



Appeal Decision

Inquiry held on 1, 2, 3, 4 August and 11 September 2023

Site visits made on 1, 3 August 2023

by J P Longmuir BA(Hons) DipUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th December 2023

Appeal Ref: APP/F5540/W/22/3297232

Park Road Allotments, Park Road, Isleworth, London TW8 8JF

- 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 Northumberland Estates against the decision of London Borough of Hounslow.
 - The application Ref 00707/E/P120, dated 8 December 2020, was refused by notice dated 22 October 2021.
 - The development proposed is the erection of 80 residential dwellings, concierge building, car and cycle parking, landscaping and associated works; and infrastructure and other structures associated with allotment use.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Park Road Allotment Association and The Isleworth Society participated in the Inquiry as Rule 6 Parties.
3. The second reason for refusal referred to the absence of a completed Section 106 Legal Agreement to secure necessary planning obligations including highway works and sustainable travel as well as construction training opportunities. The draft agreement was provided prior to the commencement of the Inquiry so that these obligations ceased to be a main issue.
4. I issued a note ahead of the Inquiry advising on the need to clarify and elaborate on key worker housing, section 106, heritage, the allotment community building and ecology.
5. The Council¹ advised that work has started on the review of the Hounslow Local Plan, but this has no bearing on the pertinent policies to this case. The Council advise that the emerging Local Plan Review carries limited weight. I agree have considered the appeal accordingly.
6. The appeal site is proximate to a number of listed buildings²: Church of All Saints Grade II*, Porters Lodge II at Syon House at Corner of Park Road and

¹ Mr Leo Hall paragraph 7.13 Proof of Evidence

² As in paragraph 4.1 of Heritage, Townscape and Visual Impact Assessment and confirmed in Case Management Conference Note.

Church Street, Syon Park Boathouse [The Pavilion] Grade I, the Boundary Wall to Syon Park Grade II, Nos. 42-46, 48 and 50, 49 and 51, 58 and 60 and 59 Church Street, Creek House and The Vicarage all Grade II and the London Apprentice Public House Grade II*, as well as Syon Park Registered Park and Garden Grade I and The Royal Botanic Gardens Kew World Heritage Site.

7. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
8. The site and its surroundings are within the Isleworth Riverside Conservation Area. Section 72(1) of the Act requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
9. Heritage did not form part of the Council's putative reasons for refusal. Regardless of this, in considering whether to grant planning permission for the proposed development, I have borne in mind the statutory requirements placed on me as decision-maker by s66(1) and s72(1) of the Act. I am also mindful of the historic environment policies within the National Planning Policy Framework (the Framework) that relate to the significance of designated heritage assets and their settings.

Main Issues

10. The main issues are:

- the effect of the proposal on the above designated heritage assets; and
- the loss of open space and whether or not the replacement would be an equivalent or better in a suitable location.

Reasons

11. Historic England's 'Good Practice Advice on the Setting of Heritage Assets' describes³ the importance of setting lies in what it contributes to the significance of the heritage asset or to the ability to appreciate that significance. The definition of setting in the Framework also refers to the setting as the surroundings in which the asset is experienced. The Planning Practice Guidance on 'Historic environment' highlights that the extent and importance of setting includes visual factors as well as experiences including the historic relationship. The Court of Appeal case involving Kedleston Hall⁴ shows that historical, social and cultural matters are relevant to the definition of setting, and that a direct physical or visual connection is not always necessary to form part of a setting.

Boundary wall to Syon Park

12. The Boundary Wall to Syon Park, list entry number 1241273, is the nearest listed structure to the appeal site. The list description dates it at 1820s, with some earlier stretches.

³ Paragraph 9

⁴ *Catesby Estates Ltd v Steer* [2018] EWCA Civ 1697

13. In terms of its significance and special interest, the heritage statement notes it has historic value as the protective boundary to Syon Park and for its historic construction. In terms of the former, it follows and defines the edge of Syon Park. Consequently, it has a considerable length, indeed the list description suggests approximately 1000m. In terms of the latter, I noted its stock brick construction creates a stippled appearance, complemented by the arrangement of headers and stretchers in a Flemish bond⁵, and exceeds 2 metres in height. The list description suggests that the wall was laid out at the same time as Park Road.
14. Mr Bridgland, on behalf of the Appellant, stated at the Inquiry that the wall was not intended to be seen within the Park being obscured by planting. I concur and find that it is particularly significant for its appreciation outside the Park with its height and length giving the impression of grandeur. Indeed, Park Road follows the wall where it forms a gated entrance to the Park, which affirms that Park Road forms part of the visual and historic setting of the wall.
15. The wall is also complemented by mature trees growing above it within the parkland. Additionally, the appeal site is on the opposite side of Park Road to the wall, but close by⁶, and experienced together, so it too forms part of the wall's setting.
16. The wall is enhanced by its setting in several ways. Firstly, the open aspect along the adjacent Park Road allows the wall to feature prominently. Secondly it is clearly seen in conjunction with mature trees. Thirdly the openness of the setting allows long views so that the continuity of the wall is readily appreciated.
17. The appeal site frontage facing the wall is described by the Appellant as a planted edge⁷. There is a mix of mature broad leaf trees and shrubs, and whilst none of the trees are individually notable, collectively they form a verdant line.
18. The wall is noteworthy for its strong delineation of the Park Road approach to Syon Park, which is reinforced by the frontage trees on the appeal site which being tall vertical features help funnel the eye along its length. The Design and Access Statement⁸ annotates a photograph of Park Road as a 'tunnel like effect'. In addition, the undeveloped nature of the appeal site does not attract attention away from the wall so that its length, height and construction feature prominently. Thus, in both these aspects the appeal site contributes positively to the setting of the listed wall.
19. The submitted plans show that the three blocks of development would be very close to Park Road. In the vicinity of the buildings the submitted Arboricultural Impact Assessment shows significant tree removal. Whilst there would be gaps for replacement landscaping between the proposed buildings, there would be very little space left to their frontages for new trees to mature to a significantly sized canopy.
20. Differing photomontages of the proposed development were submitted by the Appellant and The Isleworth Society. There was dispute over their

