



Appeal Decision

Inquiry opened on 13 May 2008

Site visits made on 23 & 24 June 2008

by **P J Asquith** MA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State
for Communities and Local Government

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Decision date:
30 July 2008

Appeal Ref: APP/F5540/A/07/2061842 Albany House, 41 High Street, Brentford

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Barratt West London against the decision of the Council of the London Borough of Hounslow.
- The application Ref. 00607/41/P26, dated 25 May 2007, was refused by notice dated 13 November 2007.
- The development proposed is described as part conversion, part redevelopment of vacant office buildings into a mixed use development comprising 69 residential dwellings, 189 sqm (GEA) commercial floorspace (Use Class A1/B1) and 56 car parking spaces.

Decision

1. I dismiss the appeal.

Procedural and preliminary matters

2. Although the application was for development as described above, it was confirmed at the Inquiry that the Council's description contained within its decision notice more accurately described the proposals. This was: 'demolition of existing buildings and the erection of two six-storey buildings comprising 69 flats, 189 sqm commercial floorspace, and 55 basement level parking spaces'. For the avoidance of doubt, it is on this latter basis that I have determined the appeal.
3. Within the Inquiry there was debate as to the design of the scheme's proposed riverside walkway as shown on the application plan ref. A1736 110, P5. Three further plans¹ were submitted showing alternative treatments. Although one of these schemes would have consequential implications for the number of car parking spaces that could be accommodated on the site, within the context of the overall scheme I see these as minor modifications. I do not consider that any party's interests would be prejudiced by my consideration of these alternative proposals as part of this appeal.
4. A completed Unilateral Undertaking made under the provisions of Section 106 of the Town and Country Planning Act 1990 (as amended) has been submitted by the appellant. This relates to matters including affordable housing provision, the riverside walkway and various monetary contributions in respect of matters including community infrastructure, education, air quality,

¹ Refs. A1736 110 P9, A1736 110 P10 and A1736 110 P12

employment, open space, public transport, riverside signage and works of art. I have taken account of this in my consideration of the proposals.

5. The Inquiry sat for four days between 13 and 16 May and for a further day on 23 June 2008, with an accompanied visit involving viewing the site from the River Thames on that day. I undertook an unaccompanied visit on 24 June.
6. The Council's decision notice listed eight reasons for refusal. Two of these related to issues connected with the position of the site within the Flood Zone and the provision and mix of affordable housing. It was confirmed at the Inquiry that the Council was no longer contesting these issues. It was also confirmed that the Council was withdrawing its opposition regarding the impact on living conditions in respect of sunlight/daylight and shading.

Main issues

7. From the foregoing and all I have seen, read and heard I consider the main issues in this case to be:
 - the impact of the scheme on the appearance and character of the locality, including the setting of the World Heritage Site of the Royal Botanic Gardens at Kew;
 - whether the proposal would be prejudicial to the restoration of the boat repair yard on the neighbouring Lots Ait because of issues of residential amenity;
 - whether the scheme would provide adequate levels of amenity for its residents; and
 - the scheme's impact on highway and pedestrian safety and the free flow of traffic.

Reasons

General background

8. The site of some 0.2ha lies between Brentford High Street and the River Thames and is currently occupied by redundant commercial buildings that have been disused for about 10 years. There is no dispute that the site is in need of regeneration. The existing buildings would be demolished to be replaced by two, six-storey blocks. The riverside block (Building A) would provide 38 private apartments whilst the block fronting High Street (Building B) would provide a total of 31 affordable units and, on the ground floor, 189m² of commercial space for shop and/or business use. The two blocks would be separated by a landscaped courtyard space. A previous planning permission exists for the redevelopment of the site to provide 31 residential units and a ground floor restaurant. At the Inquiry the appellant indicated that this permission had been implemented. This was not substantively contested by the Council and this would therefore represent a 'fall-back' position for the appellant.
9. The development plan comprises the London Plan (LP) of February 2008, consolidated with alterations since 2004, and the London Borough of Hounslow Unitary Development Plan (UDP) adopted in December 2003 and amended with

the majority of policies saved by direction of the Secretary of State in September 2007. Reference has been made to a large number of development plan policies and where I believe them to be directly relevant these are discussed within the context of my consideration of the main issues identified.

