

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 78
PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990 – SECTION 20**

**TOWN AND COUNTRY PLANNING APPEALS (INQUIRIES PROCEDURE)
(ENGLAND) RULES 2000**

**Closing statement of the
Campion Concerns Monitoring Group
(As a Rule 6 Party)**

In respect of

**The Application of Try Homes
To Develop the Campion House Site
Thornbury Road
Osterley TW7 4NN**

Case Reference Numbers:

**APP/F5540/A/07/2040494/NWF (Planning)
APP/F5540/E/07/2040493/NWF (Conservation Area)**

25th June 2007

1. Introduction

- 1.1. The **Campion Concerns Monitoring Group** is a Rule 6 Party to this Inquiry. We requested Rule 6 status in order to put residents' views about the proposed development as shown by the exceptionally large number of detailed individually-written letters of objection which were sent to the Planning Department.
- 1.2. We support the Council's grounds for objecting to the current application. We felt that our participation in the Inquiry would help to emphasize not only the fact of residential opposition but also the reasons for that opposition.
- 1.3. Our reason for opposing this application is because of the harm that we believe that it would do to the Conservation Area and to Thornbury Road in particular and because we are opposed to the encroachment on designated open space.
- 1.4. We were grateful for the opportunity to participate in the Inquiry and thank the Inspector and the other participants for their indulgence. As lay people we listened carefully to expert opinion.
- 1.5. Although we understand the need for arguments to be stated in terms of material conditions we have not stated full references to planning guidelines in this concluding statement. We think that those references are already clear in the evidence provided by the Authority and ourselves.

2. Harm to the Conservation Area

The Evidence of Dr Edis

- 2.1. We found little information either about the conservation area or about the way the proposed building would relate to it in the 27 pages of Dr Edis' Evidence. Consequently his observations about the compatibility of the proposed scheme with the conservation area seemed to us to take the form of opinions rather than of judgements based on clear evidence.
- 2.2. The material specific to the development begins on page 15 of Dr Edis' Evidence. In the first section on the development of the Spring Grove Estate he claims, in paragraph 3.2 that after the 1870s the area went into decline. It revived, he says, after 1883 with the extension of the District Line to Hounslow. However, he offers no estimation of the extent or nature of this revival. Dr Edis says that a subsequent building boom in the 1920s and 30s "infilled most available space". In

paragraph 4.4 Dr Edis says that "... the mid-19th century character of the area has been eroded by the demolition of many of the original Spring Grove Estate buildings". Again, there is no attempt to estimate how much remains nor what the role of the remaining early development is in the area today.

- 2.3. In the last bulleted point of 4.3 Dr Edis says "On the whole, the former Spring Grove Estate has been comprehensively redeveloped since it was laid out in the mid-19th century and as a result the original buildings and their plots have been demolished, altered or infilled with an incoherent mix of 20th century housing developments of various scales, materials and quality."
- 2.4. This description glosses over the major building developments of the Late Victorian and Edwardian periods, which contribute so much to the character of the area. The buildings from these periods are not considered in his account.
- 2.5. We wish to question Dr Edis' view in paragraph 4.3 that "The land to the east of the Site, between Thornbury Road and Osterley Road and the Great West Road and Church Road was partially developed in between 1896 and 1913/15 ..., but the majority of the area (sic) appears to have been built during the 1920s/30s building boom associated with the Great West Road".
- 2.6. This account fails to note the special character of the housing facing the Campion site along Thornbury Road. That housing consists largely of high quality Arts and Crafts housing (to the North of Church Road) and Edwardian housing to the South of Church Road. It is striking that Dr Edis nowhere attempts to evaluate the contribution of this housing to the area.
- 2.7. We argued in our evidence that "20th century" should not be regarded as a negative term, as it so often seems to be in the written evidence of Dr Edis. We quoted the advice from English Heritage (**Guidance on Conservation Area Appraisals**) that 20th century architecture is one of the most under-valued architectural periods. Architecture of merit in the conservation area is not confined to that of the Davies era. Later periods of building have brought housing of real worth which contribute significantly to the character and value of the area. As far as we have been able to determine this aspect of the conservation area is absent from Dr Edis' account.
- 2.8. When asked under cross-examination how many of the original Davies Houses remained Dr Edis said that he did not know. He did not even offer an approximate

figure. This and other similar lacunae indicated that his judgements about the degree of erosion of the original 19th century development lacked an evidential basis. As residents we are aware of the impact of the Davies houses. Some 24 to 30 Davies houses still remain (depending on how one defines a Davies house). Many of them are very prominent and contribute much to local character.