⁵ Bonding and height as agreed by all parties at the site visit

⁶ 13m away as suggested in paragraph 2.2 Proof of Evidence Mr Leo Hall and not contested

⁷ Site analysis. Page 24 Proof of Evidence Presentation

⁸ Page 66

representative precision and effect of colours/shading to denote the buildings. I have treated them with caution⁹ but nonetheless, even taken as a ballpark, and considering the Appellant's own submission¹⁰ and together with the submitted layout, elevations, and Arboricultural Impact Assessment, I find that the development would be readily apparent along Park Road. Indeed, the Heritage, Townscape and Visual Impact Assessment¹¹ notes that a medium to high degree of change would result from the proposal.

21. The Design and Access Statement foresees 'gables in the trees' and I find at least the ends of the buildings would be largely unobscured. Moreover, in winter even more of the buildings would be expected to be visible assuming the planting reflected the species suggested¹². The proposal would change the existing 'heavily screened'¹³ treed frontage to one partially built up, and a predominance of buildings rather than open space. The buildings would be likely to attract the eye, so that the wall and skyline trees would cease to be the focus of attention. Indeed, it was confirmed at the Inquiry by Mr Bridgland that these trees reflect the historic planting pattern of Capability Brown, so seen above and in conjunction with the wall they have significance.
22. The Appellant suggests that the quality of design contributes to the acceptability of the proposal. The scheme does utilise some contextual components, within a contemporary design to produce good quality elevations. However, the siting, footprint and height of the development would make it prominent, spoiling the site's characteristics and the setting it provides to the Park wall.
23. I therefore conclude that the proposal would harm the listed Boundary Wall to Syon Park.

Porters Lodge

24. This is list entry number 1190154 and Grade II listed. The list description dates it as early nineteenth century.
25. Its significance and special interest are partly derived from its classical design, which although is modest in footprint and single storey, is accentuated by a tall ashlar chimney stack, which the list description notes as a central chimney with 3 shafts in the form of square column. The list description also notes its hipped roof.
26. The Lodge is clearly seen to overlook the entrance into the Park, which is part of its setting. Additionally, its setting is also derived from Park Road which together with the adjacent boundary wall form the approach to this entrance to the Park.
27. Park Road and the boundary wall also contribute to its setting as they help the sense of expectation. Upon arrival the Lodge is initially partly hidden by the wall, but then emerges to the side dramatically emphasised by a bay window directly overlooking the Park gate. The building materials also add to the experience of the entrance as the Lodge is built in ashlar in contrast to the

⁹ Mr Bridgland Rebuttal Proof reference to APP/F5540/W/17/3180962 & APP/F55540/Z/17/3173208

¹⁰ CGI Park Road Page 44 Proof of Evidence Presentation

¹¹ Page 23

¹² Design and Access Statement page 89

¹³ Design and Access Statement page 35

brick wall. Indeed, away from this entrance, the rear of the Lodge has yellow brick walling which is more modest in its showing. The setting also contributes to the significance of the Lodge confirming its historic functional purpose, seemingly overseeing the gateway. This is reflected in its orientation of the front door and windows towards the entrance.

28. The appeal site is significant to the setting because it forms part of the approach to the Lodge. The trees and rural open nature of the appeal site contribute to the prominence and significance of the wall and its bucolic ambiance. The wall has such continuity that it creates an element of expectation, leading to a sense of arrival at the Lodge. Whilst the Lodge is only seen in an oblique view from the appeal site, nonetheless that oblique view is eye catching due to the pronounced leading effect of the wall. Moreover, both are experienced together in the kinetic views¹⁴ along the length of Park Road.
29. The proposal would lead to the creation of a partially built up frontage and loss of open space, which would divert attention away from the wall, detracting from its continuity, thereby diminishing the sense of arrival at the Lodge. I therefore find that the proposal would harm the setting of the Porters Lodge and harm this listed building.

Syon Park Registered Park and Garden

30. This is a Grade I Registered Park and Garden, forming the grounds to Syon House. It is enclosed by the aforementioned boundary wall.
31. The Park has historic value for its size and position reflecting the historic wealth of the estate. The Heritage, Townscape and Visual Impact Assessment notes the influence of Capability Brown and the creation of picturesque views along key routes through the interplay of landscape features and the historic buildings. It also notes the pastoral landscape with specimen trees.
32. I find that the setting of the parkland includes the approaches to it. The Isleworth Riverside Conservation Area Appraisal¹⁵ (the CAA), notes Capability Brown's aspiration to design a house that was approached through open countryside. The parkland itself provides such a designed purpose but I also find that Park Road makes a contribution to the approach, by its rural characteristics, including only a few unassuming buildings as well as its significant tree coverage. This creates a gradual and non-abrupt transition to the Park from the urban environs to the north. Similarly on exiting the Park, Park Road makes a similar contribution so that there is a gradual transition away from the countryside of the Park.
33. The setting contributes to the significance of the parkland by helping to assert a landscape orientated experience. The appeal site contributes to this characteristic by its frontage trees and undeveloped nature.
34. The proposal would lead to a partially built frontage and loss of trees, which would harm the rurality of Park Road and that approach into the Park.

