

**2 Thorney Hedge Road, Chiswick W4 5SD**

**01121/R/O2/P5**

**Comments from the West Chiswick and Gunnersbury Society**

**Background:** The Society strongly endorses the emphasis in the Local Plan on “improving the appearance of the borough and the quality of life for our residents” and confirms the importance of the promotion of local character, including protection and enhancement of Conservation Areas and other heritage assets. We have been working for many years with conservation and planning officers on aspects of context and character, most recently on CA appraisals and on the Local List. We are pleased that this work is valued and that, for example, most of the nominations we submitted have been proposed for addition to the Local List in the recent consultation. Members of the Society were actively involved in the establishment of the Thorney Hedge and Wellesley Road CAs.

**1. The West Chiswick and Gunnersbury Society objects to the proposals and requests that the application be refused. We believe that the proposal conflicts with several policies of the Local Plan and possesses essentially the same shortcomings as those that were identified by the Planning Inspector in dismissing the appeal on application 01121/R/O2/P4 [App/F5540/W/20/3260265] in February 2021.**

**2. Development on Garden Land** We object on principle to the proposal to construct a new house within the garden land to the rear of No. 2 Thorney Hedge Road. [See also Section 7 and the Annex on page 5]. The application form incorrectly states that the previous use of the site is unknown, whereas it is well-known locally that it previously was the garden of the property of 2 Thorney Hedge Road.

2.1 The proposal is contrary to Local Plan Policies SC1, SC4 and SC5:

- SC1(q) “Maintaining a presumption against the development of self-contained residential units within the curtilage of existing dwellings where the proposal would be in conflict with other policies in this plan.”
- Paragraph 5.5 “However, it (a contribution from small sites) does not require development of back gardens to achieve this.”
- SC4(e) “Respond to ... Conservation Area Appraisals”
- **SC5 Our Approach** ... “respect the principles of good neighbourliness.”
- Paragraph 5.17 “Development proposals should not compromise the amenity of existing and future residents or the important character of the area, including the amenity and character of back garden spaces. Proposals will be considered in the context of planning policies, supplementary guidance and evidence including the Urban Context and Character Study. Assessed against these policies, proposals for inappropriate garden land development will be rejected.”

2.2 The gardens within the Thorney Hedge Conservation Area provide a link with the history of the area. As can be seen from the historical maps within the CA Appraisal, before this residential enclave was built in the late nineteenth century, the area was market gardens and orchards. The gardens on the even-numbered side of Thorney Hedge Road together with those on the odd-numbered side of Silver Crescent form a continuum; they are a special

feature of the Conservation Area and are an important contributor to its attractiveness. They also provide an important element of open space within the dense residential urban grid.

2.3 The Appraisal statement for this CA includes the following:

- 8.2 There is no public open space within the conservation area. This is an intensively urban area, with all open space within private gardens.
- 9.6 New developments should preserve and enhance the quality of the conservation area and should be in keeping with the general character of the conservation area. Poor quality new developments can harm the integrity of the conservation area.
- 11.1 (strengths) Attractive tree-lined streets and rear gardens.
- 11.3 (opportunities) Infill proposals should relate to the grain and scale of the conservation area, using high quality design and materials.
- Retain soft landscaping and greening to settings as priority. Avoid the paving over of green settings that create unsympathetic and harsh areas of hard standing,
- 11.4 (threats) Infills and extensions resulting in loss of integrity of layout, loss of character and loss of architectural quality.
- Loss of trees along boundaries and in rear gardens.

2.4 The application makes no reference to the semi-mature oak tree within the adjoining Silver Crescent garden; this tree is very close to the eastern site boundary. The proposed development could result in either the loss of, or damage to, this tree. The application form incorrectly answers “No” to the question (19) And/or: Are there trees or hedges on land adjacent to the proposed development site that could influence the development or might be important as part of the local landscape character? (See photos in Annex 2).

2.5 In addition, there are trees planted on the edge of the car-park of Chiswick Green, the office building at 610-624 Chiswick High Road along the boundary with the garden land to the rear of No. 2 Thorney Hedge Road. These boundary trees were planted in 2012 to provide screening in order to safeguard the visual amenity and privacy of adjoining residential properties in compliance with Conditions 9, 10 and 11 of planning permission for the office building (00248/610-624/P34). Such trees would be vulnerable, if the proposed development were to be permitted. It should be noted that silver birch trees on this boundary were felled in early 2020 in breach of planning control. Replacement trees have since been planted. (See photos in Annex 2).