- 2.9. Beyond this apparent absence of a careful evaluation of the 19th century heritage of the area Dr Edis' account was made more problematic by a dismissive approach to 20th century developments. A great deal was made during various cross-examinations of the fact that the area of Thornbury Road opposite the site is a particularly sensitive part of the conservation area. We pointed out it consists mainly of Arts and Crafts houses built in the first two decades of the 20th century and a series of Edwardian Houses built in 1904. These 20th century houses seem to us to be neither "incoherent" nor "unremarkable" to use Dr Edis' terms.
- 2.10. We believe that the cross-examination of Dr Edis made clear that the appellant had not made a balanced and objective appraisal of the conservation area. Without that it is not possible to determine if the proposed scheme would harm, preserve or enhance the area. *In our view this point is crucial to the Inquiry.*
- 2.11. We also noted that Dr Edis' account of the conservation area fails to note any of its many valuable features. His account is relentlessly negative.
- 2.12. Dr Edis characterised the conservation area as one for which the original 19th century character had been "eroded". This is self-evidently the case in that any development built 150 years ago will have suffered erosion. Again, we were given no idea of the degree of that erosion.
- 2.13. Under cross examination however, Dr Edis went further and stated that nothing remained of the original 19th century development. This is demonstrably incorrect as was shown by Ms Urquhart in her evidence showing that the Davies layout is still clear in the morphology of the area. In particular, as Ms Urquhart also pointed out, Thornbury Road was the main avenue for the Davies estate.
- 2.14. A similar problem was encountered when Dr Edis was asked about his rejection, in paragraph 6.4(i), of the idea that 1930s housing on Thornbury Road could be replicated along the Champion frontage instead of the buildings of the proposed scheme. We asked in our cross examination (1) who had proposed this and (2) what 1930s housing he was referring to. He had no answer to either question. It

would be strange if anyone had made such a proposal since there is virtually no 1930s housing in Thornbury Road.

- 2.15. On the same question we read in paragraph 5.5 of Dr Edis' evidence a claim that the proposed scheme "... will respect the form, layout and general character of the 1930s housing in Thornbury Road....". We are at a loss to know how Dr Edis could have thought that 1930s architecture was a significant feature of the Road.
- 2.16. This lack of a clear evidential basis is repeated when Dr Edis moves on to consider the proposed scheme. In paragraph 5.6 (i) he says "The scale of the new development is in my view acceptable and appropriate when considered in the light of existing buildings in Thornbury Road." We are not given any clues as to how that acceptability and appropriateness were evaluated.
- 2.17. Similar comments could be made for Dr Edis' view on massing at 5.6 (iii) where he says after asserting that the mass has been carefully ordered and controlled, "The mass has been distributed in such a way that Campion House is provided with an appropriate detached setting."
- 2.18. At 5.6 (v) Dr Edis says "In my view there can be no doubt that the design, scale and horizontal emphasis of the frontage on Thornbury Road will be a material and substantial improvement." The only argument offered for this view is that "The frontage will be strengthened and enhanced, while allowing for views through from Thornbury Road, with a net improvement for the character and appearance of the conservation area."
- 2.19. There *can* be such doubts and *we* entertain them. We are not specialists in architectural matters but without a clear argument to the contrary we believe that the scale, height and massing of the proposed main building would be so different to neighbouring buildings that they would alter the focus and balance of the street scene along Thornbury Road to its detriment. The proposed building would dominate the street at a point that everyone recognised as particularly sensitive.
- 2.20. We therefore cannot agree with Dr Edis' conclusion in paragraph 5.7 where he asserts that "The development is in accordance with policy ENV-B.2.2 of the Hounslow UDP as it enhances the character of the area and Campion House."
- 2.21. The photographic evidence provided by Dr Edis (Appendix 23) reveals further problems. We analysed the photographs in our evidence and sought to show

that, taken as a whole, they fail to give a balanced view of the conservation area.

