



Historic England

**TOWN AND COUNTRY PLANNING ACT 1990 - SECTION 79 AND
TOWN AND COUNTRY PLANNING (INQUIRIES PROCEDURE) (ENGLAND)
RULES 2000**

**STATEMENT OF CASE OF
HISTORIC BUILDINGS AND MONUMENTS COMMISSION FOR ENGLAND
(HISTORIC ENGLAND)**

Application by Starbones Ltd.

Land at Chiswick Roundabout, Great West Road, Chiswick, London W4 5QB

Local Planning Authority reference 00505/EY/P18 and P/2015/5555

PINS reference APP/F5540/W/17/3180962

1 INTRODUCTION

- 1.1 This Statement of Case is submitted on behalf of Historic England following the decision of the Planning Inspectorate on 8 August 2017 to have the appeal for the planning application for the *'Redevelopment of site to provide a mixed use building of one part ground plus 31 storeys and one part ground plus 24 storeys, comprising 327 residential units, office and retail/restaurant uses, basement car and bicycle parking, resident amenities and hard and soft landscaping with all necessary ancillary and enabling works'* that was refused by the London Borough of Hounslow on 9 February 2017 and the associated advertisement application which has also been refused. The applications have subsequently been appealed and we understand have been recovered for determination by the Secretary of State.
- 1.2 Historic England submitted and was granted its request to become a rule 6 party considering the impact the proposal would have on the historic environment. This Statement of Case provides the particulars of the case that Historic England will make it its evidence to the forthcoming public inquiry.
- 1.3 Historic England will submit evidence that will include a description of the site and its surroundings, a description of the heritage assets affected and an assessment of their significance. Historic England will then assess the impact of the proposals upon the significance of the heritage assets and set out the basis of determination in accordance with legislation, policy, guidance and advice.

2 LOCATION AND SITE DESCRIPTION

- 2.1 In summary, the site is located immediately north of Chiswick Roundabout. There are no heritage assets on the site but it is in close proximity to the Grade II* registered Gunnersbury Park to the north, Royal Botanic Gardens, Kew World Heritage Site

(and Conservation Area) to the south, and Strand-on-the-Green and Kew Green Conservation Areas to the south-west.

2.2 Historic England will set out in its evidence a detailed description of the historic environment aspects of the sites nearby that are affected most by the proposals, including Royal Botanic Gardens, Kew World Heritage Site; Gunnersbury Park (Grade II* registered landscape); Kew Green Conservation Area; Strand-on-the-Green Conservation Area.

2.3 There are a number of listed buildings located within the areas set out above, including (but not limited to) Kew Palace, Kew Orangery and Kew Pagoda (all Grade I); Gunnersbury Park House (Grade II*); Gunnersbury House (Grade II); Gunnersbury Orangery (Grade II*); and several C18 and C19 houses within Kew Green and Strand-on-the-Green Conservation Areas (all Grade II apart from the Grade II* listed Zoffany House in Strand-on-the-Green).

3 ROLE OF HISTORIC ENGLAND

3.1 Historic England is an independent grant-aided body governed by Commissioners. It was established with effect from 1 April 1984 under Section 32 of the National Heritage Act 1983. The general duties of Historic England are as follows:

“...so far as is practicable:

- (a) to secure the preservation of ancient monuments and historic buildings situated in England;
- (b) to promote the preservation and enhancement of the character and appearance of conservation areas situated in England; and
- (c) to promote the public’s enjoyment, and advance their knowledge of, ancient monuments and historic buildings situated in England and their preservation.

- 3.2 Historic England's sponsoring ministry is the Department for Digital, Culture, Media and Sport, although its remit in conservation matters intersects with the policy responsibilities of a number of other Government departments, particularly the Department for Communities and Local Government, with its responsibilities for land-use planning matters.
- 3.3 Historic England is a statutory consultee providing advice to local planning authorities on certain categories of applications for planning permission and listed building consent. Similarly Historic England advises both the Secretaries of State on those applications, subsequent appeals and on other matters generally affecting the historic environment. It is the Government's principal adviser on the historic environment.
- 3.4 Historic England encourages pre-application discussions and early engagement on projects to ensure informed consideration of heritage assets and to ensure that possible impacts of proposals on the historic environment can be minimised.

