



# Heritage Impact Assessment

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Land to the North of  
Pipe Lane, Orton-on-  
the-Hill,  
Leicestershire

March 2024 | Project Ref 9443



**Project Number:** 9443

**File Origin:** <https://heritagecollectiveuk.sharepoint.com/sites/9001-9500/Shared Documents/9401-9500/09443 - Land at Orton-on-the-Hill, Atherstone/HER/Reports/2024.03.14 - Orton Hill HIA - B.docx>

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## Contents

|                                                   |           |
|---------------------------------------------------|-----------|
| <b>1. Introduction .....</b>                      | <b>1</b>  |
| <b>2. Relevant Planning Policy Framework.....</b> | <b>2</b>  |
| <b>3. Statement of Significance.....</b>          | <b>4</b>  |
| <b>4. Heritage Impact Assessment.....</b>         | <b>8</b>  |
| <b>5. Conclusions .....</b>                       | <b>10</b> |

## Appendices

- App. 1 Scale of Harm table**
- App. 2 GPA3 Assessment**
- App. 3 List descriptions**

## Figures

- Fig. 1 Extract from the O.S. map of 1885**
- Fig. 2 Conservation Area Appraisal**
- Fig. 3 Conservation Area Appraisal - enlargement**
- Fig. 4 The Church of St Edith from the south-west**
- Fig. 5 The church seen from The Green**
- Fig. 6 Looking towards the church from the south-west**
- Fig. 7 Looking south-west along Pipe Lane**
- Fig. 8 Looking south-west in Pipe Lane, with lower Farm on the left**
- Fig. 9 Former Schoolmaster's House in Pipe lane**
- Fig. 10 Two computer generated images of the proposed development**

# 1. Introduction

- 1.1** This Heritage Impact Assessment has been prepared by Dr Jonathan Edis, Director of HCUK Group, on behalf of Mr R. Taylor. It relates to the proposed construction of a new dwelling and detached garage on land to the north of Pipe Lane, Orton-on-the-Hill, Leicestershire, within Orton-on-the-Hill Conservation Area (Figures 2 and 12). The conservation area contains three listed buildings.
- 1.2** The author of this assessment has more than forty years of continuous employment in the heritage sector, including ten years as a conservation officer advising local planning authorities on applications affecting heritage assets. A large number of those cases have involved development within conservation areas.
- 1.3** A site visit was undertaken on 4 September 2023.

## 2. Relevant Planning Policy Framework

- 2.1** The council is required by section 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 council 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.<sup>1</sup>
- 2.2** There is a broadly similar duty arising from section 72(1) of the Act in respect of planning decisions relating to development within conservation areas.
- 2.3** For the purposes of this assessment, preservation equates to an absence of harm.<sup>2</sup> Harm is defined in paragraph 84 of Historic England's Conservation Principles as change which erodes the significance of a heritage asset.<sup>3</sup>
- 2.4** 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.
- 2.5** The setting of a heritage asset can contribute to its significance. Setting is defined in the NPPF as follows:
- "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."*
- 2.6** Historic England has published guidance on development affecting the setting of heritage assets in *The Setting of Heritage Assets* (second edition, December 2017), better known as GPA3. The guidance proposes a stepped approach to assessment

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<sup>1</sup> Barnwell Manor Wind Energy Limited v East Northamptonshire District Council and others [2014] EWCA Civ 137.

<sup>2</sup> South Lakeland v SSE [1992] 2 AC 141.

<sup>3</sup> Conservation Principles, 2008, paragraph 84.

in which Step 1 involves the identification of the relevant heritage assets, Step 2 establishes their significance, and Step 3 describes how the change within the setting of the assets might affect their significance. In cases where there is a resultant loss in significance, amounting to harm, Step 4 is engaged, requiring the discussion of mitigation.

**2.7** The NPPF requires the impact on the significance of a designated heritage asset<sup>4</sup> 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.<sup>5</sup> The Scale of Harm is tabulated at Appendix 1.