- 2.22. There are simple errors. Thus plate 52 is shown on the location map as Granwood Court north of Eversley Crescent whereas it is, in fact, Grovewood Court to the south. This error was pointed out at the time of the first application!
- 2.23. Similarly plate 61 shows a building which no longer exists. Moreover, its imminent demolition was known at the time of the submission of the application and that demolition had taken place before this evidence was submitted to the Inquiry.
- 2.24. Apart from such errors we are concerned with the lack of balance shown in the photographs. So it is with plate 63. This shows what is, by common assent, the least attractive building in Church Road. The same building appears in plate 67. And yet Church Road contains some of the most attractive housing in the area. It contains some fine Arts and Crafts houses and two small 1930s blocks of flats opposite them, set well back from the road and built on a scale and in a style that respects the houses.
- 2.25. The Map for Appendix 23 shows the positions and angles from which the photographs were taken. It is worth noting that positions 61 and 62 both point away from Isleworth and Syon School towards buildings of less note than the school itself. The School, built in 1939, is an interesting example of the architecture of the period and has, as Ms Urquhart pointed out in her evidence a “commanding tower”. The only view of the school is that in plate 56. This picture is a partial view of the back of the school taken across its playground. The camera was placed so that the perimeter railings take up 50% of the view.
- 2.26. Perhaps the clearest example of the emphasis on features of little interest occurs in plate 57. This shows the back of a development along London Road. The front of the development includes a recently restored frontage of an Art Deco cinema. For some reason it was felt to be more important to photograph the car park at the back than this important piece of restoration work.
- 2.27. Appendix 23 comes with no annotation beyond the location map. There is no discussion of styles and interest of the housing in the photographs. Thus even though some of the plates do show buildings of merit (e.g. Plates 31, 36, 40, 41, 44, 45, 46, 47, 49, 50, 51, 54, 59) the context is not made clear (e.g. does the house shown belong to a group/block in the same style?), and some pictures are simply of such poor quality that it is hard to get a sense of what is shown.

- 2.28. In response to questions from Counsel for the Authority Dr Edis accepted that the proposed scheme was on a scale that had no counterpart in the area. We believe that this fact along with the lack of detailed and balanced evaluation in his appraisal of the area means that his assertions that the proposed scheme is in character with the area remain assertions without real support.
- 2.29. When questioned about photomontages missing from his evidence Dr Edis said that it was felt that the model produced would make it much easier for residents to understand what was being proposed. Why then, we wondered, was it not produced in time for the residents to see it?
- 2.30. Under cross-examination by Counsel for the Authority Dr Edis tried to explain how the system of “crumbling corners” enable the proposed structure to relate to the neighbouring buildings. Counsel for the Authority argued that the crumbling was a device to overcome the problems posed by the scale of the proposed building. Attempts to solve various problem of excessive scale was a theme of the Inquiry.
- 2.31. Dr Edis indicated under cross-examination that English Heritage had shown approval for the proposed building by not objecting to it. As the Core Document 8 (page 83, paragraph 5.15) reports English Heritage wrote to the Authority on 08/01/07 to say that they “did not wish to offer any comments on the applications, advising that they should be determined in accordance with national and local policy guidance, and on the basis of the Council's specialist conservation advice.” That did not sound to us like the endorsement suggested by Dr Edis.

The Evidence of Mr Tilley

- 2.32. Mr Tilley's evidence and his answers under cross examination hinged on four key claims: (1) the site location is transitional between suburban and urban and has good public transport accessibility; (2) the proposed scheme meets strategic housing needs; (3) the proposed scheme respects the Spring Grove Conservation Area; (4) Champion Concerns aims were in opposition to local and national housing objectives.

Champion Concerns opposition to the development

- 2.33. In our cross-examination of Mr Tilley we asked if he could justify his assertion in (paragraph 1.11 of his evidence) that Champion Concerns “... is fundamentally opposed to the development of a predominantly flatted mixed tenure housing

complex on the site which maximises its contribution to strategic and local housing needs.” We were pleased that Mr Tilley accepted that he could not justify everything in this passage. We pointed out that we had always argued for a higher ratio of houses to flats to make the development of a compatible character with the surrounding housing, we had never opposed mixed tenure housing. We said that we would not pursue the many other incorrect claims about Campion Concerns as not germane to the Inquiry.

Suburban status of the site.

2.34. In his written evidence and under cross-examination Mr Tilley claimed that the Campion site is “transitional” in status between suburban and urban. The motivation for this was, we believe, to respond to the view that the scale and density of the proposed scheme are excessive. We pointed out during our cross-examination of Mr Tilley that the Campion site fits the definition of suburban found in the London Plan: “lower density development, predominantly residential, of two to three storeys, as in some parts of inner London and much of outer London.”