4 ADVICE GIVEN BY HISTORIC ENGLAND

- 4.1 Pre-application meetings were first held with the architects for the applicants on 5 November 2015 when Historic England was contacted by the developer and informed that detailed proposals were emerging for the redevelopment of the site. Initial pre-application advice was provided on 1 December 2015. The planning application was submitted on 21 December 2015 and we were formally consulted on the submitted application by Hounslow Council on 7 January 2016.
- 4.2 We submitted our consultation response on 17 February 2016, following consideration by our London Advisory Committee on 4 February 2016, making it clear that we had considered the proposals at our London Advisory Committee and

that we had strong objections to the scheme in its current form. We advised that the harm arising from the proposal to the significance of Strand-on-the-Green and Kew Green Conservation Areas was substantial and that the Royal Botanic Gardens, Kew World Heritage Site (including some of its listed buildings) would be adversely affected. We also identified harm to the Grade II* registered landscape of Gunnersbury Park. We considered that the proposals would fail to meet the requirements of statute and policy with regards to heritage and conservation and therefore would not constitute sustainable development.

4.3 On 16 November 2016 we were consulted on revised proposals, which proposed a series of minor changes to the original scheme. We replied on 13 December 2016 and advised that the amendments would make no material difference to our assessment of the impacts of the scheme upon the historic environment and our policy conclusions. We urged the Council to refuse the application in light of the harm that would be caused to the historic environment.

4.4 Hounslow Council considered the application at their Committee meeting on 12 January, 2017. The applications were refused, with the decision notice dated 9 February, 2017. The applicants subsequently appealed against the refusal of planning permission and advertising consent, and the Secretary of State has decided to recover the applications for his own determination.

5 HISTORIC ENGLAND'S CASE

5.1 Historic England will, in its evidence, identify the heritage assets that it understands are materially affected by the proposal and describe their significance. In so far as may be relevant to the decision, Historic England will describe how the setting of such assets contributes to, or detracts from, their significance and how that contribution may be impacted by the proposal.

- 5.2 Historic England will set out its consideration of the application in light of legislative requirements, the National Planning Policy Framework, the Planning Practice Guidance, local planning policies, other material considerations and our own advice on Tall Buildings the Setting of Heritage Assets, amongst others.
- 5.3 Historic England in its evidence will note that the designated assets most affected by the proposals are Royal Botanic Garden, Kew World Heritage Site (which includes the Grade I listed Orangery and Grade I listed and scheduled Kew Palace amongst other listed buildings); Gunnersbury Park (Grade II* registered); Kew Green Conservation Area and Strand-on-the-Green Conservation Area. We consider the significance of each of these assets in detail.
- 5.4 Royal Botanic Garden, Kew World Heritage Site is located south of the development site within the London Borough of Richmond upon Thames. It was inscribed as a UNESCO World Heritage Site in 2003, and is also a Grade I registered Park & Garden, Metropolitan Open Land and a conservation area. It contains 44 listed buildings.
- 5.5 The Outstanding Universal Value (OUV) of the World Heritage Site includes:
- A rich and diverse historic cultural landscape providing a palimpsest of landscape design;
 - An iconic architectural legacy;
 - Globally important preserved and living plant collections;
 - A horticultural heritage of keynote species and collections.
- 5.6 This historic landscape illustrates significant periods in garden design from the 18th to 20th centuries, and includes work by internationally renowned landscape architects

including William Kent, Charles Bridgeman, Capability Brown and William Nesfield. It also contains 44 listed buildings and extensive botanic collections that have been enriched over three centuries. Since their creation in 1759, the gardens have made an internationally significant contribution to the study of botany and horticulture.

5.7 Among the listed buildings within the Royal Botanic Garden are the Orangery and Kew Palace. The Orangery (Grade I listed) was designed by William Chambers in 1761 and is situated in a prominent position at a right angle formed by the two sections of the Broad Walk. Constructed of brick and rendered with Chambers' own custom recipe of durable stucco, it is the largest classical building in the Royal Botanic Garden and the only surviving plant house here designed by Chambers.

5.8 Kew Palace (Grade I listed and a Scheduled Ancient Monument) was built in the 1630s in the Dutch style for Samuel Fortrey, a City merchant, as his own rural retreat. Its distinctive gables are the most striking evidence of the Dutch fashion, but its pioneering use of the 'Flemish' bond in the very high quality brickwork marks one of the first major projects in English architectural history of a building technique that would come to dominate brick building for the following centuries. The building's setting along the Thames is highly significant, as it ensured that it was seen by important passers-by and could be easily accessed from London. In the 18th century the house was annexed to the Royal Palace at Richmond by the recently crowned George II and Queen Caroline. Subsequent landscaping in the fashionable 'Picturesque' style complemented its Arcadian river setting that remains substantially intact today.

5.9 Gunnersbury Park is a Grade II* registered landscape and conservation area. It covers 186 acres and contains 21 listed buildings. The landscape has evolved over time, but the work of its greatest contributors William Kent and William Chambers

during the 18th century is still recognisable. At present the landscape is characterised by verdant landscaping, mature trees, and recognisable remnants of the 18th century designed landscape.

