



Mr Shane Baker
London Borough of Hounslow
The Civic Centre
Lampton Road
Hounslow
TW3 4DN

Direct Dial: [REDACTED]
Our ref: P01265592

5 March 2021

Dear Mr Baker

**T&CP (Development Management Procedure) (England) Order 2015
& Planning (Listed Buildings & Conservation Areas) Regulations 1990**

**HOMEBASE LTD SYON LANE ISLEWORTH TW7 5QE
Application No. 00505/H/P19**

Thank you for your letter of 22 January regarding further information on the above application for planning permission. On the basis of the information available to date, we offer the following advice to assist your authority in determining the application.

Summary

The connected landscapes of Syon and Kew are of global historic and artistic interest, meriting the highest possible heritage designations. The views provided illustrate demonstrable harm to the significance of the Royal Botanic Gardens (RBG), Kew World Heritage Site, Syon House and Syon Registered Park and Garden (all Grade I). The proposals are contrary to the Development Plan, including the new London Plan, which sets out a robust framework for ensuring the conservation highly designated heritage assets. This harm attracts very high weight and has not been clearly and convincingly justified. Historic England objects to the application and strongly recommends that planning permission should be refused.

Historic England Advice

Further information has been submitted which reveals the impact on the RBG, Kew World Heritage Site, in addition to Syon House and RPG. This letter should be read in conjunction with our previous letters (of 20 May 2020 and 15 October 2020).

Significance of the heritage assets

The significance of the registered park and garden (RPG) at Syon, and of English landscape garden design as a phenomenon, have been discussed in detail in our previous letters. In summary, Syon is a highly important eighteenth-century landscape



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by the most renowned landscape designer of the period, Capability Brown, which was designed to give the impression of extensive rural parkland. This was achieved partly through tree planting, to screen the outside world. The iconic view of Syon House is from across the river and this idyllic scene was frequently painted in the eighteenth century; the Canaletto painting of 1749 is perhaps the best known, though other notable examples followed.

Brown was later appointed Royal Gardener in 1764 and he implemented an extensive landscaping scheme at Kew for George III (as the park to an aborted new Royal Palace). He united the two sides of the river into one large serpentine landscape, by removing or softening elements of the earlier formal landscape associated with Richmond Lodge. The royal gardens evolved into the national botanic garden in the nineteenth century and further important layers were incorporated, such as Nesfield's Syon Vista of the 1840s.

Syon and Kew are two uniquely intertwined historic landscapes. They should be understood as carefully designed compositions, which are particularly susceptible to being harmed by outside development. Historic England's Good Practice Advice Note 3: The Setting of Heritage Assets (GPA3) pertinently considers the relative importance of settings:

Views which contribute more to understanding the significance of a heritage asset include:

- § *those where the composition within the view was a fundamental aspect of the design or function of the heritage asset;*
- § *those with cultural associations, including landscapes known historically for their picturesque and landscape beauty, those which became subjects for paintings of the English landscape tradition, and those views which have otherwise become historically cherished and protected.*

Both of these points relate to these landscapes and their relationships, which is part of the reason why they are so important.

Syon as viewed from Kew is essentially unchanged from its eighteenth-century inception and can be appreciated largely as it was historically illustrated. It remains rural in character; minimal modern or urban elements are present in the view. This is a remarkable survival, which sets it apart from other elements of the setting of the WHS that have already been compromised by previous tall building development. Following recent public inquiries, the Secretary of State has identified more than moderate harm to the WHS arising from existing developments in its setting. The impact of this proposal must also be considered in light of that, as it would further erode the ability to appreciate significance.

Such is the rich heritage value of Kew, it has been inscribed for its Outstanding Universal Value (OUV). A key attribute of the OUV of Kew WHS is that it is '*a rich and diverse historic cultural landscape providing a palimpsest of landscape design*'. The





whole stretch of the riverside was designed by Brown to exploit the existing backdrop of his landscape at Syon; a channelled view was later introduced by William Nesfield, a noted landscape architect of the nineteenth century. Syon consequently forms a substantial part of the buffer zone of the WHS and makes a significant contribution to its OUV and the ability to appreciate OUV, its authenticity and integrity.

The Kew WHS Management Plan discusses the specific contributions made by setting to OUV on pp.25-26. The following is a particularly relevant point:

*iv. Providing visual and physical relationships westwards over and to the River Thames and wider Arcadian landscape beyond, including the designed relationships with Syon Park, which enables modern visitors to appreciate the *rus in urbe* that Kew Gardens provides, and to see the landscape through a similar lens as the historic designers who worked there, and their royal patrons;*

'Rus in urbe' is an illusion of countryside created by a building or garden within a city, a key part of the significance of Kew, as described in this management plan.

Impact of the proposed development

The proposals are for the clearance of the site and the construction of buildings up to 17 storeys (78.550 AOD) in height.

The additional verified views provided show that the proposed development would be visible from within the WHS, in kinetic views along the riverside path and certain parts of the garden. It would appear in the backdrop to Syon Park and appear behind Syon House depending on the location of the viewer. These views do not show the full extent of the visual impact and are not accompanied by a Heritage Impact Assessment.

