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FILE No. TP/99/0733

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Housing supply tends to be intermittent and can be distorted by the figures for a single year.

4.2 Affordable Housing: There are relatively few residential development opportunities which are suitable for the inclusion of affordable housing using the Government's threshold of 15 dwellings in Circular 6/98 because of the typically small size of development sites which come forward in the Borough. Appendix 20 provides information on annual residential permissions and completions (including affordable housing). Since 1992 only 56 residential permissions involving 15 dwellings or more have been granted resulting in a net gain of 2,708 dwellings. Conversely 2,304 residential permissions involving fewer than 15 dwellings have been granted resulting in a net gain of 1,341 dwellings. Even more compelling is the average annual completion rate for affordable dwellings in the Borough. Since 1992 an annual average of only 100 affordable homes has been built in the Borough. This represents only 21% of total residential completions and is well below the Council's target of 33%. This contrasts starkly with the projected numbers in housing need in the Borough (see para. 4.3 of this proof). This demonstrates conclusively the practical need to provide affordable housing wherever the opportunity arises. This land constraint is reflected in the difficulty of registered social landlords (RSLs) in finding suitable sites and will be amplified by Stephen Rawlings in his evidence.

### **Housing Needs**

- 4.3 The housing needs of the Borough are detailed in the Kensington & Chelsea Housing Strategy 1999/2002 (pages 5 to 7, Appendix 10). When high priority needs (i.e. those who are a medical priority, overcrowded or in temporary/insecure accommodation) are projected and set against the projected supply of social housing vacancies (including projected newbuild at current rates), the shortfall needed to meet total high priority needs is projected to rise from 3,255 in April 1998 to 4,853 in April 2001 (see Table 2 of the Housing Strategy, Appendix 10). Thus there is an *increasing* annual projected shortfall of approximately 500 lettings per year. The sheer size of the housing need problem is highlighted by this growing gap which is thrown into even starker relief when balanced against the recent supply of affordable housing as indicated above in paragraph 4.2. In order to prevent this gap from widening, the Council would have to increase the annual available lettings in the Borough by c. 50% (from approximately 1,000 to 1,500). This, however, would not reduce the existing backlog of need. Updated housing needs information is included in the Council's UDP Alterations (paras 5.9 and 5.10 of the Housing Chapter).

### **Council's Approach**

- 4.4 The Council's policy approach is straightforward and reflects the latest Government guidance in a clear and simple way. It also reflects the particular circumstances of this Borough. It is determined by:
- (a) the requirement to meet housing need in the Borough; and

(b) the shortage of suitable development land in the Borough.

This reality is incorporated into the Council's strong preference for the on-site provision of affordable housing as part of residential development proposals (as explained in the Council's UDP Alterations Housing Chapter, paras. 5.8 - 5.11). This approach is also supported by Government guidance. Indeed, the use of the planning system to deliver affordable housing will prove to be important in the future as RSLs find it increasingly difficult to compete in one of the most expensive residential land markets in the country. The use of cash in lieu payments as means of providing affordable housing is considered problematic by the Council because it defers the provision elsewhere and puts extra pressure on remaining sites.

#### 4.5 **Developer's Proposals**

- (a) Aubrey Walk Block: St. James Ltd. has indicated in a letter to the Council (Sellwood Planning, dated 15 February 1999) that "rented social housing provision could, in principle, be made in the stand alone block fronting on to Aubrey Walk. This block would be the most appropriate location since it is self contained and of the necessary size to accommodate the level of social housing expected on the site".
- (b) Council's Response: The proposed block in Aubrey Walk would provide 17 dwellings and is considered suitable in terms of the amount of affordable housing and the size and mix of units.

(c) Viability: St James Ltd has confirmed in a letter to the Council (Sellwood Planning, dated 15 March 1999) that they accept the Council's sequential approach to the provision of affordable housing. The following points are confirmed:

"1. St James will not be seeking to argue that the provision of on site affordable housing will threaten the financial viability of the remainder of the project.

2. If there is a Housing Association which can afford to fund the inevitably high cost of service charges arising from on site affordable housing and this remains the preferred approach by your Council, St James will provide on site affordable housing. This would probably be located in the free standing building which fronts on to Aubrey Walk.

3. If a suitable Housing Association cannot be found who will bear the high service charges, or your Council ultimately concludes that on site provision is not appropriate, then St James will provide the requisite number of units off site.

4. The provision of an off site commuted sum would be an option which can only be triggered by the Council in the situation where it concludes that in this case it is the most appropriate option."

- (d) Council's Response: The Council endorses the view that affordable housing can be provided on site. However, the proposed service charge renders the scheme unaffordable to RSL tenants. A minimum figure of £4,000 per annum (approximately £80 per week) has been suggested by the developer in a letter to the Council (Sellwood Planning, dated 15 February 1999) and would greatly exceed the typical housing association rental cap imposed on housing association rents. The developer has not stated that the proposed scheme is unviable without a £4,000 service charge. The scheme could be redesigned to avoid this problem. Stephen Rawlings will expand on this in his evidence.
- (e) Implementation Arrangements: St. James proposes to incorporate the Council's sequential approach to the provision of affordable housing into a unilateral undertaking under S 106 as a means of securing the accommodation.
- (f) Council's Response: The absence of any adequate proposals for the provision of affordable housing which is physically and financially possible is a serious breach of policy and represents the waste of a valuable development opportunity. The developer has failed to provide a scheme on site which is certain and deliverable prior to the grant of planning permission. Under these circumstances, the developer has not shown that any housing provided as a result of the development would meet the housing needs of the Borough. Accordingly, the proposal fails the advice included in Circular 6/98 e.g. paragraphs 21 and 24 which support the provision of affordable housing as part of a residential development. The Council's approach to the provision of

affordable housing has been explained earlier in this proof. I am advised that the developer's undertaking has failed this test in the following way:

(i) The Council's primary case is for on-site provision. No suitable scheme is forthcoming.

(ii) In the event that the proposed on-site provision is not taken up within 6 months of implementation, the developer undertakes to provide off-site a number of affordable housing units equal to one third of the number of dwellings to be erected on the site. This is secured in the proposed obligation by a "Grampian" style restriction requiring 50% off-site units to be provided before occupation of the last 5 market housing units, 75% before the last two are occupied and finally 100% before the last market housing unit is occupied. The registered social landlord is required to purchase these units at 150% of the Total Cost Indicators (TCI).

Comment: Even in the event that off-site provision were to be acceptable for this site, the developer's proposals would not achieve the Council's requirements. The Council would expect all off-site provision to be made before the last 50% of market housing is occupied. Furthermore, the purchase price, set at 150% of the TCI would render them unaffordable to a registered social landlord. This aspect will be dealt with in more detail by Stephen Rawlings of Notting Hill Housing Trust.

(iii) There is provision for the Council to request from the developer the sum of £997,500 in lieu of the on-site provision. In the case of off-site provision, where a property offered is not accepted or where contracts have not been exchanged within a given period, the developer can insist that either a payment in lieu is accepted by the Council (£47,500 per unit) or the developer's obligation is ended in respect of that unit.

Comment: The sums of £997,500 and £47,500 have not been negotiated with the Council as satisfactory gap funding. The method proposed of holding any payments in a joint account is unacceptable to the Council as is the requirement to consult the developer once payments in lieu have been made.

#### **Other Schemes**

- 4.6 The Council has been successful at negotiating (using planning policy) the provision of affordable housing as part of proposed residential developments at Russell Road, W14 (adjoining Olympia Underground Station) and the BRS site in Warwick Road, W8. The Council wishes to reproduce these examples of integrated housing throughout the Borough in line with Government policy.

#### **Appeal Decisions**

- 4.7 The Inspector is referred to a recent appeal decision (February 1999) (Appendix 19) in Christchurch, Dorset in which the appellant (Primetower Properties Ltd) failed to make proper arrangements for the provision of affordable housing by way of a Unilateral Undertaking under Section 106 of the Town and Country Planning Act 1990. In the proposed unilateral



obligation there was no mechanism to guarantee the delivery of affordable housing as required by Circular 6/98.

- 4.8 In an appeal decision (Crest Homes, November 1998, Appendix 19), the inspector concluded that failure to provide affordable housing in the development would harm the aims of development plan policies which seek to provide affordable housing to meet local needs (paragraph 13)

## **5.0 CONCLUSION**

- 5.1 The absence of sufficient arrangements for the provision of affordable housing is a serious flaw in the proposed development and is contrary to the Government's policy of promoting affordable housing as part of new residential developments. It is also contrary to the Council's emerging policy approach as set out in its UDP Alterations.

- 5.2 In view of the above and the reasons set out in the foregoing sections, the Inspector is requested to uphold the Council's objection to the absence of affordable housing on the site which is a valid reason for refusal in itself.