There were three main points at issue on the question of the area's suburban status (1) proximity to the town centre; (2) the quality of public transport accessibility, (3) the nature of the existing housing. On (3) all parties agreed that the housing in the area is predominantly two-storey family housing. On the proximity to the town centre the question was whether that centre was more than 10 minutes walk from the site and Mr Tilley agreed that this is the case. Our evidence, like that produced by the appellant (Millard Traffic Analysis) showed that using the standard walking speed of 80 m per minute the *outer boundary* of the town centre is about 15 minutes walk-time from the site. Mr Tilley also accepted that the site has a PTAL rating of 2 but argued that its transport links were better than this allowed. He wanted to include the transport along London Road that falls outside the range for Transport for London's assessment.

Thus all three criteria used to determine the status of site led to the same conclusion: it is a suburban.

The scheme fails to meet strategic housing needs

2.35. Mr Tilley was asked, under cross-examination from Campion Concerns, how he explained the apparently contradictory claims about family housing in the Planning Statement for the application and in his Evidence to the Inquiry. We

pointed out the the Planning Statement for the application states at 6.17 that the scheme is for predominantly non-family housing whereas in his evidence to the Inquiry he claimed in 7.29 that it was for predominantly family housing. Mr Tilley claimed that both assertions were correct and, in so far as we could understand his answer, it seemed to be based on the idea that some non-family homes could become family homes in time. We felt unable to avoid the conclusion that the appellant had made incompatible claims about the proposal in order to deal with different arguments against it.

2.36. We asked Mr Tilley to explain the disparity between the housing needs as defined in Table 6 in the Evidence presented by Ms Van Stipriaan (Appendix 16, page 34) and the proposed development. Table 6 is the Local Authority's HIP submission and Counsel for the appellant confirmed this as the most up to date information available. The table clearly shows that the need for affordable housing is mainly for three-bedroom sized properties. The overall mix of the proposed scheme is 23% 1-bed, 62% 2-bed, 15% 3+-beds. In the proposed social housing the corresponding percentages are 12.5, 60.4, 27.1. On cross-examination Mr Tilley dealt with the disparity between these figures and those in Table 6 (5%, 40%, 45%) by saying that the Housing Enabling Officer had given his/her approval to the scheme. Despite this, we believe that the figures show that the development would fail to match known strategic and local housing needs. It would fail therefore to contribute support for sustainable communities as set out in Government policy.

Compatibility with the Spring Grove Conservation Area

2.37. In his evidence Mr Tilley quoted PPS1 paragraph 15 as follows "Design which fails to take the opportunities available for improving the character and quality of an area should not be accepted". As Counsel for the Authority had argued this means that merely preserving or enhancing is not sufficient. It must be shown that the opportunities for a high quality development on the site have been used effectively.

2.38. Mr Tilley relied on the evidence of Dr Edis in his discussion of the conservation area and added nothing that we could detect to that evidence. We have already explained why, in our view, that evidence falls short of a balanced and objective assessment. Without an appraisal which evaluated strengths as well as

weaknesses, designing a development to harmonise with it was always going to be a risky affair. How could it be known whether it was compatible or not?

2.39. This point took us to the heart of the Inquiry: *the design of the proposed scheme*.

We believe that it was shown that whatever criterion for compatibility was used (height, scale, massing, density, sympathetic design) the proposed scheme was found wanting.

No evidence was produced for the Inquiry to show that the appellant had compared the density of the proposed scheme to that of the surrounding housing. We presented detailed calculations of the density of local housing showing the density of housing in the streets round the Campion site.

3. Open Space

The evidence of Mr Kelly

3.1. Mr Kelly explained many detailed aspects of the landscaping and biodiversity issues connected with this application. Some of his explanations answered our points although not always without raising further questions. Thus he explained how semi-mature trees can grow in a roof garden system by means of increased soil depth based on a dip in the roof garden base supported by a pillar below. The puzzle for us was that we could see no allowance for those pillars in the plans for the car park. Nor do we have any idea how many such trees will be provided for.

3.2. The remaining issues of concern for us having read Mr Kelly's evidence and having listened to his answers under cross examination are as follows:

- i. **Open space.** We remain of the view that the excessive scale of the proposed scheme is the reason for the encroachment and that if that scale were reduced to be compatible with the surrounding housing the problem of encroachment would not arise. Nothing that Mr Kelly said gave us reason to think otherwise.
- ii. **Loss of Trees.** We remain concerned at the large loss of trees of various categories. Of the existing 129 trees and specimen shrubs 79 would be removed. This does not include the southern cedar which would require special attention and due to the design would have foundations dug in its root protection area, thus risking this special category A tree. As to the replacement plan we remain concerned that in the absence of a detailed

replanting plan it is impossible to be sure that harm will not have been done to the area by the removal of so many trees including many mature trees.