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

*“Within each category of harm (which category applies should be explicitly identified), the extent of the harm may vary and should be clearly articulated.”*

**2.9** Paragraph 205 of the NPPF states 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.

**2.10** Local heritage policy has been taken into account in the preparation of this assessment.

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<sup>4</sup> The seven categories of designated heritage assets are World Heritage Sites, Scheduled Monuments, Listed Buildings, Protected Wreck Sites, Registered Park and Gardens, Registered Battlefields and Conservation Areas, designated under the relevant legislation.

<sup>5</sup> Bedford Borough Council v SSCLG and Nuon UK Limited [2013] EWHC 4344 (Admin).

## 3. Statement of Significance

### Introduction

**3.1** This chapter of the assessment establishes the significance of the relevant heritage assets in the terms set out in the NPPF, and it comments on the contribution of setting to significance. The identification of the heritage assets equates in part to Step 1 of GPA3, and the assessment of significance equates to Step 2 of GPA3. Steps 2 and 3 of GPA3 are closely connected, so this chapter should be read in conjunction with Chapter 4 (Heritage Impact Assessment) and with the tabular methodology at Appendix 2.

### The application site

**3.2** The application site is on the north side of Pipe Lane in an area where there has been past development on the south-western margin of the grounds of the former Vicarage (Figures 1 and 2). It is shown as an area of potential development in the council's appraisal of the conservation area.

### Orton-on-the-Hill Conservation Area

**3.3** The council's appraisal of Orton-on-the-Hill Conservation Area (Figures 2 and 3) draws attention to the listed buildings, which have been described above, and to important historic buildings. For present purposes, the closest important historic building to the application site is number 5 on Figures 2 and 3, which is the Former Schoolmaster's House (Figure 9).

**3.4** The council's appraisal of the conservation area also identifies key spaces, which take up the majority of the conservation area (Figures 2 and 3). It should be noted that the vast majority of this key space is made up of private garden land associated with domestic dwellings. Notable exceptions are The Green and the churchyard, which are more public spaces (Figures 4 and 5). As has been mentioned above, the application site is identified in the council's appraisal as a potential development area, rather than as key space.

**3.5** Protected views and vistas are also noted in the council's appraisal of the conservation area (Figures 2 and 3). For present purposes the most relevant views are those within Pipe Lane illustrated in Figures 7 and 8.

**3.6** It is axiomatic that Orton-on-the-Hill Conservation Area is a place of special architectural and historic interest containing a number of important listed buildings, notably the Church of St Edith. Most of the residential gardens have been identified as key space, and a number of important vistas and views contribute to the significance of the area. The application site has been identified as an area of potential development.

## Listed buildings

**3.7** There are three listed buildings within Orton-on-the-Hill Conservation Area, as follows:

- The Church of St Edith, dating from the 14<sup>th</sup> century and listed grade I on 7 November 1966 (Figures 4 and 5).
- Church Farmhouse, 8 The Green, dating from the 15<sup>th</sup> century and listed grade II on 10 August 1989.
- Lower Farm, 9 Pipe Lane, dating from the 17<sup>th</sup> century and listed grade II on 10 August 1989 (Figure 8).

**3.8** The locations of the listed buildings can be seen in Figures 2 and 3. The official list descriptions are set out in Appendix 3.

**3.9** All three listed buildings are self-evidently of special architectural, archaeological and historic interest. The two former farmhouses are examples of vernacular buildings that provide us with a physical connection to people who lived in the village in a remote time in the past. The church, which is also of special artistic interest (notably the fittings) is of considerable significance as a focal point in the community over at least 700 years, and probably much longer than that.

**3.10** Visually, the settings of the three listed buildings are relatively contained by extensive tree cover and thick hedges. Even the church, which is on relatively high ground, is not particularly visible throughout the conservation area (Figure 6). It is

likely that winter views are more extensive than at the time of the site visit on 4 September, but the visual envelopes of the buildings are nevertheless compact.

