

**TOWN & COUNTRY PLANNING ACT 1990**

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**RALPH WEST HALLS  
LONDON  
SW11**

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***PROOF OF EVIDENCE***

**GREG COOPER  
Dip.T.P.,Dip.U.D., MRTPI.**

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**THE HALPERN PARTNERSHIP LTD**

**PLANNING INSPECTORATE REF NUMBERS:**

**APP/H5960/A/05/1196490;**

**APP/H5960/E/05/1196612**

**LPA REF NUMBERS:**

**2005/4182; 2005/4185**

**MAY 2006**

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## 1.0 INTRODUCTION

1.1 My name is Greg Cooper and I am a Chartered Town Planner and Urban Designer. I have been in practice for 28 years and I am joint owner of The Halpern Partnership, a multi-disciplinary practice including architects, town planners, urban designers and conservation architects established in 1952 which has specialised in development in Central London.

1.2 My career includes ten years working in two London Boroughs before joining the practice in 1988. Since qualifying in Urban Design in 1980 my work has involved leading multi-disciplinary teams focussed on architectural, planning, conservation and urban design issues.

1.3 I joined the Halpern Partnership in 1988 and have worked continuously on applications for major redevelopment proposals in London and surrounding areas. I am often retained by clients to work alongside leading architects and I am familiar with the approaches to design and development advocated by CABI and English Heritage in Central London. Recent projects of a similar nature in conservation areas include the conversion of the Almeida Sorting Office Upper Street Islington, the Power House Chelsea Manor Street Chelsea, Kingsley School Chelsea and the redevelopment of Elizabeth House York Road Waterloo.

1.4 I have been instructed to appear on behalf of The Ralph West Halls Site Protection Group, this being an umbrella organisation formed by the following local residents organisations.

- Ethelburga Tower Residents Association
- Jagger House
- Stafford Mansions
- Albany Mansions

1.5 Representatives of each of the associations intend to make short statements regarding their representations on the appeal proposals and

the reasons why they and their fellow residents consider that the applications should be refused.

- 1.6 Gavin Snodgrass, of No.11 Stafford Mansions, will be speaking on behalf of residents of Stafford Mansions.
- 1.7 Keith Garner, Chairman of the Ethelburga Tower Residents Association, will be speaking on behalf of residents of Ethelburga Tower.
- 1.8 Sapphia Kinsman, of No. 4 Jagger House, will be speaking on behalf of residents of Jagger House.
- 1.9 Mary Larkin, Director of Albany Mansions Ltd, will be speaking on behalf of residents of Albany Mansions.
- 1.10 Anthony Martin, resident of no. 25 Worfield Street is not able attend this Inquiry however he has prepared a statement outlining the key concerns for residents of Worfield Street.
- 1.11 I appear as a professional witness for the residents groups and my evidence will cover three principle areas; the conservation area issues, land use planning policy and residential amenity.

## **2.0 BACKGROUND**

- 2.1 I was approached by residents of Stafford Mansions in March 2005, who were concerned about a forthcoming planning application of the appeal site. Significant delays occurred in the registering of the application and it was not until May, that the application was registered and I was able to review it.
- 2.2 Through a series of meetings with the residents, I prepared the responses to the application contained in Appendix 1. I also spoke at a public meeting held on 20<sup>th</sup> July 2005 and attended the Committee held on 25<sup>th</sup> August 2005.
- 2.3 I was not personally involved in the responses to the second planning application, which is now the subject of this appeal. The analysis of the issues and assistance that I gave being sufficient to allow the residents to proceed. This was particularly the case since the differences between the two schemes were very minor indeed as far as the residents were concerned.
- 2.4 I was contacted again by the residents when it became clear that this Inquiry would be held and on reviewing the second application, I confirmed that I would be able to assist them in the advancement of their representations.
- 2.5 I advised the residents that it would be in the interests of the smooth running of the Inquiry if they were able to co-ordinate their representations and this they have done by the formation of the umbrella group for whom I appear.

### *Residents Response to the Applications*

- 2.6 From the outset the residents have taken the view that the proposals for Ralph West Halls have been far too ambitious given the nature of the site and its context in the Conservation Area and proximity to their homes.

- 2.7 The development proposed is almost three times the size of Ralph West Halls (17,900 sq m compared to 6,321 sq m) and this gives rise to a series of adverse effects on the character and appearance of the Conservation Area, the amenity of local residents and the implementation of policies seeking to encourage sustainable development by relating increases in density to public transport availability.
- 2.8 The residents believe that the problems with the development are fundamental and related to the basic brief which the appellants team have been given, which has not been developed in response to an assessment of the site or the advice that was given by the Planning Officer before the competitive sale of the site, that the site capacity would be significantly lower than that now advanced.
- 2.9 The residents were pleased to see the main thrust of their concerns endorsed by the planning committee when it refused the first application on the basis that the proposal would be an overdevelopment of the site resulting in an unsympathetic and dominant relationship with the open space and public route to the south, as well as an unjustifiable loss of the trees in the south east corner.
- 2.10 The changes made to the scheme in the second application consisted of :-
- A reduction of 1,292 sq m (-7%)
  - A reduction in density from 912 ha rms ha to 902 ha rms ha (-2%)
  - A 5.5m movement from the southern boundary and detailed layout changes.
- 2.11 There was no reduction in the residential content of the scheme and in terms of the principal issues the residents can detect no material difference between the two schemes. A view that would now appear to be shared by the appellant following the withdrawal of the first appeal.

- 2.12 Although the residents conclusion is that the appellant's proposals are fundamentally flawed, this is not to say that they are opposed to redevelopment, refurbishment or re-modelling of Ralph West Halls as a matter of principle. All that they wish to see is for a scheme to be prepared which takes as its starting position the qualities of the Conservation Area in this vicinity and the capacity of the site and not a pre-determined development target.
- 2.13 The residents were pleased to see that their concerns about the fundamental nature of the problems with the proposals were recognised by the planning committee who were not convinced that the scheme revisions addressed these concerns and therefore refused permission for the second application for very similar reasons.
- 2.14 Whilst the decision of the planning authority is fully supported by the residents it is clear that the residents assessment of application was based on different and more fundamental concerns than those reflected in the planning officers assessment of the appeal scheme and for this reason I intend to focus my evidence on explaining the nature of those fundamental concerns. In doing this, I am seeking to avoid duplicating the evidence advanced by the Authority, which the residents fully support.
- 2.15 The residents are aware that the appeal will be determined afresh and on its merits and that it is not an inquiry into the reasons for refusal but to assess whether permission should be granted.
- 2.16 To assist this I have divided my proof into three sections; the first deals with Conservation Area impact, the second with density, and the third with residential amenity.