**Site at  
Former Thames Reservoirs and  
Water Tower House,  
Camden Hill Road, W8**

**RBKC Ref:**

DPS/DCC/TP/99/0733

DPS/DCC/TP/98/2129

**D.E.F.R. Ref:**

APP/K5600/A/99/1022704

APP/K5600/E/99/1016054

**Proof of Evidence**

Stephen Rawlings

**20th July 1999**

THE ROYAL  
BOROUGH OF



KENSINGTON  
AND CHELSEA

## PROOF OF EVIDENCE - CAMPDEN HILL RESERVOIR SITE

- 1 I am Stephen Geoffrey Rawlings, the Development Director of Notting Hill Housing Trust. I have held this position since 1985 and have been responsible for a number of affordable housing developments in the Royal Borough of Kensington & Chelsea. Prior to this position, I worked in a similar capacity for another housing association and prior to that for the Department of Environment (now Department for Environment Transport and the Regions) on investment in housing associations.

### NOTTING HILL HOUSING TRUST

- 2 Notting Hill Housing Trust is one of the largest housing associations in London and owns or manages 16,000 dwellings. In the Royal Borough of Kensington & Chelsea we have operated for 35 years and provide over 3,000 units of affordable housing for rent. Notting Hill Housing Trust are the preferred RSL on this site.
- 3 Affordable housing is housing that is available to people in housing need. In the Royal Borough of Kensington & Chelsea the Trust provides this at a considerable discount to prevailing market levels. RSL new housing projects are funded partly through Social Housing Grant (SHG) and partly through private loans. The Housing Corporation determines each financial year the maximum SHG for RSLs. For RSLs in cost Group A (including RBKC) the Housing Corporation has set a figure of 56.6% for newbuild schemes in the current financial year. The RSL has to make up the residue through loans secured by capitalising the rental income on the property or by subsidy from developers.
- 4 Notting Hill is one of the largest recipients of Social Housing Grant in the United Kingdom. We received the second largest allocation in the country in 1999/2000 despite being almost exclusively based in west London. In total we have received over £511 million of Grant since 1975. In the last six years we have received the following sums, developing the requisite number of new homes.

	1994/5	1995/6	1996/7	1997/8	1998/9	1999/2000
SHG	£28M	£10M	£20M	£7M	£17M	£12M
No. of homes	450	180	420	140	300	212

- 5 In this current year we have SHG allocations within the Royal Borough of Kensington & Chelsea of £4.5 million to provide 53 units.

On any RSL housing project if SHG is not available, the only way of bridging the gap in funding is by the developer subsidising the scheme to the extent that the RSL only pays the capitalised value of the affordable rented stream. In this case, the developer does not propose to do this therefore SHG is critical and it is important to examine the conditions for obtaining SHG.

### **SOCIAL HOUSING GRANT**

- 6 The payment of Social Housing Grant (SHG) for registered social landlords is subject to a number of conditions two of which are worth noting here. Firstly, in relation to capital costs the projects must not exceed particular budgetary restraints set out in the Housing Corporation's Total Cost Indicators. These Cost Indicators cover acquisition, works and on costs and are based on net floor areas with variations for unit type (e.g. newbuild, rehab) and Cost Group areas. RBKC is included in Cost Group A which covers most of London but does not differentiate between the cost of developing in high value boroughs, e.g. RBKC and relatively low value boroughs, e.g. Hounslow. Secondly, the accommodation must be available for people in housing need on the basis of an assured tenancy and at an affordable rent.
- 7 Since 1998, the Government has introduced "rent caps" to ensure that the accommodation is affordable. A schedule of the "rent caps" for buildings made available in the year 1999-2000 and a detailed definition of rent caps is attached as Appendix 17. The origin of this document is Housing Corporation Circular F2 29/98. Rent caps represent the upper level of rents, including service charge, which will be acceptable to the Housing Corporation for any new schemes. They were introduced to ensure that all RSL's charged comparable, affordable rent on all HC Funded Schemes. Previously, RSL's had set their own rent levels. The Housing Corporation rent caps are now the generally accepted level of rent levels for affordable housing. Rent caps are set based upon net floor areas and by Cost Group category. RBKC is in Cost Group A. Failure to maintain rent levels within these caps would disqualify the accommodation from being affordable and therefore disqualify access to Social Housing Grant.

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The average service charge for NHHT schemes in RBKC is £6 per week (£312 per annum) for units in blocks of flats. The highest is currently £11 per week (£572 per annum). The higher the service charge the lower the residual rent available to repay the loan to fund the capital cost of the project. Based on the developers scheme the rent caps would range from £65 per week to £88 per week depending upon the size of unit.

### **RBKC AFFORDABLE HOUSING DEMAND AND SUPPLY**

- 8 RBKC is an area of housing need. There are currently 479 families in bed and breakfast or temporary accommodation. RBKC's Housing Strategy document through the statutory register indicates that the affordable housing shortage for all types of social housing will rise from 7,100 in 1999 to 8,100 in 2001.
- 9 NHHT provides housing in 12 London Boroughs and the difficulties of finding residential sites in Kensington are considerably greater than anywhere else. This is because of the heavily developed nature of the Borough, extremely high land values and lack of brownfield sites suitable for change of use to housing. RBKC has the highest property prices in the country currently ranging from £180,000 to £4,100,000 per dwelling for housing projects currently under development in the borough (from London Residential Research statistics). As a means of comparison, the TCI figure used by the Housing Corporation for a 2 bed flat is £97,300.
- 10 In my experience at the Trust where much of my work is concerned with identifying and acquiring sites, Kensington has always been very difficult for the reasons stated. Those sites that have been available in the recent past have only been available because of the Council's affordable housing policies in the UDP. This year we anticipate acquiring 60 units as part of a planning agreement with an associated company of St. James which will be provided on site. We are currently completing 72 dwellings above a supermarket in Earls Court - only possible because of a planning agreement. The most significant property brought forward for housing in the recent past was the former Rootes Factory Site in 1992. This was only possible through the Council using its CPO powers.
- 11 In a recent borough wide exercise conducted by my office we were able to uncover only two potential sites which might come forward for affordable housing. Both would require change of use from existing planning uses.

This paucity of opportunities is also reflected in the funding for RSLs in 1999/2000 by the Housing Corporation in the Royal Borough. Of the 58 dwellings to be funded in the borough 53 will be the result of planning agreements to provide the accommodation on site.

- 12 Given this paucity and the overwhelming housing need, we are anxious to pursue every opportunity that presents itself. Notting Hill Housing Trust considers it imperative that affordable housing is provided on sites that are available for development within the Royal Borough. Because of the shortage of opportunities, forgoing opportunities for social housing on site will obviously build a backlog of unmet need in the Borough.

### **PROPOSED SCHEME**

- 13 The Campden Hill site is particularly suitable for affordable housing in that it is an established residential area accessible to all local amenities. Safeways Supermarket and other shops are located in Kensington High Street under 5 minutes walk away. There are three tube stations within walking distance (High Street Kensington, Notting Hill Gate and Holland Park) and buses to all over London. Holland Park amenities are in the immediate vicinity as is Holland Park Comprehensive School. RBKC main Public Library and Council Offices are nearby. There is an abundance of employment opportunities at local stores, hotels, restaurants and commercial organisations.

Campden Hill is an area where additional social housing will not put more pressure on the social infrastructure.

- 14 The proposed scheme by the appellant includes for 17 units of "affordable housing" at the block facing Aubrey Walk. However, the scheme has been designed so that the "affordable housing" shares the same access and services as the private housing, including underground car parking. The developer has indicated that the service charge would be a minimum of £4,000 per annum (Selwood Planners letter to RBKC of 15/2/1999). Thus, the service charge alone would be greater than the overall affordable rent cap for some of the units. In relation to the remaining units in the block, there would be no significant rental element left over after the payment of the service charge available to repay the loan which NHHT would need to take out (see paragraph 5 above).

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No details have been made available on the breakdown of this service charge despite a written request from NHHT (letter dated 4/6/99). The appeal scheme has not been designed in order to meet the Council's requirements for affordable housing in that no attempt appears to have been made to consider disentangling the elements to minimise the shared areas and avoid the high service charges which the developer considers necessary to create an exclusive private development.

15 It is my contention that the housing can be made affordable for a Registered Social Landlord such as Notting Hill Housing Trust by a number of means.

- Firstly, the service charge could be abated from £4,000 per annum to £350 per annum (index linked) in perpetuity by means of either a planning agreement or terms of transfer.
- Secondly, the price either for the freehold or long leasehold interest at which the property could be transferred to an RSL is abated to such that the rent required to repay the loan would be reduced to a minimum level in order that the service charge could be contained within the rent cap.
- Finally the proposals could be modified to design out elements that give rise to high service charges. Notting Hill has had a number of meetings with the appellants and suggested that this can be done very effectively. Plans and elevations illustrating an alternative design are attached at Appendix 18. Our suggestion is that separate access can be created from Aubrey Walk in approximately the position of the existing Thames Water entrance. By redesigning the block to incorporate surface car-parking the affordable housing can be self-contained with no significant shared areas giving rise to high service charges. An RSL can then have a long leasehold interest of the housing above the private underground car parking. The developer has chosen not to pursue this entirely practicable alternative which has the in principle approval of RBKC planning officers. I can only believe that this is because it suits the appellant to not have affordable housing on site at all.