First issue – appearance and character

10. A criticism levelled at the scheme is that it would have a density far in excess of those suggested appropriate within the LP for a development with its level of public transport accessibility. The LP contains a density matrix which sets a strategic framework for appropriate densities at different locations. In accordance with Policy 3A.3 proposals should achieve the maximum intensity of use compatible with local context, design principles within Policy 4B.1 and with public transport capacity. According to the matrix an appropriate density for this site would be in the range of 200-450 habitable rooms per hectare. The actual density is 881.8 habitable rooms per hectare, almost twice the highest level considered appropriate. On behalf of the Brentford Community Council (BCC) it was argued that such a density would, amongst other matters, place a high level of demand by the occupiers of the development on local infrastructure, services and public transport. However, I have seen no substantive evidence to suggest this scheme in itself would place an unacceptable burden on these facilities. I share my colleague Inspector's view in reporting on proposed development at Kew Bridge (APP/F5540/A/05/1180177 & APP/F5540/E/05/1180179) that high density is not in itself a reason for refusal; it is only if a high density development would compromise the quality of the built environment, lead to unacceptable living conditions or compromise other established planning concepts that it could be problematic. I have therefore considered the scheme within this context.
11. Whilst making efficient and effective use of land is exhorted by national planning guidance in Planning Policy Statement 3 (PPS3) *Housing*, I consider there is no imperative in this case to achieve a density of development that would be far in excess the density range that would be considered acceptable within LP terms. This is particularly so when there is in excess of a five-year housing supply in the Borough.
12. The appeal site is within the Thames Policy Area as defined in the UDP. Amongst other matters Policy ENV-W.1.1 expects that proposals should respect other buildings close to the river, foster good urban design and treat the river as a frontage to create an attractive and inviting environment. The Thames close to the appeal site is designated within the UDP as Metropolitan Open Land (MOL) where Policy ENV-N.1.7 states development near to it, or conspicuous from it, should be designed so as not to detract from its open aspect or visual amenities. Policy 4B.1 of the LP seeks to ensure, amongst other matters, that development maximises the potential of sites whilst promoting high quality inclusive design and creating or enhancing the public realm and respecting the Blue Ribbon Network (BRN) of which the Thames is a part.
13. The proposal would have three principal outward facing elevations to the High Street, Smith Hill and, arguably the most important, that facing the Thames. The buildings would be of an unashamedly modern design, replacing poor quality utilitarian commercial structures which in themselves make no beneficial contribution to either the waterfront or to Brentford High Street.

Building A would directly abut the river, as do the present commercial buildings, where it forms a secondary channel between the northern bank and the island of Lots Ait. Although the immediately neighbouring modern buildings of the Watermans Art Centre complex to the north-east and Thameside House to the south-west are set back slightly from the water's edge, I do not see any reason why this needs to be the case in respect of the present proposal in terms of its visual impact (I address the question of the Thames Path below).

14. The building's proximity to the water might emphasise its height but I do not consider this to be at odds with existing buildings along the northern riverbank at this point and it would not unacceptably crowd or dominate this secondary channel of the Thames. The main, more solid, element of Building A would be comparable in height with the adjacent Thameside House, though the lighter aluminium-framed and glazed set-back upper storey would make it a little taller. But neither this block nor the slightly taller Building B would be as high as Thameside House if its extant planning permission for a rooftop addition is implemented. The proposal would only be some 1-1½ storeys taller than the extant and implemented planning permission for mixed residential and restaurant use on the appeal site and there would be comparability in overall height with the more recent multi-storey residential development further to the south-west at Ferry Quays. I do not consider there to be a need for a more gradual height transition from south-west to north-east towards the lower Waterman's complex in terms of either its riverside or High Street elevations; the height differential would not be unduly discordant, particularly as the relationship between the two when seen from the main river would be considerably screened by the well-vegetated presence of Lots and Brentford Aits. When viewed approaching along the A315 and from Watermans Park to the north-east the flank elevations to the steps and slipway of Smith Hill would be seen above the Watermans complex but against the taller backdrop of buildings at Ferry Quays.
15. The proposal would be adding to a riverbank characterised by modern buildings displaying an assorted range of styles, materials and detailing. There is to my mind no one particular defining character to this part of the Brentford waterfront other than this modern eclecticism. The proposal would have a wider frontage than buildings to the south-west, the latter it was argued at the Inquiry better reflecting the long-established historic grain of development. This may be so, but I do not consider that this is a particularly pronounced or defining attribute of the townscape hereabouts. Furthermore, it would be narrower than the horizontally-emphasised Waterman's Centre building and would be as wide as the appeal site building benefiting from extant planning permission. To the river, Building A has an articulated façade, with its different elements helping to break up its mass and provide a degree of vertical emphasis so that it would not appear as an overly dominant monolithic block that would be out of resonance with its neighbours.
16. The development would be seen within the context of other flat-roofed modern buildings. The Thames Landscape Strategy is endorsed by both the UDP, where the Council is committed to implementing the strategy, which is Supplementary Planning Guidance, and by the LP which indicates that it should be taken into account in development control decisions. This states that