### **3.0 THE IMPACT OF THE PROPOSAL ON THE CHARACTER AND APPEARANCE OF THE CONSERVATION AREA**

- 3.1 Section 72 of the Act requires the decision on this appeal to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area.
- 3.2 In order to assess an application it is therefore necessary to be able to define the existing character and appearance of the Conservation Area against which the proposed change is to be assessed.
- 3.3 In this proof, wherever I refer to the character of the Conservation Area, I intend it to mean 'character and appearance' in the terms established by the Act.
- 3.4 Best Practice has advanced for Conservation Area and Urban Design appraisal in recent years. Three recent guides include English Heritage's "Guidance on Conservation Area Appraisals" (with specific reference to page 25), their 'Guidance on the Management of Conservation Areas', and 'Building in Context: New development in historic areas" (with specific reference to page 37) published jointly with CABE.
- 3.5 Good design in a Conservation Area will be briefed from a context assessment at an early stage. Local authorities can assist, by producing up to date character assessments, as is the case here, but the onus is always on the applicants design team to demonstrate how the appropriate statutory tests are met.
- 3.6 It is my experience that if a design team take the time to analyse the context at a very early stage, for discussion with the authority and local people, this can be a very worthwhile method of engaging local people which invariably results in a better scheme design and faster planning process.

- 3.7 I have followed this approach when seeking to establish the characteristics of the Conservation Area that local people believe should be preserved or enhanced if Ralph West Halls is to be redeveloped. The same analysis forms the basis of our conclusion that the appeal proposal fails to meet that test.
- 3.8 As it was clear that the assessment of the conservation area would be of critical importance I wrote to the Authority asking that they ensure that a Conservation Area assessment be included in accordance with best practice (17<sup>th</sup> June 2005).
- 3.9 In fact the applications contain no explicit assessment of the Conservation Area. An omission which falls short of the principles advocated by English Heritage and CABE.

#### **4.0 THE EXISTING CHARACTER AND APPEARANCE OF THE BATTERSEA PARK CONSERVATION AREA**

- 4.1 When I first met with the local residents one of their principle concerns with the proposals was the harmful effect they considered it would have on the character and appearance of the Battersea Park Conservation Area and the qualities which local residents have come to enjoy and appreciate.
- 4.2 Ralph West Halls has been here for 40 years and local people are used to it. They view the building pragmatically. I have met people who are enthusiastic about the architecture and would like to see it refurbished and retained. Equally there are people who are less inspired by it as a piece of architecture but, when asked about the idea of change, would like to see the positive factors of its layout, massing and landscaping protected.
- 4.3 There is widespread understanding that the building is in a conservation area and a resultant expectation that there should not be a dramatic change from what exists today. Their wish is to see the existing positive qualities preserved or enhanced and as a group they consider that this could be achieved either by retention or by a sensitive replacement.
- 4.4 Through a series of meetings I discussed the character of the Battersea Park Conservation Area and produced a series of graphic interpretations to assist this and this became the submission, which was made to the Local Authority in response to the first application.

## **5.0 HISTORY OF THE CONSERVATION AREA AND APPEAL SITE**

- 5.1 Local residents have researched the history of their area and the material in Appendix 2 has been compiled by the members of the group.
- 5.2 Interestingly, Battersea Park was laid out before the streets which now contain it. In Appendix 3 there is a copy of a plan of London produced for the Great Exhibition in 1851. It shows the park laid out before the surrounding context.
- 5.3 This is shown in more detail in the plan of the area dated 1862 at Fig. 1 in Appendix 2 and the plan of 1894 shows how the surrounding area was in the process of development by the end of the 19<sup>th</sup> century.
- 5.4 This series of plans shows the strong relationship between the entrances to the park and the emerging urban context, the surrounding street pattern being strongly linked to the principal park entrances, a feature which is noted in the Council's Character Statement.
- 5.5 The series of plans also show how Ethelburga Street developed from a historic lane or existing route (see 1862), becoming a fully fledged street by 1894. The growing importance of this route to the park generated another entrance by 1940.
- 5.6 The plan of 1940 is the London County Council (LCC) Architects bomb damage map. The key to this map indicates that in terms of the appeal site Nos. 77 and 79 Albert Bridge Road were seriously damaged (doubtful if repairable) and No75 Albert Bridge Road was seriously damaged (repairable at cost). The map also shows that 6 houses on Worfield Street were totally destroyed, with the others seriously damaged (doubtful if repairable).
- 5.7 It is not therefore the case that the site was cleared by bomb damage although there was considerable damage.

- 5.8 The series of photographs in the 1950's at Figs. 5-8 in Appendix 2 show how the properties at 71-75 Albert Bridge Road survived WW2 but were demolished to make way for the future Ralph West Halls. The scale and spaciousness of these properties is clear.
- 5.9 This archive material demonstrates how the urban edge responded to the park producing an urban grain characterised by villas and mansions on Albert Bridge Road with small cottages, terraces and houses in the area of Worfield Road behind.

*The plans of the 1950's*

- 5.10 At the same time as these archive photographs (1955) plans were being prepared by the London County Council's for comprehensive redevelopment as shown at Fig. 13 in Appendix 2.
- 5.11 This plan shows six 11-storey point blocks in the middle of a new estate and set within an open parkland setting creating a green link to Battersea Park.
- 5.12 This layout is very characteristic of the Modernist architecture and town planning which was heavily influenced by *Le Corbusier's* Ville Radieuse plan of 1933, with its offer of sunshine, fresh air and green settings for city-dwellers. The LCC architects department was pioneering these ideas with estates such as the *Alton East and West Estates in Roehampton* and we can see the idea of the point blocks freeing up the ground for parkland and green space to link with Battersea Park.
- 5.13 In practice a new brief emerged in 1958 for Battersea Polytechnic Hostel which became Ralph West Halls. The application drawings, models and plans for the Ethelburga Estate show that the idea of six point blocks changed into a composition which retained a core spine of high buildings; Ralph West Halls, Ethelburga Tower surrounded by a more conventional street pattern for the remaining area.