2.6 The Council has declared a Climate Emergency and recognises the importance of maintaining, increasing and enhancing planted open space (whether public or private). Garden land is important in terms of both reducing global heating and of mitigating the impact. Such land also contributes positively to health and well-being (eg air quality, outdoor activity). Conservation and enhancement must be applied to both natural and built heritage assets. Private gardens make a significant contribution to the biodiversity of urban areas. The importance of biodiversity to the borough is reflected in the inclusion of policy GB7 in the Local Plan.

2.7 The back-to-back gardens of the inner curve of Silver Crescent and Thorney Hedge Road can be regarded as a miniature nature reserve; they are the breathing heart of the Conservation Area.

**3. Impact on Thorney Hedge Conservation Area** The proposed development would neither conserve nor enhance the character and appearance of the Conservation Area; it

would damage the CA's integrity and its character as a late Victorian suburb. It would not therefore be in accordance with Local Plan policies CC1, CC2 and CC4 nor of London Plan 2021 Policy D3.

3.1 As detailed under section 2 above, back gardens are one of the defining characteristics of the Thorney Hedge CA. This coherent character is sensitive to change. Policy CC1 recognises the context and varied character of the borough's places and seek to ensure that all new development conserves and takes opportunities to enhance their special qualities and heritage.

3.2 Policy CC4 (Heritage) outlines that the Borough is required to conserve and take opportunities to enhance the significance of the borough's heritage assets as a positive means of supporting an area's distinctive character and sense of history. The decision maker has a duty to pay special attention to the preservation of the character and setting of heritage assets, including Conservation Areas and Listed Buildings. London Plan D3 requires *inter alia* that development proposals "enhance local context by delivering buildings and spaces that positively respond to local distinctiveness through their layout, orientation, scale, appearance and shape, with due regard to existing and emerging street hierarchy, building types, forms and proportions".

3.3 The Design and Access document states "The southern massing of the proposal sits below the pattern of development formed by the Thorney Hedge Conservation area and reads as part of the contemporary neighbours." Rather than marking "an appropriate transition between old and new on the boundary of the conservation area" we believe strongly that drawing the character of the "contemporary neighbour" to the south into the CA will be seen as a disrespectful alien intrusion. The CA is small; to eat away at its edge in this way would be harmful to its character and to its setting. The sensitivity of the CA boundary is demonstrated by the need for buffer tree planting (see paragraph 2.5 above).

**4. Quality of accommodation of the new house** The proposed design of the building would not achieve a dwelling of high quality for future residents.

4.1 The proposal is for a building with habitable rooms, including one of the bedrooms, being at a semi-basement level and close to the site boundary. The inner courtyard between the two sections of the building is very narrow. The consequent lack of outlook will give rise to an oppressive sense of enclosure. In addition, we question whether the design will provide adequate daylight and sunlight to the habitable rooms.

If not properly maintained, the planted roof may lead to a further decrease in daylight and sunlight to the room relying on roof lights for illumination. The negative impact of these features of the design will be exacerbated by the plot being overshadowed by the large office building to the south and by the proximity of the electricity sub-station and other structures within the office car-park. The property will also suffer from light pollution from the office building, the internal lighting of which is poorly controlled.

4.2 Furthermore, the site is in an area of public open space deficit; the nearest parks (Turnham Green and Gunnersbury Park) are both some distance away. In any case, public parks do not mitigate for the inadequate quality of the limited private outdoor space.

4.3 A sedum roof cannot be equated to garden land in terms of biodiversity. Such a green roof, even if maintained, and the sunken courtyard garden, even if planted, are totally inadequate compensation for the significant loss of garden land. The application form incorrectly states that the development will not result in the loss of any garden land.

4.4 For these reasons, the proposal would not represent a development of the highest quality of design which functions well and would not provide adequate living conditions for future occupiers, contrary to Policies SC5 and CC2 of the Hounslow Local Plan and Policies D3 and D6 of the London Plan.

**5. Impact on neighbours** We consider that the proposed development would have a negative impact on the occupants of neighbouring properties in both Thorney Hedge Road and Silver Crescent. With the conversion of a significant number of properties in these roads to provide flats the residential density is already high. Increasing the density yet further by means of building on garden land will lead to a deterioration in the quality of life of existing residents.

5.1 Occupants of the flats at No. 2 Thorney Hedge Road, especially the basement flat, would be adversely affected as noted under Access below.

5.2 Replacing a rear garden with a built structure that fills a significant proportion of the plot and a part of which is two-storey will be detrimental to the outlook of residents of properties with adjacent gardens. The inclusion of a flat roof might give rise to a lack of privacy and overlooking.

**6. Access** We consider that the proposed access would have a negative impact on the amenity of residents of the basement flat at No.2.

6.1 Use of the existing narrow footway at the side of No. 2 Thorney Hedge Road for access by the occupants of the new house (their visitors, deliveries, bikes and rubbish and recycling) would increase disturbance and noise.