The impact would harm to the OUV of the WHS, through the introduction of large urban development that would disrupt the distinctive sense of an Arcadian landscape. This contributes significantly to the ability to appreciate the design intentions of the landscape. The proposed development would distract and effectively end the rural illusion, undermining the character of the historic landscape gardens (Kew and Syon) in a profound way.

We have considered the degree of impact in light of the relevant ICOMOS/GLA guidance documents for WHS Heritage Impact Assessments (HIAs). Using those frameworks, we consider the overall impact on OUV would be moderate/large. In terms of the NPPF, this equates to a moderate degree of less than substantial harm.

With regards to Syon House and RPG, some of the most important views of the building and the rural setting of the park would be further compromised. This will harm the ability to appreciate them and their original design intent in relation to their settings.





In addition to these impacts, we have already identified harmful impacts from this development to the western part of the park. The setting of Syon is not pristine, which increases its vulnerability. The impacts identified here are considered to cause a further moderate degree of less than substantial harm.

These are all heritage assets of the highest possible significance. Less than substantial harm should not be treated as a less than substantial objection to the grant of planning permission; it instead indicates that every possible effort should be taken to avoid harm.

Relevant policy

The **National Planning Policy Framework (NPPF)** sets out the Government's policies for decision making. At the heart of the framework is a presumption in favour of 'sustainable development', a key component of which includes protecting and enhancing the historic environment.

Para 193 states that 'when considering the impact of a proposed development on the significance of a designated heritage asset, 'great weight' should be given to the asset's conservation (and the more important the asset, the greater the weight should be')

Para 194 requires that 'Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.'

Para 196 states that 'where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.'

The new **London Plan** has now been adopted. Policy HC1 covers Heritage conservation and growth. Part C states '*...The cumulative impacts of incremental change from development on heritage assets and their settings should also be actively managed. Development proposals should avoid harm and identify enhancement opportunities by integrating heritage considerations early on in the design process.*'

The UNESCO World Heritage Site at Royal Botanic Gardens Kew is a key feature of London's identity as a world city. Policy HC2 part B on World Heritage Sites requires development proposals in the setting of WHSs to conserve, promote and enhance their OUV, including the authenticity, integrity and significance of their attributes, and support their management and protection. In particular, they should not compromise the ability to appreciate their OUV, or the authenticity and integrity of their attributes. HC2 part C, requires development within the setting of a WHS to be supported by a





Heritage Impact Assessment.

The revised Policy D9, Tall Buildings, Part B states that:

- 1) *Boroughs should determine if there are locations where tall buildings may be an appropriate form of development, subject to meeting the other requirements of the Plan. This process should include engagement with neighbouring boroughs that may be affected by tall building developments in identified locations.*
- 2) *Any such locations and appropriate tall building heights should be identified on maps in Development Plans.*
- 3) *Tall buildings should only be developed in locations that are identified as suitable in Development Plans.*

Part C states:

d) *proposals should take account of, and avoid harm to, the significance of London's heritage assets and their settings. Proposals resulting in harm will require clear and convincing justification, demonstrating that alternatives have been explored and that there are clear public benefits that outweigh that harm. The buildings should positively contribute to the character of the area*

e) *buildings in the setting of a World Heritage Site must preserve, and not harm, the Outstanding Universal Value of the World Heritage Site, and the ability to appreciate it*

Para 3.9.2, which forms part of the supporting text to this policy states:

Boroughs should determine and identify locations where tall buildings may be an appropriate form of development by undertaking the steps below:

- 1) *based on the areas identified for growth as part of Policy D1 London's form, character and capacity for growth, undertake a sieving exercise by assessing potential visual and cumulative impacts to consider whether there are locations where tall buildings could have a role in contributing to the emerging character and vision for a place*
- 2) *in these locations, determine the maximum height that could be acceptable*
- 3) *identify these locations and heights on maps in Development Plans.*

This exercise has been undertaken in producing Hounslow's draft **Local Plan**.

The draft allocation for this site sets out that building heights must conform with Great West Corridor West Place Policy and Great West Corridor Masterplan. The Masterplan requires heights generally ranging from 16m to 30m, with a maximum of 49.4m at the north of the site and 46.4m at the south of the site. This draft allocation is supported by an evidence base which has been developed to reduce harm to highly graded heritage assets, seeking to accord with London Plan policies HC1, HC2 and D9.



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Historic England's position

Historic England objects to the application. The proposals would cause harm to a designed setting which makes an essential contribution to the significance, and ability to appreciate the significance, of a WHS and three Grade I designated heritage assets. The proposals are supported by inadequate information and are contrary to the Development Plan.

We are concerned that the visibility of the development from the WHS and in the backdrop to Syon House has only recently been illustrated by the applicant, despite this having been raised at the pre-application stage. This suggests that this has not shaped the development to avoid harm as policy requires.

There are fundamental issues with the supporting documentation accompanying the application; most notable is the absence of a HIA. The application is therefore contrary to London Plan Policy HC2 which requires a HIA to be undertaken when there is the potential to affect a WHS, and additionally requires that appropriate weight should be given to WHS Management Plans in decision making.

