particular points to consider for Step 4 are:

- Maximum advantage can only be secured from an early understanding of significance and consideration of impact. This should be part of the basic brief for proposals.
- Enhancement may be achieved through removing or remodelling harmful earlier interventions, restoring lost features or views, introducing new features that add to public appreciation of the significance of the asset and improving public access, both physical and intellectual, to the asset and its setting.

Particular points to consider for Step 5 are:

- The true effect of a development on setting may be difficult to establish from plans, drawings and visualisations.
- Once a development affecting setting has been implemented, reviewing and recording that impact is important to identify lessons that can be learned and so improve decision-making for the future.

In order to demonstrate special regard for the conservation of the contribution made by setting it is vital that the understanding of that contribution has been understood and clearly articulated. It is also important to set out the impact of the development with explicit reference to those contributions as they should be underpinned by the understanding of significance. The critical stage to demonstrate special regard is therefore Step 4, which sets out how avoiding harmful impact has been addressed and, where harm cannot be avoided, explaining how it has been minimised or mitigated.

The common mistakes in the definition and assessment of impact on setting

The most common mistake we see in London is the failure to distinguish between setting and townscape, or setting and view, and therefore failing to separately assess impact on both. The second common mistake is to try and underplay impact. The third is to ignore the need to demonstrate that options for avoiding the harm have been considered. Another common mistake is to approach claimed enhancements from the perspective of public benefits in their widest sense, i.e. jobs and housing, without linking these specifically to the impact on significance of the asset and to demonstrate whether this impact is necessary to deliver those benefits.

The area of greatest contention is often the identification of the level of harm. It is contentious because of a common misapplication or misunderstanding of the NPPF approach, which arises from its language, i.e. “substantial” and “less than substantial”. Instead of taking the NPPF as a whole, applicants and decision-makers are focussing on this binary “test”. Applicants are continually attempting to get agreement that harm is less than substantial because they then argue that the decision becomes a “simple” balancing exercise, as if in some way “less than substantial” harm equates with less than substantial justification.

The starting point for appropriate management of the historic environment is the understanding that its protection is a core part of sustainable development and one of the planning principles in the NPPF. Therefore, the aspiration should be to deliver change that is sustainable, i.e. which preserves the special interest or significance. When any harm is caused to the historic environment it automatically fails to be sustainable and, given the great weight attached to protecting the designated heritage assets, it has to be convincingly justified. The expectation set by the NPPF is that for the vast majority of development that causes harm that harm should be less than substantial, but also decisively outweighed by public benefits. Development that causes substantial harm should be regarded as exceptional, which is an appropriately high test within the context of delivering sustainable development.

The argument should therefore not be binary, i.e. substantial v less than substantial. A more appropriate way of considering the issue of harm is to think of a scale or spectrum running from no harm to significance or special interest at one end, through to total loss of significance at the other. Where an application eventually ends up on that scale will be a combination of the impact of the proposals and the significance of the heritage asset involved. There is no simple “trigger point”, but there will be an area on the scale where harm could be significant and whether you regard it as substantial, in the terms of the NPPF, then becomes a matter for professional judgement. However, the further along the spectrum you move the greater the challenge to provide or demonstrate public benefits that decisively outweigh the harm, which has to be necessary in order to deliver them.

A recent example illustrates these difficult and common issues surrounding the assessment of the contribution of setting to the significance of heritage assets and the impact of development. The initial application for redevelopment of the London Dock demonstrated:⁸

- A lack of clarity around the basic definition of the setting of heritage assets.
- A lack of assessment of the contribution that setting made to significance; and therefore a failure to separately assess the impact of the proposal on the contribution made by the setting.
- A confusion between assessment of impact on setting and an assessment of impact on views.

The proposals were for a mixed-use redevelopment of the former News International site in east London. The site contained a building of poor quality, the removal of which offered significant potential for improving the legibility and connectivity of the site as part of its regeneration.

A master plan had suggested the site as being suitable for tall buildings with the result that, in addition to impact on a Grade II listed warehouse within the site and the adjacent Grade I listed Tobacco Dock,

⁸ The application in 2013 was for mixed-use regeneration of the former News International site by Berkeley Homes including a tall residential tower.

further assets including the Tower of London World Heritage Site, the Grade I listed Tower Bridge, Grade II listed Ivory House in St Katharine's Dock and the Grade II listed St Paul's Mission Room and School would also be affected.⁹ Adjacent conservation areas, including those at St Katharine's Wharf and Wilton's Music Hall, were also within the zone of visual influence of the proposed tall residential building to the west of the site, which rose to 34 storeys high (122.3m AOD).