¹⁴ A sequence of views leading to a building or feature. Historic England recognise their importance in their publication: The Setting of Heritage Assets.

¹⁵ Page 21

35. I therefore find that the proposal would harm the setting of Syon Park and its significance.

Church of All Saints

36. This is list entry number 1358287 and Grade II* listed. The list description dates the church tower to the late fifteenth century which is all that remains following a fire. A contemporary replacement nave is noted in the list description.

37. Its significance and special interest is particularly derived from the tower, which defined with parapet sides and finials, stands out as a landmark on both sides of the river. The more recent nave is much lower which allows the tower to be the predominate feature.

38. The graveyard is to the north of the church away from the river and is linked by an avenue of lime trees alongside a footpath leading towards Park Road. This is significant enough to feature in a photograph in the CAA under the heading of trees and open spaces.

39. The riverside setting contributes to its interest. The broad sweep of the Thames is balanced with the vertical emphasis of the tower above the surrounding buildings. It forms a perfectly balanced view. The undeveloped environs to the north also form a verdant setting which provides tranquillity and rurality to the churchyard. The Heritage and Townscape Impact Assessment notes¹⁶: the churchyard provides a rural backdrop to the church and preserves its rustic appearance as a once outlying village to London.

40. The appeal site being undeveloped and open in parts also contributes to this pastoral setting. It also is deferential which allows the lime tree walk approach to stand out.

41. The proposed development would be set back away from the church, and the southern part of the site used as allotments. Nonetheless due to the height of the development it would be evident in glimpsed views from the churchyard and would be perceived as intrusive.

42. The lime tree avenue is experienced in a sequence of views between the church and the appeal site. The eastern element of the proposed Block G would be close to the path and would be readily perceptible at the northern end. In addition, the proposal would undermine the sense of openness and the pastoral character, thereby spoiling its setting. I therefore find that the proposal would harm the listed Church of All Saints.

43. The riverside views from the opposite side of the Thames, enhance the appreciation of the church, where it is seen from the Thames Path with trees on one side and Isleworth on the other. These trees are deciduous, and the appeal site lies behind. No winter views were provided and none of the participants at the Inquiry could confirm whether or not the development would be discernible. The Appellant advised that such analysis of viewpoints was not requested by the Council. I will return to this latterly.

Syon Park Boathouse [The Pavilion]

¹⁶ Paragraph 4.11

44. This is list entry number 1080282 and Grade I listed. It dates back to the late eighteenth century and is part of the Syon Estate. Its significance and special interest derive from its elaborate design with dome roof, stucco walls, columns and French windows. It is an overtly visible statement of Syon's status, particularly as it functioned as a gateway and the river was an important thoroughfare.
45. Its setting includes the riverside as it was designed to be seen and admired from this important thoroughfare. Syon Park and House are also part of its setting as it was also designed to complement the parkland and has an association with the House. There is no clear visual relationship with the appeal site and no evidence was before the Inquiry of a historical or cultural connection.
46. I therefore find that the proposal would not be harmful to the Syon Park Boathouse [The Pavilion].

The Royal Botanic Gardens Kew World Heritage Site

47. The Botanic Gardens are extensive, and Kew is renowned for its research and understanding of botany since the eighteenth century. It also is notable for the design of individual set piece buildings as well as specimen trees and shrubs which stand out within the landscaped grounds, which have been designed by Capability Brown and other leading influencers.
48. The Gardens are on the opposite side of the river to the appeal site. The appeal site lies outside its designated buffer area and there is distinct separation and substantial distance¹⁷ between. The Inquiry was not presented with any evidence of a historic or cultural connection. I therefore find that the appeal site does not form part of its setting.
49. I therefore find considering the above, the proposal would not be harmful to the significance of the World Heritage Site.

42-46, 48 and 50, 49 and 51, 58 and 60 and 59 Church Street, Creek House and The Vicarage and London Apprentice Public House

50. List entry 1294292: 42-46, Church Street is noted as a row of early 19 century (c) cottages, limited to one window each with a 6 panel door with fanlight above. 48 and 50, Church Street list entry 1080357, is noted for their mansard roof, stucco front with string course and band below parapet. 49 and 51, Church Street list entry 1358289, has colour wash brick walls and Welsh slate roof with flat arched sash windows. 59 Church Street list entry 1080359 is late 18c yellow brick, with sash brick arched windows and 3 panel doored entrance with Doric columns to the side and fanlight above. 58 and 60, Church Street list entry 1358288 is described as a pair of 18c houses, three storey. Creek House list entry 1189461 again 18c, is noted for its Welsh slate roof and door with fanlight in elliptical arched reveal. The Vicarage list entry 1358290, late 18c is particularly elaborate: the list description refers to stucco ground floor Doric piers and first floor French window balcony. The London Apprentice Public House Grade II* list entry 1189443, is noted for its brown brick walling with hipped old tiled roof, large sash windows and early 18c date.

¹⁷ 750m: Mr Leo Hall Proof of Evidence paragraph 3.2

51. These buildings are within the riverside frontages which form the historic core to Isleworth. They are closely knit in near continuous frontages with individually designed buildings showing a sense of grandeur.
52. Their significance derives from their strong relationship with the river and their picturesque elevations which merge into a harmonious group.
53. Their setting is Church Street and the river, which allows a series of viewpoints adjacent to the naturalistic Thames. The appeal site is distanced from these aspects and visually separate. The Inquiry was not presented with any evidence of a historical or cultural connection. The appeal site does not form part of their setting.
54. I therefore find that the proposal would not be harmful to the listed 42-46, 48 and 50, 49 and 51, 58 and 60 and 59 Church Street, Creek House and The Vicarage and London Apprentice Public House.