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- 16 Should the accommodation at Campden Hill Reservoir be available to Notting Hill within the normal criteria of Social Housing Grant, we would be able to contract with the owner/developer of the property upon the grant of planning consent.

### CONCLUSION

- 17 It is NHHT's view that

Affordable housing can be and should be provided on this development given the dearth of alternative opportunities in RBKC.

The service charge must be low enough so as to be contained within the overall affordable rent levels as set out in the Housing Corporation's criteria for rent caps.

This can be achieved either by the developer abating the service charge to an average RSL level or reducing the price for the leasehold to a minimum.

Alternatively the Aubrey Walk block can be redesigned to allow totally separate access thereby avoiding the need for shared areas and shared service charges.

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**Site at  
Former Thames Reservoirs and  
Water Tower House,  
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APP/K5600/E/99/1016054

**Proof of Evidence**

Denis McCoy

**20th July 1999**

**Public Inquiry**

THE ROYAL  
BOROUGH OF



KENSINGTON  
AND CHELSEA

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The Royal Borough of Kensington & Chelsea

FORMER THAMES WATER RESERVOIR & 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 & 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

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PROOF OF EVIDENCE

DENIS FREDERICK MCCOY will say:

1. INTRODUCTION

1.1 I am Denis Frederick McCoy. I am a Fellow of the Royal Town Planning Institute and serve on that Institute's advisory Design and Conservation in the Historic Environment Panel. I hold the Diploma of The Oxford School of Architecture and was elected an Associate of the Royal Institute of British Architect in 1967.

1.2 I have been a principal in private practice as a Chartered Town Planning Consultant since 1980 and am at present sole principal of the practice McCoy Associates. My public sector experience includes service as the Planning Officer for County Armagh before the planning function in Northern Ireland was centralised and some years as a Principal Planning Officer with the Royal Borough of Kensington and Chelsea, responsible for advising on listed building and conservation area matters. My practice continues to carry out varied commissions for that Council and for other local planning authorities, and acts also for a range of commercial and individual clients.

1.3 Our public sector work has included the production for Gravesham Borough Council of two groups of Conservation Area appraisals, and we have done similar work for the London Boroughs of Hammersmith & Fulham, Newham, and the Royal Borough of Kensington & Chelsea.

1.4 I was instructed on 29 April 1999 to act on behalf of the Council at the Inquiry into their decisions in this case. I have studied parts of the application files in preparation, and have revisited the locality of the site. My examination of the existing situation has been limited to what can be seen from public viewpoints and from the terrace of the Tennis Club.

1.5 My evidence is presented under the following headings:

1. THIS INTRODUCTION
2. CONTEXT, AND SURROUNDINGS OF THE SITE
3. THE SITE ITSELF
4. THE CONSERVATION AREA AND CONSERVATION AREA PROPOSALS STATEMENT
5. THE APPEAL PROPOSAL
6. PRINCIPAL ISSUES
7. GOVERNMENT POLICIES
8. THE DEVELOPMENT PLAN
9. LOSS OF OPEN SPACE
10. DESIGN CONSIDERATIONS AND THE CHARACTER AND APPEARANCE OF THE CONSERVATION AREA
11. APPROPRIATENESS OF DEMOLITION
12. SETTING OF LISTED BUILDINGS
13. EFFECT OF DEVELOPMENT TRAFFIC UPON RESIDENTIAL AMENITY
14. OTHER AMENITY ISSUES AFFECTING NEIGHBOURING RESIDENTS
15. SECTION 54A: THE DEVELOPMENT PLAN AND OTHER MATERIAL CONSIDERATIONS
16. CONCLUSIONS

## 2. CONTEXT, AND SURROUNDINGS OF THE SITE

2.1 The immediate surroundings of the site are very varied. The predominant factor from which the pattern of development North of it has evolved is the presence of Camden Hill Square. Aubrey Road, Hillsleigh Road and Aubrey Walk were laid out as service roads to the grander properties.

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2.2 Most of the older houses on the north side of Aubrey Walk are studio conversions of, or successors to, coach houses of properties in the Square. There are 1960s houses on the corner with Aubrey Road, facing a much more attractive 1950s block, a listed building.

2.3 Two modern blocks of flats between Aubrey Walk and the reservoir are very pedestrian designs, relating poorly to the modest terrace between them.

2.4 All of these buildings contrast with the more considered designs of the late Georgian terrace on the east corner of Hillsleigh Road (nos 2, 4, 6: listed buildings) and the Arts and Crafts terrace (8-16, even) on the other corner.

2.5 These buildings and the spaces remaining on the reservoir embankment create a villagey rather than an urban character - not surprisingly, as there was no attempt by any overall developer or landowner to create coherent townscape.

2.6 Campden Hill Gardens by contrast does display an ordered effort to realise a concept, and St George's Church (completed 1864: listed building) is a tour de force designed to dominate its surroundings.

2.7 To the west Aubrey House, also a listed building, and its remaining grounds are a surprisingly private enclave, which I do not consider would be materially affected by the proposal.

2.8 The visual character of the area east of the site is dominated by the main road where large monolithic buildings predominate. Kensington Heights, the most startlingly bulky of these, abuts the site, and Water Tower House of course is part of it. There is a listed building on the east side of the road, 118 Campden Hill Road, West House. To the south there are the substantial buildings in the Airlie Gardens terrace, but almost all of the site's South boundary is with the grounds of Holland Park School.

2.9 This mid-20th century complex is fortunate to occupy attractive grounds where early 19th century houses once stood. One of these - Thorpe Lodge - survives, a listed building containing part of the School's accommodation. It

is in the north-east corner of its grounds, facing the boundary of the appeal site about 15m away. The Lodge is an unassertive rambling two-storey property with a shallow pitch slated roof.

2.10 There are no views over the whole extent of the site from any point on the surrounding streets, but its openness is a striking feature of the outlook from a large number of dwellings around.

### 3. THE SITE ITSELF

3.1 The site contains two disused, brick built, covered Victorian reservoirs, with 12 tennis courts and a children's practice court on their roof. The reservoirs cover approximately three quarters of the site area, and are partly above ground and partly recessed with the top of their ground slab at a height of 34.6m above sea level and their roof at a height of 42.5m. The height of the reservoir buildings is such that their upper deck level (the level of the tennis courts) is higher than surrounding street levels, with embankments along all sides including Aubrey Walk to the North.

3.2 The site also includes a block with 15 residential flats for water authority staff and some office accommodation ("Water Tower House"), a smaller block on Aubrey Walk (nos 3, 5 and 7) containing three water authority flats, a pump room building (being the former engine house), and ancillary buildings of 625 sq m, water authority offices of 702 sq m, and trees and other vegetation particularly around its perimeter. The water tower from which the block obtains its name was an Italianate tower demolished in 1970.

3.3 The greater site covers an area of 1.54 hectares, located to the west of Campden Hill Road. The site is bounded by Aubrey Walk and Aubrey House to the north and west, Campden Hill Road and the flats of Kensington Heights to the east, and Holland Park School to the south.

3.4 13,760 sq m of the existing site counts as open space (89.2% of the site area) comprising tennis courts above the reservoirs, access roads and ancillary open space. The site is recorded in the Council's Open Space Survey of 1992.

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3.5 The tennis courts and an adjacent building on the Aubrey Walk frontage are operated by the Campden Hill Lawn Tennis club. This club has been in existence at this location for some 117 years, and has a total of 1254 members drawn from the local area and other parts of west London.

3.6 The primary vehicular access to the site is currently from Aubrey Walk, at a point opposite Hillsleigh Road. Only water authority vehicles or other authorised vehicles may use this access. At the rear of Water Tower House, again from Aubrey Walk, is a vehicular access point for the cars of residents of Water Tower House, plus water authority vehicles. There is a third vehicular access further west along Aubrey Walk which serves a small car parking area for some 6 vehicles. A fourth vehicular access to the site exists in physical form on its eastern side, directly from Campden Hill Road; however, this is used solely by the residents of Kensington Heights and the water authority and other owners of the application site do not have the right of access/egress to the site via this route.

3.7 No building upon the site is Listed, however, there are Listed Buildings close by to the north (St George's Church, and nos 2-6 and 15-19 Aubrey Walk), to the west (Aubrey House), and to the south (Thorpe Lodge). No 118 Campden Hill Road (West House) is also a Listed Building. The whole of the site is within the Kensington Conservation Area.