Under cross examination Mr Kelly conceded that the existing Magnolia tree could not be replanted and also that two category B yew trees on the Thornbury frontage opposite Church Road would be removed.

- iii. **Lowered quality of open space.** We asked Mr Kelly if he would not agree that the open space of the courtyard would be open space of lowered quality compared to that which it replaces. We said that this was on two grounds. The first is that the space is a roof garden system and therefore represents a loss of natural soak away. The second is that the space would suffer from increased overlooking (from four levels of windows).

Mr Kelly said that the loss of natural soak away was not a problem since the water run-off would be controlled by a sustainable urban drainage system which would mean that the run off would be regulated. He concluded that the loss of natural soak away was therefore advantageous. This conclusion strikes us as perverse. The result is an increased net loading on the sewers and a loss of water to London's ground water system.

On overlooking Mr Kelly said that he did not see a problem and drew our attention to photographs in his evidence of courtyards in other locations. When, under cross-examination, by Counsel for the appellant he was asked with reference to the lawn in one of these courtyards if it were not a place where children could play football he responded that such activity would not be appropriate in the courtyard in question. Questioned on the same issue later in the proceedings Mr Tilley also recognised that the same range of activities would not be possible in the open space of the courtyard as in the open space that it would replace.

We believe that these answers confirmed that the open space would support a more restricted range of activities than those possible on the open space replaced. For that and for the ecological reason of loss of natural soak away we remain of the view that the open space of the courtyard is open space of a lower quality than that which it replaces.

The Evidence of Mr Tilley

- 3.3. Mr Tilley dealt with the issue of open space in both his written evidence and under cross-examination. In his written evidence he argued in 4.37 that paragraph 10 of PPG17 allowed for the loss of open space to be weighed against other community benefits. Paragraph 10 of PPG17, however, requires that before any such loss the open space should be shown to be surplus to requirements for all the various possible uses. It also requires that the developer should consult the local community and demonstrate that their proposals are widely supported. There was no evidence that these conditions had been met.
- 3.4. Mr Tilley denied in his written evidence that there is a sports field on the Campion site. We have provided testimony to the contrary and it is the view of Sport England that there is such a field. This is not directly a matter for resolution by this Inquiry but we note that Sport England has declared an interest and will need to be consulted before any building work can start on the disputed area.
- 3.5. Late Evidence in the form of a spreadsheet from the Head of CIP showed that contrary to the impression given to SDC members at their meeting on 28th March the only under-booked sports pitches in the Hounslow are far from the Campion site.

The Cross-Examination of Campion Concerns

- 3.6. Council for the appellant questioned Campion Concerns about the degree of loss of open space that they would find acceptable. In answer to his questions we said that in our view the policy should be no encroachment.
- 3.7. We feel that the conservation area has already lost open space in recent developments and that the trading of open space for other benefits is a policy which will lead to the gradual diminution of London's open space contrary to the policies of the London Plan.
- 3.8. The London Plan objective No.1 is "To accommodate London's growth within its boundaries without encroaching on open spaces". (Emphasis added)
- 3.9. The London Plan says "This plan closes off easy but unsustainable options such as greenfield development and rigorously protects open spaces and environmental assets." (Emphasis added).

4. Conclusions

- 4.1. Having read all the document submitted in evidence and having listened carefully to the answers given by the various witnesses under cross examination, we are of the view that the inquiry has clearly established that
- i. The appeal site is in a suburban area;
 - ii. The area has a poor PTAL rating (=2);
 - iii. Beyond the 10% of open space encroachment there would be a loss of open space quality in the further 13% of open space represented by the courtyards;
 - iv. The density, form, height, scale and massing of the proposed scheme are without parallel in the neighbouring housing.
 - v. If the density is calculated by removing areas for wider use as required by Annex A of PPS3 then the density is clearly significantly above the indicative range for the site.
 - vi. The consequence of this excessive density is that the proposed scheme would be harmful to the street scene along Thornbury Road and to the conservation area more generally.
 - vii. The proposed scheme fails to meet known strategic housing needs pointing to the need for a higher ratio of larger housing units.
- 4.2. We believe that the proposed scheme is so out of character with the area that no set of agreed Conditions could mitigate the harm it would cause.
- 4.3. We respectfully request that this application be refused. If it were to be refused we would look forward to participating in the early design process for a future scheme that would result in a high quality development which would make the most of the opportunities to enhance the area and would provide the new residents with accommodation that would satisfy their immediate housing needs and would also enable them to feel fully part of an already existing cohesive community.

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