Conservation Area

55. The Isleworth Riverside Conservation Area (CA) was designated in 1972. The boundaries were reviewed in 2021 and several areas including the cemetery (to the north of the appeal site and off Park Road) were added.
56. The designation takes in all the grounds of Syon Park, accounting for approximately half of it.
57. The CAA characterises the designation into 8 differing character areas. The appeal site, cemetery, Church Street and the riverside are grouped together under Old Isleworth. The Appraisal considers¹⁸ this grouping 'provides a historic open space with monuments, cultivation spaces, shrubs, hedges and mature trees, and, due to the limited footfall, a much valued wildlife haven'. The cemetery was in use from 1880 and has twin gothic chapels and various memorials including to the Pears soap family. The Appraisal notes the presence of mature trees around its perimeter. Church Street is described as very picturesque and notable due to the varied styles and materials. The riverside complements the architecture being naturalistic.
58. Syon Park is another character area. With the exception of Isleworth House, a large building with substantial grounds, the other areas are typified by extensive development, including Georgian, Victorian and later, which spread extensively away from the Old Isleworth core.
59. The CAA includes historic maps of the area, circa 1865, which show the undeveloped nature of the area north of the river and around the appeal site. Contrastingly the historic maps show the focus of buildings along the Thames frontage. This is reflected in the Heritage, Townscape and Visual Impact Assessment¹⁹: 'the [Conservation Area] appraisal notes the old village of Isleworth is recognisable as a compact settlement of small and often historic buildings based on and close to the Thames, with the parish church.' This suggests that the riverside was important to the development of the settlement. Indeed, the CAA notes Isleworth wharves were in use from medieval times: exports included gunpowder and beer whilst imports included

¹⁸ Paragraph 5.2.3

¹⁹ Paragraph 4.5

coal and timber as well as a point for the Thames ferry and location for boat building. The Design and Access Statement²⁰ concludes that 'Isleworth has a long history as an important riverside settlement'.

60. I find this pattern of building is still evident today: the riverside areas depict the historic growth of the settlement and its influence whereas the north area is more rural and historically included orchards and market gardens. These varied influences give diversity and interest to the CA.
61. Park Road is notable as a route in and out of the Park. It has discernibly few buildings and the appraisal notes the rurality. As I have found above this characteristic empathises with the parkland and buffers it against the urban area to the north.
62. The CA also has a mix of openness and enclosure. Along the riverside and Church Street there are in parts open aspects to the waterway, and contrastingly at other parts there is a sense of enclosure. The area to the north too has a mix of openness and enclosure; the enclosure is pronounced by the parkland wall and the trees on the appeal site which empathise with those above the wall creating almost a leafy canopy over Park Road. Away from Park Road, the appeal site, the cemetery and churchyard contribute to the CA by providing a sense of openness, contrasting with enclosure elsewhere. The pattern of building is strikingly shown in the aerial photograph in the Design and Access Statement²¹.
63. The appeal site also contributes to the rural character of the Park Road environs of the CA, by its verdant frontage and the CAA²² notes the trees are well established along Park Road and contribute to its character.
64. The site itself being an undeveloped green space contributes to the rurality of the area. The CAA notes²³: 'the allotments provide [a] green buffer to the riverside settlement, separating it from the more urban areas to the north'. The allotment use dates back to 1917 and prior to that the site was a field for grazing.
65. The proposal would place 3 blocks of buildings close to the Park Road frontage. These would be readily discernible, particularly at the heights proposed²⁴. The proposal would affect the CA in various ways.
66. Firstly, it would change the appeal site and its imprint on Park Road, from a frontage of verdant trees and shrubs to one where development would predominate. This would erode the perception of rurality, which would harm the character of Park Road and its contribution to the CA.
67. Secondly and relatedly, it would also change the historic pattern of development in the area and the emphasis of building towards the Thames.
68. Thirdly, the buildings would curtail some of the site's sense of openness as much of it would be built on. Whilst the Appellant²⁵ appreciates the need for

²⁰ Page 9

²¹ Page 5

²² Paragraph 8.4

²³ Paragraph 11.1

²⁴ Block A end and rear elevations, Block E2 end elevation and Block F side elevation,

²⁵ Design principle diagrams: Page 35 Park Road Presentation

gaps between buildings to allow views of the landscape, I find that due to the particular juxtaposition of buildings these gaps would be narrow so that views across the site would be foreshortened. This would impair the balance of enclosure and openness inherent in the CA.

69. A total of 71 new trees are proposed across the appeal site in lieu of the felling of the existing 22. Whilst numerically this increase would be a benefit, it would take a few years for them to establish and slightly longer to flourish, and more importantly, it would not alleviate the impact from the presence of the buildings.
70. I therefore conclude that the proposal would harm the character and appearance of the Conservation Area.

Overall heritage

71. In 2018 an appeal²⁶ for 127 flats and houses on this appeal site was dismissed on grounds of loss of open space following an inquiry. That decision concluded the particular proposal²⁷ would preserve the character and appearance of the CA, although there was concern about the views of All Saints Church. The decision does comment on the existing tree screen on Park Road being retained, whereas I find that the submitted plans show significant tree cover would be removed in this proposal. I also note some difference in the comparative footprints towards Park Road.
72. The 2018 decision does not refer to the setting of the listed wall or Lodge and I do not know what evidence was submitted to that Inquiry. At this Inquiry the settings of the listed buildings and the impact of the proposal were considered, particularly in oral evidence. The 2018 decision also refers to the distracting presence and impact of the hospital buildings on the CA. At this Inquiry Mr Bridgland accepted these hospital buildings are to the side of the appeal site and are not a feature of views along Park Road: the hospital lies on the periphery of the line of sight along Park Road which I have found is a particular consideration in relation to this scheme. Consequently, I do not find that decision leads me to a particular conclusion.
73. Irrespective of that 2018 decision I still have a duty under sections 66 and 72. Indeed all parties agreed the effect on heritage assets was a main issue and the various heritage assets which needed to be considered.
74. Taking all the above together, I conclude the proposal fails to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area and fails to pay special regard to the desirability of preserving the setting of the listed boundary wall to Syon Park, Porters Lodge, and All Saints Church. It would also harm Syon Park Registered Park and Garden.
75. As I have found above the riverside views of the church and Isleworth are very notable. Whilst evidence was not available to the Inquiry on winter views and whether the proposed development would be perceptible, I do not find that this leads me to a different decision.