further flat-roofed, high rise buildings should be prevented from intruding into the Brentford Waterfront massing. Whilst I would concur that the proposals could be described as high rise, I have already concluded that in height terms the scheme would not sit uncomfortably with its neighbours. In this regard the development would not harmfully intrude into the riverside setting. Similarly, it would not conflict with the thrust of UDP Policy ENV-B.1.2, which seeks to reject buildings that significantly exceed the height of their surroundings or which would result in significant harm to the MOL, Thames Policy Area and the Thames riverside.

17. The World Heritage Site (WHS) of the Kew Royal Botanic Gardens lies on the southern side of the Thames directly opposite the appeal site. The gardens are also a designated conservation area. They are separated from the river by a tow path and in part by Ferry Lane and a present area of car parking associated with the gardens. A non-statutory Management Plan for the WHS defines a buffer zone around the site to assist in protecting its setting and visual envelope. This includes land on the north bank of the Thames and there was debate at the Inquiry as to its exact positioning in relation to the appeal site. For the Council it was argued that the drawing of the zone bisected the site, placing the present riverside buildings within it, this assessment being based on the enlargement of a small-scale plan. I am not persuaded that this is the case. To my mind it is far more probable that the intention is for the buffer zone boundary to pass along the riverbank at this point, particularly given the interposing position of Lots Ait and, to its north-east, Brentford Ait.
18. These river islands have considerable amounts of mature vegetation which, when in leaf, as I noted on my visits, provide almost complete screening of the Brentford bank of the Thames from directly opposite. As such, from the closest viewpoints along the southern bank of the Thames the proposal would be largely unseen in summer months as it would not project above this screening. After leaf-fall views would be possible but, from the photographic evidence produced, these would be filtered through the intervening trees on Lots and Brentford Aits. The proposal would not be intrusive or dominant in these views.
19. Vistas of the site from the southern riverbank open up to the south-west but the proposal would be seen within the context of the modern development stretching along the Brentford river bank north-eastwards from Ferry Quays and in respect of which I have already concluded it would acceptably complement. From the Brentford Gate of Kew Gardens only the western half of the appeal site would be visible in summer, the eastern portion being screened by foliage on Lots Ait. The context of taller buildings is already established by the modern development at Ferry Quays, which are more dominant and exposed to view, more distantly by the undistinguished Charlton House which would rise behind the appeal buildings, and by the even more distant and taller Green Dragon Lane tower blocks.
20. Within the gardens themselves there would be no views because of the presence of boundary walling and buildings other than from within Kew Palace, a grade one listed building open to the public. However, the combination of distance, the filtering of views through intervening vegetation and the acceptable waterfront design and complementary accord with adjoining buildings would not materially impact on these. Even if the gardens were to be re-ordered to remove the car park, as has been mooted in a present

