**14/04025/FUL**

**Land Rear of Dixon Gardens, Upper Lansdown Mews, Lansdown**

Erection of 1no. four bed dwelling.

*Objection*

**The significance of the site:**
The site on which this dwelling is proposed forms the immediate setting of two designated heritage assets; Beckford’s Gate (grade II) and the walls enclosing Nursery Gardens (N and E sides) and ride to Beckford’s Gate (grade II). With regard to the latter the proposed site of the dwelling is immediately to the south of the revetment walls which are approximately 70m in length running east –west at the northern edge of the site.

In our view the proposal site forms part of the curtilage of the designated heritage asset – Walls enclosing Nursery Gardens (list entry number 1394472) – and should therefore be treated as part of the structure, as per paragraph 1 (5) (b) of the Planning (Listed Buildings and Conservation Areas Act) 1990.

The remains of Beckford’s garden provide an open setting and context for these heritage assets. This relationship provides great relevance to the significance of the assets in that they demonstrate the function of the assets as the remnants of the historic designed landscape. The significance of these garden remains, which form the proposal site are clearly linked to work of one of the city’s most famous residents and designers, whose work can still be seen to dominant the cityscape in Lansdown Tower, commonly known as Beckford’s Tower. The site of the proposal is a clear element of the wider designed landscape conceived and designed by Beckford culminating in the now grade I listed Tower.

**The proposals:**

The application proposes a two storey dwelling positioned within the garden. Whilst we acknowledge that the design gives consideration to the height of the walls and the palate of materials we have an in principle objection to any development on the site and the loss of the garden setting.

The building proposed on the site, by virtue of its siting, position, design, massing and form in such close proximity to the listed structures creates a visually intrusive structure which in our view would cause substantial harm to the character and setting of the heritage assets.

It is proposed to remove a section of stone wall to southern end of the site to create an access and drive way – this wall, although unlisted is an attractive feature of the street scene and conservation area. The creation of the access drive way, and the associated loss of the stone wall and gate would neither preserve nor enhance the character and appearance of this part of the Conservation Area and is unacceptable.
 **Substantial harm:**

The development of a dwelling on this site would substantially harm the physical remains of part of the lower section of a garden designed between 1822 -1844 by William Beckford (1760-1844) and the Bath architect Henry Edmund Goodridge (1797-1864).

The siting, massing and appearance of the proposed dwelling will harm the setting of these heritage assets by curtailing views to and from the structures (Beckford’s Gate (grade II) and the walls enclosing Nursery Gardens (N and E sides) and ride to Beckford’s Gate (grade II), and therefore impacting negatively on the experience of those assets. Whilst the site is not currently publicly accessible it has been considered that the contribution that setting makes to the significance of a designated asset, is not dependent on public rights or ability of access to experience the setting, as this will vary over time (English Heritage Guidance – The Setting of Heritage Assets: 2011).

If the garden is to be lost to the proposed scheme, then the significance of the heritage assets will be greatly harmed by lessening the experience of the assets and damaging their context. Paragraph 132 of the National Planning Policy Framework (NPPF) states, “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. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.” This makes clear the importance of the concept of setting in decision making and reflects the relevant legislation in the form of the Planning (Listed Buildings and Conservation Areas Act) 1990 at paragraphs 16 (2) and 66 (1).

If this scheme goes ahead it will cause irreversible harm to the garden remains of a currently non-designated heritage asset within the World Heritage Site and conservation area.

**Lack of supporting evidence:**

We also object to the proposal, as given the significance of the heritage assets in close proximity to the site, a proportionate and informed consideration of the impact of the scheme on the significance of the assets is lacking. The very brief heritage statement contained within the Design and Access Statement fails to recognise that the wall on the northern edge of the site is listed at grade II and does not acknowledge Beckford’s Gate, also a grade II asset. The NPPF at paragraph 128 makes it clear that local planning authorities should require that an applicant describes the significance of any heritage assets affected, including any contribution made buy their setting. The detail provided is required to be proportionate to the significance of the heritage assets, something which the applicant has clearly failed to do. At the very least any proposal for development on this site should be supported by a historic building report and a properly considered heritage impact assessment.

For the reasons given above, the application will detract from the composition, character and setting and would lead to substantial harm, and therefore the significance of two designated heritage assets and a currently non-designated heritage asset, all of which are situated with the World Heritage Site and the conservation area. The application would be contrary to the Planning (Listed Building and Conservation Areas Act) 1990, Section 12 of the National Planning Policy Framework, Core Strategy policies B1, B4 and CP6, and saved Local Plan policies BH2, BH6 and BH11.