²⁶ APP/F5540/W/17/3192092

²⁷ Design and Access Statement page 15

76. Whilst the harms to the various assets above would be less than substantial, the proposal nonetheless, would be contrary to sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Paragraph 199 of the Framework confirms that great weight should be given to the asset's conservation, with the more important assets warranting greater weight. Paragraph 200 of the Framework highlights loss of significance of the asset, including its setting, requires clear and convincing justification. Accordingly, I must attach considerable importance and weight to that harm on the negative side of the heritage and planning balances, which I undertake latterly.
77. The London Borough of Hounslow Local Plan (LP) has two policies concerning heritage. Policy CC1 seeks to conserve and enhance the varied character and heritage of the Borough by securing development that sensitively and creatively responds to an area's character. Policy CC4 also seeks to identify, conserve and enhance the significance of the Borough's heritage. The proposal would conflict with both policies.
78. London Plan Policy 7.4 seeks to ensure that development affecting the setting of heritage assets should conserve their significance by being sympathetic to their form, scale, materials and architectural detail. As I have found above the proposal would not respect the setting of various heritage assets and so is contrary to this policy.

Loss of open space

79. The Local Plan identifies the site as 'Local Open Space' and Local Plan Policy GB2 seeks to prevent the loss of open space. Whilst the decision notice does not refer to Policy GB8, that policy nonetheless seeks to encourage the continued use of allotments unless demonstratively no longer required or viable.
80. Also relevant is the Council's Allotment Strategy 2020-2025 which provides a detailed overview of the challenges and opportunities for allotment provision. The Council also has a Green and Blue Infrastructure Strategy October 2021, in which Chapter 6 identifies a shortage of allotments across the Borough. It also provides the foundations for a Council action plan Grow for the Future, which seeks to make use of under-used land for growing.
81. Paragraph 99 of the Framework states that the loss of open space by development should be replaced by equivalent or better provision, in terms of quantity and quality in a suitable location.
82. The allotments were listed as an Asset of Community Value (ACV) on 22 December 2015. The designation was upheld at a First Tier Tribunal on 30 December 2016. On 30 October 2020 it was extended for a further 5 years. Whilst the ACV does not in itself prevent development, it highlights the site's significance as community infrastructure. The judge in the above decision found that the current use of the land furthers the social wellbeing of the local community.
83. The entire site has been in use as allotments since 1917 under a lease. The allotments have never been owned by the Council, although they did aspire to seek ownership in 1969, and no Compulsory Purchase Order has been sought. The allotments are therefore not 'statutory' and not subject to the 1925 Allotment Act. The Council leased the allotments until 2015, when the

Appellant resumed their running. The existing licenses were terminated in 2021 and no more have been issued since with no fees requested or taken. However, some plots have continued to be cultivated. The space has also been used for open days and blackberry picking run by the allotment holders for the wider community.

84. This proposal would lead to the loss of 79% of the cultivation space. The remaining 21% would be used for allotments in small plots of 57-71sqm, averaging 60sqm. This contrasts with National Allotment Society's guidance that 250sqm²⁸ represents the 'standard' plot size and substantially short even of their recommendation of a minimum plot size of 125sqm.
85. The Appellant suggests that this would allow more use as full size plots are discouraging for beginners or those who have limited time. However, the plots would be very constrained for cultivation, and all parties agreed that they would generally not be suitable for anyone other than beginners. Cultivation would also be limited to quick crops and single season growing, whereas some crops such as winter greens require room for considerable time. Fruit bushes would also perennially take up a lot of room. In addition, some space would also be taken up by paths and circulation.
86. The remaining land given to the allotments would be a tapering shape. This would be unlikely to lend itself to a regular sub-division, leading to an inefficient shape for cultivation of the allotment plots. In contrast the plots in 2015²⁹ were laid out over the whole appeal site in usable shapes. This arrangement latterly evolved³⁰ with a few sub-divisions to include some smaller plots but still had fairly regular shapes.
87. In addition, the existing trees, attenuation tank and the need for paths would also impair the usable extent of the allotment plots. Whilst only an indicative layout has been submitted, which could be amended, it nonetheless illustrates the significance of the above constraints.
88. The Appellant compares the average 60sqm plot proposed here with the minimum size of a 2 bedroom flat at 61sqm. However, they are very different in their use and therefore I do not find that they are comparable.
89. Taking the above into account, I therefore find that qualitatively the plots would be inadequate for the needs of most allotment holders.
90. In terms of quantity of plots to be replaced, the Appellant suggests that there are 37 plots currently in use and numerically this would be replicated by 38, albeit on a smaller basis. The presence of only 37 plots was disputed by the Allotment Association as some informal subdivision has happened.
91. The Appellant submitted surveys of the allotments undertaken between 2016 and 2021 to assess vacant plots within the site. They suggest that from 2017 to 2021 on average only 23% of the plots were being cultivated. The methodology was questioned during the Inquiry, in particular what constitutes active cultivation. The plot holders suggested that it was not undertaken in liaison with them, and the Appellant affirms that it was undertaken by the head

²⁸ Mr Leo Hall Proof of Evidence page 48

²⁹ 2015 Council sketch. Mr Leo Hall Proof of Evidence page 28

³⁰ Mr Leo Hall Proof of Evidence page 29

gardener. In any event the possibility of development here and loss of plots would have been discouragement to maintain plots and similarly a commitment to take on a plot. Consequently, I find it more meaningful to look at the demand for allotments.