5.10 Kew Green Conservation Area is focussed around Kew Green and contains a large number of listed buildings, including the Grade II* listed St. Anne's Church within the village green. It lies within the World Heritage Buffer Zone of the Royal Botanic Gardens, Kew World Heritage Site. Kew Green Conservation Area is characterised by its open space, the associated high quality of the mostly 18th century development around Kew Green, and its superior riverside environment. It is a visually cohesive area with a clearly identifiable sense of place and distinctive character, still legible as the archetypal village green.

5.11 Strand-on-the-Green Conservation Area lies on the banks of the River Thames and is framed by the two river crossings of Kew Bridge and Kew Railway Bridge. It remains legible as a small riverside ribbon development of a village from the 18th and early 19th centuries. Much of its special character lies in its tranquil riverine setting and the advantageous views from the south side of the river, particular near Oliver's Island. Strand-on-the-Green includes an attractive assemblage of historic buildings including fishermen's cottages, public houses and maltings, alongside larger and more elegant private houses. The majority of the houses along the river path are listed (Grade II apart from Zoffany House, which is Grade II*). The largely consistent scale of the buildings and the tranquil river setting are unifying features.

5.12 A better understanding of the wider impacts of the tall building on other heritage assets, such as other listed buildings in the Royal Botanic Gardens and Gunnersbury Park, may emerge during the course of preparation for the inquiry. We will describe

the significance of all heritage assets where there is a material impact on their significance.

5.13 After describing the significance of all the heritage assets affected, Historic England will then set out in its evidence how the proposals affect this significance through the development within their setting. In particular the evidence will cover the harm arising from:

- the impact of the proposals from within the Royal Botanic Gardens, Kew World Heritage Site, and on the setting of the Grade I listed Orangery and Grade I listed Kew Palace from within the Royal Botanic Garden;
- the impact of the proposals on the Grade II* registered Gunnersbury Park;
- the impact of the proposals on the character and appearance of Kew Green Conservation Area;
- the impact of the proposals on the character and appearance of Strand-on-the-Green Conservation Area.

The evidence will show that the harm to the Kew Green Conservation Area and to the Strand-on-the-Green Conservation Area is substantial in both cases.

5.14 We will state that the NPPF emphasises that in order to achieve sustainable development, economic, social and environmental gains (including historic environment gains) should be sought jointly and simultaneously through the planning system and planning decisions. Historic England considers that the proposals do not conserve or preserve the settings of various listed buildings or conserve, preserve or enhance the setting, character or appearance of conservation areas nearby. They do not, therefore, achieve the desired objective of heritage conservation set out in law and national policy. Additionally, they would be in conflict with the London Plan

policy 7.10B which deals with World Heritage Sites. We will also refer to the Historic England Advice Note (4) on Tall Buildings that advocates a plan-led approach to tall buildings, which this is not, in Historic England's view.

5.15 Historic England considers that the appellant has failed to provide clear and convincing justification for the necessity of harm to the historic environment or for the level of harm the development will cause. In Historic England's view the appellant has failed to show: that any public benefits the scheme may bring could not be delivered in a way that causes no harm to heritage assets; and, that any public benefits outweigh the harm, giving great weight to the conservation of the heritage assets.

5.16 We will state our views that planning policies, those in the NPPF in particular, would not be adhered to if the proposal was permitted and neither would permission accord with the legal protection afforded to listed buildings and conservation areas. Great weight should be given to the conservation of heritage assets and their settings, and planning decisions should look to achieve economic, social and environmental (including historic environment) gains, jointly and sustainably. Conflicts should therefore be avoided where possible. Good design will respond to local character and history and reinforce local distinctiveness. The harm caused to many heritage assets by this scheme, in this location and to this design, is serious, and, in some aspects, in the language of the NPPF, substantial. There is no clear and convincing justification for it. Historic England will ask that permission be refused.

6 DOCUMENTS THAT MAY BE REFERRED TO AT THE INQUIRY¹

Historic England may produce or refer to the following documents at the Inquiry:

The National Planning Policy Framework 2012;

Planning Practice Guidance 2014;

Development Plan policies;

Conservation Principles, Policies and Guidance (English Heritage, April 2008);

Good Practice Advice 2 – Managing Significance in Decision-Taking in the Historic Environment;

Good Practice Advice 3 – The Setting of Heritage Assets;

Historic England Advice Note 4 – Tall Buildings

Statutory designation for the relevant heritage assets;

Kew Gardens WHS Management Plan

Historic England correspondence on the application;

Photographs and other visual material;

Other relevant plans, policy advice and guidance, historical publications and documents, research papers and documents, any relevant inspector's reports and decision letters and relevant case law.

¹ We would expect that the majority, if not all, of these documents will be Core Documents and will liaise with the other parties accordingly