- consultation exercise on their development, this would not alter my opinion that the appeal scheme would have no materially harmful impact on views from, or the setting of, the WHS. As such, I find there to be no conflict with the thrust of advice in PPG15 *Planning and the Historic Environment* requiring careful scrutiny of development that would be likely to affect the setting of World Heritage Sites. Nor would there be conflict with UDP Policy ENV-W.1.3, which seeks to protect important Thameside views, or LP Policy 4B.11, which indicates the desire to protect and enhance London's historic environment.
21. The scheme makes provision for a Thames-side path but within the context of the Inquiry this was criticised, particularly on the basis of its insufficient width. As shown on the original application plans this would be for the majority of its length some 1.5m in width, access being achieved via Smith Hill and along the shared pedestrian/vehicular access to the south-western side of the proposed buildings. The alternatives produced within the Inquiry show increased widths, one with a widening to 3m but necessitating the loss of five basement car parking spaces. The path would link with that to the north-east that passes through the Waterman's complex and which is accessed via Smith Hill. UDP Policy ENV-W.1.10 requires new development to incorporate a riverside walkway with public access and to take account of the Countryside Agency's Thames Path Design Guidelines. These guidelines suggest that new sections created through redevelopment should be of a minimum width of 3m within a 5m wide band.
22. From my visits I noted that the existing riverside path is variable in its width and design. This adds interest but, particularly to the north-east, is not always inviting or particularly legible. Whilst Policy ENV-W.1.10 requires account to be taken of the above guidelines I do not consider that it is imperative that the suggested widths and corridor should be slavishly followed providing that safety, legibility and accessibility can be achieved. In my view the 3m alternative put forward within the Inquiry would produce a path that would be capable of being so, close to the water's edge and benefiting from surveillance and protection from the elements from overlooking balconies. It would be within the existing flood wall, would not require to be cantilevered over the river and it would provide a degree of permeability along the edge of the site which could be aided by suitable signage for which the Unilateral Undertaking makes provision.
23. Overall, in design terms I believe the scheme takes proper cognisance of the site's relationship with the river and would accord with UDP Policy ENV-W.1.1. This requires, amongst other matters, development within the Thames Policy Area to treat the river as a frontage to create an attractive and inviting environment with a compatible bank edge and create, where possible, pedestrian routes which allow safe and secure public access to and along the river. The scheme would not conflict with LP Policy 4C.14 that seeks to resist structures over or into the water for uses that do not specifically require a waterside location.
24. The appeal site occupies a fairly prominent position close to the junction of High Street with Ealing Road though I do not consider that it warrants the epithet of a 'gateway site', a fact underlined by its removal from inclusion within the defined town centre in the emerging Brentford Area Action Plan. The clean square lines and generally understated design of Building B would be an

appropriate adjunct to the townscape of the locality, replacing the undistinguished lower-rise commercial building fronting the High Street. The block would project further forward towards High Street than the present building and this, to a degree, would increase its presence. When approaching along the southern footpath from Brentford town centre the increased projection would obscure longer distance views of the Grade I listed Metropolitan Water Board Pump House Tower to the north-east, which provides a striking feature. However, the obscuring effect would be insignificant, existing for only a very short distance of tens of metres before the vista opens up again. As such, there would be no material conflict with UDP Policy ENV-B.2.8 which seeks to protect views of local landmarks from obstruction by high buildings. Nor do I consider the building's presence would have an adverse impact on the setting of, or views from, the St Paul's Conservation Area to the south-west.

25. I therefore conclude that the scheme would not be inappropriate in its context and would improve the character and quality of the area by comparison with what currently exists on site, thereby satisfying advice in paragraph 34 of PPS1 *Delivering Sustainable Development*. Nor would it materially conflict with the raft of policies within the UDP and LP aimed at maintaining or enhancing the built environment. The appearance and character of the locality would not be materially harmed.

Second issue – Lots Ait boatyard

26. Facing the appeal site on Lots Ait are boatyard facilities including a slipway, moorings, covered workshop and dry docks. The evidence suggests that these have not been in use since about 1980². LP Policy 4C.12 seeks to protect waterway support facilities within the BRN. These include servicing and repair activities. This is against a background of a recognised need for boatyard facilities on the Thames and a 20% increase in the number of vessels registered between 1999 and 2006. The Plan goes on to indicate that the challenge to minimise conflict between new and old land uses must be met through modification and safeguards built into new and established developments. Concern centres on whether the proposed noise-sensitive residential development of the appeal site, including river-facing balconies to flats within about 40m of the redundant boatyard, would hinder the possible re-use and thereafter continued viability of the facilities; the preservation and restoration of which find backing in Policy RR1 of the emerging Brentford Area Action Plan.
27. There is an outstanding obligation in a Section 106 agreement relating to the Ferry Quays development to restore the existing docks, gates and roof structures for use and put in place an ecological management plan for Lots Ait. This agreement is now of some age although it has been subject to a resolution by the Council to take enforcement action to secure compliance with it. As clear at the Inquiry, there is also expressed enthusiasm about the possibility of the boatyard being brought back into use from those knowledgeable about, and familiar with, the Thames. I have no doubt that the restoration of the boatyard and its actual use could in itself be beneficial, once again bringing into active use a part of the waterfront which currently has a downtrodden and neglected

² It was, however, indicated at the Inquiry that some illegal use was being made of the facility for mooring.

appearance stemming from almost 30 years of no bone fide active boatyard use. Having said this, there must be some doubts as to whether what are in effect aspirations might come to fruition, particularly given the absence of evidence of firm proposals for re-use even if the restoration of the boatyard structures to an operational standard was to take place.