- 5.14 These drawings show that the principle response of the design to the Battersea Park entrance opposite Ethelburga Street continued to be inspired by the idea of higher blocks standing in landscaped gardens and a green link rather than a traditional street pattern.
- 5.15 There is a considered relationship between the alignment of Ralph West Halls and Ethelburga Tower and a proportional relationship between their respective heights and their distance back from Albert Bridge Road.
- 5.16 Ethelburga Tower is the highest and the furthest back and enjoys an uninterrupted vista to the park through the gap beside Ralph West Halls. Conversely these two buildings form a composition in the view from the park towards the west.
- 5.17 With the construction of the estate in accordance with this design the urban fabric was completed in a form that remained unchanged up to the designation of the Battersea Park Conservation Area in 1988.
- 5.18 The history of the design of Ralph West Halls shows that it was the product of a comprehensive and conscious design process which considered its relationship to the Park and was not an isolated ad hoc block as were many others of the time.
- 5.19 We have been fortunate in compiling this assessment to have been able to discuss it with Mr Mike Horsman, who worked on the design of Ralph West Halls at the LCC and still lives in the area, and has endorsed our review of the design process set out here.

## **6.0 THE DESIGNATION OF THE CONSERVATION AREA**

- 6.1 When the Battersea Park Conservation Area was designated a logical decision was taken to include the urban edge which fronts the park. The importance of this relationship to the overall character of the Battersea Park Conservation Area is set out in the Borough Council's Character Statement and is very evident from the history that I have described.
- 6.2 The opening paragraph of the "Character" section states that the character and appearance of the Conservation Area derives primarily from the dominance of Battersea Park and its relationship with the surrounding area.
- 6.3 In the final paragraph of the same page, it is noted that "the relationship with the park and the surrounding buildings is one that was historically orchestrated throughout the development process."
- 6.4 As the archive material shows this 'orchestration' of the entrance routes continued with the design of Ralph West Halls and Ethelburga Estate in the 1950's when the idea of a spacious response to a park entrance informed the design as much as it did at the end of the 19<sup>th</sup> century.
- 6.5 The inclusion of Ralph West Halls within the Battersea Park CA boundary is logical and robust and provides an opportunity to protect the way in which the urban edge responds to the park which is a fundamental constituent of the character of the Battersea Park Conservation Area.

## **7.0 RELATIONSHIP BETWEEN RALPH WEST HALLS AND THE CONSERVATION AREA TODAY**

- 7.1 The qualities of Ralph West Halls which the residents consider to be important positive attributes which contribute to the character and appearance of the Conservation Area were set out in my submission of July 2005 and continue to be the basis of the residents' response to the appeal scheme. Summary sheets have been included within Appendix 1 for ease of reference.
- 7.2 Sheet 1 identified Ralph West Halls within the urban edge of the Battersea Park Conservation Area.
- 7.3 Sheet 2 noted the relationship between the urban edge and the entrances to the park and the role which the Ralph West Halls site layout and building configuration complements.
- 7.4 Sheet 3 set out the contrasting architectural style of Ralph West Halls compared to the late 19th Century development around the park. A piece of "classic modernism" by the LCC in which a rational rectangular building sits behind a green landscaped foreground. The height of the block having been used to liberate space in the foreground.
- 7.5 Although completely different to its neighbours Ralph West Halls was included in the Conservation Area and the design and layout reflects the evolution of the area its history and architectural style, just as much as the predecessor development. The Battersea Park Conservation Area in this area therefore includes architecture from two forward looking eras of design, the late 19<sup>th</sup> century following the Great Exhibition and the late 1950's and early 60's following WW2.
- 7.6 Sheet 4 sets out the townscape effect of the decision to build Ralph West Halls on the rear of the site rather than adopting the traditional configuration.

- 7.7 The effect was to preserve the long townscape vistas of the historic frontage along Albert Bridge Road without modern intervention. The siting of the block means that it is not until one reaches a point very close to the site that Ralph West Halls becomes visible.
- 7.8 The principle contribution which the site makes to the character of the Battersea Park Conservation Area, as experienced walking north or south along Albert Bridge Road, is the green space and the views it affords of the trees. The absence of buildings on the frontage is a positive factor which marks the entrance of the park and the connection to Ethelburga Street.
- 7.9 There was a quid pro quo in this approach. A higher building at the back allowed more space and less intrusion on the front and the strength of the design decision enabled twice as much floorspace to be provided on site as a result of creating a more open setting.
- 7.10 The ability to make this gesture at the front was afforded by the fact that the Ethelburga Estate provided a new context to the rear for a higher building than would have been possible had the rest of the estate not been part of the masterplan.
- 7.11 The architecture and planning of the 1950's and 1960's is often criticised for brutalism and lack of sensitivity for the historic environment. But in this case the decision not to intrude into the historic context of Albert Bridge Road, and to provide a green space linking to the Park instead, yielded considerable benefits for what is now the designated townscape of the Conservation Area.

## 8.0 APPELLANT'S ASSESSMENT OF THE CONSERVATION AREA

8.1 The application design statement makes just one reference to the Battersea Park Conservation Area. On page 4 it states that: - "it is acknowledged by most of the local community that the existing building is not attractive and does little to enhance the Battersea Park Conservation Area."

8.2 The Conservation Area is not mentioned again. There is no summary of the key elements which the team have taken to define the character of the Battersea Park Conservation Area and there is no reference to the Authority's Battersea Park Conservation Area character statement or the history of the area and the role of the site within it.