3.8 The Unitary Development Plan Proposals Map does not identify the site as having any nature conservation importance.

3.9 The site is not included in the Unitary Development Plan Schedule of Sites with Major Development Opportunities, and there is no planning brief for this site. However, under the proposed draft alterations to the Unitary Development Plan the site is proposed to be included within the Schedule as suitable for "residential including affordable housing, tennis courts, and open space". It should be noted that the Schedule does not prescribe the proportions of any of these uses to one another; suitable proportions are left for determination in response to planning applications.

3.10 The draft alterations have been the subject of consultations with statutory bodies, but not yet with the public.

#### 4. THE CONSERVATION AREA

4.1 The site is within the Kensington Conservation Area, whose boundaries are shown on page 11 of the Conservation Area Proposals Statement. The initial designation of 1970 was limited to its south-east corner, approximately the areas 1 and 2 on this plan. Campden Hill Square, Aubrey House, most of Aubrey Walk and the tennis club area were one of the further areas designated in 1971. A designation of 1976 combined these earlier designations, and added the rest of the appeal site, the nearby 20th century buildings, and other properties.

4.2 The area covers some 53 hectares between Notting Hill Gate and Kensington High Street. From Elizabethan times it was reputed a healthy place to live and the first house on the site of Aubrey House was attached to a medieval spring. Its desirability received a tremendous boost when William III acquired what is now Kensington Palace.

4.3 The incremental efforts since then of various landowners and speculators which generated a great diversity of character within the area are summarised in a Conservation Area Proposals Statement (CAPS) which the Council adopted in 1995. Campden Hill Square (first known as Notting Hill Square) was largely developed in the 1820s, not long after the use of the appeal site as a water utility commenced around 1810. The first reservoir was constructed in 1845 on land now occupied by Water Tower House and Kensington Heights.

4.4 St George's Church was built in 1864 as a daughter church to St Mary Abbots, and Campden Hill Gardens was developed soon after. Earlier houses had been demolished to make way for these developments.

4.5 In the early years of the 19th century seven individual houses in their own grounds had been built south of the water company land and Thorpe Lodge is the sole survivor. The reservoirs the subject of this appeal were not constructed until the late 1860s.

4.6 The CAPS (adopted in 1995) identifies a number of distinct sub-divisions of the Conservation Area, appraising their townscape separately. A small part of the appeal site is shown within area 6 (Campden Hill) but most of it is identified as part of area 10 (The Northern Corridor).

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4.7 The townscape of area 6 is analysed at pages 22 and 23 in the following terms:

"Campden Hill Square is the nucleus of this area but the limited scale of this tasteful early Victorian development and the current density of mature vegetation conspire to defeat any formality or axiality: its three sides are more an integral part of the area's relaxed, unrelated grid of streets than an exercise in formal design, at least in summer. It is impossible to look across the Square and take in, for example, that nos. 1 and 2 are matched by nos. 52 and 53 or that the frontages on Holland Park Avenue have a formal relationship. The large gaps at the southern corners of the Square effectively detach the south terrace from its neighbours. If the Square is no longer such, it cannot be denied that the character of its three constituent sides is charming and highly picturesque and that the subtle differences between the bushy front gardens and the varied houses of the west side, the greater consistency and height of the terrace on the east, and the confidence of the tallest terraces of all on the south side make for interesting townscape in its own right. Kensington lamp-posts and the original railings to the Square complete the scene.

At its south west corner a terrace of post-war properties, all approximately true to their time and echoing the simplicity and the colouring of the original houses, provides a link to the less formal scale of the streets surrounding the Square. AUBREY ROAD makes its way uphill past two towering Holland Park Avenue facades. Henry Wyatt's Gothic villas on its western side face Holland Walk in a charming sequence: their backs to Aubrey Road vary in interest and quality, some being delightful while others are more utilitarian. The final result is appropriately informal. The east side is less fortunate, with properties in varying states of use and disuse while modern infills at nos. 9 and 9A are busy with dormers and railings. Their ground level garages do not produce attractive or appropriate townscape.

At the end of Aubrey Road a 1960s development, plain and effective though a little self-conscious, faces the frontage of Aubrey House which is all but invisible from the street, though it is an attractive

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punctuation point along Holland Walk. AUBREY WALK then takes on a more formal air with tall properties from the turn of the century. Less substantial buildings on the south side comprise two early blocks, attractive in themselves but rather compromised by less-than-sympathetic modern housing. At the east end of the street a listed late Georgian terrace flanks the junction with HILLSLEIGH ROAD opposite a crisp Arts and Crafts terrace. Down Hillsleigh Road a range of individual houses contrasts with the properties which have sprung up behind Campden Hill Square: their wilful variety, particularly at roof level, is in strong contrast to the quiet informality elsewhere in this enclave."

4.8 The townscape of area 10 is analysed at pages 30 and 31 in the following terms:

"The "traffic corridor" function of the southern end of Campden Hill Road is relieved to some extent by the re-routing of southbound traffic, and by the generally fine grain of the surrounding developments, enhanced by a wealth of mature trees. In contrast, the concentration of two-way traffic over the summit of Campden Hill is intensified as it passes between large modern developments representing a coarser grain to a large degree unrelieved by mature planting. Fine-grained features such as the older terraces on the east side of Campden Hill Road are to a significant extent dominated by traffic. Perhaps Alfred James Little foresaw the future in turning his terrace at 5-25 Campden Hill Gardens towards the residential street and so decisively away from what had recently been Plough Lane.

The visual character of this part of the Conservation Area falls into three distinct parts. First comes the main road where large, monolithic buildings predominate. These have their own aesthetic principles and their own internal geometry, the logic of which does not necessarily relate to the street scene or acknowledge wider townscape considerations such as vistas. Airlie Gardens represents the point at which the aggregation of units begins to lose the personal scale which is generally characteristic of this Conservation Area and indeed most of the Borough. Its wealth of detail and the ease with which it turns the corner into Campden Hill Road tell in its

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favour. At the other end of the scale is Water Tower House, a dreadful building in all townscape respects.

Second to be considered are those parts of the main road where traditional styles and scales exist and, as mentioned above, are in danger of being surrounded by traffic. As well as 140-180 Campden Hill Road, this class covers both sides at the very top of Campden Hill Road and the Notting Hill Gate frontages, the visual worth of which have perhaps rarely been fully appreciated.

Finally there are the quieter residential streets where traditional buildings predominate. There is an interesting contrast here between Campden Hill Gardens, with its substantial Victorian brick and stucco terraces, and the south side of Kensington Place where a modern terrace between Melbourne House and Palmerston Houses is reticent almost to the point of invisibility."

4.9 The CAPS is useful as regards this Inquiry in identifying that the large 20th century buildings on Campden Hill Road are neutral in their contribution to the character or appearance of the area, and that Water Tower House actually detracts from the local scene. The Statement describes much of the appeal site as a neutral area. My practice was responsible for the preparation of the Statement and I think it will be helpful to give a little background to how that assessment was reached. In undertaking the study we were guided by what the English Heritage publication "Conservation Area Practice" (June 1993) (appendix 12) had to say about how to approach the definition of the special architectural or historic interest of an area.

4.10 The checklist of items which might be covered in such a publication includes "The character and hierarchy of spaces of townscape quality" - the guidance indicates that the importance of spatial quality and the form of its enclosure in the townscape needs to be stressed.

4.11 Negative factors should also be identified as well as "The existence of any neutral area" - those which neither enhance nor detract from the character or appearance of the conservation area.

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4.12 This advice has been re-expressed in "Conservation Area Appraisals": March 1997 (appendix 13). As regards the character and relationship of spaces within the area the guidance is that their importance, the way they are enclosed, and the visual contribution they make to the townscape should be shown. The note to "the existence of any neutral areas" has been expanded to advise that where there might be some potential for enhancement it should be recognised.

4.13 It seems to me important to appreciate how this guidance reflects that the special architectural or historic interest of an area is made manifest primarily as townscape. Plainly the standard of residential amenity enjoyed in an area is a further dimension of its character, albeit not one particularly identified for inclusion in an appraisal. Kensington Conservation Area is characterised by high standards of residential amenity at most of its dwellings, and the openness of the appeal site is of great value as a significant component of the amenity enjoyed at the large number of dwellings around. The importance of private views has recently been confirmed by the Secretary of State in the Persimmon Homes case in Wandsworth.

4.14 The neutral townscape role noted in the CAPS is not inconsistent with any other value, rather it is an acknowledgement that change can be considered. But the change to be accepted must either be to create another neutral feature, or to introduce something beneficial. What matters is that any change of these spaces should aim not to introduce something harmful to the character or appearance of the Conservation Area.

4.15 In other words the degree of openness is itself of great value, most particularly to residential amenity, even though the space is neutral in townscape terms. I examine the importance of the open space on the site in greater detail at section 9 of my proof.

## 5. THE APPEAL PROPOSAL

5.1 The appeal proposal is for redevelopment of part of the site to provide 19 houses, 48 flats, and underground parking, and of the other part to provide a tennis club with 13 courts.

