



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 L&Q

Land at Citroen Car Garage, Capital Interchange Way, Brentford TW8 0EX

GLA ref: GLA/4279; Local Planning Authority ref: P/2017/4692

PINS reference APP/G6100/V/19/3226914

1 INTRODUCTION

- 1.1 This Statement of Case is submitted on behalf of Historic England following the decision of the Secretary of State on 15 April 2019 to call in the application for planning permission for the *'redevelopment of the Citroen Car Garage Site to provide a mixed use scheme of 441 residential units (Use Class C3), including 50% affordable housing with ancillary facilities, flexible commercial uses (Use Classes A1, A2, A3 and B1) and a nursery (Use Class D1) in buildings 12, 13, 16, 17 and 18 storeys in height at Citroen Car Garage, Capital Interchange Way, Brentford'* that was refused by the London Borough of Hounslow on 16 February 2018 and subsequently approved by the Greater London Authority on 22 August 2018. The Secretary of State has directed, under his powers in section 77 of the 1990 Act, that the application shall be referred to him instead of being dealt with by the Greater London Authority.
- 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 in 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 south west of the M4 Flyover near the 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 to the south-east 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 (which includes the Grade II* registered landscape and conservation area at Gunnersbury Cemetery); 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 Ministry of Housing, 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, in accordance with paragraphs 41 and 42 of the NPPF, 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.

3.5 Statutory duties relating to proposals affecting listed buildings and conservation areas are contained in the Planning (Listed Buildings and Conservation Areas) Act 1990. Central Government planning policy is set out in the National Planning Policy

Framework (NPPF), first published in March 2012 and revised in February 2019, with section 16 dealing with conserving and enhancing the historic environment (although it is important to note that the Framework should be read as a whole (including its footnotes and annexes) Further guidance is provided by the on-line National Planning Practice Guidance (NPPG) that was first published in March 2014 and has recently been updated. The NPPF and the NPPG both emphasise the need for a clear understanding of the significance of a heritage asset and the contribution that its setting makes to significance in order to develop proposals which avoid or minimise harm to significance. Also, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to its conservation.

- 3.6 A determination under the planning acts must be made in accordance with the development plan unless material considerations indicate otherwise. The development plan policy context that is relevant to this appeal comprises both the strategic policies set out in the London Plan (2016) and the local development plan policies set out in the London Borough of Hounslow Local Plan (September 2015). We would expect that a comprehensive list of relevant regional and local planning policies will be the subject of agreement between the parties. These policies are likely to include, amongst others, the London Plan policies relating to World Heritage Sites (policy 7.10), local character (policy 7.4), location and design of tall buildings (policy 7.7), heritage assets and archaeology (policy 7.8), Hounslow Local Plan policies such as CC1, CC3, CC4 which relate to context and character; tall buildings and World Heritage Sites. Reference is also likely to be made to the GLA Supplementary Planning Guidance "London's World Heritage Sites" March 2012. Additionally, and in so far as the World Heritage Site is concerned, reference is likely to be made to the London Borough of Richmond Local Plan (July, 2018). The draft London Plan has been published, following its examination in public, with post-

examination modifications, and consideration will also need to be given to these plan policies (including Heritage Conservation and Growth (“HC1”); World Heritage Sites (“HC2”) and Tall Buildings (“D8”) as appropriate.

- 3.7 The following Historic England publications provide guidance relevant to this appeal: Historic Environment Good Practice Advice Note #2: Managing Significance in Decision-Taking in the Historic Environment, July 2015. Historic Environment Good Practice Advice Note # 3: The Setting of Heritage Assets, December 2017; and Historic England Advice Note #4: Tall Buildings, December 2015.

4 ADVICE GIVEN BY HISTORIC ENGLAND

- 4.1 Historic England was first made aware of the proposals from Hounslow Council’s notification letter dated 16 November 2017 on the submitted application. No pre-application meetings were held, but Historic England met the applicants on 4 December 2017 and set out our concerns about the proposals. No amendments were made to the submitted application.
- 4.2 We sent our consultation response on 10 January 2018, following an internal review meeting on 11 December 2017. Our consultation response to Hounslow Council made it clear that we had strong objections to the scheme in its current form, and advised that the harm arising from the proposal to the significance of Strand-on-the-Green was substantial and that the Royal Botanic Gardens, Kew World Heritage Site and Kew Green Conservation Area (including some of the listed buildings within the World Heritage Site and Conservation Area) 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 policy with regards to heritage and conservation and therefore would not constitute sustainable

development. We objected to the application in light of the harm that would be caused to the historic environment.

- 4.3 Hounslow Council considered the application at their Committee meeting on 16 February, 2018. The application was refused, with the decision notice dated 16 February, 2018 and referred to the Mayor of London. The Mayor subsequently called-in the application for his determination on 26 February, 2018 under Article 7 of the Mayor of London Order 2008. The scheme was amended slightly following the Mayor's call-in, with two further storeys added to one of the blocks. Following a public hearing on 20 July, at which Historic England reiterated its objections, the Mayor approved the amended application on 22 August 2018. The Secretary of State has now decided that the applications shall be referred to him instead of being dealt with by the Greater London Authority.

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 and 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 amongst other listed buildings); Gunnersbury Park (Grade II* registered park and conservation area at Gunnersbury Cemetery); 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 is the Orangery (Grade I listed). It 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 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. Nearby Gunnersbury Cemetery was laid out in the 1920s and is a separate conservation area with a character of a quiet and contemplative cemetery with numerous memorials.
- 5.9 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.
- 5.10 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.

5.11 A fuller description of the significance of the heritage assets will be provided in evidence. Historic England will then set out how the proposals affect this significance through the imposition of modern development within their well-preserved historic settings. 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 from within the Royal Botanic Garden;
- the impact of the proposals on the Grade II* registered Gunnersbury Park and conservation area at Gunnersbury Cemetery;
- 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.

We consider that as a result of the height and massing of the Scheme a visual impact will be appreciable from a wide range of vantage points. This will affect the contribution to the significance of some very important heritage assets. The greatest degree of change and of visual impact will occur in the setting of Strand on the Green Conservation Area. In particular we consider that the height and prominence of the buildings will contrast sharply with the grain and scale of this historic waterfront, through the imposition of modern development within their well-preserved historic

settings. Harm will also be caused to the significance of the other heritage assets noted above.

5.13 Historic England considers that the proposals do not conserve or preserve the contribution that setting makes to the significance of various listed buildings or conserve, preserve or enhance the character or appearance of conservation areas nearby, due to the development in their setting.

5.14 Great weight should be given to the conservation of heritage assets. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Any harm to, or loss of, the significance of a designated heritage assets including from development within its setting requires clear and convincing justification. In addition, any harm to a listed building or its setting gives rise to a strong presumption against the grant of planning permission.

5.15 Heritage England has expressed its view that the harm that would be caused to many irreplaceable heritage assets by this scheme in this location is serious, and particularly as regards the Strand on the Green Conservation Area, substantial in the language of the NPPF. Historic England is reviewing the recent decision of the Secretary of State in the Chiswick Curve case, including the analysis of the Inspector, however as matters stand still considers that this harm should be regarded as substantial. Further, the proposed scheme would not be in accordance with a number of development plan policies, which have been noted earlier as regards the historic environment. Even to the extent that any harm caused by the proposals is considered to be less than substantial, the overall extent of harm would remain of significant concern to Heritage England and permission should only be granted if the Secretary of State is satisfied that public benefits outweigh all established harm in accordance with NPPF policy.

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 2019;

Planning Practice Guidance ;

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.