8.3 The following key points are set out under the design philosophy section 3 of the design statement.

8.4 "The new building needs to:-

- Respond to the 19<sup>th</sup> and 20<sup>th</sup> century grain created by the mansions blocks and the Ethelburga Estate
- Respond to Battersea Park
- Repair the streetscape along Albert Bridge Road and Worfield Street

8.5 The design solution that had been adopted addresses these by:-

*"Creating a plinth around the perimeter of the site which responds in turn of the three elevations. The plinth takes on the rhythm of the features found in the existing buildings on Albert Bridge Road and Worfield Street".*

8.6 The planning statement includes more references to the Conservation Area than the design statement and a summary of the merits of the

proposal in Conservation Area terms is given at paragraph 4.37 of the planning statement : -

*“The existing Ralph West Halls makes no positive contribution to the character or appearance of the area. A consistent comment made by visitors who came to the public exhibition on the redevelopment proposals was that they would be pleased to see this building removed. The redevelopment of the site also provides an opportunity to repair the damage to the streetscape and in so doing creates a new development that enhances the character and appearance of the conservation area. The applicant proposals deliver a contemporary building design of high quality to the area.”*

8.7 At para 4.34 of the planning statement it is acknowledged that:-

*“there will be the loss of private open space joining Albert Bridge Road and some of the trees located in this area. However, this open space came about through the damage that was caused to the area during the war and when this site was developed in the 1960’s, the original street frontage was not replaced”.*

8.8 Paragraph 4.55 in relation to Battersea Park it is stated that: -

*“The existing Ralph West Halls can be seen from Battersea park and it is already acknowledged that its demolition will be of general benefit to the area. It is considered that the new building will be a significant improvement, particularly when viewed from Battersea Park.”*

8.9 By piecing together these references the justification for the scheme design in relation to its impact on the Conservation Area can be discerned as follows;

- the existing building is unattractive and does little to enhance the Battersea Park Conservation Area,

- the damaged streetscape needs repair,
- the new building will be a significant improvement, particularly when viewed from Battersea Park and,
- the scheme delivers a contemporary building design of high quality to the area.

8.10 I shall now discuss each of these themes in detail to show why they are considered to be insufficient justification for the scheme.

*“The Existing Building Is Unattractive”*

8.11 The appellant’s reference to the quality of the existing building is a second hand reference to the purported views of local people. No expert analysis is offered from the professional team other than by association with the comment.

8.12 Proposals for Conservation Area Consent to demolish a building require an assessment of the merit of the building and its relationship to the Battersea Park Conservation Area. English Heritage have provided a series of 10 questions designed to help such an assessment (Appendix 4). In my experience most authorities ask for applicants to provide an assessment of demolition proposals in these terms.

8.13 With regard to the ten questions and in the context of the historical analysis that I have already given I have concluded that seven of the ten questions could be answered positively as follows:-

8.14 Q1) The role of the LCC architects department who were responsible for a significant modern movement schemes such as Alton East and West at Roehampton at the same time as Ralph West Halls means that he architectural history of its design development is of interest as part of the work of that team of architects.

- 8.15 Q4) As a result of the post war renewal with the Ethelburga Estate Ralph West Halls serves as an important reminder of a key stage in the gradual development of the area in which it sits.
- 8.16 Q5) It has a significant historical association with Battersea Park and the relationship to its entrance.
- 8.17 Q6) It has a landmark quality and contributes to the quality of recognisable open spaces.
- 8.18 Q7&Q9) Designed as accommodation for students the student use has been a feature of this part of the Battersea Park CA for more than 40 years and the building reflects that use.
- 8.19 Q8) Its association with the renewal effort following the War is an association with this significant historical event.
- 8.20 English Heritage advise that any one of these characteristics could provide the basis for considering that a building makes a positive contribution to the special interest of the Conservation Area and I therefore conclude that there is more than enough grounds to show that Ralph West Halls should be considered to make a positive contribution to the special interest of the Battersea Park Conservation Area.
- 8.21 The questions asked by English Heritage guidance make it clear that the assessment of the contribution that an unlisted building makes to a Conservation Area is not simply a matter of whether it is considered to be attractive or not.
- 8.22 The relevance of this for the appeal decision is to establish the weight that should be given to the contribution that the existing building makes to the Conservation Area today. This forms part of the baseline assessment that can be factored into the decision as to whether a replacement involving loss of the building would on balance preserve or enhance the character or appearance of the Conservation Area.

8.23 The appellant's case is that the building today is a negative factor and only benefit can ensue from its removal. I do not agree because I find the building positive in three ways; it contributes special interest and character through the history of its design and layout, it is an interesting example of its type as a piece of architecture (especially in association with Ethelburga Tower) and it is a considerate modern intervention into an historic setting which left the original Albert Bridge Road townscape intact.

8.24 There was clearly a conscious decision to include Ralph West Halls in the Conservation Area boundary as it could so easily have been drawn to exclude it. I therefore find it to be consistent with the Conservation Area designation to find that the site has strong links and affinities with the rest of the area to which it belongs.

*"The Streetscape Needs Repair"*

8.25 The appellants have advanced the notion that the Albert Bridge Street frontage needs 'repair' because it is 'damaged'. But this 'damage' is not evident when one considers the vistas along Albert Bridge Road such as those in my photographs at Appendix 5.

8.26 This is not a terraced street with an unsightly gap in the middle crying out for an infill, it is a building that has been set back deliberately in deference to the historic context.

8.27 The vistas along Albert Bridge Road are very important views in the Conservation Area because they are along the boundary of the Park, where the historic association between park and urban edge remain very much as originally laid out at the end of the 19<sup>th</sup> Century. In both directions the views very close to Ralph West Halls are still entirely views of late 19<sup>th</sup> Century buildings and this should be given very significant weight indeed as it is a vital and fundamental part of the character of the Conservation Area.

