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FILE No. TP/99/0733

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- 5.4 The "Housing" chapter may be referred to, in particular STRAT 14, STRAT 16, and Policies H2, H10, H11, H19, H22 and the revisions currently proposed to it, H23 and H28.
- 5.5 The "Leisure and Recreation" chapter may be referred to, in particular STRAT 34, STRAT 35, and Policies LR1 and LR7.
- 5.6 The advice of Central Government with regard to General Policies and Principles in PPG1, Planning and the Historic Environment in PPG15 and Transportation in PPG13 may be referred to. Reference may also be made to PPG17, Circular 6/98, and the consultation draft of the revised PPG3 issued in March 1999.
- 5.8 The published Conservation Area Proposals Statement for the Kensington Conservation Area may be referred to in assessing the quality and character of the area which would be affected by the appeal proposal.

6.0 PLANNING CONSIDERATIONS

- 6.1 The Council will provide evidence to demonstrate that:-
- 6.2 The proposed redevelopment would result in the loss of a significant amount of the existing open space on this site, reducing the value of this site as a visual amenity to be enjoyed by residents of nearby property, and harming the character and appearance of this part of the Kensington Conservation Area. As such, the proposal is contrary to policies of the Unitary Development Plan, in particular STRAT 1, STRAT 35, and Policies CD21, CD48, and CD52
- 6.3 The bulk and layout of the proposed development, in particular the bulk of development and the restricted dimensions of the central open space, would result in a densely developed site that relates poorly to the character scale or form of its surroundings. It is considered that the proposed development would result in harm to the character and appearance of this part of the Conservation Area, contrary to Policies of the Unitary Development Plan, in particular STRAT 5, STRAT 6, and Policies CD25, CD52, CD53, H10, and H11
- 6.4 Given that the existing site provides a valuable contribution to the character and appearance and residential amenity of this part of the Conservation Area, and in the absence of an acceptable scheme for the future development of the site, it is concluded that the proposed demolition of the reservoirs is premature, and contrary to Policy CD51 of the Unitary Development Plan
- 6.5 The proposed southern terrace of new houses would appear dominant and overbearing in its relationship with Thorpe Lodge, the development along Aubrey Walk would significantly affect the setting of St. George's Church, harming the setting of these Listed buildings contrary to Policy CD61 of the Unitary Development Plan

- 6.6. The existing site generates a relatively low intensity of vehicular and pedestrian activity through the year, busiest in the summer but relatively quiet in the winter months. The proposed development will generate greater levels of such activity throughout the year, with the largest difference being in the presently quieter winter months. As such, the proposed development will lead to a significant reduction in the levels of amenity presently enjoyed by those who reside near the site, contrary to Policies of the Unitary Development Plan, in particular STRAT 1, and Policy CD52.
- 6.7 The use of pedestrian and vehicular gates at the entrances to the site would restrict access to the development, separating the site from the surrounding area, contributing little to the amenity of the area, and being out of character with the predominant form of development locally where residential streets are generally accessible to all and at all times. As such, the proposed gated community is contrary to Policies of the Unitary Development Plan, in particular STRAT 1, STRAT 5, and CD52.
- 6.8 The site is considered suitable for the inclusion of affordable housing, which has not been secured by an appropriate planning obligation as part of the proposed development. As such, the proposals are not considered likely to achieve the provision of affordable housing on this site, and would be contrary to Policies of the Unitary Development Plan, in particular H22 and the proposed draft alterations to this Policy, and fail to respect the advice presented in Circular 6/98.

7.0 DOCUMENTS

- 7.1 The following documents may be referred to or put in evidence at the Public Inquiry by the Council's witnesses.
- 7.2 Unitary Development Plan, and proposed draft alterations where relevant.
- 7.3 PPG1, PPG3, Consultation Draft for the Revised PPG3, PPG15, PPG17, and Circular 6/98.
- 7.4 The Conservation Area Proposals Statement for the Kensington Conservation Area.
- 7.5 Traffic surveys and reports.
- 7.6 The contents of planning files TP/98/2126, 2128, and PP/99/0733.
- 7.7 The Council reserves the right to refer to or produce any other documents should it prove necessary.

8.0 PUBLIC CONSULTATION

8.1 The Council may refer to public consultation carried out regarding the proposals, and the contents of the responses received.

9.0 WITNESSES

9.1 It is likely that the Council will be calling witnesses to deal with the planning issues presented by the proposals. If the matter of affordable housing is not resolved by the date of the Inquiry, the Council reserves the right to call witnesses in regard to this issue too.

HERBERT SMITH

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London EC2A 2HS

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Rule 6

DT.

Mr D Shoreland
The Planning Inspectorate
Room 1003
Tollgate House
Houlton Street
Bristol
BS2 9DJ

Your Ref APP/K5600/E/99/1016054
APP/K5600/A/99/1016055
APP/K5600/A/99/1022704
Our Ref 2087/2449/30798978
Date 18th June 1999

BY FAX AND BY POST

RECEIVED BY PLANNING SERVICES							
EX DIR	ADC	N	SW	SF	ENI	AO ACK	
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Dear Mr Shoreland,

TOWN AND COUNTRY PLANNING ACT 1990
PLANNING (LISTED BUILDING AND CONSERVATION AREAS) ACT 1990
APPEALS BY ST JAMES HOMES LIMITED
SITE AT FORMER THAMES WATER RESERVOIR AND WATER TOWER HOUSE,
CAMPDEN HILL ROAD, KENSINGTON, LONDON, W8

As directed by the Inspector at the pre-inquiry meeting on 14th June, 1999, I enclose a Statement of Case submitted on behalf of a group of local residents pursuant to Rule 6 of the Town and Country Planning (Inquiries Procedure) Rules 1992.

You will note that in the Statement itself, only the names of the Residents whom we are representing are listed. This is to ensure the privacy of a number of prominent public figures. However, a confidential list of names and addresses is enclosed for the Inspector's reference only.

Yours sincerely,


P. VANESSA ALLEN

cc: Mr T Blaney - Messrs. Lawrence Graham
Mr D Taylor - Royal Borough of Kensington & Chelsea

London Bangkok Brussels Hong Kong Paris Singapore

A list of the names of the partners and their professional qualifications is open to inspection at the above office. The partners are either solicitors or registered foreign lawyers.

**CAMPDEN HILL RESERVOIRS AND WATER TOWER HOUSE
SITE AT AUBREY WALK AND CAMPDEN HILL ROAD, KENSINGTON, W8**

APPEAL BY ST JAMES HOMES LTD

**STATEMENT UNDER RULE 6 OF THE TOWN AND COUNTRY PLANNING
(INQUIRIES PROCEDURE) RULES 1992**

**Served on behalf of a group of Local
Residents**

Planning Inspectorate References:-

APP/K5600/E/99/1016054

APP/K5600/A/99/1016055

APP/K5600/A/99/1022704

1. INTRODUCTION

- 1.1 This Statement is submitted on behalf of a group of local residents ("the **Residents**"), as identified in Appendix 1, pursuant to Rule 6 of the Town and Country Planning (Inquiries Procedure) Rules 1992.
- 1.2 The Inquiry will hear an appeal against the failure of the Royal Borough of Kensington and Chelsea ("**RBKC**") to determine, within the statutory period, applications by St James Homes Limited ("the **Appellant**") for:
- conservation area consent for the partial demolition of existing reservoirs, ancillary buildings and two residential blocks; and
 - planning permission to redevelop the Campden Hill Reservoirs and Water Tower House site at Aubrey Walk and Campden Hill Road, London W8, to provide 19 houses, 48 apartments, a tennis club with 13 courts and underground car parking.
- 1.3 The Residents object to the above applications on the grounds set out at paragraphs 2 and 3 of this Statement.

2. SCOPE OF OBJECTION

- 2.1 The Residents support each of the reasons given by RBKC's Executive Director of Planning and Conservation for recommending refusal of what the Residents have been informed was an identical planning application to that which is subject to the appeal, as listed in his Report to the Planning Services Committee which met on 8th June 1999 and unanimously voted to refuse permission.
- 2.2 In particular, the Residents will provide evidence in support of that provided by RBKC, to demonstrate that:
- (i) the proposed development would result in the significant loss of existing open space on the site, reducing the value of the site as a visual amenity and harming the character and appearance of this part of the Kensington Conservation Area, contrary to policies STRAT1, STRAT35, CD21, CD48 and CD52 of the Kensington Unitary Development Plan;
 - (ii) the bulk and layout of the proposed development would result in a densely developed site which would relate poorly to the character, scale and form of its surroundings. The proposed development would thereby harm the character and appearance of this part of the Kensington Conservation Area, contrary to policies STRAT5, STRAT6, CD25, CD52, CD53 and H11 of the Kensington Unitary Development Plan;
 - (iii) the dominant and overbearing form of the proposed development would adversely affect the setting of nearby listed buildings, contrary to policy CD61 of the Unitary Development Plan;
 - (iv) the proposed development would generate higher levels of vehicular and pedestrian activity, leading to a significant reduction in the levels of amenity presently enjoyed by local residents, contrary to policies STRAT1 and CD52 of the Kensington Unitary Development Plan; and

- (v) the use of pedestrian and vehicular gates restricting public access to the proposed development would be out of character with the surrounding area which is generally accessible to all and at all times and would be contrary to policies STRAT1, STRAT5 and CD52 of the Kensington Unitary Development Plan.

3. ADDITIONAL GROUNDS FOR REFUSAL

3.1 In addition to the above, the Residents will also bring evidence to show that the Inspector would be justified in refusing planning permission for the proposed development on the grounds of its adverse impact on the general levels of amenity presently enjoyed by nearby residents.

3.2 In particular, the Residents will show that:

- (i) the proposed loss of trees and of the green bank of screening at the eastern end of Aubrey Walk would harm the character and appearance of this part of the Kensington Conservation Area, detract from the setting of nearby listed buildings and adversely affect the amenity of nearby residents;
- (ii) the proposed demolition of the Victorian pump house on the site would harm the character and appearance of this part of the Kensington Conservation Area;
- (iii) the higher levels of activity associated with the proposed development, particularly the proposed tennis club, would lead to a significant increase in noise and demand for car parking spaces in the locality and adversely affect the amenity of nearby residents;
- (iv) the proposed development would result in a significant loss of privacy for a number of nearby residents;
- (v) the proposed development would result in a loss of daylight for a number of nearby residents; and
- (vi) the proposed development would result in the loss of open recreational space, contrary to policy LR7 of the Kensington Unitary Development Plan.