- 3.11** All the listed buildings interact with their surroundings in an abstract or historical sense. There is no visual or physical limit to this connection, but for all practical purposes they are not strongly grouped or connected with each other.
- 3.12** All three listed buildings derive the majority of their heritage significance from their physical form and fabric. Although the two former farmhouses have a relationship with the historic road pattern, they were not set in surroundings that were landscaped, optimised or otherwise set out with particular connections with their surroundings. The church is obviously on a hill, and is a landmark, but it has already been noted that it is not a commanding feature within much of the conservation area because of thick vegetation.
- 3.13** Lower Farm is the closest listed building to the application site. The setting of the listed building extends throughout Pipe Lane, and includes the application site, but the application site does not appear to contribute to the significance of the listed building. The application site is spatially distinct from the church and Church Farmhouse.

## Summary of significance

- 3.14** Orton-on-the-Hill Conservation Area is a place of special architectural and historic interest containing a number of important listed buildings, notably the Church of St Edith. Most of the residential gardens have been identified as key space, and a number of important vistas and views contribute to the significance of the area.
- 3.15** The three listed buildings (Church of St Edith, Church Farmhouse and Lower Farm) are of special architectural, archaeological and historic interest. The two former farmhouses are examples of vernacular buildings that provide us with a physical connection to people who lived in the village in a remote time in the past, and the church is of special artistic interest. It is a focal point for the community.
- 3.16** The settings of the three listed buildings are relatively contained, visually, by extensive tree cover and thick hedges, and for all practical purposes they are not strongly grouped or connected with each other. The church is on a hill, and is a

landmark, but it is not a commanding feature within much of the conservation area because of thick vegetation.

## 4. Heritage Impact Assessment

### Introduction

- 4.1** This chapter of the assessment describes how the proposed development will affect the setting and significance of the heritage assets identified in the preceding chapter. It equates in part to Step 3 of GPA3. Steps 2 and 3 of GPA3 are closely connected, so this chapter should be read in conjunction with Chapter 3 (Statement of Significance) and with the tabular methodology at Appendix 2.

### The proposed development

- 4.2** The proposal involves the construction of a new dwelling on land to the north of Pipe Lane, as illustrated in Figure 10.

### Effect on the settings of listed buildings

- 4.3** The effect of the proposal on the settings of the three listed buildings has been analysed in the GPA3 exercise in Appendix 2. The key points to note are:
- No key views of the listed buildings will be affected. Key views of the church are illustrated in Figures 4 and 5.
  - The silhouettes and skylines of the listed buildings will be unaffected. The landmark status of the church spire will be unchanged.
  - The significance of Lower Farm, which is the closest listed building to the application site, will not be reduced or harmed (Figures 2, 3 and 8). The proposed development is typical of the close-knit arrangement of buildings that stand within the surroundings of Lower Farm.<sup>6</sup>
- 4.4** In summary, there will only be a small change within the settings of the listed buildings, resulting in a neutral impact to their significance. There will be no harm to the significance of the listed buildings.

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<sup>6</sup> In practice, Lower Farm is the only listed building where there will be a visual effect. The effect on the church and Church Farmhouse will be remote, and abstract, to the point of being *de minimis*.

## Effect on Orton-on-the-Hill Conservation Area

- 4.5** In terms of views and vistas within the conservation area, the proposal will have very little effect on views in Pipe Lane (Figures 7 and 8). Insofar as there will be an effect, it will be to position a new dwelling along the frontage in a manner that is traditional in situations such as this.
- 4.6** There will be little change within the surroundings of the unlisted important historic building nearest the application site (i.e. the Former Schoolmaster's House – see 5 on Figures 2 and 3).
- 4.7** There will be no loss of key space within the conservation area, as it has been identified in the council's appraisal (Figures 2 and 3). There will be no harm to the character or appearance of the conservation area.

## Summary of effects

- 4.8** The proposed development will bring about a small visual change within the setting of the grade II listed building known as Lower Farm. There will be a *de minimis* abstract change within the settings of the church and Church Farmhouse, and a relatively small change within Pipe Lane, within the conservation area. No key views, vistas, silhouettes, skylines or landmarks will be affected. Most of the land within the application site will be used as garden, similar to the key space that prevails throughout the conservation area. There will be no harm to the significance of any heritage assets. Paragraphs 207 and 208 of the NPPF will not be engaged, and the effect will fall off the bottom of the scale in Appendix 1. There will be no conflict with local heritage policy. There will be preservation for the purposes of the council's duties under sections 66(1) and 72(1) of the Act.