28. Be that as it may, I am not convinced that the present appeal proposals would impose any deleterious constraint on the possible future operation of the boatyard. The residential use of the appeal site is established through the extant planning permission and which itself has living accommodation with balconies directly facing the river and Lots Ait. Although fewer in number than the present proposal, the Council clearly considered that such a juxtaposition with a boatyard, which had the potential to function again, was acceptable. I do not consider that an increase in riverside residential units from 16 to 28 provides a cogent reason for now suggesting that residential use might constrain use of the boatyard. Policy requires design that starts from the river and it would be unlikely that a redevelopment scheme that effectively turned its back on the river in order to provide assurance of no loss of amenity by having an absence of balconies, gardens or communal areas would be acceptable in townscape terms. Similarly, any redesign of a scheme for the site, withdrawing development further into the site, as suggested by BCC, would be unlikely in my view to make much difference to the perceived noise climate.
29. The Council's concern appears to be the possibility of complaints from residents about noise from the boatyard. Whilst hours of working might need to relate to the tide cycle rather than a regular working day, the Mayor's Ambient Noise Strategy of March 2004 indicates that, as far as boatyards are concerned, codes of practice should be followed to minimise noise from operations. For the BCC it was accepted that there should be no reason why boatyard work should not be carried out in a 21st century manner taking environmental issues into consideration, with the noisiest activities being replaced with other methods, or mitigated. Potential residents would be occupying apartments in full knowledge of the existence and possible use of the boatyard and the activities that could be carried out there. Furthermore, although no conclusive evidence has been provided, there is a possibility that it could be argued that the boatyard use has been abandoned and that any re-use would need to be subject to planning permission on which suitable conditions aimed at regulating use and noise could be imposed. Overall, I therefore consider that the proposal would not be materially prejudicial to the potential future restoration and use of the Lots Ait boatyard and that it would not conflict with LP Policy 4C.12.

Third issue – residential amenity

30. The scheme would provide amenity space within it comprising a combination of private balconies and terraces, and communal paved and landscaped open space between Buildings A and B. The space to be provided has been calculated to compare against the minimum standards set out within the Council's 1997 Supplementary Planning Guidance (SPG). Although the appellant claims that this guidance has not been updated to provide for the design approach of the compact city and the need for previously-developed land to make a maximum contribution to housing supply, the same space

calculations are carried forward in the Council's March 2008 draft Supplementary Planning Document (SPD).

31. In my view, whilst the SPG/SPD give guideline amenity space figures, the important issue is how what space is to be provided would function and whether it would positively contribute to an acceptable living environment for occupiers; as PPS3 indicates, effective and efficient use of land and successful intensification need not mean low quality accommodation with inappropriate space.
32. The appellant's updated calculations of the various forms of space indicate that dwellings for private sale would have some 56% of the suggested space requirement, the shared ownership units about 63% and the rented accommodation some 84%. These figures assume proportionate contributions from the paved and landscaped courtyard areas to the different forms of tenure. The Council does not now contend that the proposed dwellings and their associated private spaces would be deficient in terms of sunlighting or daylighting and I have no reason to disagree. Nevertheless, having regard to the amount of amenity space that would exist and the disposition of dwelling units, I have considerable concerns as to their relationship and whether the space would be pleasant and useable for future occupants.
33. If planning permission was to be granted a condition could be imposed requiring the agreement of the exact detailing and treatment of the central courtyard area. Notwithstanding this, Buildings A and B would be close together, in parts their principal elements coming within about 13-14m of each other. They would enclose a roughly rectangular area. Although some of this would be lawned and landscaped a considerable portion would simply be paved walkway and circulation space. As shown, the main element of the grassed area would be of a width of only some 7-8m. In my judgement, the combination of the height of the two blocks, and their closeness, further emphasised by the 'flying' walkway accesses on Building A, would result in a somewhat oppressive, cramped and shadowed environment between them. This would significantly reduce the utility and pleasantness of this central area and also those areas of private outdoor space in Building B which faced onto it.
34. The ground floor flats in Building B would have small patio areas some of which in parts would be very narrow. They would be capable of being overlooked from some of the balconies above and from walkways opposite at close quarters. The somewhat forbidding and claustrophobic feel for the occupants of Building B whose flats faced Building A would be emphasised by the need for obscured glazing in the projecting central stair and lift shaft to Building A and, in part, along its connecting walkways above ground floor level, to protect privacy. This impact would be heightened by the expanses of largely solid walling at the south-western and north-eastern ends of this block. The units on the first to fourth floors within Building B facing Brentford High Street would have small balconies overlooking this road. However, the proximity to what is a busy thoroughfare close to a principal road junction, with its attendant noise and measured levels of air pollution, would in my view considerably limit their practical use for everyday living.
35. In addition to the acknowledged shortfall in amenity space, and by reference to LP Policy 3D.13 and the Mayor's SPG on providing for children's and young