4. WITNESSES

It is likely that three witnesses will be called to cover the following issues:

- visual impact of the proposed development;
- loss of daylight and loss of privacy; and
- wider amenity issues.

5. DOCUMENTS

The Residents will refer to the documents set out in Appendix 2.

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6. CONCLUSIONS

For the reasons stated above, the Residents will urge the Inspector to refuse conservation area consent and planning permission for the proposed development.

Herbert Smith

18th June 1999

APPENDIX 1

The Residents

Sir Brian and Lady Neill
Ms M Evans
Mr and Mrs P Stork
Mr and Mrs A Whyatt
Mr and Mrs P Mitchell
Mr and Mrs H Manisty
Mr and Mrs C Rowe
Mr and Mrs A Monnas
Mr P Brock
Mr and Mrs I Margaronis
Ms L Knopfler
Ms H Shute
Mr and Mrs R Whitehorn
Mr and Mrs S Orme
Mr B Restuccia
Mr P Cuniberti and Mrs A J Boen
Ms M Jebson
Mr S Ahearne
Mr J G Ayers
Mr and Mrs T O'Rorke
Mrs S Bennett
Mr G Stevens
Mrs A Sever-Kretzmer
Mrs Scott
Mr and Mrs C Tack
Mr and Mrs A Collins
Mr and Mrs M Cunningham-Reid
Mr and Mrs S Bakhshi
Mr and Mrs R Carlson
Dr and Mrs P Diggory
Mr L de Rothschild
Mr and Mrs H Tillman
Lord Mark Fitzallan Howard
Mr and Mrs P Hickman
Mr and Mrs H Watson
Sir Alastair and Lady Grant
Mr G Thomas
Mr Jose Maria Cano
Mr and Mrs M Colclough
Mr and Mrs M Hoffman
Mr C Wilson
Mr and Mrs Pappadakis
Mr and Mrs N Lykiardopulo
Mr and Mrs B England
Mr and Mrs I van Waesberghe

Mr and Mrs J Leaver
Mr and Mrs N Garthwaite
Mr and Mrs A Willis
Sir JCB Riddell
Mr and Mrs K Meller
Mr and Mrs H Harrod
Mr H Pinter
Mr and Mrs Smith
Mr and Mrs M Lemos
Mr and Mrs W Otten
Mr and Mrs J Johansson
Mr and Mrs M Beloff
Dr and Mrs Perrott
Mr and Mrs Rawes
Mr and Mrs J Singer
Ms C Festing
Mr and Mrs B Munro
Mr and Mrs Shah
Mr M C Johnson
Mr and Mrs D Sola
Mr C Moore
Mrs J Whitby
Mr H Whitmore and Ms R McCullough
Mrs P J Pearce
Mr G Gluck
Mr C Scott
Dame Anne Mueller
Mrs R Dobie
Mr J Goldhill
Mrs P J Pearce
Ms J Mulford
Mr W Spears
Mrs M Marx

APPENDIX 2

List of Documents

The following documents may be referred to or put in evidence at the Inquiry:-

1. Kensington Unitary Development Plan, and proposed draft alterations where relevant.
2. PPG1, PPG3 and consultation draft for the revised PPG3, PPG15, PPG17 and Circular 6/98.
3. The Conservation Area Proposals Statement for the Kensington Area.
4. RBKC Open Space Survey dated October 1992.

5. Surveys and Reports prepared by the Appellant in support of its planning application.
6. Report prepared by the Executive Director of Planning and Conservation of RBKC to the Planning Services Committee which met on 8th June 1998.
7. Various photographs of the locality.

The Residents reserve the right to refer to or produce any other documents should it prove necessary.

Confidential

CAMPDEN HILL RESERVOIRS SITE - APPEAL BY ST JAMES HOMES LTD

NAMES AND ADDRESSES OF RESIDENTS REPRESENTED
BY HERBERT SMITH AND MR HEReward PHILLPOT

Sir Brian and Lady Neill	2	Aubrey Walk, W8
Ms M Evans	4	Aubrey Walk
Mr and Mrs P Stork	6	" " "
Mr and Mrs A Whyatt	8	" " "
Mr and Mrs P Mitchell	10	" " "
Mr and Mrs H Manisty	12	" " "
Mr and Mrs C Rowe	14	" " "
Mr and Mrs A Monnas	16	" " "
Mr P Brock	18	" " "
Mr and Mrs I Margaronis	26	" " "
Ms L Knopfler	34	" " "
Ms H Shute	42	" " "
Mr and Mrs R Whitehorn	44	" " "
Mr and Mrs S Orme	1	" " "
Mr B Restuccia	9	" " "
Mr P Cuniberti and Mrs A J Boen	12	" " "
Ms M Jebesen	15	" " "
Mr S Ahearne	20	" " "
Mr J G Ayers	3	Bedford Gardens, W8
Mr and Mrs T O'Rorke	38	" " "
Mrs S Bennett	39	" " "
Mr G Stevens	50	" " "
Mrs A Sever-Kretzmer	81	" " "
Mrs Scott	1	Campden Hill Square, W8
Mr and Mrs C Tack	3	" " " "
Mr and Mrs A Collins	4	" " " "
Mr and Mrs M Cunningham-Reid	7	" " " "
Mr and Mrs S Bakhshi	8	" " " "
Mr and Mrs R Carlson	9	" " " "
Dr and Mrs P Diggory	10	" " " "
Mr L de Rothschild	11	" " " "
Mr and Mrs H Tillman	12	" " " "
Lord Mark Fitzallan Howard	13	" " " "
Mr and Mrs P Hickman	14	" " " "
Mr and Mrs H Watson	15	" " " "
Sir Alastair and Lady Grant	16	" " " "
Mr G Thomas	17	" " " "
Mr Jose Maria Cano	18	" " " "
Mr and Mrs M Colclough	19	" " " "

Mr and Mrs M Hoffman	21	" " " "
Mr C Wilson	23	" " " "
Mr and Mrs Pappadakis	24	" " " "
Mr and Mrs N Lykiardopulo	42	" " " "
Mr and Mrs B England	43	" " " "
Mr and Mrs I van Waesberghe	44	" " " "
Mr and Mrs J Leaver	45	" " " "
Mr and Mrs N Garthwaite	46	" " " "
Mr and Mrs A Willis	47	" " " "
Sir JCB Riddell	49	" " " "
Mr and Mrs K Meller	50	" " " "
Mr and Mrs H Harrod	51	" " " "
Mr H Pinter	52	" " " "
Mr and Mrs Smith	53	" " " "
Mr and Mrs M Lemos	1	Campden Hill Place, W11
Mr and Mrs W Otten	26	" " " "
Mr and Mrs J Johansson	29	" " " "
Mr and Mrs M Beloff	41	" " " "
Dr and Mrs Perrott	Flat 4, 18	Campden Hill Gardens, W8
Mr and Mrs Rawes	81	Campden Hill Road, W8
Mr and Mrs J Singer	1	Hillsleigh Road, W8
Ms C Festing	3	" " "
Mr and Mrs B Munro	Hill Lodge, 14	" " "
Mr and Mrs Shah	16	" " "
Mr M C Johnson	19	" " "
Mr and Mrs D Sola	20	" " "
Mr C Moore	27	" " "
Mrs J Whitby	50	Peel Street, W8
Mr H Whitmore and Ms R McCullough	67	Peel Street, W8
Mrs P J Pearce	29	Kensington Place, W8
Mr G Gluck	2	Kensington Heights
Mrs M Marx	23	" "
Mr C Scott	36	" "
Mr W Spears	40	" "
Dame Anne Mueller	46	" "
Mrs R Dobie	51	" "
Mr J Goldhill	85	" "
Mrs P J Pearce	29	Kensington Place
Ms J Mulford		

**SITE OF FORMER THAMES WATER RESERVOIR
AND WATER TOWER HOUSE,**

CAMPDEN HILL ROAD, KENSINGTON, LONDON, W8

APPEALS BY ST JAMES HOMES LTD

**PROOF OF EVIDENCE OF
CHARLES SCOTT**

Planning Inspectorate References:-
APP/K5600/E/99/1016054
APP/K5600/A/99/1022704

1. Introduction

1.1 My name is Charles Scott and I live at 36 Kensington Heights, Campden Hill Road, W8 72D with my wife and two young children. I have lived at this address for approximately 12 years. I am an active member of Campden Hill Tennis Club, and have been for approximately 20 years.

1.2 I am Chairman of Cordiant Communications Group Ltd.

2. Applications for redevelopment submitted by St James Homes Limited

2.1 This statement relates to the proposed development of the former Thames Water Reservoir & Water Tower House pursuant to a planning application submitted to the Royal Borough of Kensington and Chelsea ("RBKC") on 22nd March 1999.

2.2 My flat is on the west side of Kensington Heights on the third floor. It directly overlooks the development site from the study and all three bedrooms and would, I conclude from the plans for the proposed development, be opposite the end flank wall of the South Terrace of houses. The site can also be seen from my living room and kitchen. From the balcony on the west side of my flat one can see most of the site with the exception of Water Tower House.

3. Objection to redevelopment proposals

3.1 I have read the Report of the Planning Officer of the Royal Borough of Kensington & Chelsea to the Planning Services Committee which, on 8th June 1999, refused planning permission for an application identical to the one which is the subject of this appeal. As such, I consider the Report to be highly relevant to this appeal and endorse the Officer's stated reasons for recommending that planning permission be refused.