## 5. Conclusions

- 5.1** Orton-on-the-Hill Conservation Area is a place of special architectural and historic interest containing a number of important listed buildings, notably the Church of St Edith. Most of the residential gardens have been identified as key space, and a number of important vistas and views contribute to the significance of the area.
- 5.2** The three listed buildings (Church of St Edith, Church Farmhouse and Lower Farm) are of special architectural, archaeological and historic interest. The two former farmhouses are examples of vernacular buildings that provide us with a physical connection to people who lived in the village in a remote time in the past, and the church is of special artistic interest. It is a focal point for the community.
- 5.3** The settings of the three listed buildings are relatively contained, visually, by extensive tree cover and thick hedges, and for all practical purposes they are not strongly grouped or connected with each other. The church is on a hill, and is a landmark, but it is not a commanding feature within much of the conservation area because of thick vegetation.
- 5.4** The proposal involves the construction of a new dwelling on land to the north of Pipe Lane.
- 5.5** The proposed development will bring about a small visual change within the setting of the grade II listed building known as Lower Farm. There will be a *de minimis* abstract change within the settings of the church and Church Farmhouse, and a relatively small change within Pipe Lane, within the conservation area. No key views, vistas, silhouettes, skylines or landmarks will be affected. Most of the land within the application site will be used as garden, similar to the key space that prevails throughout the conservation area. There will be no harm to the significance of any heritage assets.

# Appendix 1

## *Scale of Harm*

| 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

## Appendix 2

### GPA3 Assessment

In assessing the effect of the proposed development on the setting and significance of listed buildings it is relevant to consider how the following factors may or may not take effect, with particular reference to the considerations in Steps 2 and 3 of GPA3. The following analysis seeks to highlight the main relevant considerations.

#### **Relevant Considerations**

|                                                             |                                                                                                                                                                                                                                                                                                |
|-------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <i>Proximity of the development to the asset</i>            | The proposed development is remote from the Church of St Edith and Church Farmhouse by the grounds of The Gables. The application site is almost opposite Lower Farm within Pipe Lane, and it adjoins the Former Schoolmaster's House (identified as an important historic building Figure 2). |
| <i>Proximity in relation to topography and watercourses</i> | There are no significant watercourses to consider, and the topography rises towards the church in the northern part of the conservation area.                                                                                                                                                  |
| <i>Position of development in relation to key views</i>     | No key views of any of the listed buildings will be affected by the proposed development (See Figure 8 for Lower Farm).                                                                                                                                                                        |
| <i>Orientation of the development</i>                       | The proposed dwelling is arranged with its long axis along Pipe Lane, in a traditional manner.                                                                                                                                                                                                 |
| <i>Prominence, dominance and conspicuousness</i>            | The proposed development will not be prominent, dominant or conspicuous in relation to any heritage asset.                                                                                                                                                                                     |
| <i>Competition with or distraction from the asset</i>       | The proposed development will not compete with or distract from any heritage assets.                                                                                                                                                                                                           |
| <i>Dimensions, scale, massing, proportions</i>              | The dimensions, scale, massing and proportions of the proposed development have been designed so as to minimise the effect on heritage assets.                                                                                                                                                 |
| <i>Visual permeability</i>                                  | The proposed development will not be visually permeable.                                                                                                                                                                                                                                       |
| <i>Materials and design</i>                                 | Materials and design are for later consideration, but a low-key traditional approach has been adopted.                                                                                                                                                                                         |

|                                                |                                                                                                |
|------------------------------------------------|------------------------------------------------------------------------------------------------|
| <i>Diurnal or seasonal change</i>              | No issues are anticipated in respect of diurnal or seasonal change.                            |
| <i>Change to built surroundings and spaces</i> | The built surroundings and spaces around the listed buildings will not be appreciably changed. |
| <i>Change to skyline, silhouette</i>           | There will be no changes to important skylines or silhouettes.                                 |
| <i>Change to general character</i>             | There will be no change to the general character of the surroundings of the listed buildings.  |