people's play and informal recreation, the Council considers the scheme should provide 100m² of play facilities. The appellant questions the necessity for this on-site provision, given the existence of Waterman's Park, with its well-equipped facilities for young children's play and pleasant areas of grassed open space, and also the presence of St Paul's Recreation ground. The former is easily accessed in a short walk of some 140-170m along the same side of the A315, or via the more circuitous riverside path at the Waterman's Centre. In my view this would provide a convenient and acceptable alternative provision.

36. Further equipped facilities exist at St Paul's Recreation Ground, some four to five minutes walk away, where there are also more extensive open grassed areas. Given the presence of these nearby existing facilities I consider that any shortfall by reference to the LP SPG is not a matter which in itself would be fatal to the success of the scheme. In any event, it would be possible to condition a permission to ensure that on-site play facilities could be provided. That said, to my mind such provision would serve to diminish rather than enhance the amenity of the residential units by reason of the cramped and intimate nature of the space into which facilities might be incorporated and the potential for disturbance resulting from the close co-existence of formalised play provision and dwellings.
37. Concern has also been expressed that use of the connecting walkways on Building A would compromise the privacy for certain occupiers of its units. This would be as a result of the close overlooking that would be afforded of a number of second bedrooms. I accept that some degree of overlooking would be possible but the likely use of the walkways would be limited; on each level those using them would be likely to be accessing only one of three apartments, the bedroom affected belonging to one of them. Any compromising of privacy would not be so great that this would in its own right be a sufficient reason for rejecting the scheme. However, this, together with the reduction in aspect from the second bedrooms of some of the Building A units by reason of the presence of the walkway and obscured glazing, and the impact on living conditions for residents in Building B, is symptomatic of a scheme that attempts too great an intensity of development on the site at the expense of the amenity of its future occupants. Overall, I am therefore of the view that the scheme would fail to provide acceptable levels of amenity for all its occupiers. This would run counter to the thrust of advice in PPS3.

Fourth issue – highway and pedestrian safety

38. On-site parking would take place within the basement, with access to it along the south-western side of the proposed buildings. There is no dispute between the Council and appellant that the level of parking is acceptable (even if it were to be reduced by enlargement of the riverside path to 3m). Although the BCC has sought to point out that potential resident conflict may arise because of the quantity of space provided, drawing on direct experience at another residential development nearby, I have no reason to seriously question the level of provision shown. Within the context of the appeal amended plans were submitted showing revised cycle parking provision. Whilst the Council maintained its reservations about the utility of some of the racking, I consider that the suggested alterations would provide adequate cycle storage provision.

39. Revisions have also been suggested to the entrance to the basement car park but the Council considers that because of the width of the access from High Street, which would not allow two cars to pass along its entire length, the scheme would not allow a safe and workable arrangement. It is clear that cars inbound and outbound from the basement parking area may have to undertake reversing manoeuvres if they were to meet at a certain point because of the limited width of the access. Because of the restricted headroom taller vehicles, such as many types of delivery van, would have to manoeuvre at the basement entrance to exit the site.
40. The access to the car park is retained as a pedestrian route under the Section 106 obligation in respect of Ferry Quays. It would be used by pedestrians gaining access or egress to or from the proposed riverside walkway. Despite the likely low speeds, limited number of vehicles and the potential use of suitable signage, I consider there would be scope for a degree of conflict between both vehicle users and vehicles and pedestrians. Pedestrian use would be made less attractive by the long blank facades, lack of pedestrian/vehicle segregation and recessed hidden areas that could increase fear of crime and anti-social behaviour. The proposals would not therefore accord with the thrust of UDP Policies T.2.1, which requires good pedestrian access within all new development, and T.2.2 whereby all new facilities should be designed with the safety and security of pedestrians as a priority.
41. The BCC considers that access to the High Street is unsafe and that vehicles should enter and leave the site left in and left out. To enforce this it is suggested that a central reservation would be needed in High Street. Despite its position close to the junction with Ealing Road, the Council has not substantively queried the unrestricted two-way movement on and off the High Street. Instead it confines its principal concern on this front to potential user conflict within the site access. I have no reason to disagree with this assessment.
42. Concerns have been raised as to adequacy of servicing arrangements for the proposals. UDP Policy T.1.4 requires all development to provide servicing in accordance with the Council's standards as set out in Appendix 3 to the UDP. There are no servicing standards for residential schemes. The proposals also include along the High Street frontage 189m² of retail or office space. The Council's standards require one goods bay/lorry parking space per 500m² so, strictly speaking, what is proposed is below the size threshold to warrant specific provision.
43. The existing servicing area to the High Street frontage would be removed as the proposed Building B would extend up to the footpath edge. No servicing space is provided within the scheme but reference is drawn to the availability of a loading bay to the opposite side of the High Street that could be used, with goods moved across the road at the signalised junction with Ealing Road.
44. Whilst the scheme may not breach any development plan policy for servicing, the proposal cannot be divorced from its context; it would directly front High Street, a section of the A315, a key east/west route and part of the Transport for London Strategic Road Network, carrying between 500-600 vehicles per hour in the morning and evening peaks (07:00-10:00 and 16:00-19:00). The appeal site is extremely close to the High Street/Ealing Road junction. Directly