3.2 My Proof of Evidence will address the following grounds of objection to the redevelopment proposals:-

1. Loss of Privacy.
2. Loss of Daylight.

4. Loss of Privacy

- 4.1 When I bought my flat in 1987, I was particularly influenced by the fact that it was not directly overlooked and that I could therefore expect privacy and quiet. I am currently not overlooked at all from the west and from the balcony on the south side of my flat the first buildings I can see in the distance are Thorpe Lodge and Holland Park School.
- 4.2 I understand that under the proposed development scheme, the houses of the East Terrace would be positioned just 20 metres from the windows of the Kensington Heights flats directly opposite and the southern flank of the Campden Hill Road block would be only 12.5 metres from the nearest part of the north side of Kensington Heights. This would represent a dramatic reduction in privacy for the residents of those flats.
- 4.3 My flat would be most affected by the South Terrace which would be directly opposite and, I am advised, just 20.3 metres away. Although I understand that there are to be no windows in the end flank wall of the South Terrace directly looking into my flat, the proximity of this Terrace and the other Terraces is objectionable, not least because they will destroy my current outlook which is composed primarily of green tennis courts, trees and sky. I am advised that loss of outlook is not a planning consideration; nevertheless it is one of the adverse consequences of implementation of the proposals which concerns local residents.
- 4.4 The privacy of residents of Aubrey Walk would be even more adversely affected than those of Kensington Heights in terms of the distance between their rooms and the new rooms which are proposed to be built directly opposite. There would be a distance of 16 metres between the Aubrey Walk Block and the front windows of numbers 2 to 6 Aubrey Walk and a distance of just 12 metres between the closest part of the Western Terrace and the front windows of numbers 18 and 20 Aubrey Walk. I note that these distances are well below the 18 metres which the Unitary Development Plan (paragraph 3.19, page 47) recommends as reducing inter-visibility to a degree acceptable to most people.
- 4.5 At paragraphs 4.141 and 4.143 of his report, RBKC's Planning Officer concluded that the proposed planting associated with the redevelopment proposals would serve to

mitigate any reduction in privacy. Given the height, position and size of the proposed buildings, it is my view that the loss of privacy that would be caused is very unlikely to be affected to any significant degree by the proposed planting. It would appear that no new planting is proposed along the eastern boundary of the site adjacent to Kensington Heights in any event, and that the developers intend to rely instead on the strip of existing trees and shrubs which “*screen views from the ground floor of Kensington Heights into the site” (emphasis added) (Broadway Malyan Landscape Design Statement, 23 October 1998, page 6, paragraph 7.07).*

- 4.6 The raised bank of trees and other vegetation at the eastern end of Aubrey Walk is to be lost, together with the screening effect this might otherwise have provided. In its place it is said there will be (Broadway Malyan Landscape Design Statement, page 5, paragraph 7.04):

“...new shrub planting...and a small public seating area well furnished with shrubs and street tree planting” (emphasis added).

Shrubs and a reduced number of trees confined to what is described as a small area – all at street level – will do very little to obscure views above ground floor level.

- 4.7 It should be noted that all of the tree species to be planted are deciduous (Broadway Malyan Landscape Statement, Appendix D) and so will provide little or no cover for much of the year.

5. Loss of Daylight

- 5.1 I am concerned that the construction of the proposed development, in particular the South and East Terraces and the Campden Hill block, will lead to an unnecessary and unacceptable loss of daylight for those living in Kensington Heights. Without the assistance of an independent expert I am obliged to refer to the Planning Officer’s Report for guidance.

- 5.2 In relation to Kensington Heights, the Planning Officer comments at Paragraph 4.150 that:-

“Notwithstanding the revisions, Kensington Heights would still be affected in terms of daylight, mainly at first floor level on its northern side, facing the proposed Campden Hill block. It has been calculated that ten windows in this part of Kensington Heights

would have their vertical sky component reduced to less than 80% of their former value. Two west facing windows would also receive such a loss."

5.3 I accept that a balance must be drawn between the impact on daylight of any built development on the site, and the townscape contribution such buildings would make. It is my view, however, that the height, bulk and positioning of these proposed buildings are such that they do not represent an acceptable resolution of that problem.

6. Conclusion

6.1 If the proposed development is allowed to proceed it would make a fundamental difference both in terms of the character and the living conditions in my flat and other flats in Kensington Heights. It would, for that reason amongst others, represent an unacceptable over-development of this important and sensitive site. I therefore urge the Inspector not to allow this appeal.

**SITE OF FORMER THAMES WATER RESERVOIR
AND WATER TOWER HOUSE,
CAMPDEN HILL ROAD, KENSINGTON, LONDON, W8**

APPEALS BY ST JAMES HOMES LTD

**PROOF OF EVIDENCE OF
ISIDORE MARGARONIS**

Planning Inspectorate References:-

APP/K5600/E/99/1016054

APP/K5600/A/99/1022704

1. Introduction

- 1.1 My name is Dr. Isidore Margaronis. I live at 26 Aubrey Walk, immediately opposite the Campden Hill Lawn Tennis Club which is at the western end of the Walk. I have lived there for almost ten years. I am Managing Director of a ship management company. I am also a member of the Campden Hill Tennis Club.
- 1.2 From the upper floors of my home, I have an uninterrupted view across the green open space of the tennis courts to the horizon. On a clear day it is possible to see the Downs beyond London to the south.

2. Applications for redevelopment submitted by St James Homes Limited

- 2.1 This statement relates to the proposed development of the former Thames Water Reservoir & Water Tower House pursuant to a planning application submitted to the Royal Borough of Kensington and Chelsea ("RBKC") on 22nd March 1999.

3. Objection to redevelopment proposals.

- 3.1 I have read the report of the Royal Borough of Kensington and Chelsea's ("RBKC") Planning Officer to the Planning Services Committee and would endorse the Officer's stated reasons for recommending that planning permission be refused. This report was written in respect of a duplicate application which is identical to the one which is the subject of this appeal. As such, the reasons for recommending refusal apply equally to both.
- 3.2 My evidence will focus on the following grounds of objection to the redevelopment proposals:
- (i) the adverse impact upon residential amenity which would be caused by the increased and varied traffic flows in Aubrey Walk and Campden Hill;
 - (ii) the increase in noise from traffic and from the changes in intensity and pattern use of the reconstituted tennis club; and
 - (iii) the loss of the open space of the tennis club.

4. Traffic impact

(a) **The existing situation**

- 4.1 At present the weekday traffic in Aubrey Walk varies considerably during the day. There are three main periods when the traffic is at its heaviest: during the morning rush hour, during the afternoon tennis club peak at around 4:00pm and during the evening rush hour. At other times the street is very quiet. Weekends are dominated, during the summer at least, by a steady stream of tennis club traffic.
- 4.2 Aubrey Walk is a convenient access south from Holland Park Avenue, via Campden Hill Square, Aubrey Road or Hillsleigh Road, so there is considerable pressure during the morning rush hour. This is exacerbated by rat-running, with cars coming up Hillsleigh Road and then going east along Aubrey Walk to turn south along Campden Hill Road and thereby avoiding the slow lights and filter at the junction of Notting Hill Gate and Campden Hill Road. In the afternoon rush, there is heavy traffic flow along Aubrey Walk and north along Aubrey Road.
- 4.3 In addition, of course, there is the traffic generated by the tennis club. It appears that roughly half of the club's members drive to the club, generating a considerable amount of traffic. The Thames Water Depot has not been actively used for many years and in any event never generated anything other than a token traffic flow, little of it during the peak periods. The residents of Water Tower House are largely retired ex-employees of Thames Water, few of whom participate in the rush hour or school run traffic.
- 4.4 The flow is complicated by the fact that the eastern end of the street is not wide enough for two cars to pass so it is very easy for the traffic to come to a standstill if there is an attempt to flow in both directions at the same time. In my experience, this often happens both at the junction with Campden Hill Road and at the junction with Hillsleigh Road.

(b) **Impact of the redevelopment proposals**

- 4.5 The likely inhabitants of both the proposed houses and the majority of the flats will be very different from the present residents of Water Tower House. The high cost of the new houses and flats suggests that they would be occupied by relatively affluent families, many of whom may have more than two cars. Such occupants could reasonably be expected to

actively contribute to both the rush hour and school run traffic. They are also likely to generate considerable service related traffic flows throughout the day and social traffic in the evenings. The traffic contribution on a per capita basis is therefore likely to be significantly higher than the present occupiers and users of the site.

4.6 Because the critical eastern end of Aubrey Walk is effectively a single track road, and the only proposed vehicular access to the development scheme is to be located at that point, the proposals are likely to generate worse and more frequent congested conditions for local residents.

4.7 If one also considers the proposed redevelopment of the tennis club, then these difficulties are likely to be further exacerbated. The new club facilities will be all-weather; its operating costs are likely to be higher and it would need to be supported by many more social and non-tennis functions. The club may also have to consider increasing its fees, which would result in a wealthier and more geographically dispersed membership. More members might therefore be expected to drive to reach the club. Perhaps most importantly, however, there would inevitably be more traffic in the evenings, on rainy days and in the winter – times which are currently very quiet.

(c) Parking

4.8 Parking is also an important consideration: At present the parking provision on Aubrey Walk is only just about adequate. When recently a few of the parking bays in Aubrey Walk were suspended to facilitate Thames Water's engineering works, there were immediate problems as a form of 'musical chairs' developed between the residents as they struggled to find somewhere to park.

4.9 The proposed development has internal underground parking for the residents themselves but very little for their guests or tradesmen. All the proposed parking is underground and may be a time-consuming and therefore unattractive option for tradesmen, taxis and others making relatively short visits to the site. Many people might feel vulnerable in an underground car park and may well seek to avoid parking there if a space is available on the street. The end result is that many of the vehicles seeking to access the development are likely to park in Aubrey Walk and the surrounding streets, an area in which parking is already at saturation levels.

4.10 The tennis club also contributes to the parking problem and it appears that the development proposals make no provision for tennis club parking. A sign is currently displayed by the club asking members not to park in Aubrey Walk, but as there is no enforcement of this rule it is widely ignored. Those of us who have private forecourts on the north side of Aubrey Walk constantly have to remove the vehicles of members who find it more convenient to trespass and break the club's rules than to walk a few yards from an acceptable parking place. More members are likely to drive to the new club for the reasons given above, the pattern of their visits will change in accordance with the altered nature of the facility, and so *the parking problem is likely to worsen.*

5. Noise

5.1 The noise levels in Aubrey Walk vary markedly through the day, generally in accordance with the peak traffic flows and the use of the tennis club.

5.2 Aubrey Walk is very narrow, and the houses are situated very close to the carriageway. During the rush hour, especially in the evening, there is a considerable amount of noise generated by the rat run traffic. Outside of these times, and when the tennis club is not in operation, the street is like a quiet lane with very little noise at all.