## Appendix 3

### *List descriptions*

#### **Church of St Edith**

*Parish church. Early C14 with later alterations and additions. Ashlar, with lead covered roofs of low pitch. West tower, 4-bay nave with south aisle and porch, 2-bay chancel. 3 stage west tower with diagonal buttresses and crenellated with moulded coping stones to merlons and embrasures. Recessed spire rebuilt in 1797 and partly taken down in 1950: Octagonal with 2 tiers of lucarnes. Square-headed west door and lancet window above with trefoiled head; the second stage has a square-headed loop to each side and the belfry openings have Y-tracery with trefoil-headed lights. The south aisle has buttresses at the bay divisions and angle buttresses to each end, a plain parapet with moulded coping and string course and a C19 gabled porch with pointed arch opening. Inside the porch is a C14 doorway with 2 orders of colonettes and much weathered foliated capitals; the inner roll moulding of the arch is keeled and the outer filleted, and there is an ogee-shaped hood mould terminating in heads (c.f. north door of Church of All Saints, Ratcliffe Culey, Witherley C.P.). The westernmost of the windows is of 2 lights and has reticulated tracery beneath a square head, and a wave-moulded surround. In the north wall is a similar but taller window with truncated tracery. The other two south windows are pointed, each having 2 cinquefoil-headed lights with Decorated tracery, wave-moulded surrounds and returned hood moulds. In the east wall of the aisle is a tall C16 window with 3 trefoil-headed lights beneath a segmental pointed arch with returned hood. A clerestorey was raised in the C15; it has square-headed windows of 2 trefoiled, ogee-headed lights on the north side, and simple 2-light mullioned windows on the south side. The north aisle, except for the east bay, was demolished in the mid-C18 and this side of the nave refaced and windows inserted with segmental pointed heads and Y-tracery. The east bay was rendered and given round-headed windows to the east and west; a window in the north wall of 2 pointed lights was blocked. To the west of this window, at roof level, is a figure carved drainage spout. Chancel: C15/C16 east window with 3 tiers of 4 cinquefoil-headed lights and nominal Perpendicular tracery beneath a depressed 4-centred arch and concave quarter-round moulded surround. The side windows are mainly C14, the eastern ones each having 2 trefoiled ogee-headed lights and a single reticulation beneath a 2-centred arch. Both western*

*windows have square heads; the northern one is C14, the southern one C15/C16. Interior: 4-bay south arcade with double chamfered pointed arches and continuous hood mould on octagonal columns with moulded capitals. Similar north arcade, now blocked, except the easternmost bay which contains the tomb of the Perkins family, the former occupants of Orton Hall (demolished). Pointed and double chamfered tower arch springing directly from the side walls. Wide and lofty double chamfered chancel arch on engaged semi-octagonal columns with moulded capitals. C15/C16 nave roof on undecorated cambered tie beams; the steeply pitched C14 roof line is visible high up on the west wall; immediately below it is a pair of moulded corbels which supported some part of the former roof structure. The aisle has a ceiling carried on chamfered tie beams. C19 low pitched chancel roof with braced tie beams, the braces springing from corbels. Fixtures and fittings: Full set of C18 box pews in the nave incorporating a pulpit with a canopy; there is a second C18 pulpit at the east end of the nave. In the south aisle is a baluster-font inscribed 'S.S. PERKINS ESQ. 1764' and along the south wall is a stone bench, formed partly of a coffin lid carved with a cross and chalice. On the south side of the south arcade wall paintings have been revealed by the removal of some of the limewash; scrolls and chevron patterns. Towards the east end of the aisle is a tomb recess with segmental pointed arch and roll and fillet-moulded surround, and next to it a trefoiled ogee-headed piscina indicating that there was a chapel here, probably a chantry. Between this chapel and the chancel there is a squint, and in the chancel itself an ogee-headed piscina. Monuments: Plain tombstone in the south aisle with a carving at the head end of a man on a horse, and on the foot end of a cross. Next to it is an early C16 incised slab depicting a man and a woman with children below. The eastern bay of the north aisle contains the C14 recumbant effigy of a Cistercian Abbot beneath a crocketed ogee canopy. Tablets around the walls include one to Samuel Steele, died 1731, the inscription flanked by curtains and surmounted at the corners by urns spouting flame and in the centre by a trumpeting angel and a representation of the Holy Spirit. B.O.E. p.342.*