92. A Council survey dated 31 May 2023 found that there were 9 vacancies in Isleworth/Brentford with a waiting list of 185. Some vacancy is to be expected as a result of the turnover process, so this represents a substantial shortfall. As this is local and contemporary, I find that it shows a reliable ballpark indication of the need.
93. Moreover, the demand has been widening³¹ in the Borough: since 2018 vacancies have dropped to 10% but waiting lists have increased by 248%. There was no evidence to suggest that the local area would not be likely to follow this trend.
94. The Appellant³² points to provision in the area being 28 plots per 1,000 population which exceeds National Allotment Society targets of 20 per 1,000, which led to the Green Lane and James Street allotment sites being shown for development in the Local Plan Site Allocations Review. However, the Inquiry was advised that these sites had been vacant for a long time³³ and their allocation is long standing pre-dating the existing 2015 Local Plan. In addition, the local waiting list and supply are more likely to demonstrate the reality.
95. The proposal is for a 50 year lease of 21% of the site as allotments. This would guarantee some use of the site as allotments. However, this would be small in relation to the need in the area.
96. I therefore find that quantitatively the proposed allotment space would be inadequate in relation to the need in the area and existing provision on site.
97. Whilst the allotment space would be smaller, the Appellant promotes the proposal with various benefits, enshrined in the suggested conditions and the legal agreement. A communal building and seating area would be provided for the plot holders to store equipment and help social mixing. However, the plot holders meet informally as they go to or leave their plot. In addition, as explained at the Inquiry, the plot holders meet in the open air for events. Similarly, it is evident that many allotment holders store equipment in their own individual sheds.
98. The proposal also includes a shed for each plot. However, most plot holders currently have their own and as I saw on my site visit, they appear to have been crafted individually as purposed projects. Rainwater butts would also be provided. However, these are simple for the plot holders to provide themselves as several have done so.
99. The proposal offers a community composting facility. However, evidence at the Inquiry showed that there were different approaches on the type of matter that should go in and who would have the resulting product which would lead to tensions. The plot holders indicated existing individual arrangements were not currently a problem although some vermin may have been problematical in the

³¹ Table 3 Mr Leo Hall Proof of Evidence page 46

³² Mrs Pauline Roberts Proof of Evidence/ Statement of Case

³³ Circa 25 years: Mr Leo Hall Proof of Evidence paragraphs 12.55/12.56

- past. It is clear that the management of composting would be difficult, and this is best as an individual operation.
100. The proposal also includes new secure boundaries. However, this would usually be expected to be provided by the landowner. A disabled parking space and four cycle parking spaces would be provided, however currently there are a few spaces, albeit informally available, at the entrance to the allotments. There is a suggestion that the proposal would improve soil conditions and remove any contamination present on the existing site by bringing in new topsoil. However, given that there has been long standing cultivation I do not find that changing the soil conditions would be a benefit. There is also a suggestion of a playable landscape for children but given the existing extent of space, I do not accept that the proposal would lead to an improvement, even bearing in mind the proposed nearby play area for the dwellings.
101. I therefore find that the above benefits even collectively would be very limited.
102. The potential of the fallback position, if the appeal was dismissed, was discussed at the Inquiry and this is a material consideration. The estate stated their aspiration of development on the site several years ago and is at liberty to evict plot holders; there is no formal requirement on them to provide allotments.
103. If the allotment use ceased, the estate could use the site for horticulture or agriculture. However, it is a small size, with difficult access and has some shadowing from trees, which suggest that it would have limited potential for such intensive uses. The site could be used for biodiversity offsetting or private gardens, but I was not provided with evidence on its likelihood.
104. The Rule 6 parties and the Council advocated that the estate had a role as a good custodian. Indeed, the allotments help maintenance of the space and previously provided a rental income. They also highlight that the Inspector at the 2018 appeal concluded that it was unlikely the estate would curtail the allotment use. However, since then licenses have been terminated and rent has not been demanded. Consequently, I do not find that the context for the 2018 decision is wholly comparable and is inconsequential.
105. Based upon the evidence before the Inquiry I find it is not certain whether the allotment use would be prevented if the appeal was dismissed.
106. However even if the site was not used for allotments and left vacant, it would remain as a green space. Even in an unmanicured condition this would re-wild into a green lung which would provide tranquillity and relief to the considerable spread of buildings to the north and west. Whilst it would only have amenity value inwardly looking, this would still bring pleasure and mental health benefits to those walking past on the publicly accessible thoroughfares around the site. If used for horticulture, agriculture, private gardens or biodiversity it would also have value being experienced as a green space.
107. The Appellant has offered Grampian style conditions, if I am minded negatively on the loss of open space. These would provide 0.81ha of allotments and 0.81ha of open space for alternative space provision within the Borough.