5.3 I live directly opposite the tennis club and at certain hours of the day and throughout the weekend there is more or less constant noise. The noise does not take the form simply of the rather restful sound of tennis balls being struck, but rather the continuous slamming of car doors, the sounding of horns to attract the attention of those in the club who are to be collected, the blaring of the club's television, the slamming of the club door and the sound of the cars arriving, stopping and accelerating away.

5.4 The redeveloped club would alter this situation for the worse. There will be much more evening tennis, and there are likely to be more evening functions. In the summer it is, at times, *already like living opposite a rather rowdy public house, but at least in the winter it is relatively quiet.* With the new facilities it will be noisy all year round. In the week beginning 21st June 1999 there were two evenings with functions going on until after 11:00pm. In both cases the floodlights were left on until the functions ended, despite a Club rule (which is frequently breached) that they should be extinguished by 10:00pm, and there was a totally unacceptable level of noise when everyone went home.

6. Loss of open recreational space

6.1 Policy LR7 of the Unitary Development Plan is:

“to resist the loss of existing public and private open space which meets leisure and recreation needs.”

In my view these proposals would, contrary to the expressed opinion of RBKC’s Planning Officer, breach this policy.

6.2 The existing tennis courts constitute existing open space which meets leisure and recreation needs. Under the redevelopment proposals there would be a very substantial reduction in this space.

6.3 I do not accept the Officer’s conclusion that the loss of six open air tennis courts is adequately compensated for by the building of six underground courts. The six underground courts would not be *“open space which meets leisure and recreation needs”*, and would not offer all of the same benefits as open air courts. Indoor sports facilities are comparatively easy to find, what is precious in the centre of a city is a facility for outdoor recreation. The halving of the outdoor tennis courts proposed as part of this scheme would be a considerable, and irreversible, loss.

7. Conclusion

7.1 It is clear that the proposed redevelopment would have a significant adverse impact on the levels of amenity currently enjoyed by local residents. My Proof has concentrated on the implications in terms of the increase in traffic and noise levels and the irreversible loss of open space. In light of these objections and the objections raised by other witnesses, I would urge the Inspector to refuse this Appeal.

**SITE OF FORMER THAMES WATER RESERVOIR
AND WATER TOWER HOUSE,**

CAMPDEN HILL ROAD, KENSINGTON, LONDON, W8

APPEALS BY ST JAMES HOMES LTD

**PROOF OF EVIDENCE OF
SIR BRIAN NEILL**

Planning Inspectorate References:-
APP/K5600/E/99/1016054
APP/K5600/A/99/1022704

Introduction

- 1.1 My name is Brian Neill. My wife and I have lived at 2 Aubrey Walk since May 1991 when we moved from Ham Common to what was then and still is one of the most delightful small streets in Kensington. However, we have known the house and Aubrey Walk much longer. My wife's aunt moved here during the War when her house in Kensington Place was bombed, and before we lived here ourselves we were frequent visitors to the house for many years.
- 1.2 The house is at the eastern end of a terrace of three small Georgian houses which, I understand, were built between about 1826 and 1828. Our house is next to St George's Church.
- 1.3 Until I retired in 1996, I was a judge in the Court of Appeal.

Applications for redevelopment by St James Homes Limited

- 2.1 This statement relates to the proposed development of the former Thames Water Reservoir & Water Tower House pursuant to a planning application submitted to the Royal Borough of Kensington and Chelsea (which I shall refer to as "RBK&C") on 22nd March 1999.
- 2.2 The appealed application seeks planning permission to redevelop the site to provide 19 houses, 48 flats, a tennis club with 13 courts (including 6 covered courts) and underground parking (consisting of 92 spaces) for the houses and the flats. There is no provision for parking for the tennis club.
- 2.3 If this development takes place all the existing buildings and structures on the site will be demolished with the exception of the retaining wall on the west side of the western reservoir and part of the northern wall of the same reservoir. In particular, Water Tower House and the pump station will be demolished. I do not object to the principle of demolishing Water Tower House but the pump station is an attractive building which makes a positive contribution to the Conservation Area. In addition, large sections of embankment will be removed on the northern and southern boundaries of the site and a very significant number of trees screening the site will be felled.

- 2.4 Water Tower House will be replaced by a larger building containing 29 flats. I shall refer to this building which will be erected on the corner of Aubrey Walk and Campden Hill Road as "the CHR block". The frontage on to Aubrey Walk will be wider than Water Tower House and this will involve moving the entrance to the site from Aubrey Walk some distance to the west. The new entrance, which will be the only means of vehicular access to the site and to the 92 parking spaces, will be almost immediately opposite St George's Church.
- 2.5 The houses will be arranged in a rectangle around a central space. The houses will be large four storey houses with basements in addition.
- 2.6 Between the houses and the CHR block it is proposed to erect another block of flats - the Aubrey Walk block. This block will be 3 storeys high and will contain 17 flats. The erection of this block on the south side of Aubrey Walk will involve the removal of the existing bank of trees.
- 2.7 I have seen the plans submitted by the developers. Having regard to the limited area of the site the proposed development is massive. If allowed to proceed on the scale proposed it would transform at a stroke an important part of this conservation area and destroy for ever the special nature of the summit of Campden Hill and of Aubrey Walk.

Objections to the proposed development

- 3.1 I have read the Report prepared by the Executive Director, Planning and Conservation for the Planning Services Committee of RBK&C ("the Report") which on 8th June 1999, refused planning permission for an application identical to the application which is subject to this appeal. As such, I consider the Report to be highly relevant to this appeal. *In general I agree with the Report and with the reasons given for recommending refusal.*
- 3.2 It is no longer necessary for me to comment in detail on the proposal that the site should be separated from the surrounding area by gates because I understand that the suggestion that this should be a gated community has now been dropped. The fact that such a suggestion was included in the scheme, however, is a sad reflection on the ability of the developers to understand the unusual characteristics of this site which requires to be treated with great care and sensitivity.

3.3 The objections to the proposals on which my proof of evidence will focus can be grouped under the following headings, though to some extent the headings overlap:

- (a) Loss of open space.
- (b) The bulk and layout of the proposed development.
- (c) Loss of trees and screening.
- (d) Effect on the setting of listed buildings.
- (e) General loss of amenity.

Loss of open space

4.1 The effect of the development is well summarised in the Report in these terms: "*The proposed development would result in the loss of a significant amount of the existing open space on this site, reducing the value of this site as a visual amenity to be enjoyed by residents of nearby property, and harming the character and appearance of this part of the Kensington Conservation Area*". I endorse this conclusion and the linked conclusion that the proposal is contrary to the Unitary Development Plan.

4.2 I would, however, draw attention to the following additional points:

- (a) Though the present open space is of particular value as a visual amenity to residents in the houses and flats surrounding the site, the impression of open space is given at a number of vantage points to people walking along Aubrey Walk. As is noted in paragraph 4.22 of the Report, "*this impression [of open space] is strengthened by the trees and shrubs that line parts of the site and which, from some viewpoints, form the skyline.*"
- (b) The open space is included in the Open Space Survey prepared by the RBK&C in 1992 as number 14 in the list.
- (c) Another witness will be able to speak about the view of the site from Kensington Heights. I can only speak about Aubrey Walk. From this perspective the fact that the view across Aubrey Walk to the south and south west is across an area of open space is of immeasurable value.

- (d) The large 4 storey houses of the square would make a serious inroad into the open space and the feeling of space would be further weakened by the Aubrey Walk block. The skyline from Aubrey Walk would be completely changed. *This openness and the unenclosed nature of the eastern end of Aubrey Walk form an important part of the character and appearance of this part of the Kensington Conservation Area. It would be lost forever if the proposed development were allowed to proceed.*
- (e) *It is sometimes forgotten that an open space is not only a visual amenity. It also provides fresh air and what can be described as a lung which in the congested streets of this part of London is a benefit to the whole community.*

Bulk and layout of the proposed development

- 5.1 It is the sheer size of the proposed development which is one of its most striking and objectionable characteristics. The new CHR block will be an immense structure in the context of Aubrey Walk. The houses will be large and out of scale with the houses at the south end of Hillsleigh Road. The Aubrey Walk block, connecting the houses with the CHR block, *will emphasise the feeling of enclosure and bulk. In its present form the proposed development would bring about a complete and detrimental change in the character and appearance of this part of the Kensington Conservation Area.*
- 5.2 I have already mentioned the 92 parking places (of which only 9 are allotted to visitors). Another witness will speak about the traffic in more detail. I mention the parking places just to illustrate the scale of the change which this number of cars, not to mention delivery vans and other associated traffic, will bring to this corner of Campden Hill.

Loss of trees and screening

- 6.1 *Anyone who turns into Aubrey Walk from Campden Hill Road is immediately struck by its unusual appearance. It is a narrow street, in part little more than a lane, and it provides a contrast and an antidote to the huddled buildings of many of the surrounding streets. A vital ingredient of the atypical nature of Aubrey Walk and the character and appearance of this part of the Conservation Area, is the bank of trees which lies opposite St George's Church and the terrace of three small late Georgian*

- houses on the north side of Aubrey Walk. This bank both shields the site and provides a green introduction to the tennis courts further to the west.
- 6.2 The history of the bank and the trees on it is obscure. It seems probable that there was once a privet hedge on the top of the bank, but over the years a number of trees, most self sown, have grown in the bank. At the eastern end there is a well-established silver birch; further west there are sycamores and ash as well as honeysuckle and shrubs of various kinds, including a fine evergreen viburnum. The bank provides an ideal habitat for many birds and other wildlife. The proposed development would involve its complete destruction.
- 6.3 I attach a copy of a photograph (marked BN1) of the bank of trees which was taken a few weeks ago. It shows the setting of St George's Church and the terrace. It is to be observed that even the developers' landscape consultants, Broadway Malyan Landscape accepted (at paragraph 7.4 of their Report dated 23rd October 1998) that the bank formed "*a block of greenery which softens the street frontage and screens views into the site*".
- 6.4 The destruction of this bank and the trees and shrubs on it would, I believe, be a grievous loss to all those who live in or visit this part of London and would irreparably harm the character and appearance of this part of the Conservation Area.
- 6.5 In paragraph 4.131 of the Report, it is suggested that new planting proposed along Aubrey Walk will compensate for the loss of the bank. I disagree; immature shrubbery and newly planted trees would be a woefully inadequate substitute for the bank of trees and greenery which has developed over very many years.