### **Church Farmhouse, 8 The Green**

Farmhouse, now house. C15/C16, the outer walls rebuilt in the C18/C19. Timber framed core of cruck construction with outer walls of red brick; thatched roof and brick ridge stack. 2-bay baffle-entry plan extended to each end. One storey and attic. 3 window front; segment-headed ground floor casements, and attic casements with

eaves line of thatch arched over them. C19 half-glazed door to the right with a C20 thatched porch and a fire window to the left of it. C19 single-bay brick extension to the left with plain tile roof, and C20 single-bay extension to the right with thatched roof. Interior: 3 full cruck trusses defining two bays of the house. Spine beams with wide chamfers and large open fireplaces with similar mantel beams.

### **Lower Farm, 9 Pipe Lane**

Farmhouse, now house. C17 with later alterations and additions. Timber framed on stone plinth with painted brick infill panels and painted brick additions; plain tile roof and painted brick ridge stacks in centre and to right. Original building to the left; 2-bay end entry plan. 2 storeys now but the roof was raised in the C19: 2 tiers of rectangular panels and one surviving brace. Irregular fenestration; casements; one to first floor left and one to ground floor left and right of centre. Door to right. C19 extension to the right with 2 ground floor casements to left and centre and first floor casement to right. C20 door to right. Interior: Cross-frames survive including roof trusses; more exposed framing in rear wall.