6.2 Moreover, this shared path would be totally inadequate for the access needed for construction of the new house. The application is silent on the logistics of the construction phase of the development; no Construction Management Plan has been provided. See also paragraph 2.5.

**7. Land use and ownership** The applicant has sought to argue that, since the application site is now a separately owned plot of land, it is no longer a rear garden but should be regarded as an infill site without use. The application form incorrectly states that the last use is unknown.

7.1 The Society finds the fact that it no longer provides amenity for the residents of the flats at No. 2 deeply regrettable. However, even if now in separate ownership, it can be seen from the photographic evidence provided on page 7 of the Design and Access statement that the site is clearly garden land. Its only previous use was as the rear garden of No. 2 Thorney Hedge Road. In any case, ownership of the site, is a civil matter which should bear no weight in a planning assessment.

7.2 Moreover, if the garden land “has lain derelict for some time and is currently in an overgrown state”, this is due to neglect by the applicant. Such neglect constitutes a degradation of the environment within a Conservation Area. It certainly provides no justification for building on the garden land.

**8. Planning Balance** We understand that development on small pockets of suitable land within established residential areas can make a welcome contribution to housing targets. However, this should not be to the detriment of the character of the area nor the quality of life of the established residential community.

8.1 The “miniature estate” of Silver Crescent and Thorney Hedge Road is a tree-lined crescent which provides an unexpected retreat from the busy Chiswick High Road. The north side of the high road has become busier since the establishment of the CA in 2002 with the construction or extension of large commercial buildings on either side of the crescent (Chiswick Business Park, Clayton Hotel – conversion from offices and extension, Chiswick Green – offices at 610-624 Chiswick High Road). The peaceful retreat of this close-knit crescent is therefore even more precious to its residents.

8.2 The Thorney Hedge Conservation Area has already accommodated several in-fill developments as can be seen from paragraphs 6.4 and 6.5 in the Thorney Hedge Conservation Area Appraisal

[https://www.hounslow.gov.uk/info/20010/planning\\_and\\_building/1098/design\\_and\\_conservation/4](https://www.hounslow.gov.uk/info/20010/planning_and_building/1098/design_and_conservation/4).

8.3 It is important to appreciate that, unlike the current case, these twelve houses were built on three brownfield sites: 4 in a pub car-park, 2 in a former woodyard and 6 replacing lock-up garages (and a small portion of a garden). The CA is small and sensitive to change and we believe that further intensification with intrusive development occurring entirely on garden land at the heart of the CA will have a seriously negative impact on its character and integrity.

8.4 The importance of open space (private, communal and public) to people’s health and wellbeing has been highlighted by the current coronavirus pandemic. The likelihood that similar situations will arise in future means that great weight should be given to providing a sufficient amount of suitable green space within each development (see paragraphs 4.2 and 4.3 of WCGS comments).

**8.5 In conclusion we believe strongly that the planning balance is firmly against permitting this development. The provision of one house of very inferior quality (in terms of both accommodation and private open space) is of no public benefit. Its construction on garden land within the inner curve of the crescent would strike at the essential character and integrity of the Conservation Area.**

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## **Annex 1**

We participated in the preparation and examination in public of the Local Plan and recall that the presumption against inappropriate development on garden land is included in the policy in conformity with the NPPF (see Hansard entry below) and the London Plan in recognition of the value of garden land in terms of attributes such as amenity, character and biodiversity. Existing gardens are an essential feature of many established residential areas of the borough and make a significant contribution to the quality of life of residents, especially in high density “compact grid” areas and areas of public open land deficit. It was recognised that such established residential areas are likely to be the target for small in-fill sites and the loss



of garden land had been demonstrated (during consultation on the Local Plan) to be a cause of significant local concern.

***Hansard source (Citation: HC Deb, 15 June 2015, cW)***

Gavin Williamson Conservative, South Staffordshire

To ask the Secretary of State for Communities and Local Government, what steps have been taken to prevent (a) garden grabbing and (b) the inappropriate development of dwellings on residential gardens.

Brandon Lewis Minister of State (Communities and Local Government)

Our National Planning Policy Framework is clear that private residential gardens are excluded from the definition of previously developed or brownfield land. This ensures that councils are not forced into granting permissions in order to meet brownfield development targets, and this policy remains in place.

The Framework asks local councils to consider the case for setting out policies to resist inappropriate development of residential gardens, including where development would cause harm to the local area. This allows councils to set policies which are appropriate to their local area.

**Annex 2 Boundary Trees (see paragraphs 2.4 and 2.5)**





Replacement silver birch



Oak on eastern boundary

WCGS

September 2021