in front of the site there is one west-bound lane and two east-bound lanes with parking restricted between 08:00 and 18:30 and loading only allowed between 09:30 and 16:30 Mondays to Fridays. A Network Management Duty under the Traffic Management Act 2004 requires a local authority to do all that is reasonably practicable to manage the Strategic Road Network to keep traffic moving and to deal effectively with activities that are causing, or have the potential to cause, congestion or disruption to traffic movement. The Council considers that 'no waiting' and 'no loading' restrictions at all times must be introduced along High Street fronting the appeal site.

45. There is a difference of opinion as to the likely volume of servicing traffic that would be generated by the proposals, in terms of both the residential and commercial components. I consider that given that the type of A1/B1 commercial use that might occupy the frontage is unknown, the level of servicing which this might generate must be open to speculation. Refuse collection would have to take place from the roadside although it is suggested that arrangements could be made for this to be carried out before the onset of the morning peak.
46. I am sure that use would be made of the off-road loading area to the opposite side of the High Street by some service vehicles. Nevertheless, the need for moving goods across the road would be somewhat cumbersome and is likely to pose as a deterrent to others. Furthermore, this area may be reconfigured and moved further away as a result of prospective road junction improvements, making its use even less attractive. In these circumstances, and even if more stringent waiting and loading restrictions were to be introduced, I consider that the proposals would in all probability result in some kerbside servicing directly in front of the appeal site. If the commercial element of the scheme was to be used as shops it is also likely that some customers may be tempted to short-term park on the kerbside. Given the appeal site's position on the London Strategic Road Network and so close to the junction of High Street and Ealing Road, it is my view that this would materially impede traffic flow and could compromise road safety by reducing visibility and causing traffic to cross into the opposing traffic lane. The proposals would thus not accord with UDP Policy ENV-B.1.1 (B.5), which seeks to ensure that traffic generated by development does not prejudice the free and safe movement of traffic. There would also be conflict with Policy T.4.3 since this form of activity would increase danger and could lead to unacceptable congestion.

Conclusions

47. Drawing together the above conclusions on the different main issues, design is about how places work and fit together and the quality of life they support. Proposals should show that the development will function well in addition to being attractive and responding to the existing character of the area. I have concluded that the proposals would not harm the appearance or character of the area nor would they materially compromise the possible future re-use of the boatyard on Lots Ait. However, I believe that the scheme would not function well in terms of providing an acceptable level of amenity for all its occupiers and that it would be harmful to highway and pedestrian safety and the free flow of traffic. It is my view that these drawbacks stem from the gallant attempts to maximise the development potential of the site but which have conspired to produce an overly high density scheme. I find that my

conclusions on these latter two main issues are sufficiently compelling that, on balance, they outweigh my favourable views on appearance and character and boatyard use. As such, I consider that, overall, the scheme is unacceptable.