The effect on the listed buildings

- 7.1 It is difficult for me to speak wholly dispassionately about the likely effect of this development on the church and the terrace of small listed houses which lie on the north side of Aubrey Walk. The feeling of space and air and also of peace, which presently we enjoy for much of the day, would go. A particular menace would be the Aubrey Walk block, which would not only involve the destruction of the trees across the road but the erection of a block of flats a short distance from our windows. The bulk of the block would overshadow the existing houses.

7.2 For over 150 years this terrace of houses has had, I believe, an open aspect to the south. Many people walking past comment on the present setting. It would be a pity if future generations were to see the church and the houses beside it facing a wall of brick and the main vehicular entrance to the proposed development instead of a wall of green foliage.

General loss of amenity

8.1 It is often said that if one lives in an urban community one must expect that there will be changes with the passage of time. This is true and not surprisingly there have been many changes in the area since the last War. But this is now a very crowded part of London and it is particularly important that any further development should be carefully tailored to do the least possible damage to this section of a valuable Conservation Area. The present proposals are, I believe, out of scale and very damaging.

8.2 An additional cause for concern for the occupants of houses on the north side of Aubrey Walk is the loss of light and sunlight which the development would cause. The sitting room in our house is on the ground floor and extends to the rear of the old part of the house. In the summer when the sun is high in the southern sky it is well above the tree line. In the winter those trees which are deciduous lose their leaves and light comes through the branches. If the Aubrey Walk block were to be constructed and the other buildings were to be built on the proposed scale a marked loss of daylight in the ground floor rooms would be bound to follow.

Conclusions

9.1 I consider that the proposed redevelopment would destroy the unique character and appearance of this part of the Kensington Conservation Area and the setting of the listed buildings in the vicinity. In view of this and the adverse impact of the proposals on the amenity of local residents, I urge the Inspector to refuse this Appeal.



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Your Ref

APP/K5600/A/99/1022704
APP/K5600/E/99/1016054
2087/2449/30798978
15th July 1999

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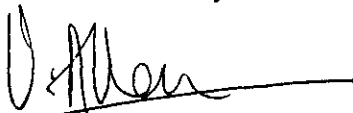
Dear Mr Shoreland,

TOWN AND COUNTRY PLANNING ACT 1990
PLANNING (LISTED BUILDING AND CONSERVATION AREAS) ACT 1990
APPEALS BY ST JAMES HOMES LIMITED
SITE AT FORMER THAMES WATER RESERVOIR AND WATER TOWER HOUSE,
CAMPDEN HILL ROAD, KENSINGTON, LONDON, W8

I enclose the following documents which I should be grateful if you would pass to the Inspector:-

1. Appendix to the Proof of Evidence of Sir Brian Neill;
2. Appendix to the Proof of Evidence of Isidore Margaronis;
3. Decision of the Planning Inspectorate dated 1st March 1999 in relation to an appeal by Thomas Wrenn Homes Limited for permission for residential development, car parking and landscaping on land at 116 Canonbie Road and the former Thames Water reservoir, Honor Oak Road, London, SE23. This document will form one of our Inquiry documents and has been paginated as LR1 (i.e. Local Residents' 1).

Yours sincerely,



VANESSA ALLEN

cc: BY HAND - Mr T Blaney - Messrs. Lawrence Graham
Mr D Taylor - Royal Borough of Kensington & Chelsea
Mrs A Lascelles - St. Georges Church
Councillor C Buckmaster
The Campden Hill Lawn Tennis Club
Mr A Land - Campden Hill Residents Association
Mr R Freeman

London Bangkok Brussels Hong Kong Paris Singapore

A list of the names of the partners and their professional qualifications is open to inspection at the above office. The partners are either solicitors or registered foreign lawyers.

13

The Royal Borough of Kensington and Chelsea
FORMER THAMES WATER RESERVOIR AND WATER TOWER HOUSE
97 CAMPDEN HILL ROAD, KENSINGTON, LONDON W8

Public Inquiry: 20-30 July 1999

The Town and Country Planning Act 1990

Section 78 Appeal by St James Homes Limited against the failure of the Council of the Royal Borough of Kensington and Chelsea to determine, within the statutory period, applications for (a) planning permission for redevelopment to provide nineteen houses and forty-eight apartments plus twelve tennis courts (six in lower level and six open courts) plus a practice court, basement car parking, new access points for pedestrians and vehicles and landscaping, and (b) conservation area consent for the demolition works involved.

DETR references: APP/K5600/A/99/1022704
and APP/K5600/E/99/1016054

Local Planning Authority references: PP/99/0733 and 4

REBUTTAL PROOF

prepared by

DENIS FREDERICK McCOY, FRIPi ARIBA DiplArch(Oxford)

16 July 1999

This Proof comments on the main points which seem to be at issue, and follows the structure of the Proofs of Peter Crossley, James Thomas and Robert Sellwood. It concludes with a comment on the Proof of Philip Parry, + addendum relating to daylight issues.

PETER CROSSLEY PROOF

- 5.10 The properties on the east side of Campden Hill Gardens are fundamentally of three storeys over basements, as noted in the Survey of London (p53 of STJD-JT-3). No. 25 has had a roof addition skillfully added, and it is not correct to say that the rest of the terrace is similarly substantial.
- 5.11-12 The conclusion that the Church makes a contribution to the streetscene concurs with JT's assessment of it as a landmark. I consider this supports my view that it should not be dominated.
- 5.28 Mr Crossley's judgement of Kensington Heights accords largely with my own, and is compatible with the CAPS assessment of it being a neutral building. When he refers to the desirability of not paying disproportionate respect to any one example of the many styles of development, he must particularly have had this one in mind and if so I agree.
- 8.9 The unqualified description of Water Tower House as providing a poor aspect when viewed from Aubrey Walk discounts the extent to which it is screened from that direction by the block of vegetation described in 10.4. The impact of the proposed new building would be much greater due to removal of that, and the openness of access leading to the car park.
- 13.3 Mr Crossley acknowledges (13.7) that the perception of openness provided by the reservoir site does give some relief from "the relentless urbanity of the area". It is quite wrong in my view to describe any of it as a negative space. A negative feature detracts and the CAPS assessment of neutral is more accurate.
- The present space is an example of how knowledge of a feature one cannot see enhances the "far setting" of a conservation area, to use a concept explained by Mr Thomas.
- 13.5 The appraisal of an area is largely confined to ground level views from streets and public spaces, and from public buildings. This is for the practical reason that they can be accessed. Definition of character is not so limited - eg. the largely concealed communal gardens between the Ladbroke terraces are a critical element of that area's character, but only their narrow ends are visible from the street.

The visual relationship between public and private space is an aspect which EH thinks should be part of an appraisal of the special interest of an area - item (vii) on page 5 their publication of Conservation Area Appraisals and item (x) on page 7

(tag 13 of my appendices).

- 13.9 The difference in level referred to in 13.9 is generally rather greater than 5.5m, for instance section AA and drawing no.9029 (4 of 4) shows a difference of over 6.2m.
- 13.10 Mr Crossley accepts that the old reservoir has blended well into its surroundings and allows an overall perception of openness. I believe he is wrong to describe Thorpe Lodge as being undesirably related to the appeal site, and I say this because of the leafy quality of the embankment (which itself has been a prominent part of the house's setting for well over a century).
- It is appropriate to recall that all seven original early 19th century houses stood in spacious grounds (as shown on attached Survey of London extract: appendix A and B) and we know that land to the north of Thorpe Lodge was purchased by the first leaseholder in 1820 (p44 JT appendices and attached S O L plan).
- It is evident from the 1863 OS extract at his p13 both that all the villas stood in well-treed grounds and that Thorpe Lodge had a limited forecourt enclosed by vegetation. That remains the case: to the north one sees trees and sky and no buildings. If the appeal scheme proceeds a terrace of grand town houses would be a prominent element of the setting of the building.
- 13.11 JT's photos numbers 26, 29 and 77 are reminders that the views from roads around are oblique. But there is no justification for regarding appreciation of the area's character and appearance by the very numerous school community as unimportant.
- 13.13 One certainly could have open space of greater value than what exists. The replacement open spaces, however and in particular that at the centre of the site, do not offer similar benefit. The view down the formal garden area, closed off by the "undeniably grand and substantial" (Crossley:20.59) terrace houses, would be entirely out of harmony with the "relatively small domestic scale" (common grounds) of Aubrey Walk. Thus the character of the Conservation Area would neither be preserved nor enhanced by the change to the reservoirs.
- 16.9 H9 is "Normally to resist residential development designed to a very low density". Very low is less than 175 hrh (Tab 6 of my Appendices).
- 16.14 This reference to apartments with access to communal gardens suggests an amenity for the Campden Hill block which is not apparent to me from examination of the drawings and of the model.
- s17 It is gratifying to note that Mr Crossley recognises that the CAPS provides a valuable analysis of the area and its character. And that he does not suggest that it suffers from any defects or significant omissions. I infer that he accepts that document's appraisal of Kensington Heights as neutral (though in the light of his 5.27 above he may regard that building as negative).
- 18.11c In the light of this principle of the masterplan I am surprised

that only at a late stage was the Council's view accepted that a gated community would be alien to the area.

18.28 The English Heritage letter of April 1999 was more critical than this reference suggests, as is confirmed by the amplification given in their letter of 28 April which indicates that concerns raised about the "central plaza" in 21 January remain. As I thought the 8 April letter was slightly unclear I sought and obtained some clarification (letter of 12 and 13 July - attached as appendix C and D). This indicates the view that the central space would "disturb" Aubrey Walk.

20.26 It seems to me confusing to describe the northern elevation of the Campden Hill block as "gabled". Drawing no. P112 and artist's impression no.6 confirm that cornices and a horizontal skyline are features of this elevation. It is only 25A Campden Hill Gardens which has a gabled elevation which together with the presence of the road between them leads me to conclude that it is unrealistic to say that any of the features of the two buildings "visually line with" each other.