The submitted Townscape and Visual Impact Assessment (TVIA) does not present a significance-based assessment as policy requires; instead a standard methodology for assessing impacts on general townscape and visual amenity is employed. The submitted Heritage Statement explicitly relies on the conclusions of the TVIA, which does not find harm, to find that there is no harm to heritage assets. ICOMOS guidance for HIAs states that assessment should made through the 'lens of OUV'; OUV is not mentioned or demonstrably understood in the application documents.

The impact on significance does not therefore appear to have been assessed. This is despite the WHS Management Plan making it clear that setting makes a strong contribution to OUV. Furthermore, the integrity and authenticity of OUV is vulnerable to impacts from development beyond the boundaries of the WHS and its buffer zone.

The views of the development that have been provided do not appear to show the worst-case scenario (in terms of visibility understanding the impact on significance) and their specific locations were not subject to discussion. Secondary to this, it would appear that the TVIA has not been produced in line with recent best practice guidance on photography and images from the Landscape Institute (Technical Guidance Note 06/19).

This point particularly relevant in relation to both View 20 from Syon Vista and View 29 from within the RBG. Historic England's GPA3 states at para 40 that '*The permanence or longevity of screening in relation to the effect on the setting also requires consideration.*' The Inspector at the Chiswick Curve inquiry concluded that 'It would





be wrong...to rely on the presence of a tree, or trees, to justify an impact.' (IR12.130). In line with GPA3 and the Inspector's findings, we do not accept the justification that the existing screening provides adequate mitigation. We also note that no consideration has been given to its potential removal.

View 28 indicates that the development would not only be visible in the backdrop to Syon House when viewed from within the WHS - it would be taller than it and appear behind it in adjacent views. It has only been possible to establish this from the TVIA submitted with the Osterley/Tesco application. The rendered version of this view submitted with the Homebase application hides the development behind the mature tree and does not provide a dashed outline of it, which appears misleading. We recommend that you request a clearer accurate visual representation before the application is determined.

In relation to View 27 from the Isleworth Gate, it is stated in the Heritage Statement Addendum (December 2020) that the gate is not publicly accessible and no longer operational. The NPPG however states that "*The contribution that setting makes to the significance of the heritage asset does not depend on there being public rights or an ability to access or experience that setting. This will vary over time and according to circumstance.*" We consider this view, and views on a similar axis from within the RBG, to be important to the significance of the WHS. The gate itself is listed and once formed a busy public entrance to the gardens.

Most of the taller elements of the proposals greatly exceed the heights set out in evidence base for the Council's Local Plan. Much of the development would rise above 50m AOD and reach up to 72.250m and 78.550m, approximately 30 metres taller than what the evidence base suggests would be acceptable at this site (which is determined by visibility from these and other heritage assets). A scheme which complies with the parameters set by the Local Plan would likely much reduce the harmful impact to the WHS.

London Plan Policy D9 requires that tall buildings are only developed on sites identified as suitable for them, and that the development plan must set out the maximum heights where suitable. The proposals in this application exceed the maximum heights set out in the draft Local Plan by a considerable margin. This policy also requires that proposals "must preserve" (i.e. not cause harm to) the OUV of the WHS. When considering harm to other heritage assets (such as Syon House and RPG), the policy requires that it must be demonstrated that alternatives have been explored, which is absent from the application.

Recommendation

Historic England objects to the application. The proposals would result in clear harm to heritage assets of the highest significance, and would be contrary to the Development



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Plan (London Plan policies HC1, HC2 and D9 in particular, and the draft site allocation). We therefore strongly recommend that planning permission should be refused.

In determining these applications you should take account of the statutory duty of sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess, and section 38(6) of the Planning and Compulsory Purchase Act 2004 to determine planning applications in accordance with the development plan unless material considerations indicate otherwise.

Paragraph 172 of the UNESCO Operational Guidelines sets out the World Heritage Committee's desire for State Parties (DCMS acts for the UK State Party) to notify the Committee via the World Heritage Centre of schemes that are likely to affect world heritage sites. The relevant excerpt is below.

172. The World Heritage Committee invites the States Parties to the Convention to inform the Committee, through the Secretariat, of their intention to undertake or to authorize in an area protected under the Convention major restorations or new constructions which may affect the Outstanding Universal Value of the property. Notice should be given as soon as possible (for instance, before drafting basic documents for specific projects) and before making any decisions that would be difficult to reverse, so that the Committee may assist in seeking appropriate solutions to ensure that the Outstanding Universal Value of the property is fully preserved.

As we have identified harm to a World Heritage Site, your Authority is required to notify the State Party who will make a decision on whether to notify the World Heritage Centre.

Your authority should take these representations into account in determining the application. If you propose to determine the application in its current form, please inform us of the date of the committee and send us a copy of your report at the earliest opportunity.

Please contact me if we can be of further assistance.

This response relates to designated heritage assets only. If the proposals meet the Greater London Archaeological Advisory Service's published consultation criteria we recommend that you seek their view as specialist archaeological adviser to the local planning authority.

The full GLAAS consultation criteria are on our webpage at the following link:



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Yours sincerely

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