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The Demolition

5.2 It is proposed to demolish all of the existing structures on the site, with the exception of the West retaining wall to the western reservoir, facing Aubrey House, and part of the northern retaining wall to that reservoir. The remainder of the reservoir structures, pump house and ancillary office and depot buildings, and Water Tower House, would be demolished, and large sections of embankment would also be removed from the northern (Aubrey Walk) boundary and the southern boundary.

General Arrangement and Orientation

5.3 It is proposed that the 19 houses are arranged around a central open space containing soft landscaping and trees at its centre. The design statement accompanying the application referred to this as "a new square in Kensington" and indicated that part of it would be designated as public open space. The flats are mostly contained within two blocks, one fronting Aubrey Walk (the "Aubrey Walk block"), and the others fronting Campden Hill Road on the site of the present Water Tower House (the "Campden Hill block"). There are to be two more flats at the north end of the terrace enclosing the west side of the central open space.

Housing Mix

5.4 The 19 houses would all be four-bedroomed family houses, each with its own garden.

5.5 Twenty-nine flats are proposed for the Campden Hill block, and seventeen for the Aubrey Walk block. Two more flats are located at the northern end of the West terrace to the proposed square. The 48 flats proposed comprise the following mix:

2 bedroom flats	34
3 bedroom flats	<u>14</u>
	48

5.6 Of this total, the following range of units comprise the affordable housing element:

2 bedroom flats	9
3 bedroom flats	<u>8</u>
	17

5.7 All of the units of affordable housing would be located in the Aubrey Walk block.

Density

5.8 The proposed houses and flats would comprise 366 habitable rooms resulting in a density of approximately 223 habitable rooms per hectare (hrh) if measured over the whole of the application site. However, as part of the site is set aside exclusively for the tennis courts it is considered that the remainder should be treated separately for the purpose of density. On the housing site, the density would be approximately 331 hrh.

Recreational facilities

5.9 It is proposed that 13 tennis courts are provided to replace the existing 12. Six of the new courts, and a practice court, will be open to the elements, and 6 courts enclosed in a covered structure, effectively within the space of the existing western reservoir. The upper level of the courts would be the same as now, and the area occupied by the courts would be roughly half that of the existing court area on the reservoir roof.

5.10 The 6 upper level (outdoor) courts are each to be of championship standard, 4 of them floodlit.

Means of Vehicular and Pedestrian Access

5.11 An underground car park at basement level will provide 88 parking spaces, including 12 disabled spaces. This provides 2 spaces for each house, and 1 for each flat. Nine visitor spaces are proposed at 0.1 spaces per dwelling.

5.12 Access to the underground car park is to be provided through an on-site access road ramp, with the point of access/egress being 30m into Aubrey Walk from its junction with Campden Hill Road, in the same location as the existing access/egress to the parking area at the rear of Water Tower House. The existing vehicular access opposite Hillsleigh Road would be removed, and the access/egress to/from Campden Hill Road would not be used as part of the

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proposed development, but would remain for the use of Kensington Heights.

#### Form and Scale

5.13 The Campden Hill block is proposed to be of six storeys, with two main sections to the building linked by a central stair core and ground floor entrance foyer with pedestrian access to Campden Hill and also to the rear (into the site). The proposed roof form is a flat roof, stepping back on the sides above the third floor. It is proposed that the height of this block is at its greatest closest to Kensington Heights, being six storeys at that section, dropping to three storeys at its northern end where it turns the corner into Aubrey Walk. The highest part of the roof would be 20.8m above Aubrey Walk pavement level, approaching the level of the principal parapet at the north end of Kensington Heights.

5.14 The Aubrey Walk block is proposed to be of three storeys with a pitched roof behind a parapet. The roof would have a maximum height of 12.2m from Aubrey Walk pavement level at its apex, with the main parapet running at a height of 10.2m.

5.15 The main terraces surrounding the central landscaped space would be of a basement, ground floor, and three upper floors including an attic storey. They would be four storeys from the new deck level constructed over basement parking at the level of the existing reservoir floor slab. The roof form would be a traditional mansard, with chimneys on the party walls. The main parapet of these houses would run at 11.6m above the finished level of the square, and the apex of the mansard roof would reach a height of 14.2m from the square.

#### Detailed Design

5.16 In terms of architecture the proposed development comprises three different design approaches, with the Campden Hill block, Aubrey Walk block, and the square of houses all taking different forms. The architectural style of the central houses echoes traditional house styles, with the detail of the Aubrey Walk block also traditional but simpler. The proposed flats block for Campden Hill Road is a modern building, utilising relatively large areas of glazing and a contemporary design approach.

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Landscaping

5.17 The main landscaped area is proposed to be at the centre of the site, running south from Aubrey Walk and bounded on three sides by residential terraces.

5.18 This space would be just over 78m in length and 22.5m in width at its widest, containing up to 12 new trees and shrubs and other planting in a garden area proposed to be separated from the surface access road by metal railings.

5.19 Other landscaped areas front Aubrey Walk, face Thorpe Lodge at the southern boundary, front Campden Hill Road in front of the proposed Campden Hill block, and form a strip along the boundary with Kensington Heights. The existing planted embankment to Aubrey House, which runs the full length of the western site boundary outside the western reservoir retaining wall, would remain untouched.

**6. THE PRINCIPAL ISSUES**

6.1 There are a number of issues in this appeal. They are:

- the impact which the loss of open space would have upon the value of the site as a visual amenity to be enjoyed by residents of nearby property and as part of the character and appearance of Kensington Conservation Area;
- the effect of the proposed development upon the character and appearance of the conservation area;
- the appropriateness of the demolition works involved in the project;
- the impact of the proposal upon the setting of listed buildings close to the site;
- the altered level of activity in the vicinity;
- the likelihood of affordable housing being secured as part of the development.

6.2 Evidence in respect of affordable housing will be given by Mr Phil Hughes, an Officer of the Council and by Mr Stephen Rawlings of the Notting Hill Housing Trust. Consequently I have nothing to say as regards the details of the social housing objection.

6.3 The applicant has agreed to delete the initially proposed entrance gates from the scheme although no amended drawings have been submitted. Whilst a condition has been proposed to deal with this it leaves a degree of uncertainty which could be removed by the applicant entering into a planning obligation, the effect of which would be to ensure unrestricted pedestrian access. In the absence of agreement I reserve the right to submit a further proof of evidence relating to this issue. The Council's concern to avoid gated communities has recently been upheld on appeal regarding proposed gates at Earls Terrace, W8.

## 7. GOVERNMENT POLICIES

7.1 PPG3 (March 1992) confirms in its opening paragraph that established environment policies are to be maintained and enhanced. These include the conservation and enhancement of the urban environment and built heritage.

7.2 The importance of making full and effective use of urban land for new housing, including bringing neglected or unused land into use, is to be balanced with the importance of maintaining conservation policies (paragraph 15).

7.3 The PPG notes that a well-designed scheme that respects the local environment can do much to make new housing more acceptable to the local community. At paragraph 5 it confirms how the overall scale and density of a proposal, and the height and massing of its various elements, are likely to be relevant considerations when an application is being considered.

7.4 Overall scale, density, massing and height are among the factors which Annex A of PPG 1 (February 1997) confirms development plan policies should deal with. The PPG also confirms (paragraph 13) that the relationship of a proposed development to its surroundings is a material consideration in determining an appeal.



7.5 PPG 15 (September 1994) advises that there should be a general presumption in favour of retaining buildings which make a positive contribution to the character or appearance of a conservation area (paragraph 4.27). Though I consider Water Tower House actually detracts from the character or appearance of the area the older reservoir structures are of some local interest, and the embankments built up against some of them make a valued contribution to the local scene. Consent for their demolition should not be given until there are acceptable and detailed plans for redevelopment of the site. This is the approach recommended at paragraph 4.27 of PPG15 and followed in policy CD51.

7.6 Paragraph 4.16 points out how unrealistic it would be to prevent all new development in conservation areas and that the emphasis will generally need to be on controlled and positive management of change. The following paragraph states the importance of high quality design, and of new buildings in conservation areas being designed with respect for their context, as part of a larger whole which has a well-established character and appearance of its own.

## 8. THE DEVELOPMENT PLAN

8.1 The overall aim of the Royal Borough of Kensington & Chelsea Unitary Development Plan which was adopted on 28 August 1995, and which is the statutory plan for the area, is to maintain and enhance the character and function of the Royal Borough as a residential area and to ensure its continuing role within the Metropolitan area as an attractive place in which to live and work. UDP extracts are at appendices 2-6.

8.2 Strategic policies STRAT1 and STRAT5 aim to protect and enhance residential character and amenity and STRAT2 seeks increased residential provision in the Borough.

8.3 Policy STRAT6 aims among other things to protect listed buildings and to preserve or enhance the character or appearance of conservation areas.