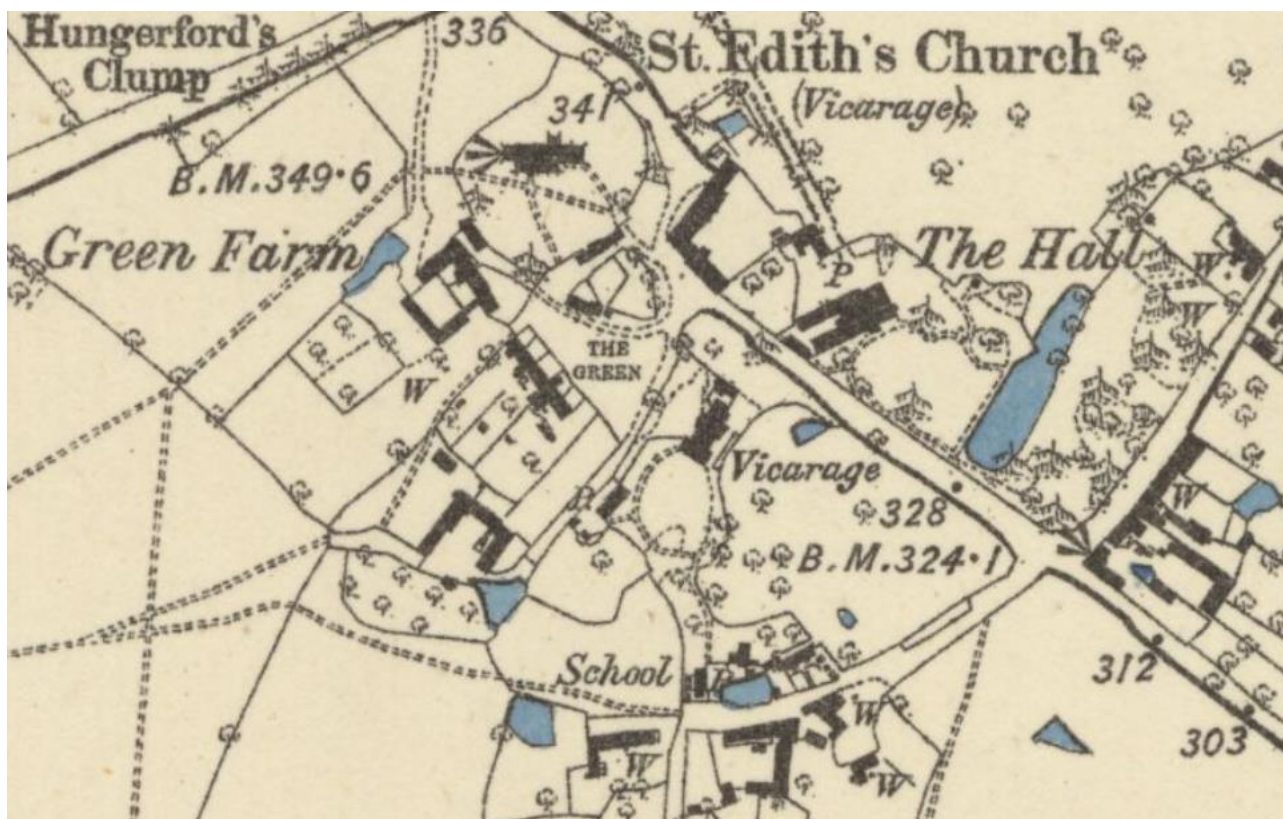
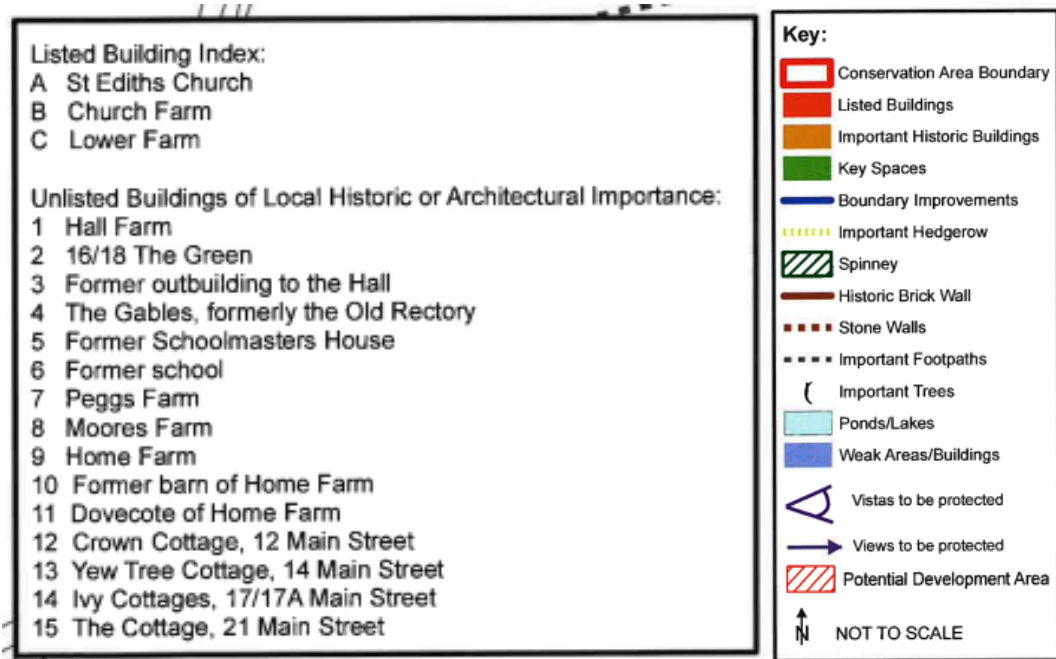


Figure 1 - Extract from the O.S. map of 1885, surveyed 1884 to 1885.



Figure 2 – The council's appraisal of Orton on the Hill Conservation Area, with keys below.



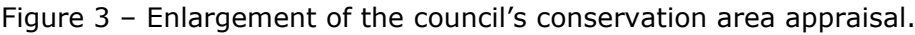




Figure 4 – The Church of St Edith from the south-west.



Figure 5 – The Church of St Edith from The Green. The houses in the foreground are numbers 4 and 6 The Green.



Figure 6 – Looking towards the Church of St Edith from the south-west. This view is taken from the public footpath that extends westwards from Pipe Lane, near the edge of the conservation area. The tip of the spire is just visible.



Figure 7 – Looking south-west along Pipe Lane towards Lower Farm and the application site.



Figure 8 – Looking south-west in Pipe Lane with Lower Farm on the left.



Figure 9 – The Former Schoolmaster's House in Pipe Lane. The application site is to the right.



Figure 10 – Two computer generated images of the proposed development.