- 8.28 Even when viewed from opposite the site one does not get the impression that the Ralph West Halls site is missing a series of buildings on the front. On the contrary, it reads as a composition of a high building set back behind its own proportional space and with a considered relationship to the Ethelburga tower.
- 8.29 At paragraph 4.34 of the planning statement the appellant observes that the.... *“open space came about through the damage that was caused to the area during the war and when this site was developed in the 1960’s, the original street frontage was not replaced”*.
- 8.30 I am not sure whether the wording of this statement is meant to imply that the fact that the original street frontage was not replaced should be taken as an error or omission but there must be such an implication if the appellant considers the need for the frontage to be ‘repaired’.
- 8.31 In this context it is relevant to consider the length of time for which the landscaping on the frontage has existed. The urban edge of the park is 100 – 110 years old. Ralph West Halls has existed for 40 years and the former frontage properties lasted for 50 – 60 years. The current configuration has existed for a considerable proportion of the life of the conservation area and more than enough time to suggest that it has become the norm for this area and not some temporary aberration.
- 8.32 The residents’ do not consider it appropriate to characterise the Albert Bridge Frontage of the site and its absence of buildings, as being damage which needs to be repaired. The villas on the front of the site survived the war substantially in tact but were demolished as part of a conscious design decision to replace them with a different form of building and a new space. The requirements of the brief and architectural philosophy of the time resulted in a building of a completely different configuration to that of what went before. It was a design decision to leave the frontage open not a result of damage and it is now a positive feature of the street.

- 8.33 One of the main differences between the case advanced by the residents and the appellants appears to be that the residents appreciate the positive benefits of the space on the frontage whilst the appellants consider it to be a negative factor calling for intervention and repair.
- 8.34 If there is a coherent concept of 'repair' that could be applied to the site then this would appear to be the idea advocated by the Borough Planning Officer in the letter of 15<sup>th</sup> March to Drivas Jonas (letter dated 15<sup>th</sup> March 2004) which suggested that the entire street block massing should be re-instated.
- 8.35 He advised that the 10 storey Ralph West Halls building was considered to be incongruous and intrusive as a result of its height (page 1) and suggested reverting to the traditional urban grain of the surrounding area, 3 -6 storey buildings on Albert Bridge Road and no more than 3 storeys on Worfield Street.
- 8.36 When Ralph West Hall was built, the reconfiguration allowed double the density from what had historically been on site. There is no justification as to why the appeal proposal can now provide almost three times the floorspace of Ralph West Hall. Furthermore, the appeal proposal cannot be considered to repair the street frontage as it provides five times as much floorspace.
- 8.37 The appellants appear to have cherry picked the Borough Planning Officers suggestion for the front of the site whilst conveniently ignoring what he had to say about the implications for the rear. The appellant's scheme proposes a very significant increase in development content on the front of the site as an addition to the retained tower at the rear.
- 8.38 Ralph West Halls is already a very big building for the area and there can be few people other than the applicants who could stand opposite the site and come to the conclusion that it demands yet another building mass on the front to repair the street scene.

*“The New Building Will Be A Significant Improvement, Particularly When Viewed From Battersea Park”*

- 8.39 The residents do not accept the premise that the new building would be a significant improvement over the existing or that the new building would preserve or enhance the character or appearance of the conservation area.
- 8.40 In the first instance the residents consider that the loss of Ralph West Halls would mean the loss of a building which makes a contribution to the special interest and character of the area for the reasons that I have given earlier in this proof. The assessment and weighing up of the change should therefore begin with a negative factor in the scales and a loss to the conservation areas character.
- 8.41 The second area of negative impact arises from the consequences of the proposal to create the additional building ‘plinth’ of the size and configuration proposed in addition to retaining the tower element on Worfield Street.
- 8.42 As I have shown the appellants rationale for repair of the street frontage conflicts with the history of the Conservation Area and the role that the open space on the site now plays in local views.
- 8.43 Turning to the impact of the proposal in each of the key views the most important are the views along Albert Bridge Road.

*Walking South Along Albert Bridge Road*

- 8.44 The proposal is to build a ground plus 6 storey block along the frontage of the site. This block will be of an equivalent height to Stafford Mansions which is two floors higher than its neighbours to the north.
- 8.45 The effect of a new building of this length and height will be to remove the open views which currently exists across the site to the trees and the sky

in the distance and the landscaping of the existing garden in the foreground.

- 8.46 The loss which will be experienced as result of the intervention of the new frontage block can be seen from the sequence of photographs and analysis contained in the views analysis in my submission to the authority dated July 2005. These are supplemented by the photographs in Appendix 6.
- 8.47 Walking south along Albert Bridge Road the first three photographs show how close one has to come before Ralph West Halls is visible. (note even closer on the west footpath). They also show the illusion of walking towards a green 'end' to the street as a result of the full views afforded of the trees at the Ethelburga Street junction (photo1), and how the street is dominated by the late 19th Century townscape that can be enjoyed intact throughout this walk (photos 1,2 & 3).
- 8.48 As it is the landscaped space which contributes the key open quality to these views the insertion of the new building will, as a matter of fact, remove and destroy that open quality. The openness of these views will not be 'preserved or enhanced' by the insertion of a 7 storey building where none is seen today. This must therefore be a negative impact on this aspect of the character of the conservation area.
- 8.49 As noted in photos 1-4, the residents are concerned that the amount of tree loss will not be contained to that suggested by the appellant and the Inspector is asked to note that the loss of any trees in these views would have a significant negative effect on the character of the view. The loss of the trees to the proposal is therefore a negative impact on this aspect of the character of the conservation area.
- 8.50 Due to the fact that the late 19<sup>th</sup> and early 20<sup>th</sup> century townscape is intact in these views (photos 1,2, & 3) it must also be the case that the introduction of a modern intervention into these historic views could not be said to preserve or enhance their character as a piece of late 19th Century

or early 20<sup>th</sup> century townscape. The uniqueness of the view will be destroyed and the character of this part of the Conservation Area will lose this very special characteristic.

- 8.51 In addition to the negative effect of introducing a building where none is seen now is the effect of introducing such a large building mass into the street scene. The proposal is to replicate the highest frontage building in the view area across the site which is the most aggressive approach to infilling an open site. In my view this scale of intervention will not sit happily with its neighbours and is far too dense for this part of the street. One only has to look at the photographs and plans of the original late 19<sup>th</sup> Century development on the site to see that it was of a much more spacious and fragmented form, three Villas with gardens.
- 8.52 The Victorians and Edwardians did not consider it appropriate to build at this scale and neither did the 1950's modernists. Given that we now have a duty to protect or enhance the townscape that we inherited from them I find it impossible to understand how such an increase in the built form could be justified as an enhancement to the Conservation Area. It is five times the original context.