20.59/60 It is clear that I am correct to regard the houses as imposing formal terraces (paragraph 10.10 of Proof). A walk round Campden Hill Square will confirm that few of the houses there are larger than proposed, and will indicate that the appeal scheme has a closer affinity with the Victorian period than with the Georgian.

20.57 The noted instances of small London squares are some considerable distance from the appeal site, and their character is very different from that of squares in this part of Kensington.

The proposed square considered from a point at the boundary with Aubrey Walk, would have a length to width ratio of about 1:0.28. The parapet line of the terraces is the feature which in my judgement would read most strongly in determining the height to width ratio, which would be about 1:2.3.

Campden Hill Square on the same basis has a length to width ratio of say 1:0.55, and a height to width ratio of about 1:5 - clearly an entirely different and more spacious development.

The squares referred to in this paragraph are altogether more urban in character, and consequently not appropriate exemplars for housing intended to relate harmoniously to Aubrey Walk.

20.77 There are Oxford and Cambridge Colleges examples (20.84) of superb modern architecture in juxtaposition with historic buildings but I cannot think of any where excess bulk has been made neighbourly by detailing and materials.

The full five storeys of the northern portion of the Campden Hill block would be clearly apparent from the footway on the opposite side of the road as examination of drawing no. P107 confirms, and in views up Campden Hill Gardens. Only from the south footway in the immediate vicinity of the block could it appear to be of three storeys.

St James' artists impression 6 (in which Aubrey Walk appears very wide) facilitates an appreciation of this and helps understand how the full bulk of the building would appear when seen from outside the west gate of St George's Church, i.e. viewed from a similar angle to that illustrated here.

Examination of plan P101 confirms that a four storey corner feature at the northwest of the block would not be screened by the smaller building when approaching on the south footway of Aubrey Walk and of course more of the block would be seen from any corresponding point on the north side of the road.

Thus it is not the three-storey elevation alone which matters, but the full bulk seen in three dimensions. As to the view from Campden Hill Gardens (20.88) the two-storey bay would be a modest feature only, with much less impact upon the character of the proposed block than the bays have on the terraces in Campden Hill Gardens (JT photo 48 refers.) The five storey bulk of the block would be apparent in all part of Campden Hill Gardens from which the building would be visible.

This would also be the case from in front of the small dwellings in Kensington Place and in Campden Hill Road to the north of the site, as artists impression 6 confirms.

JAMES THOMAS PROOF

- 3.3.3 "Area 10 not particularly helpful". In fact, both areas 9 and 10 are bits left over after strongly definable areas had been dealt with: see opening paragraph to area 9, page 28 of the CAPS. There is more congruent character in area 9 (hence the preliminary paragraph) than in area 10.
- 3.4.7 "Conservation Area appraisals" was published, as I believe is now agreed, in March 1997, the CAPS was adopted in January 1995. Hence its preparation was guided by the June 1993 edition of "Conservation Area Practice", also by English Heritage, as I explain at 4.9 of my Proof. The Practice document at pp 91-102 of his Proof is as revised in October 1995: the checklist as published in 1993 was unchanged.
- 3.4.9 To be a little pedantic, there is no "checklist" in the CAPS. Neutral and negative buildings and spaces are mapped along with listed buildings: much of the rest is covered in greater or lesser detail in the CAPS text. CAs vary and even the smallest Area (ie. one with the greatest chance of being covered comprehensively in a reasonably-sized document) might not have something under all entries. The EH checklist is best suited, like much of their CA guidance, to individual village CAs [eg. "(ii) the origins and development of the settlement"]. It would be impractical to cover in terms of the whole of Kensington CA items such as (iii) or (viii).

Failure to include something from every part of the checklist, if it can be demonstrated, is not in my view fatal to the usefulness of a CAPS. Indeed, compliance with the checklist may saddle a document with much unnecessary information. [eg. In this Proof: historical background: 2.1.8: is the building of the GJW works "on Sir James McGrigor site" of importance, or mentioned merely to comply with clause (iii)?].

- 3.4.10 Points in the checklist are covered in 3.4.11 and 3.4.12. It does mean, however, that coverage of checklist item (viii) is terse: "no overall consistency, and the variety adds to the character", paragraph 3.4.12.5. I do not think that the checklist points are covered to a sufficient degree to support the point implicit in paragraph 3.4.9.

In any event it is not clear to me how all the additional historic and background material is intended to help the Inquiry - or what relevance most of it has to the Council's reasons for withholding consent.

At section 11.3 of his Proof Mr Thomas reviews the CAPS and makes some comments.

- 11.3 None amounts to a suggestion that its preparation paid inadequate attention to EH guidance. Nor is there any criticism of the appraisal of the 20th century buildings which he quotes (albeit with "authentic" erroneously in place of "aesthetic" in line 3 of 11.3.29), nor of the appraisal of buildings whose contribution is neutral.

- 3.4.14.6 Appendix RT15 seems sound to me save for the failure of the "modern vernacular" bubble to include round to the house beside 25 Campden Hill Square. I note the plan confirms the role of St George's as a landmark, compounding my belief that the mass of information, and the "lessened integrity" referred to at 5.2.1.9, is not helpful to the Inquiry.

- 5.2.1.2 The considerable mass of information about St George's and all the changes made to it before it was listed in 1984 does nothing to address the Council's concerns. The resulting points seem to be:

- (1) Strong element in townscape.
- (2) Detailing/materials best on facade only.
- (3) Much altered and diminished interior.

None of these suggests to me that the setting of the building is unimportant. The Survey of London on St George's is generally very low key on roguery and barbarism etc, and talks up those like Peperell who rather liked it (pp 96-99 at pp55-56 pf JT's appendices).

- 5.2.2 I can see no reason why this denigration of 2/4/6 Aubrey Walk, which contrasts with Peter Crossley's appraisal at 5.13 of his Proof, should affect the duty to have special regard to the

desirability of preserving their setting. I believe we agree they, like the Church, remain of listable quality.

7.3.5 The suggestion that tall buildings are necessarily appropriate on prominent sites is unsustainable. And to say that neighbours of listed buildings have to "stand up" to them, is a pugnacious expression ill-suited to the concept of preserving their setting.

There is EH advice in the second half of paragraph 4.2 in the October 1995 revision of Conservation Area Practice (p94 of STJD-JT-3) which I regard as clear confirmation that where an authority has identified a building as neutral in their assessment of an area's special interest that will be an important consideration in appeals.

7.3.8 and 12.17

My response to Peter Crossley paragraph 20.57 refers.

7.3.9 The Nash terraces around Regents Park remind us that one-sided streets are not necessarily an unsatisfactory urban form.

8.4 I accept the proposition that knowledge of the presence in an area of something which cannot at that moment be seen can enhance one's appreciation of the area, as in my opinion knowledge of the present openness of the site and the activities on it does.

11.3.18 It is misleading to refer to the houses on the south side of the square as being six or seven storeys high. Page 85 of his Appendices notes these houses as having five (not six and seven) storeys, as his photo 75 confirms. The Square was conceived on a limited scale: for grandness see Bayswater, Redcliffe Square, Pembridge and the like.

JAMES THOMAS PHOTOGRAPHS - STJD-JT-4

Photos 10, 43 show how a 2-storey element of this modern development pays some respect to the listed building, West Hill House, as noted at paragraph 12.5 of my Proof.

Photo 21: In the context of the mansion block out of frame to the right and the College complex behind the viewer it is misleading to describe the attractive incidental planting in this photo as a pleasant landscaped "square". That description would more appropriately be used of a space of the scope bounded by the three-storey block in **photo 24**.

Photos 27, 28, 30 and 31: these illustrate the "brash commercial modernism" referred to in section 2.03 of the design statement accompanying the planning application. They fully support the "neutral" categorisation in the CAPS which Mr Thomas does not challenge.

Photo 32: When reviewed in conjunction with the composite drawings at the final page of my appendix 15, fortifies me in the opinion that St James' artist's impression no.5 rather understates the bulk of the proposed Campden Hill Road block relative to 25A Campden Hill Gardens beyond.

40

Photos 45, 46 support the "neutral" categorisation of Palmerston House in the CAPS, which Mr Thomas does not challenge.

Photos 59-64 all I believe show private forecourts, though in some instances described in the caption as a "cobbled side-walk".

Photo 70 illustrates both why this incidental space is categorised neutral in the CAPS and how the site provides a perception of unlimited openness.

Photo 75 shows the tallest house in the tallest of the three terraces in the Square. It is atypical and does not justly reflect the character of the Square. Four storey houses contribute to this (e.g. my appendix 15) but the description of the Square in the Survey of London includes at the bottom of the right hand column the passage "such homogeneity as does exist is achieved by similar materials, proportions and scale. The houses are generally of three storeys with, in some cases, basements, and have stock brick facades, mostly rendered on the ground floors, rising to simple stone or stucco copings on the parapets. (reproduced at p48 of STJD-JT-3). On the following page there is a measured drawing of "perhaps the most architecturally distinguished individual house".

ROBERT SELWOOD PROOF

3.1.5 Water Tower offices were described as "Water Rate Offices" when approved. Today, such would in all likelihood be included within Use Class B1, with freedom of movement within that Class (The Planning Permission for Water Tower House (04/3/68) carried only one Condition, restricting the office floorspace to not more than 6,094 sq.ft.)

There is no planning record relating to the offices/storage/light industrial use of the pumping station and ancillary buildings. They have always been ancillary to the reservoirs.

3.2.1 (e) .. The appellants have now agreed, in nos 14 to 17 of the Statement of Agreed Matters, that (i) The size of the site, and number of units proposed, is sufficient to trigger a requirement for the provision of affordable housing, and that Government guidance (in particular Circular 6/98) and the Policies of the Royal Borough encourage the provision of affordable housing as part of the proposed development of this site; (ii) If affordable housing is not provided as part of the proposed development, such a failure could justify the refusal of planning permission (as advised in Circular 6/98); and (iii) The provision of seventeen units of affordable housing on this site will not call the viability of the redevelopment proposal as a whole into question. In Mr Sellwood's Proof he agrees that the site is well placed for housing, and that would include affordable housing.