108. However, provision would be needed in the locality to mitigate the effect of the development. The Council advises that there is no potential land for provision in the Isleworth/Brentford area. Indeed, the Council foresee a walking time limit of 15 minutes to allotments although the National Allotment Society foresee 10 minutes, nonetheless a ballpark of these times shows the allotments would need to be within the Isleworth/Brentford area as allotment users do not travel far. In addition, the Council survey dated 31 May 2023 shows 185 individuals on the waiting list for plots in Isleworth and Brentford. This indicates a pressing need within this particular community.
109. Similarly, whilst it may be possible to provide open space elsewhere in the Borough, it is needed in Isleworth/Brentford to address the impact of this proposal.
110. No evidence was produced to indicate the likelihood of land being available within the Isleworth/Brentford community. In such a built up urban area, the potential for vacant and unfettered land being available and deliverable within a reasonable timescale would be extremely unlikely. Indeed the 2018 appeal proposal relied upon the replacement provision within the historic park. I therefore find that the Grampian conditions would not be appropriate.
111. I therefore conclude that the above benefits of the proposal, would not outweigh the extent of the loss of open space. The open space has considerable value to the well-being of the local community, both as allotments but also as a green space as experienced by passers-by. Whilst the Appellant suggests it is up to the Council to resolve the shortfall in allotment provision in its area, this does not justify this proposal.
112. LP Policy GB2, seeks to protect existing local open space unless it satisfies the requirements in the Framework, that is surplus to requirements or replaced by equivalent or better in a suitable location. The Appellant fairly accepts that the appeal site is not surplus to requirements. In terms of the cross reference to the Framework, paragraph 99 requires quality and quantity of re-provision, which as I have found above would not be met.
113. LP Policy GB2 also refers to the protection of open space especially where it would lead to a deficiency in publicly accessible open space. The Appellant suggested at the Inquiry that the reference to publicly accessible open space would preclude it from consideration. However, the policy's use of 'especially' does not mean exclusively so. In addition, allotments have to have particular restrictions: they are available to the general public, but their access must be managed to the benefit of the users. I therefore find that the proposal is contrary to Policy GB2.
114. The Appellant suggested at the Inquiry that as the use of the allotments is now not subject to a contract, policy GB8 does not apply. However, I find the policy as worded does not point to such an interpretation, and the use of some plots is still ongoing. Indeed, even for those not currently being cultivated as allotments, that was their last use which has not been changed. Consequently, I find that the proposal would conflict with LP Policy GB8.

115. The Appellant accepts³⁴ in written evidence that the proposal would also be in conflict with London Plan Policy G4 which seeks to protect open space and I similarly concur.

Other Matters

116. Several aged surveys indicated various bats using the site for foraging and as part of a wider movement corridor. The Thames and the Park are likely to be important habitats and routes being close to the appeal site, accessible through dark corridors.
117. A site survey has been undertaken for bat roosts, which found no obvious opportunities. Aside from the survey of potential roosts, no comprehensive site survey for bats has been undertaken to determine the current situation in terms of the particular species and the particular patterns of movement. However, a note was submitted at the end of the Inquiry by consultants for the Appellant, which suggested that the site only has local value for foraging and commuting of bats. Additionally, the potential for bats in the remaining open space and the use of dark corridors was foreseen with a condition suggested on external lighting. Whilst local residents, including The Isleworth Society, highlighted the significance of bats, I do not find that there was clear evidence before the Inquiry to come to a different conclusion.
118. The potential for amphibians and invertebrates was also raised particularly as there are some ponds on the site. This was also considered in the Appellant's ecology update report. The waterbodies were noted in a Phase 1 Habitat update and not found to provide important habitat. Whilst The Isleworth Society and local residents articulated their concern, I find that there was not clear evidence before the Inquiry to dispute the ecologist's findings.
119. I therefore find that based on the evidence before the Inquiry the proposal would not harm protected species.

Planning Benefits

120. The submitted Section 106 agreement would provide funding for works to Syon House: replacement of some ashlar stone blocks which have been fragmenting and restoration of the interior of State Rooms. The house has particular history dating back to the Tudors and associations with the monarchy. It also has significance in terms of its grandeur with interiors by Robert Adam and the grounds by Capability Brown.
121. However, there are planning obligations in place from the Hilton Hotel and Marquee schemes, which already provide funding for these works. This proposal would foreshorten implementation. The Appellant suggests that this would allow better public appreciation of the Grade 1 listed building, which is open to the public albeit at specified times and would present the asset in its original grandeur.
122. The Appellant has confirmed that the proposal is not enabling work rather the Syon House funding would be a benefit. Indeed, viability evidence was not provided to the Inquiry. The purpose of the development is to help the income stream to maintain Syon House and it is possible that the proceeds could

³⁴ Mrs Pauline Roberts Proof of Evidence paragraph 4.21

extend to works beyond those described above. However, no specific works were mentioned at the Inquiry and therefore does not warrant any more weight.

123. The repairs were not demonstrated to be pressing for the buildings structural condition. As the proposal would be only an acceleration of those works already committed, I give this benefit only limited weight.
124. Other public benefits would be the delivery of 80 new homes which would be beneficial, socially and economically. However, the Council has a 6.32 years housing land supply, notably above its 5 year requirement, and similarly it has achieved 186% in the Housing Delivery Test, both of which would temper some of the significance of this benefit to a moderate weight. Another benefit would be 40% of the 80 dwellings would be for affordable provision, which would be significant. Some housing would be leased to the hospital trust for key workers, but very little evidence was presented to show what precisely this need is and how it would be addressed or how important it would be to the functioning of the hospital. Accordingly, I give this very limited weight.
125. Whilst the proposal would provide a 10% biodiversity netgain, this would be only slightly above the existing condition so would only be of limited significance. A new link from Snowy Fielder Way to All Saints Church (across the site) would be provided which would allow access for walkers and cyclists. However, the connections and desire lines lead broadly north to south³⁵ so this would be likely to be of very limited benefit. The proposal would remove a vehicular access from Park Road, which would be a benefit but only marginally as this is likely to have light use. The proposal would improve the driveway to All Saints Church car park including resurfacing, landscaping and biodiversity. However, these aspects have not been shown to be in need of remedy. As I considered above the new play area and replacement topsoil would be of very limited benefit.
126. The proposal would provide other benefits including a new thoroughfare across the site, construction training, economic stimulation through construction and footfall of new occupiers. However, these would be likely to be short term gain and warrant very little weight. The dwellings would also be environmentally efficient, but this would only be a very limited benefit. The new tree planting would take time to flourish to replace the existing and moreover the tree coverage to the Park Road frontage would also be reduced. The Appellant suggests the design is a benefit, and whilst the elevations are a good contemporary interpretation of the vernacular, its siting, footprint and height would be harmful.