Other matters

48. I have taken account of all other matters raised. A 'Toolkit' financial appraisal of the proposal was carried out to assess the maximum reasonable proportion of affordable housing that could be incorporated. The Council withdrew its objection in relation to the proposed affordable housing percentage and mix based on this assessment. It acknowledged that the scheme with the package of Section 106 measures being proposed provided the correct balance between the amount of affordable housing and the costs of other benefits forming part of the package.
49. Towards the end of the Inquiry, however, the Council submitted evidence to suggest that the Unilateral Undertaking does not take account of its recently adopted (11 March 2008) SPD on Planning Obligations. Applying its formulae to the scheme would suggest a much higher financial contribution would be required, principally in respect of increased contributions for education provision. To increase the educational contribution would be likely to reduce the proportion of affordable housing which was agreed and in respect of which the question of viability is unchallenged. In these circumstances, was I minded to allow the appeal, I do not consider that a shortfall in financial contributions offered in the Unilateral Undertaking when judged against the recent SPD would in its own right be sufficient to make the scheme unacceptable.
50. The Council has offered no other criticism of the mix of housing provision within the scheme. Whilst I have noted the BCC's suggestion that a greater proportion of units should have more bedrooms for family accommodation, I am satisfied that, were permission to have been granted, the mix as shown would be satisfactory.
51. As already noted, it was indicated at the Inquiry that the earlier planning permission on the site had been implemented, the Council offering no substantive evidence to refute this. As this permission would therefore appear to be live it would represent a fallback position which could be built. Whilst bearing this in mind, I consider drawbacks of the present proposal are such that they outweigh any of the advantages it may be deemed to possess by comparison with this earlier scheme. Neither these nor any other matters are sufficient to outweigh the balance of my conclusions that the appeal should fail.

P J Asquith

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

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FOR THE APPELLANT:

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He called	
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Mr Richard Jones BA (Hons) MRTPI	Partner, Planning Perspectives LLP, 24 Bruton Place, London, W1J 6NE

INTERESTED PERSONS:

Mr Denis Browne	Chairman, Planning Consultative Committee, Brentford Community Council (BCC), 19 The Butts, Brentford, TW8 8BJ
Mr Peter Eversden	Of the London Forum of Amenity and Civic Societies
Mr Nigel Moore	Representative, Thames & Waterways Stakeholders Forum, Chairman of Brentford Waterside Forum and Waterways Advisor to BCC
Mr Stephen Browne	Secretary of the Holland Gardens Residents, Community and Information Officer BCC
Mr Keith Garner	Attending on behalf of the Director of Estates for Kew Gardens, The Estates Department, Royal Botanic Gardens, Kew, Richmond, TW9 3AB
Mr Del Brenner	On behalf of The Regents Network, 20 Oval Road, London, NW1 7DJ

DOCUMENTS handed in at the Inquiry

- 1 Attendance lists for the Inquiry
- 2 Written representations by the Royal Botanic Gardens, Kew
- 3 Compilation of evidence from BCC
- 4 Supplementary appendices BVS 32 – BVS 43 to Ms Van Stiprean's evidence.
- 5 Swept path analysis plans, numbered 57974-20-71, 72 & 75
- 6 HSE Reversing Vehicles
- 7 Mr Assael's response to Mr Warshaw's proof
- 8 List of suggested planning conditions
- 9 Minutes of 19 February 2007 of the London Waterways Commission
- 10 Assessment of Boatyard Facilities on the River Thames, Executive Summary and Recommendations
- 11 Boatyard record sheet for Lots Ait from the Assessment of Boatyard Facilities on the River Thames
- 12 Souder City - The Mayor's Ambient Noise Strategy, March 2004
- 13 Draft Unilateral Undertaking
- 14 BCC 4 Supplements
- 15 Panel Report into the Draft Alterations to the London Plan Examination in Public 2006 (BCC 2 App 1)
- 16 London Plan Annual Monitoring Report 3, February 2007 (BCC 2, App 2)
- 17 Parking Surveys, High Street, Brentford, 7 May 2008
- 18 Automated Traffic Count Data, A315 to the west of Ealing Road, 6 March 2007
- 19 Royal Botanic Gardens Kew, The Vision 2008-2001: A consultation document
- 20 Copy of Section 106 agreement of 2 July 1999 between the Council and Hither Green Developments Limited relating to land between Goat Wharf and Town Meadow
- 21 Bundle of papers from the Council regarding planning obligations and an e-mail from the Team Leader, Developments and Parking
- 22 Brentford Community Council documents BCC05-07
- 23 Statement from Mr Brenner
- 24 Agreed draft planning conditions
- 25 Signed S106 obligation
- 26 Signed Statement of Common Ground
- 27 'Evidence in Chief' of Mr Jones
- 28 Brentford Community Council's closing statement
- 29 Council's closing statement
- 30 Appellant's closing statement

PLANS

- A Bundle of A1 plans
- B Plan ILS5 – revised cycle stands
- C Proposed basement plan A1736 110 P9