*Walking North Along Albert Bridge Road*

- 8.53 The northerly walk is similar. Once again the trees provide a major visual stop in the view and their loss would be a negative impact on this aspect of the character of the Conservation Area.
- 8.54 The scale and character of the buildings on the southern side of the site is smaller, more recessive and more fragmented than the northern sequence and this together with the open aspect of the Ethelburga Street junction means that the new block will be likely to appear to be far less of a continuation of a frontage and much more as forward stepping intrusion into the street scene. The recessive nature of Ralph West Halls is very apparent in these views (photos 1,2 & 3) demonstrating how well its' siting helps to place it 'somewhere else' behind the late 19<sup>th</sup> Century townscape.

- 8.55 The introduction of a modern intervention into these views at the front of the site would destroy this effect and fail to persevere or enhance it.

*Walking East to the Park*

- 8.56 The journey from Worfield Street along Ethelburga Street past Ralph West Halls and Jagger House to Albert Bridge Road and then on into the Park is a very important one. It is a key route allowing people from the residential hinterland to permeate through the area and with the Park entrance as the destination it is obviously well used and significant.
- 8.57 As I noted from the archive material it was the strength of this desire line to get to the Park that generated the entrance which now leads to the Carriage Drive East West axis of the Park.
- 8.58 Uniquely this route is a pedestrian route through the urban edge as the junction of Ethelburga Street no longer accommodates traffic.
- 8.59 On leaving Worfield Street one enters the Conservation Area and this is therefore the gateway to the Conservation Area on a well used route. The appreciation of the spatial quality of Ralph West Halls and its landscaping is greatest on this route because we are right alongside and passing through it. The photographs included in Appendix 7 show how, having passed by Ralph West Hall, which acts as a powerful gateway marker, the trees and the openness of the space are the key qualities which characterise the immediate area and view.
- 8.60 There is a dramatic contrast between the very urban background of Ethelburga Tower and Ralph West Hall where one has come from and the picturesque Park where we are headed. The open foreground of Ralph West Hall and the trees alongside the path act as a foretaste of what is to come in the Park, an aperitif before the main meal. The Park has come across the road to meet us and has even started to claim the wall of Stafford Mansions with the greenness of the creeper. The greenness of the

space helps the legibility of the area because any stranger head for a Park in this direction is bound to head for the trees.

- 8.61 There can surely be no other conclusion that the experience of the character and appearance of the Conservation Area at this point is a positive one. It is not intended for this short walk to be a double sided street, quite the contrary it is deliberately not so.
- 8.62 The impact of the appeal proposals on this route will be dramatic fundamentally changing its character and appearance. It will replace the open space and sky views with very substantial building frontages which compose the plinth of even more massive buildings to the front and the rear and it will remove the trees that are currently so important.
- 8.63 It has become an urban design convention these days always to seek to create active street frontages and this is generally a good principle but as often happens in planning sometimes these principles can be applied dogmatically and without critical consideration. In this case a street frontage clearly not called for, there is surveillance of this short path from Jagger House and the larger buildings and the negative effect of the fundamental loss of the openness and greenness is surely not outweighed by the proposal.
- 8.64 This route is experienced by all local residents and it is very important and appreciated by them as the Inquiry will hear. It is also not just a route but an important view corridor from Ethelburga Tower and Worfield Street and the changes to the view will be as dramatic and negative as the experience of walking through it. These views will change negatively and are important as they are views of the setting of the Park which is the key aspect of the Conservation Area.
- 8.65 These negative changes must be given very significant weight in the assessment of whether the proposal protects or enhances the Conservation Area and in my view it is impossible to come to the

conclusion that these changes are anything other than massively negative as they change the whole composition of the space and sense of place.

### *Leaving the Park*

- 8.66 The experience walking back home from the Park through this part of the Conservation Area is the same except this time the greenness and spacious is the port rather than the aperitif.
- 8.67 The only further issue to consider in this route is the contribution which the appeal site makes to the character of the Park in views from the Park. The photographs in appendix and in my Conservation Area assessment of July 2005 show how the experience develops from the central areas where only the Park is experienced (photo 1) to the point where the urban edge starts to become visible through the trees (photo 2). Due to their set back from Albert Bridge Road, Ethelburga Tower and Ralph West Hall do not feature in these views to any great extent, Stafford Mansions is more prominent but wherever the Albert Bridge Road frontage is seen this is positive because it is part of the character of the edge of an urban park.
- 8.68 The appellant's claim that the change to the new design of the Ralph West Hall building envelop is a positive change improving the views from the Park. Even if it is considered to be so, then it cannot be given much weight because the impact today is very small. Personally I would not consider the change in any long view to be capable of being assessed as anything better than neutral since any change to a more attractive elevation (if that was the conclusion) would be counter-balanced by the loss of the reminder of the 1950's design contribution to the area.
- 8.69 At a closer vantage point, as shown in Appendix 8, where the frontage of the appeal site interacts with the view then for the same reasons as I have explained in the other views, the change from a landscaped and open frontage character to a built frontage is a fundamental change in character and a loss of the existing designated townscape.

8.70 In close views from within the park, I do not agree with the appellants that the introduction of additional built form to the height of Stafford Mansions will be a positive repair. Once again the effect will be to introduce a new intervention into an historic view that has been preserved for the last 40 years.

8.71 Even if it is accepted by the Inspector that the views from the Park are improved then in my view it would still be insufficient to outweigh the other negatives that I have found because the Park views are so limited in comparison to the other views which are all within the Conservation area.

*“The scheme delivers a contemporary building design of high quality to the area.”*

8.72 The resident’s case is that the appeal scheme fails to preserve or enhance the character or appearance of the Conservation Area primarily as a result of its fundamental approach rather than its detailed design. The basic brief for the scheme is mis-placed and it does not matter how good the design may be if the scheme was not briefed correctly at the start with an appropriate assessment of the context.

#### Appraising the Proposal

8.73 English Heritage in conjunction with CABI have provided a series of questions designed to help appraise the quality of a building and its contribution to the urban design of the neighbourhood in which it is situated (Appendix 8).