8.4 Strategic policy STRAT14 seeks to maximise the residential capacity of the Borough in line with the strategic guidance for London. That guidance like PPG3 makes clear that maximising provision is not to be pursued at the expense

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of the quality of the environment. The Council would welcome some re-use of the appeal site for additional residential accommodation, which would accord with UDP policy H2, if the means of achieving it did not have a harmful impact on the environmental quality of what are predominantly residential surroundings.

8.5 These policies are designed for what is primarily a residential area providing a high quality residential environment. The environmental quality of the Borough is reflected in the fact that conservation areas cover over 70% of it, confirming Kensington and Chelsea as one of London's most attractive and desirable residential areas.

8.6 The Borough has areas with some of the highest residential densities in the country. The buildings often date from Victorian and Edwardian times, and are satisfactory in the accommodation and facilities they provide, and in their contribution to the character and environment of the Borough.

8.7 However, in most cases of new development the Council's policy is to seek lower densities than in the past, in order that excessive pressure is not placed on existing facilities, particularly open space, that the quality of the existing environment is maintained, and, as appropriate, improved, and that new residential development offers facilities and a quality of environment acceptable today. It will be particularly important to design to lower densities, and make adequate provision for open space, in schemes suitable for occupation by families with children.

8.8 The residential development within the appeal scheme (331 hrh) falls within the higher density band (250-350 hrh) of the UDP. Policy H11 aims normally to resist such housing except where it:

- (a) is designed predominantly for occupation by small households; or
- (b) enables the provision of special needs or affordable housing on appropriate sites; or
- (c) is an infill scheme where a higher density is necessary for townscape reasons.

(a) clearly does not apply here, and as it is not suggested that the higher density is required to enable the provision of affordable housing I do not

consider that (b) applies either. For reasons to which I will return I do not accept that the density proposed is necessary for townscape reasons.

8.9 I acknowledge that these density figures are mainly useful as a helpful indicator of what may or may not be acceptable on a given site. Clearly they are not to be followed slavishly, as a rigid rule, but their application should not be so flexible as to leave them without significance.

8.10 In my judgement it is the developers' attempt to maximise the housing development on the appeal site which underlies why I consider the appeal proposal would have harmful consequences. I shall deal with these separately as relating to each of the issues identified above (apart from the affordable housing issue) incorporating references to the detailed policies of the development plan.

## 9. LOSS OF OPEN SPACE

9.1 Planning Policy Guidance Note 17 "Sport and Recreation" stresses (paragraph 25) that great importance is attached to the retention of recreational and amenity open space in urban areas. It comments that open space, whether or not there is public access to it, is also important for its contribution to the quality of urban life, enhancing the character of Conservation Areas, listed buildings, and historic landscapes. The Note also advises that "the use of land as open space is no less important than other uses".

9.2 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".

9.3 This Policy is directed at protecting open space that provides a leisure and recreational function, rather than a purely visual one. The tennis courts are being replaced, albeit only half of them in the "open", but there is no loss of space that provides for recreational needs and it is not considered that the proposed redevelopment conflicts with the aims of this Policy.

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9.4 Policy CD21, however, is more concerned with the visual amenity that open space can provide, rather than use as such. This Policy aims "to protect and enhance, and to resist the loss of, existing public and private open space which makes, or is capable of making, a contribution to an area's character or appearance and to resist proposals which would adversely affect its setting".

9.5 Although the tennis courts are constructed upon the roof of a large built structure, when seen from surrounding buildings, they give the strong visual impression of open space. When viewed from the flats of Kensington Heights, or the upper floors of properties in Aubrey Walk, the site does appear to be generally "open" for most of its area. The tennis courts provide the site with an appearance of being predominantly open space, with the ancillary buildings and Water Tower House located in just the eastern part of the site.

9.6 From public vantage points it is not possible to obtain anything like the breadth or depth of view that can be had from the aforementioned buildings. Nevertheless, there are a number of public points, primarily in Aubrey Walk, but also to the South, from where there are views into part of the site and from these points too the site appears as largely open space. This impression is strengthened by the trees and shrubs that line parts of the site and which, from some viewpoints (for example in Airlie Gardens and in the vicinity of Thorpe Lodge) form the skyline. The site is generally not viewed as a reservoir from outside its boundaries. Although the site is not free from development, and in fact contains some very large partially sunken built structures, it is the impression of open space that it gives which is considered to make an important contribution to the character, and appearance, of this area.

9.7 The role that the site plays, as described above, is precisely the reason why the site was included in the Council's Open Space Survey of 1992, which predominantly contains parks and gardens but also includes playgrounds and tennis courts. The Survey defines "Open Space" as "all open land with the exception of individual private gardens and yards, roads and car-parks and vacant land".

9.8 Therefore I consider that Policy CD21 is applicable to this proposal.

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9.9 Including the surface of the reservoir structures (i.e. the tennis courts), and the internal access road, 13,760 sq m, that is approximately 89% of the existing site is, or has the appearance of being, open space. The comparative figures for the proposed development are 10,842 sq m or 70.4%. However, because the definition of "open space" adopted in the Council's 1992 Survey excludes private gardens, the proposed private gardens for the houses in this application should be excluded from the calculation of the resulting open space in the development. When this is taken into account, the remaining open space on the site would be approximately 8,890 sq m or 57.7% of the total site area. On this basis, the proposal would result in the loss of approximately 35% of the present open space. As the surface of the site currently makes a positive contribution to the visual character and appearance of the area, it follows that this loss is contrary to the aims of Policy CD21.

9.10 The loss of open space needs to be judged qualitatively as well as quantitatively. That part of the appeal site whose openness would be least affected - the six surface courts - contribute less to the perception of open space experienced in Aubrey Walk. There are buildings which prevent it making as significant a contribution in this way as does that central part of the site where the terraced houses are proposed. Their construction, though allowing views into the space enclosed between them, would, by emphatically reducing the openness of the site, destroy the village quality of Aubrey Walk.

9.11 The recently published consultation draft Planning Policy Guidance Note 3, if confirmed, places responsibility upon local authorities to place a priority on the development and redevelopment of urban land, although it also stresses the importance of retaining public open spaces and playing fields as essential amenities within urban areas. The draft Note identifies previously developed land as land where housing developments should be maximised, but it excludes land that "was previously developed but where the remains of any structure or activity have blended into the landscape in the process of time ... or has subsequently been put to an amenity use and cannot be regarded as requiring development". As described above, the reservoirs and their embankments have blended well into their environment, and provide an important contribution to local amenity, and any proposal for their redevelopment must be considered in this light.

## 10. DESIGN CONSIDERATIONS AND THE CHARACTER AND APPEARANCE OF THE CONSERVATION AREA

10.1 In my judgement the elevational treatments of the three different elements of the residential development is carefully considered and not inappropriate. But I hold the view that trying to unify the contrasting elements of the appeal scheme by a common boundary treatment along Aubrey Walk is misguided. To do so would be out of character with that essentially informal street. That of course could easily be remedied. But it is the bulk and urban grain of what is proposed that I believe make the proposal unacceptable. This is manifest in the arrangement of the 3 terraces around the central space, and in the Campden Hill Road block.

10.2 The Campden Hill block is proposed to provide 29 flats where at present there are 15. To achieve this it is necessary to increase the bulk of this prominently positioned block very considerably. Floorspace is one indicator of this, with just over 4000 sq m proposed to replace about 2340 sq m. The new building is proposed to be some 2.3m closer to Kensington Heights than the old, and at its nearest point about 4.9m closer to Campden Hill Road than the present one. The loss of space here would not be so great at the northern half of the block, which is proposed to be slightly splayed away from the road. The northern elevation would be just slightly closer to Aubrey Walk.

10.3 Drawing no P107A gives the simplest explanation of the building's form. The half nearest Kensington Heights has six storeys, and is shown 0.75m lower than the highest part of that block and 0.45m higher than Melbourne House (as noted on ALS drawing 9132 sheet 5). The other half is of 5 storeys: the third floor is shown set back 2.4m from the mid point of the Aubrey Walk facade, and the fourth floor set back a further 1.8m. Examination of the floor plans on drawing no P111A suggests that the fourth floor setback may be slightly less than shown on P107A, nearer to 1.2m.

10.4 In any event while they would be effective in reducing the apparent bulk of the building seen from the south side of Aubrey Walk close to it they would have only a cosmetic effect from its north footway.

10.5 From any distance away the terraces and setbacks would contribute to the interest and vitality of the block, though they could not in my opinion reduce its scale sufficiently to respect the characteristics of Aubrey Walk. Looking eastwards along that road, from its junction with Hillsleigh Road for example, or towards St. Georges from Campden Hill Road, the excessive bulk of the block would be apparent.

10.6 I illustrate the increase in bulk at appendix 14 by overlays of the existing and proposed plans and elevations. In my judgement the adverse consequences of such a bulky building would be:

- an increase in the undue dominance of Campden Hill Road by big 20th century blocks;
- a discordant clash of scale between the proposed building and the Campden Hill Gardens development, noticeable not least in views out of that street;
- trivialising the townscape impact in Aubrey Walk of St George's Church, a listed building.