It is perfectly clear that affordable housing should be sought for this site, and provided on this site, if the site is to be redeveloped. Whatever the views offered in a letter of over two and a half years ago, they were ventured at that time without the

benefit of much of the guidance, and information, available now, and are of virtually no importance to this Inquiry that must reflect the situation as we find it today. Circular 6/98, the Committee Report of January 1999, and PPG3 are relevant to this Inquiry, not a letter now two and a half years old.

- 3.2.15 Officers are recorded as considering the proportion of open space as "just about acceptable" which to my mind falls short of a very positive reaction.
- 3.2.23 The EH letter of 8th April (also referred to in letter of 28th April) was their last mention of the square. In their recent letter of 13th July, they clarify their earlier letter by pointing out that it is the relationship of both the landscaped space and the architecture of the development to Aubrey Walk that is the primary concern relating to the "square". All three are inter-connected. The appellants are not correct if they think that David Stabb's comments were related to the planted area only.
- 3.2.27 "Alternative drafts" of an Undertaking (not an agreement) under S.106 now exist, with probably 80% of the content consistent. Both will be available for the Inspector.
- 3.2.29 Condition 15 in the agreed Conditions refers.
- 3.3.1 Through negotiation, Officers sought improvements to the submitted scheme. The result is a much improved proposal upon that originally submitted as a planning application, still greater an improvement upon the various pre-application submissions. Notwithstanding the progress made it was concluded that the proposals still had unsatisfactory aspects to a degree that justified a refusal of planning permission. The Executive Director, Planning and Conservation produced the report for the Planning Services Committee, recommending that the application should be refused. The Committee considered the proposal and concurred with this recommendation.

It actually matters little to this Inquiry whether or not the appellants are surprised at how their application was eventually recommended to, and received by, the Committee. The decision will turn upon the merits of the scheme as it now stands, not upon what one Officer may in the past have thought in comparison to another.

- 4.1.12 Mr Sellwood has omitted the footnotes included in the draft PPG3 Annex B Definition. Footnote number 2 provides useful guidance on the developable curtilage of a site and appropriate layout:

"The curtilage is defined as the area of land attached to a building. All of the land within the curtilage of the site (as defined above) will also be defined as previously developed. The curtilage will be that as defined for the DETR/Ordnance Survey/Land Use Change Statistics classification.

However this does not mean that the whole area of the curtilage should therefore be redeveloped. For example, where the footprint of a building only occupies a proportion of the site of which the remainder is open land (such as an airfield or a hospital) the whole site should not normally be developed to the boundary of this curtilage. The local planning authority should make a judgement about site layout in this context, bearing in mind other planning considerations such as policies for development in the countryside, requirements for on-site open space, buffer strips, landscaped areas, etc., and how the site relates to the surrounding area."

As can be seen from this guidance, it is up to the local planning authority to make a judgement about site layout. This is what the Council have done on the appeal site.

4.1.15 From most ground level perspectives the reservoir site has "blended in" very successfully indeed. Are the appellants seriously suggesting that the tennis courts are somehow "out of place?". From higher level views from surrounding property they look well established and provide an important visual (and recreational) amenity, and do not seem at all out of place. To argue otherwise would suggest that artificially surfaced tennis courts, which are a common feature of parks across the country, do not "blend in with the landscape". Does this mean that open spaces which are laid out with man-made materials are therefore suitable for development? Mr Selwood has made an erroneous point which if accepted would have very damaging consequences for parks and recreational land everywhere.

4.1.16 There is an assumption here that (B) applies only to cleared sites, but this is clearly not the case and (B) must also apply to the appeal site. Moreover, the appeal site has been put to (and still functions as) an important amenity use as a recreational, and visual amenity.

Mr Selwood also seems to miss the point that these are "stand alone" exceptions; only one has to apply, although in this unusual case both are clearly applicable.

4.1.18 The DETR return covered the whole 1.54 ha site.

5.1.7 The last sentence of this quote from PPG17 is clearly wider in its application than the first part; it is a separate point and relates to all open spaces whether public or private. Paragraph 4 of the PPG (quoted in RS's proof in 5.1.2) is a crucial paragraph explaining the very broad scope of the PPG and linking the matter of open space as an amenity to its role as a contribution to the natural and built heritage of its surroundings.

5.3. 4 PPG12 points out that the weight to be accorded to SPG should increase with consultation etc; it does not suggest that without consultation no weight should be accorded to it. Furthermore, the Open Space Survey was discussed in open session at the Unitary Development Plan Public Inquiry in 1993 and the Inspector recommended that reference to it be included in the text of the

Plan, as was done at paragraphs 2.4 and 3.1 of the Leisure and Recreation Chapter. (pages 187 and 188 of Inspector's Report are appended at E, F and G).

5.3.5 There is no record of the Open Space Survey being consulted upon, or reported to Committee. It seems to have been purely an Officer initiative in response to PPG 17 and the weight to be accorded to it should not be exaggerated. The Policies of the UDP (CD21 etc) are the primary consideration here - the Survey is informative only.

5.3.6 While in my view Mr Selwood is correct in that the OSS is less clear than it might be in dealing with open and recreational space, I consider that his conclusion in the final sentence of 5.3.6 is wrong - the Policies of the Plan itself are not confused. Nor should the parties to the Inquiry be confused; the site in question is **both** predominantly open space and predominantly recreational space.

5.3.8 Mr Selwood accepts that Cavendish Square is "an apparent natural open space" despite sitting above an underground car park building, but argues that the appeal site should be seen differently because the top surface of a building which is only partially underground is 3/4m above surrounding levels. This is a wholly artificial distinction: what matters is that from most perspectives (and clearly in the view of most people who live near it) the appeal site appears as an open space. There are many differences between the two but I see two things in common between them: (1) neither space is actually natural, and (2) despite being unnatural both spaces play an important role in presenting the appearance of open space.

5.3.12 I am surprised that the Survey defines the site as "public open space" in the schedule, for in my view these private courts for members/guests must be a private open space. In fact the main text of the OSS applied much more widely. But this distinction is of no consequence in this appeal: the Unitary Development Plan Policies (CD21 and LR7) cover both public and private space, and the Council is seeking to minimise unacceptable loss of open space on the appeal site whether it be considered public or private.

It was logical for the OSS to list the site as two parts because these parts (tennis courts and embankments) play different functions, although they are part of one whole.

5.4.2 PPG17 does not specifically state that open space deficiency should be shown on the Proposals Map, as confirmed by the UDP Inspector, in paragraph 9.1.3 of the March 1994 Report on the UDP, (appended):

"PPG17 does not explicitly recommend local planning authorities to prepare an open space deficiency map. I share the Council's concern that in this particular highly developed urban area, simplification for purposes of legibility might lead to challenges as to those areas which are or are not of open space deficiency, and also the possibility of disputes

about the importance to be attached to private open space, indoor recreation facilities etc. Similarly, I am not convinced that there would be any benefit in showing existing open spaces on the Proposals Map.

5.4.20 It is unhelpful to try and separate open space from developed land. Policy LR7 applies to open space whether developed or not. As discussed above, Cavendish Square should clearly be treated as open space, despite being developed land too. The appeal site has the appearance of being generally open, is recreational space as a matter of fact, and (as Mr Selwood concludes at 5.5.2) LR7 clearly applies to it.

The Council's case (see Committee Report) is that LR7 is complied with because 13 courts are being replaced with 13 courts, albeit 6 of them no longer "open".

5.4.26-31 Seeing vegetation, a grassy bank or a fence with no building visible beyond gives an impression of great openness quite distinct from "greater views of the sky than is normally the case in the developed parts of Kensington and Chelsea". Indeed in those views from Aubrey Walk, Airlie Gardens and within the school grounds the site is perceived as undeveloped. If the scheme were to proceed this would no longer be the case and the character of the conservation area would suffer. What Cllr. Buckmaster describes as the "rural setting" of the school would become emphatically urban.

5.4.30 The penultimate sentence suggests Mr Selwood shares the view at 12.7 of my Proof, that trees inside the gardens of the south terrace face an uncertain future.

5.5.4 The removal of the brick structure and replacement with housing may be the "main change" as a matter of fact, but since you don't see the brick reservoir structure at present the main perceived change would be the introduction of a lot of buildings where at present there appears to be predominantly open space.

6.1.1 The Statement of Common Grounds goes beyond the three points noted here: See Items 13 to 24.

6.4.10 It is wholly artificial to refer to on site affordable housing if the service charges being required effectively make the housing not "affordable".

PHILIP PARRY PROOF

Much of this confirms what is agreed between the principle parties, and there is very little which addresses the Council's concerns (noted at 13.3-6 of my Proof) about the impacts upon residential amenity likely to result from more continuous tennis club activity and the associated comings and goings.

Though Mr Parry refers to a maximum "user population" on site of 132 (his

paragraph 3.5.2) I am told that a suggested condition to restrict persons on the premises at any one time to 150 is being resisted, with 250 being proposed as more appropriate.

I consider this adds weight to the Council's concerns.

CHR.rebutl.16.7.99

ADDENDUM

COMMENTS ON BEHALF OF THE ROYAL BOROUGH OF KENSINGTON & CHELSEA, IN RESPONSE TO THE PROOF OF EVIDENCE SUBMITTED BY M. A. NEY ON BEHALF OF ST JAMES HOMES, ON THE MATTER OF SUNLIGHT AND DAYLIGHT

The paragraph numbers used below are those used in Mr Ney's Proof of Evidence.