Heritage Balance

127. As I have found above the proposal would harm designated heritage assets, contrary to sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. That harm would be less than substantial; however, it still warrants considerable importance and weight.
128. Paragraph 202 of the Framework states where a development proposal will lead to less than substantial harm to the significance of a designated heritage

³⁵ Design and Access Statement Access page 11: connections diagram

asset, this harm should be weighed against the public benefits of the proposal including, where appropriate securing its optimum viable use.

129. Taking the above benefits together as a whole I conclude that they would not be of sufficient weight to outweigh the harm identified to the significance and special interest of the designated heritage assets.

Planning Balance

130. The proposal would conflict with Policy GB2 of the LP and similarly Policy G4 of the London Plan in terms of the loss of open space. I have also found conflict with Policy GB8.
131. The proposal would also conflict with LP Policies CC1 and CC4 which seek to protect heritage assets and similarly London Plan Policy 7.4.
132. Whilst there would be compliance with other policies in the LP, the above are the most important policies and go to the heart of the principle of this proposal. When taken as a whole I find that the proposal would be contrary to the Development Plan.
133. The Local Plan was adopted in 2015, and whilst ageing, the above policies collaborate with the more recent iterations of the Framework. The Local Plan also echoes with the more recent London Plan of 2021. The Council is meeting its housing land supply requirements and has a surplus in Housing Delivery Test results, which credits the Development Plan.
134. I note the Local Plan is being reviewed but the Council state the fundamental policies here are not proposed to be changed.
135. Section 38(6) of The Planning and Compulsory Purchase Act 2004 states determination must be made in accordance with the plan unless material considerations indicate otherwise. This is echoed in paragraph 11(c) of the Framework.
136. I find that overall, the weight to the benefits of the proposal does not outweigh the harms to heritage assets and the loss of open space.
137. I therefore conclude that the planning benefits whilst significant do not warrant a decision other than that in accordance with the Development Plan.

Conclusion

138. I therefore conclude that the appeal should be dismissed.

John Longmuir

INSPECTOR

Appearances:

Appellant

Ms Melisa Murphy Kings Counsel, Francis Taylor Building

Mr Carl Vann BA(Hons) DipArch ARB RIBA Partner Pollard Thomas Edwards

Mr Bridgland MA(Hons) MA FSAScot IHBC MCIFA Heritage Director Lichfields

Mrs Pauline Roberts BA(Hons) MSc MRICS MRTPI Senior Director Lichfields

The Council

Mr Edward Grant, Counsel, Cornerstone Barristers

Mr Leo Hall BSc MA Deputy Manager West Team Development Management

Mr Sean Doran³⁶ BA(Hons) PGDip MSc IHBC MRTPI Principal Conservation Officer

Rule 6: Park Road Allotments Association

Ms Clare Nevin Francis Taylor Building

Mr Hurton Chair Park Road Allotment Association

Rule 6: The Isleworth Society

Ms Rajkirab Barhey 1 Crown Office Row

Ms Lucy McCann 1 Crown Office Row

Mr Michael Spence BA(Hons) MLD CMLI REIA FRGS Director MS Environmental

Ms Susan Casey Chair Isleworth Society

Interested parties

Dr Jan Brandenleg Local resident

Mr Dominic West St Johns Residents Association

Ms Ruth Cadbury M.P. for this constituency

Mr Ariane Duke Local resident

Mr Anthony Agius Plot holder

Mr Salman Shaheen Ward Councillor

Ms Jen Vallen Plot holder

³⁶ In attendance at the Round Table but did not produce evidence. Responded to one factual question.

Mr John Stroud-Turp Ward Councillor

Ms Susana Muton Church St residents Assoc

Mr Tom Harper Local resident

Ms Lynne McEvoy Local resident

Mr Tim Rugg Local resident

Ms Grace Gray Plot holder

Ms Jane Perry Local resident

Dr Val Snewin Local resident

Mr Richard Harper Local resident

Ms Cathy Reichardt Local resident

Ms Amanda Holt Local resident

Mr Terry Dickinson National Allotment Society representative

Documents submitted during the Inquiry

ID.1 Appellant appearances

ID.2 LBH appearances

ID.3 PRAA appearances

ID.4 TIS appearances

ID.5 Programme as of 31.07.23

ID.6 Appellant Opening Statement

ID.7 LBH Opening Statement

ID.8 PRAA Opening Statement

ID. 9 TIS Opening Statement

ID.10 Third Party Statements

ID.11 Errata Legal Note 02.08.23

ID.12 Errata Legal Note updated 03.08.23

ID.13 Appellant Proposed Conditions

ID.14 Heritage assets map

ID.15 Additional information from LBH

ID.16 Closing Council

ID.17 Closing PRAA

ID.18 Closing TIS

ID.19 Closing Appellant