10.7 Despite the efforts made to articulate the mass of the building, and to incorporate devices designed to mitigate these harmful consequences, I believe the proposed building pays too much respect to Kensington Heights and too little to such nearby properties as 25 Campden Hill Gardens. I conclude that its bulk and scale are not compatible with that building and would have an over-dominant impact upon the terrace of modest properties at 140-180 Campden Hill Road and the terraced houses in Kensington Place. It would be generally out of character with most of its surroundings other than Kensington Heights and Melbourne Court. Those buildings are neutral in terms of the character and appearance of the conservation area, and should not provide the inspiration for a new building, especially one on the corner of Aubrey Walk with its mainly small domestic scale.

10.8 Consequently the proposed Campden Hill block would not accord with policy CD25 nor with policy CD53.

10.9 The "square". The garden square form, in theory, should maintain a well-defined sense of enclosed public urban space whilst simultaneously providing

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views into an attractively landscaped private garden. This is the effect that I understand the appellants have sought to achieve in their scheme, and since the application was first submitted amendments have been made to the "square" at the centre of the proposals in order for it to better address Aubrey Walk.

10.10 However, the basic concept of three imposing formal terraces was not changed. To my eye they would be a development of very different urban grain from that of the assorted buildings and mainly small domestic character of Aubrey Walk. Even in Campden Hill Square the variety of houses and the sloping land generate a finer grain than this composition would possess. I see the failure to relate to the established, almost villagey, urban grain, as a harmful aspect of this part of the proposal.

10.11 Also the garden space suffers from a particular flaw that severely limits the role that such a landscaped centre could play in a redevelopment scheme of this site; it is too small, and too dominated by the buildings arranged closely around it, to ever achieve the sort of impact which might compensate for the significant loss of open space required for its creation. The relationship between the "square" and its buildings is such that the square would not achieve the merit as an urban space that might avoid the harmful impact upon the character and appearance of both Aubrey Walk and the wider area which these buildings would have. The proposed space, being 22.5 m wide and 78 m long would appear narrow when viewed from its open end. The formal grandeur of the terraces would to my mind ensure that the space enclosed between them would be no adequate substitute for the space being lost, whether seen from the road or from the many dwellings around.

10.12 In order to achieve even the present proportions it has been necessary to plan for private gardens wider than they are deep behind the east terrace. They are shown as about 8m wide, some 6m deep at the longest point and approximately 4.5m deep behind the bays. The widths of the garden areas behind the west terrace vary, but most are about 8m square, with a shallow bay at each house projecting into them. In my judgement these would be rather oppressive spaces, enclosed as they would be between the terrace and the two storey ancillary accommodation which is 7.7m high to its eaves. Drawing no.P107A shows this relationship clearly.

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10.13 This pattern of development is at odds with that which is characteristic of large family dwellings in this part of the conservation area, for instance those in Campden Hill Square and in Bedford Gardens which can be evaluated on the OS extracts at appendix 14.

10.14 I consider that the over-high residential density of the development proposed for this site manifests itself in the constricted form of the "square" and in the restricted character of the amenity spaces associated with the east and west terraces. Though the space has been designed to relate to Aubrey Walk it fails to respect the mainly small domestic scale of that street and the informality which is a characteristic of the Campden Hill (area 6) portion of Kensington Conservation Area to which it is intended to relate.

10.15 I conclude that the "square" does not attain the high standard of design that is envisaged in policy CD53, and that the houses are too grand for the available area. I consider it was wholly inappropriate to suggest in the letter of 19 March 1999 accompanying the application that this is a space which "would reflect, but not replicate, the nearby Campden Hill Square".

10.16 At appendix 14 there is an Ordnance Survey extract showing Campden Hill Square and an overlay at the same scale (1:2000) of the proposal to show that there is no comparison between them. Nor is there with the nearest other Kensington Squares, Norland and Pembridge, of which OS extracts are also enclosed in the appendix. The two photographs at appendix 15 illustrate the balance between open space and built form at Campden Hill Square.

10.17 It is interesting to note that the distance between the east and west terraces (about 22.5 m) is comparable to that between the three storey and basement terraces lining the east portion of Bedford Gardens, and less than between the much grander buildings of Holland Park (to the north west, outside Kensington Conservation Area).

10.18 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of Kensington Conservation Area. All I have said under the two headings (ie Campden Hill block, and the "square") above leads me to the conclusion that the proposal would neither preserve nor

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enhance, but would harm, that character or appearance contrary to policies STRAT6 and CD48.

## 11. APPROPRIATENESS OF DEMOLITION

11.1 Water Tower House is of little architectural merit. The other structures on the site, though confirmed as not being of listable quality, make a contribution to the interest of the Conservation Area. If it is agreed that the scheme for redevelopment is not satisfactory then to grant conservation area consent for all the demolition works would breach policy CD51 and the guidance given at paragraph 4.27 of PPG15.

## 12 SETTINGS OF LISTED BUILDINGS

12.1 The listing descriptions of the various listed buildings to which I refer are at appendix 11.

12.2 I consider construction of the Campden Hill Road block would adversely affect the setting of St George's Church and of 2-6 (even) Aubrey Walk. The Aubrey Walk block would displace a bank and trees which are striking features of the local scene, much cherished by those who live there, and constituents of the setting of those listed buildings. The statutory duty - at section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 - to have special regard to the desirability of preserving that setting is not lessened by their being on an incidental and undesigned space. I consider this bank of greenery should not be lost to enable built development unless as part of a scheme with clear overall benefits which outweigh that loss.

12.3 This is not such a scheme. While I have some sympathy with the view that the setting of the Georgian houses might not be harmed by being given a more urban context I am concerned that the block proposed to face them would not be a particularly harmonious neighbour visually. I consider that due to the way in which the parapet steps forward and back on plan, so that its relationship to the roof pitch is not constant, the building is unlikely to have the same degree of visual repose as the Georgian houses. This can best be evaluated

from the roof plan on drawing P113, in conjunction with the section on P107A. But more importantly I am in no doubt that the setting of St George's Church would suffer if the appeal scheme were to proceed. Its design was clearly conceived to be a prominent feature of the local scene, and even after the loss of its spire it continues to be one. Coming along Aubrey Walk from the west the way in which the informal vegetation partly screens Water Tower House helps to perpetuate this situation at present.

12.4 Paragraph 2.17 of PPG15 advises that where a listed building forms an important visual element in a street it would probably be right to regard any development in the street as being within the setting of the building. The guidance confirms that a proposed high or bulky building might also affect the setting of a listed building some distance away. To my mind the greater bulk proposed for the Campden Hill Road block, closer to the Church, and its much more stimulating elevational treatment, would diminish the prominence of the Listed Building, thus harming its setting, contrary to policy CD61. Loss of the vegetation would make this particularly noticeable seen from the west, in my opinion leaving the listed houses in a less suitable setting also.

12.5 Though it seems not to have been of concern to others advising the Council I consider increasing the concentration of bulky buildings facing Campden Hill Road would risk overpowering West Hill House, the listed building at 118 Campden Hill Road. Interestingly those who designed Melbourne House used a two-storey intervening element to respect its setting.

12.6 Then there is Thorpe Lodge, south of the terraces of houses. The southern of these terraces is the highest of the three. The houses there are undeniably grand in character, and seen in conjunction with Thorpe Lodge would appear to be on higher ground. At the nearest point the distance between the Lodge and the houses would be about 25.5m. The ridge of the terrace roof would be more than 10m above the top of the roof. In my judgement the setting of this survival from a more gracious age would be harmed if such a dominant terrace of houses were to be built. The juxtaposition is well illustrated on drawing no P106A.

12.7 I do not consider it realistic to anticipate the establishment and retention of such a significant tree screen in the south-facing gardens of

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these houses as would offset this harmful relationship. There would never be seven householders willing to give over such gardens to substantial trees, whatever conditions or controls might be brought to bear.

### 13. EFFECT OF DEVELOPMENT TRAFFIC UPON RESIDENTIAL AMENITY

13.1 As described in the Unitary Development Plan (paragraph 4.2 onwards in the "Transportation" chapter) the Council follows an approach of general traffic restraint, because of the many adverse effects that motorised traffic can have upon the residential character of the Borough. Clearly, in relatively quiet roads such as Aubrey Walk, Aubrey Road and Campden Hill Square, it is particularly important that any development and related activity does not result in a significant increase in local road traffic levels.

13.2 It has been explained to me that studies agreed between the Council's Officers and the Appellant Company's Consultants have ascertained that traffic flows along Aubrey Walk are rather variable, ranging between 100 and 200 vehicles per hour in the morning peak, which tends to be the busiest time. This variation in flow can be explained by the varying conditions on Campden Hill Road which may cause vehicles to divert to Aubrey Walk/Aubrey Road when queues are present. The studies show that the numbers of additional vehicles which would be generated by the residential and recreational uses would not be sufficient to sustain an objection in terms of road capacity. However they also demonstrate that the pattern of highway activity would alter as a result of the proposals.