However, there was no clear assessment of the extent of the setting of these assets, how they interrelated and how, or to what degree, they individually or cumulatively contributed to significance. The applicants' assessment of impact was provided in the Environmental Impact Assessment and the Design and Access Statement, with some further analysis in the Historic Environment Assessment (although that concentrated on archaeological interest). The starting point for the townscape assessment was flawed as it made arbitrary distinctions between "High Quality" and "Medium Quality" (sic) conservation areas and allocated high importance to Grade I and II* listed buildings and only medium to Grade II, with no reference to World Heritage Sites. The applicants then went on to use the standard townscape assessment matrices on this flawed basis. The assessment also contained the interesting argument that the tall residential building was justified because of the desirability for residents of the proposed apartments to be visually linked to London's architectural heritage. In order to achieve that visual linkage the new building appeared within the setting of the heritage assets, thereby harming the contribution made by that setting.

The applicant's assessment also emphasised the elegance of the design of the tower and the fact that it would provide a positive point of interest wherever it was seen. This meant that the conclusion was reached that, in all of the 38 views from formal assessment points, of very different character and complexity, the tower was universally assessed as being beneficial in varying degrees. This was simply not credible, as can be demonstrated by the impact of the proposal on one asset, for example, the Grade I listed Tower Bridge.

Tower Bridge (1886–1894), designed by Sir Horace Jones and John Wolfe Barry, is an internationally recognisable symbol of London. It is a highly engineered functional girder truss bridge with side suspension spans and its engineering machinery is concealed by granite clad towers in a Gothic Revival style. Its architectural design and composition formed of the towers, the bascules and the upper walkway is famously distinctive. It is illustrative of both the way the structure worked (the walkway enabling pedestrian access whilst the bascules were raised) and also cultural and architectural attitudes towards science and architecture in the High Victorian age. The best public place to appreciate a view of the bridge is now, arguably, from the south bank of the river along the Queen's Walk, and particularly outside City Hall where the angled view allows a full appreciation of the bridge in three dimensions. In this view, the rectangular space between the towers, the upper walkway and lower bridge deck is almost completely given over to empty sky.

Because of the degree of change to the setting of the bridge from the time of its original construction, the contribution that the views from the Queen's Walk make to understanding the architectural and functional interests of the bridge are hugely important. That extent of that contribution relies on an unchallenged silhouette against clear sky. In terms of relationship mapping, the view from immediately outside city hall is now the most significant visually (i.e. the arrow would be the biggest) and therefore eroding that view would have a substantial impact.

The contribution of the empty sky is fundamental to the visual presence of Tower Bridge as one of the great monuments marking the expansion of London. This unencumbered sky space allows for full appreciation of the silhouette of the bridge, itself the result of its function, and therefore makes a positive contribution to understanding its significance. Whether you regard the intrusion of the tall residential building into this currently empty sky space as substantial or less than substantial (and we thought it substantial) it is certainly harmful. The visual intrusion was increased at dusk, potentially even more so

⁹ St Katharine's Dock and the Ivory House were built 1856–1860 by George Aitchison.

at night, and the erosion of the clarity of the silhouette could not be readily mitigated by high quality design in this view, given the distances involved.

There is considerable debate within Historic England about whether there can ever be substantial harm caused through impact on setting as it is such an appropriately high test. There are theoretical cases where separately designated assets that have a clear and designed relationship and a largely unchanged setting could be substantially harmed through new development causing severance, think of Blenheim Palace and the view to the Doric Column (although one would hope that no one would ever contemplate such an idea). However, it is less clear for those assets that do not have such a designed relationship with elements of their setting or that exist in an ever-changing context. To assist in considering this, I suggest you take a stroll along the river walk on the south bank of the Thames, moving on downstream from the view of Tower Bridge outside City Hall. Then stop, turn and look back upstream towards the City and No.20 Fenchurch Street to see the result of a failure to appreciate and value the importance of setting and the contribution it makes.