- 3.8 Mr Ney states in this paragraph that the appeal scheme "does not have an adverse effect". This statement cannot be acceptable as "adverse" must mean "negative", and a loss of even 5% must be considered an "adverse" effect. Mr Ney's own study shows that there would be an adverse effect to many properties around the appeal site.
- 5.1.5 In this paragraph Mr Ney effectively contradicts his statement in 3.8, as here he agrees that in one case in Kensington Heights a bedroom would suffer a reduction in daylight to 79.72% of existing Vertical Sky Component, and in another a reduction to only 62.4% of existing. It is unacceptable to regard losses of daylight of these proportions as being anything other than an adverse effect. In these two cases, the loss of daylight would not just be adverse, but would be material. His comment that the latter example, losing nearly 40% of its existing daylight, would be "more material" greatly understates the case, although one example may be worse than the other *both* of these cases are clearly material and the significance of the loss must be assessed on that basis.
- 8.4 Mr Ney disagrees with paragraph 7.9 of the Committee Report, where the Committee are advised that there would be a harmful impact upon residential amenity. The Committee were so advised because the daylight and sunlight study predicts some harm to a large number of neighbouring properties, and a significant degree of harm to the two residential units identified in Kensington Heights. In many cases the amount of harm may be slight, but harm there would be. The occupant of the unit in Kensington Heights that would retain only 62.4% of its existing Vertical Sky Component will certainly consider that impact to be harmful!
- 9.2 Mr Ney concludes that "there will be no adverse effects caused to sunlight and daylight by the proposals taken as a whole". Again, this statement is proved incorrect by Mr Ney's own findings. Mr Ney's study has shown that the whole of the development will have a negative impact upon many nearby properties, most to only a small degree, but negative (i.e adverse) all the same, and in a couple of cases the impact would be material. Taken as a whole, a lot of properties would be affected adversely, and this is an important consideration in assessing the merits of the proposals as a whole.
- 9.3 This conclusion is wrong, and is not borne out by Mr Ney's own evidence. His own evidence shows that there are existing buildings adjoining the site that would be materially affected by the proposals. His last sentence here is also unacceptable - is Mr Ney trying to suggest that harm to the levels of amenity

enjoyed by the occupant of one property can be justified by an improvement to that enjoyed by the occupant of another property in a different location? Does the predicted (small) improvement in light levels to some properties in Aubrey Walk justify a material loss of daylight to flats in Kensington Heights? It cannot.

General Observations

- 1) The fact that there would be some adverse impact upon a large number of properties, and a significant impact upon at least two, is a reflection of the overall density and bulk of building proposed for this site.
- 2) The impact upon existing light levels is a material consideration in assessing the appeal proposals.
- 3) The report to the Planning Services Committee (para. 4.153) accepts that it is probably inevitable that a redevelopment of Water Tower House will have *some* impact upon daylight to Kensington Heights. But, (para.4.154) it then recommends that "any future proposal building for Water Tower House should address this problem and have, at the very least, a reduced impact upon these North facing rooms than the present proposal"

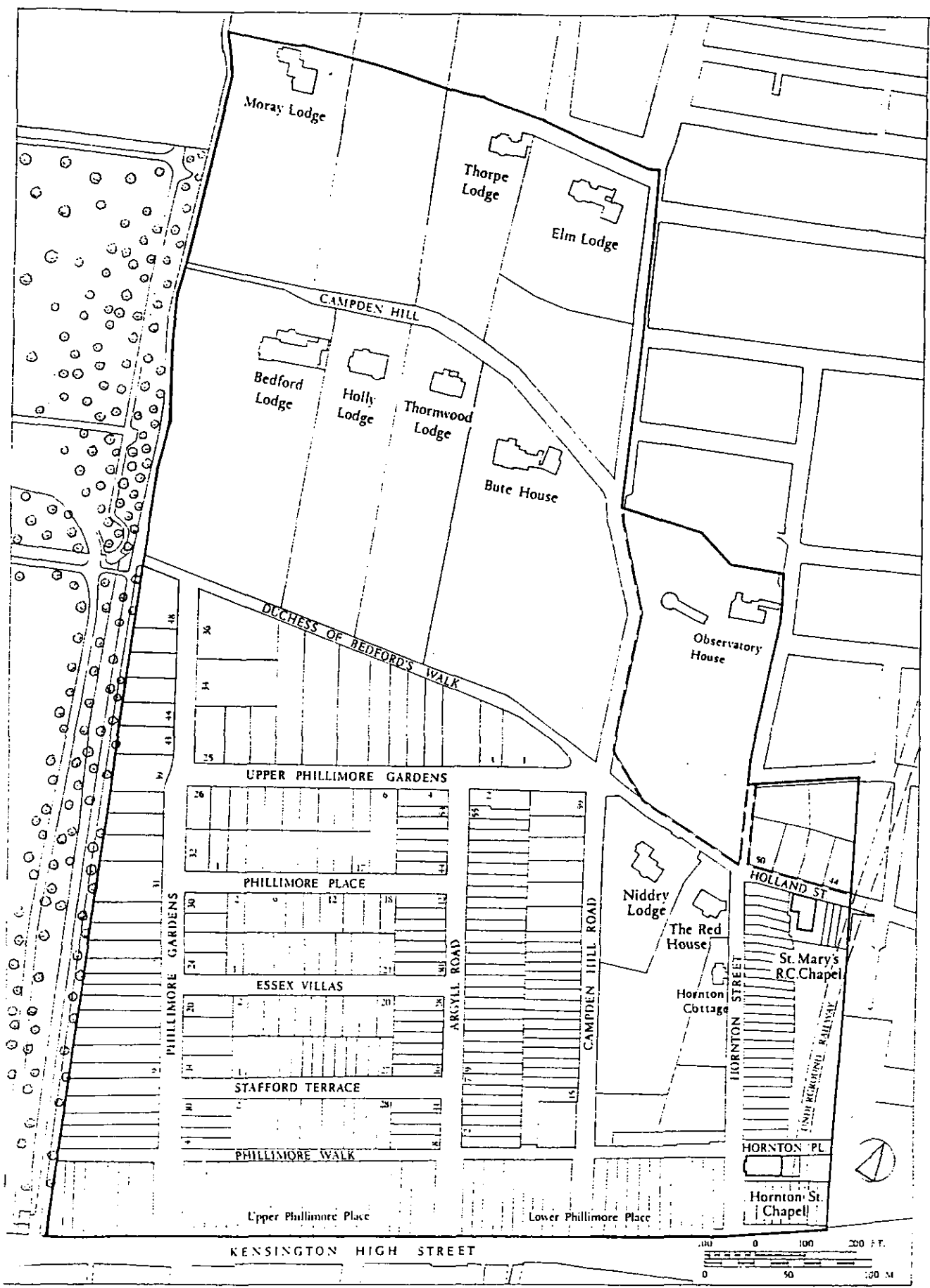


Fig. 8. The Phillimore estate. The thick line denotes the extent of the estate inherited by William Phillimore in 1779. The areas within the broken lines were sold in 1827. Based on the Ordnance Survey of 1862-72

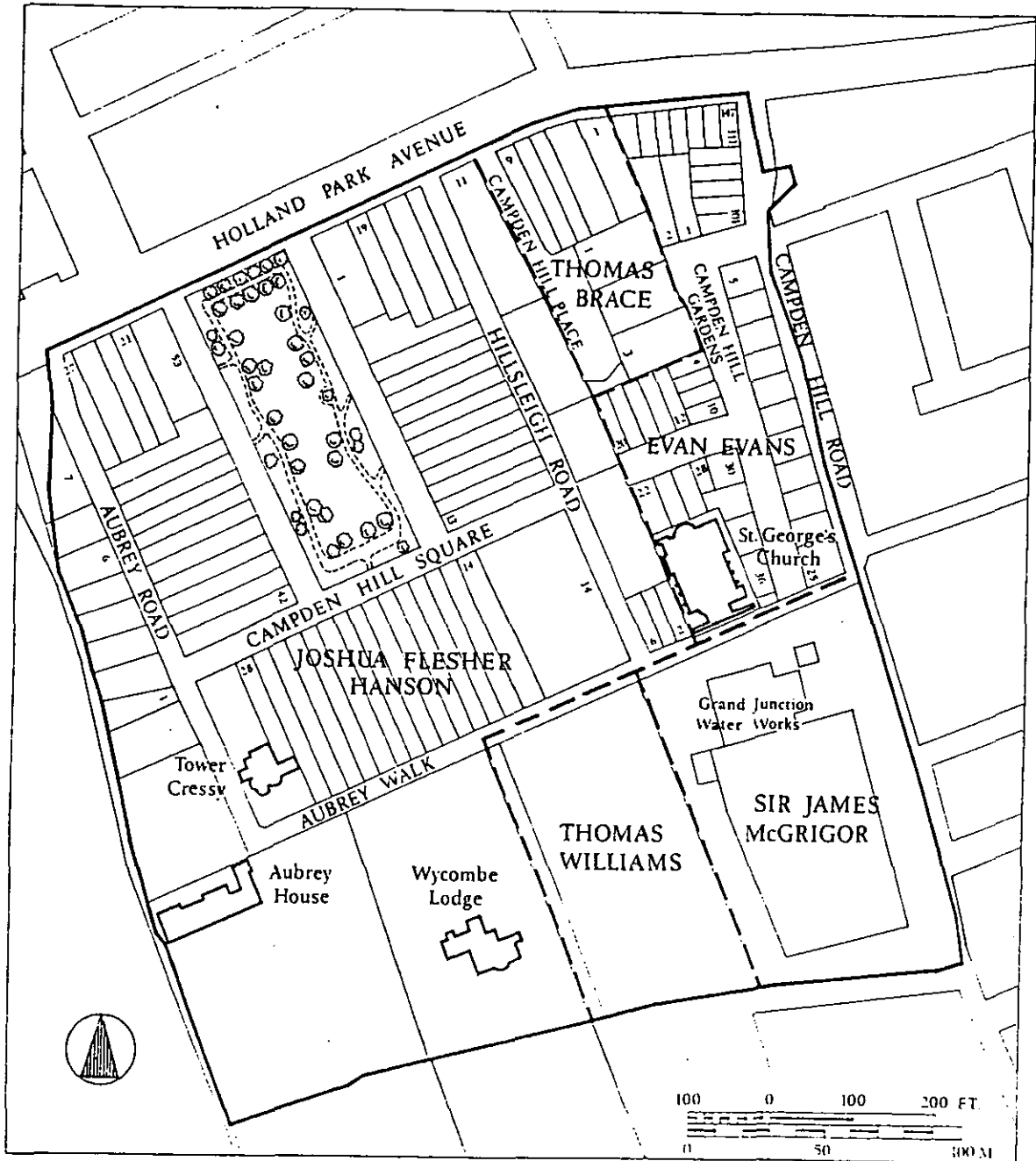


Fig. 11. Campden Hill Square area, showing the land owned by the Lloyd family in 1820 and its later sub-divisions. Based on the Ordnance Survey of 1894-6