13.3 At present, the level of activity generated by the redundant reservoirs and the ancillary Thames Water buildings is low. The tennis club does not generate much vehicular or pedestrian activity around the year, and at its lowest in the winter or on inclement days in the summer it generates virtually no traffic. There would be little point in having the enhanced recreational facilities in the proposal, in particular the six indoor tennis courts, if not to allow greater use than now. This would result in an altered pattern of use, where even in the periods presently quietest there would be intensified activity associated with the tennis club use of the site to add to the daily additional traffic generated by all the houses and flats. This could amount to

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18 movements more than associated with the existing flats in the morning peak hour, 24 in the evening peak hour.

13.4 The existing, relatively "low-key" use of the site has existed for many years, with nearby residents aware of the club from the moment they moved in. Despite some complaints relating to parking problems the existing club appears to exist quite harmoniously with its immediate surroundings, and it seems that one of the most important ingredients in this balance is the fact that, for much of the year, the club has generated little or no vehicular activity at all. This would no longer be the case, as future activity would be more constant due to the enhanced indoor facilities.

13.5 There would no longer be days or periods when the Club generates virtually no traffic.

13.6 At such times in future the proposed club could be expected to generate up to an average of 5 and a maximum of 18 trips per hour (4 and 13 on weekdays). This would lead to additional queueing activity in the vicinity of Aubrey Walk, with greater competition for parking spaces in the narrow streets closest to the site, and the incidental banging of car doors inevitably associated with parking. Allowing this contribution to local problems to be continuous rather than periodic would I conclude be to the detriment of local residential amenity, contrary to the aims of policies STRAT1 and CD52.

#### **14 OTHER AMENITY ISSUES AFFECTING NEIGHBOURING RESIDENTS**

14.1 Daylight: assessment has shown that the amount of daylight which would be lost at some south-facing rooms in Aubrey Walk would not be of enough significance to amount to an objection in planning terms.

14.2 The proposals have been amended since first submitted, and the deletion of the former eastern-most house from the southern side of the "square" has improved the position in relation to the nearest part of Kensington Heights.

14.3 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.

14.4 Two of these windows are to kitchens, the remainder to living rooms or bedrooms. The worst affected room would be the eastmost first floor room on the North elevation, a bedroom, which would receive 58% of its existing daylight. The second most affected is a living/bedroom at first floor level facing the Campden Hill block, which would receive 62.41% of its existing daylight as a result of the proposed development. In both of these cases, the loss of daylight would be appreciable. In the remainder of cases, it is much more marginal and not considered to be of significance.

14.5 In one of the worst two cases an existing balcony over-sailing the window to the room artificially reduces the amount of daylight received by the room at present.

14.6 This material loss of daylight must be considered in the knowledge that the Council's Conservation Area Proposals Statement encourages the redevelopment of Water Tower House. Any replacement building will take some daylight from Kensington Heights as does the present one. The extent would depend upon how much taller and wider it is. I can see no reason to suppose that the material loss of daylight noted above could not be eliminated without impairing the potential townscape enhancement which the Council seeks.

14.7 Some first floor flats in the West elevation of Kensington Heights would experience a slight reduction in receivable sunlight but not so significant as to support a planning objection. A few windows in Aubrey Walk would gain in winter.

## 15. SECTION 54A: THE DEVELOPMENT PLAN AND OTHER MATERIAL CONSIDERATIONS

15.1 Section 54A requires the Inspector to decide the planning appeal having regard to the development plan and to make his determination in accordance with it unless material considerations indicate otherwise. I have identified those

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ways in which I consider the proposal conflicts with the development plan. To assist the Inspector to have proper regard to the plan as a whole it is appropriate to note also those aspects of it with which the proposal accords.

15.2 I recognise that the principle of having some residential development on the appeal site does not conflict with policies STRAT2 and 14 nor with policy H19. Replacement of the tennis club facilities as proposed would accord with policy LR7 and is not contrary to policy LR1. What matters most is the amount and form of any residential development.

15.3 For the reasons given in the Committee Report there is no conflict with CD29 (lighting conditions within the development), CD30 (visual privacy) and CD28 (sunlight and daylight). As regards this latter subject the worsening of conditions at certain windows in the northern facade of Kensington Heights is a material consideration to be taken into account.

15.4 It is not suggested that there are any noise nuisance problems such as might conflict with policies CD34 or CD35.

15.5 The desirability of enhancing the character or appearance of the conservation area through an appropriate redevelopment of Water Tower House is a material consideration. So too is the need when seeking to maximise the residential capacity of the Borough to avoid harming the environment and local amenity by rejecting overdevelopment which conflicts with policies CD21, CD25, CD53 and CD61.

15.6 Mr Hughes' evidence explains the Government's currently preferred approach to the provision of affordable housing and how emerging UDP Alterations are proposing to give local effect to advice contained in Circular 6/98. Mr Rawlins' evidence shows the considerable difficulties faced by registered social landlords in helping to meet the growing needs of the Borough's population for affordable housing, and the scarcity of sites available for the purpose.

15.7 What they say shows how limited the opportunities are to add to the stock of affordable housing in the Borough. Development sites are such a valuable resource that if a residential development of the scale involved here

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failed to make an appropriate provision as part of the proposed development as sought by Circular 6/98 it would be a particularly weighty factor against granting planning permission.

15.8 In reaching a decision on this appeal as always a balance has to be struck. In my judgement the ways in which the proposal conflicts with the development plan override those aspects of it which accord with the policies. I do not consider there are material considerations which outweigh this.

## 16. CONCLUSION

16.1 The residential element of the proposal is at a density which the development plan normally aims to resist.

16.2 The appeal site is largely open space, and the proposal would involve a very substantial increase in built development on it, contrary to what in effect is a presumption against the loss of such space provided by policy CD21.

16.3 The bulk and character of the principal residential buildings proposed fail to respect the character and appearance of the area, as required by national and local policies.

16.4 The setting of a number of listed buildings would suffer if the scheme were to be implemented, in particular that of Thorpe Lodge and of St George's Church.

16.5 Demolition should not be permitted in the absence of a satisfactory scheme for redevelopment.

16.6 The altered pattern of activity in the local streets which would result from the proposal would significantly reduce the level of amenity which local residents enjoy.

16.7 While the proposal remains unlikely to provide affordable housing as part of the development it clearly conflicts with the recent Government advice in Circular 6/98.

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16.8 The local planning authority has given seven reasons for concluding that the project fails to balance properly the need to maximise residential development on the site with the quality of the environment. The inspector will consider each on its own and is asked also to consider them in combination.

16.9 He is respectfully requested to dismiss these appeals.

CHR.PrEv:DMCC/28.6.99

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Site of  
Former Hayes Reservoir and  
Water Treatment Works  
Central London, UK

Phase 1  
July 1997/June 1998  
Phase 2  
July 1998/June 1999

101/102/103/104  
105/106/107/108/109/110

Proof of Evidence  
Stephen Ludings

20th July 1999

## PROOF OF EVIDENCE - CAMPDEN HILL RESERVOIR SITE

1 I am Stephen Geoffrey Rawlings, the Development Director of Notting Hill Housing Trust. I have held this position since 1985 and have been responsible for a number of affordable housing developments in the Royal Borough of Kensington & Chelsea. Prior to this position, I worked in a similar capacity for another housing association and prior to that for the Department of Environment (now Department for Environment Transport and the Regions) on investment in housing associations.

### NOTTING HILL HOUSING TRUST

- 2 Notting Hill Housing Trust is one of the largest housing associations in London and owns or manages 16,000 dwellings. In the Royal Borough of Kensington & Chelsea we have operated for 35 years and provide over 3,000 units of affordable housing for rent. Notting Hill Housing Trust are the preferred RSL on this site.
- 3 Affordable housing is housing that is available to people in housing need. In the Royal Borough of Kensington & Chelsea the Trust provides this at a considerable discount to prevailing market levels. RSL new housing projects are funded partly through Social Housing Grant (SHG) and partly through private loans. The Housing Corporation determines each financial year the maximum SHG for RSLs. For RSLs in cost Group A (including RBKC) the Housing Corporation has set a figure of 56.6% for newbuild schemes in the current financial year. The RSL has to make up the residue through loans secured by capitalising the rental income on the property or by subsidy from developers.
- 4 Notting Hill is one of the largest recipients of Social Housing Grant in the United Kingdom. We received the second largest allocation in the country in 1999/2000 despite being almost exclusively based in west London. In total we have received over £511 million of Grant since 1975. In the last six years we have received the following sums, developing the requisite number of new homes.

	1994/5	1995/6	1996/7	1997/8	1998/9	1999/2000
SHG	£28M	£10M	£20M	£7M	£17M	£12M
No. of homes	450	180	420	140	300	212