8.74 It is considered that the appeal proposal fails when judged against these principles, and that the development does not serve to enhance the Conservation Area.

## **9.0 THE LOSS AND IMPACT UPON THE TREES**

- 9.1 The appeal site contains a number of mature trees, which are protected by virtue of their inclusion in a Tree Preservation Order (TPO No. 10 – 1996), which encompasses a large extent of Albert Bridge Road, and Prince of Wales Drive.
- 9.2 The planning application was supported by an Arboriculturalist Report from MacFarlane Wilder, however the report does not provide a justification as to why these specimens should be lost.
- 9.3 None of the subject trees are of poor quality, nor are they potentially dangerous. The protected trees are an important element of the local townscape and an intrinsic part of the character of the Conservation Area.
- 9.4 The Borough Planning Officers original advice to Drivers Jonas (letter of 15<sup>th</sup> March 2004) was that the development should avoid interference with the Plane tree and the four trees on the southeast corner of the site. Advice that has not been followed by the scheme.
- 9.5 It is therefore considered that the loss of the protected trees is without justification and would have a harmful effect upon the character and appearance the conservation area and would therefore fail to protect or enhance the character or appearance of the conservation area.
- 9.6 Furthermore, based on the information supplied with the planning application and the original tree survey conducted by ACS Consulting, it is possible to conclude that appeal proposal will unacceptably encroach upon the trees stated to be retained.
- 9.7 Appendix 10 includes two diagrams showing the impact on the Root Protection Areas of the existing trees for upper basement and ground floors, and demonstrates that the appeal proposal contravenes British Standard BS 5837 2005.

## **10.0 LAND USE POLICY ISSUES**

- 10.1 The residents concern, which were supported twice by the planning committee, is that the appellant is attempting to fit far too much development onto the site and in a manner which is harmful to the Conservation Area and contrary to development plan policy.
- 10.2 The resident's view is that this 'overdevelopment' causes a multiplicity of individual planning concerns which combine to make the proposal unacceptable.
- 10.3 I concur with this view and intend to show how the amount of development proposed is the root cause of both the Conservation Area concerns that I have already described and the planning policy considerations which show that the proposed development is at a density which exceeds public transport capacity of the area and which results in a building volume that is out of character with the surrounding area.

## 11.0 DENSITY ASSESSMENT

- 11.1 I have undertaken a comparative assessment of the density associated with the existing Ralph West Halls complex, the neighbouring area, and the former pattern of development on the site.
- 11.2 The table in Appendix 11 compares the appeal site with Albany Mansions taken together with nos. 1-39 Worfield Street. This particular grouping of properties has been selected as it reflects the area's original urban grain, which is characterised by mansion blocks fronting Albert Bridge road and terraced housing in Worfield Street to the rear. It is quite a dense street block for the area.
- 11.3 The assessment compares floorspace, site coverage, plot ratio and habitable room density.

### *Built Form*

- 11.4 The comparison of the density of built form (floorspace, site coverage, plot ratio) provides an empirical basis for comparing the appeal proposals with the built form of the Conservation Area.
- 11.5 The table in Appendix 11 shows that, when built, Ralph West Halls doubled the amount of development which previously existed on the site. However, the footprint of the buildings decreased by 663 sqm, and the total floorspace increased by 2939 sqm, reflecting the increased openness we enjoy today.
- 11.6 There was therefore no significant increase in building density when Ralph West Halls was built. The design of Ralph West Halls involved a decision to coalesce the former individual gardens into a single landscaped space and to take the opportunity to build high on the back rather than the front.

- 11.7 When these same criteria are compared to the adjoining Conservation Area it can be seen that Ralph West Halls is slightly less dense than the neighbouring context.

#### *Floorspace*

- 11.8 Ralph West Halls provides 6,321 sqm of total gross floorspace. Whereas, the Albany Mansions street block provides approximately 11,227 sqm in the two sets of buildings but on a site which is nearly twice the size.
- 11.9 By comparison, the appeal proposals provide a total of 17,902 sqm of floorspace. This represents a significant increase from the figures associated with both properties, and is roughly 3 times the floorspace currently in Ralph West Halls.

#### *Site Coverage*

- 11.10 In terms of site coverage, the footprint of Ralph West Halls occupies approximately 20% of the whole site. Whereas the footprint associated with the Albany Mansions street block is approximately 36%.
- 11.11 A similar relationship existed between the Villas and terraces on the appeal site before Ralph West Halls was built.
- 11.12 By contrast the site coverage of the appeal proposal is approximately 56% of the entire site. A substantial increase from the existing and substantially above the footprint of the Albany Mansions street block and a significant reduction in the openness of the built form.

#### *Plot Ratio*

- 11.13 Ralph West Halls has a plot ratio of 1.5:1, which is broadly consistent with the Albany Mansions block at 1.4:1.
- 11.14 The plot ratio for the appeal proposal comes in sharp contrast at 4.3:1.

- 11.15 I also note that the Council's original advice to Drivers Jonas (in a letter dated 15<sup>th</sup> March 2004) was that the development should not exceed a plot ratio of 2:1, which is well below the appeal plot ratio and implies a modest increase over the existing Ralph West Halls.
- 11.16 In light of these factors, the appeal proposal is advancing an increase in the built density in the Conservation Area that has no apparent precedent in the traditional form of the immediate area or the existing form of Ralph West Halls. It is, put simply, substantially out of character with the context in these empirical terms.
- 11.17 It is not surprising that the figures reveal this difference since the proposal is based on the idea of adding an Albany Mansions type frontage to the site whilst also keeping the 10 storey Ralph West Halls at the back. A form of development that has no precedent in the Conservation Area.
- 11.18 In moving from the first application proposal (now withdrawn from the appeal) the content of the scheme has changed only in the most marginal of terms and does little to address the fundamental issues of plot ratio and density.

## 12.0 RESIDENTIAL DENSITY

- 12.1 I now turn to the land use planning policy aspect of density, which is concerned with the residential content rather than the built form.
- 12.2 The table included at Appendix 11 shows that if the volume of the existing Ralph West Halls buildings were to provide a notional residential accommodation, it would produce a residential density figure in the region of perhaps 607 habitable rooms per hectare, or 188 dwellings per hectare.
- 12.3 As shown in the table included in Appendix 10, the residential density for Albany Mansions street block equates to around 527 habitable rooms per hectare, or 128 dwellings per hectare.
- 12.4 The density associated with the appeal scheme is by contrast in the region of 902 habitable rooms per hectare, or 304 dwellings per hectare.
- 12.5 It is therefore clear that the density of the appeal scheme significantly exceeds the notional density of the existing Ralph West Halls and is substantially above that which is typical of the surrounding area.
- 12.6 In terms of the Conservation Area considerations a substantial increase in residential density is another indication that the proposal is out of character with its neighbours. In land use policy terms an increase is not harmful per se and it is necessary to consider the policy context of the site further.

### *Public Transport Accessibility Level (PTAL)*

- 12.7 When assessing what would be an appropriate density for a site, the most fundamental consideration is the existing level of public transport accessibility and the capacity of the local network.
- 12.8 Public Transport Accessibility Level (PTAL) is used to assess the access level of geographical areas to public transport. The final result is a grade

from 1-6 where a PTAL of 1 indicates extremely poor access to the location by public transport, and a PTAL of 6 indicates excellent access by public transport.

- 12.9 Ralph West Halls is located within an area devoid of public transport opportunities compared to other parts of Central London and consequentially has a low PTAL index of only 2. This PTAL value has been acknowledged in the Transport Assessment, which supported the planning application and is not in dispute.
- 12.10 The Transport Assessment suggests in paragraph 3.1.1 that the site is well served by local bus services. This however, is clearly not the case as there are no bus services, which directly pass the frontage to the appeal site along Albert Bridge Road.
- 12.11 In terms of National Rail services, the closest accessible mainline rail stations – Battersea Park, Queenstown Road (Battersea), and Clapham Junction – are each located a considerable distance away from the appeal site, at 1.6 km, 1.8 km, and 1.7 km respectively.
- 12.12 The poor level of public transport accessibility is confirmed by the low PTAL rating and claims which indicate otherwise are fundamentally flawed.
- 12.13 The density matrix contained within the London Plan recommends that for urban sites, with a Public Transport Accessibility Level (PTAL) of 2, that 300-450 habitable rooms per hectare, or 100 -150 dwellings per hectare, may be appropriate.
- 12.14 It is instructive to note that the surrounding area has a density of approximately 128 dwellings per ha which is consistent with the London Plan table and the density it recommends for an area of this nature.
- 12.15 The proposed residential density is double that which a public transport accessibility based strategy would suggest is a sustainable approach. The appeal proposals therefore represent a significant over development of the

site given its relation to existing public transport networks and the character of the surrounding area.

- 12.16 The consequences of the high density would be to encourage greater use of the private car, due to the absence of other alternatives which is the complete opposite of Government policy.
- 12.17 The proposal would therefore cause harm through the unnecessary trip generation and through its contravention of strategic policy on sustainable development. And at a more local level the effects of additional traffic and car borne trips would adversely affect local amenity.

*Local Planning Policy*

- 12.18 The Council's approach to density is set out in Policy H12, of the adopted Unitary Development Plan (2003). Policy H12 does not rely upon specific density figures but instead uses a criteria based approach, which states:-
- 12.19 "Housing development will be permitted if its density is appropriate to the location and the type of housing being provided and its scale and layout enable the development to relate satisfactorily to its surroundings and the character of the area, and to meet the Council's policies on design, space, and amenity".
- 12.20 The density assessment clearly demonstrates that the appeal proposals result in a significant increase in the built density of the Conservation Area. The increase in the amount of total floorspace, the site coverage, and plot ratio, are all in sharp contrast to the traditional built form of the area, as well as the existing Ralph West Halls buildings.
- 12.21 The density of the proposed development is completely inappropriate for this site, does not relate satisfactorily to its surroundings, and is completely out of character with the Conservation Area.

12.22 It is on this basis that the residents do not agree with the Officers conclusions in relation to matters of density and overdevelopment, and given that the scheme content was not materially changed, we think it was entirely right of the committee to conclude that the changes to the scheme had not addressed their prime concerns on this matter and that the application should be refused

12.23 It is therefore considered that the appeal proposals would be contrary to UDP Policy H12, and not in accordance with a sustainable approach to development as set out in the London Plan and PPG 3.

## 13.0 RESIDENTIAL AMENITY

### *Daylight and Sunlight*

- 13.1 In response to the original application, as contained in Appendix 1, I set out the chief concerns local residents had in relation to the impact that the development proposal would have upon their residential amenity, including sunlight and daylight.
- 13.2 Particular concern was expressed that the appellant's did not provide an assessment in accordance with the full tests of the BRE guidance for daylight and sunlight, relying instead upon the British Standard for Average Daylight Factor (ADF).
- 13.3 The residents were also concerned that the scheme completely encloses the currently open aspect from many of their windows, at all levels, and it follows that this is likely to have an adverse and harmful impact on their light.
- 13.4 With regard to the appeal scheme, the resident's consider that these fundamental matters remain relevant.

### *Privacy / Overlooking / Sense of Enclosure*

- 13.5 In response to the original; application, I also set out the residents position with regard to aspects of privacy, overlooking, and sense of enclosure.
- 13.6 It was considered that the relationship and distance between the proposed internal east elevation of the rear block and the rear elevation of Stafford Mansions was of particular importance as the distance between facing habitable rooms appears to be far less than the required 20 metres. Our attempts to analyse this point in detail have been hampered by not having plans to a suitable scale, despite our request to the appellants for their provision.

- 13.7 The relationship between the existing apartments and the new development is therefore closer than the Council's standards would require and this means that in addition to the adverse effects on privacy the closeness of the development will lead to an unacceptable increase in enclosure which would have a harmful effect upon the amenities of residents of Stafford Mansions who face in that direction.
- 13.8 On this basis, concerns that the present appeal proposal would give rise to an unacceptable loss of privacy and an unacceptable increase in sense of enclosure remain.

## 14.0 CONCLUSIONS

14.1 My conclusions are given in the form of a summary proof.