

**THE GLASSMILL, 1 BATTERSEA
BRIDGE ROAD, LONDON, SW11
3BZ**

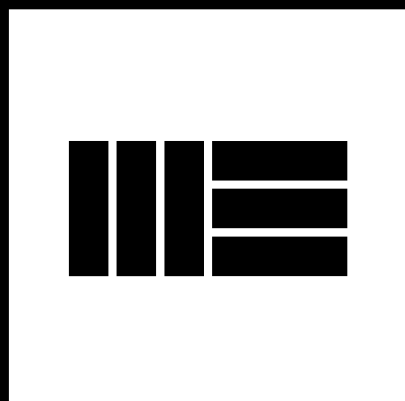
APPEAL REF: 6002127

APPLICATION REF: 2024/1322

REBUTTAL EVIDENCE

DR CHRIS MIELE IHBC MRTPI

06 MARCH 2026



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1.0 INTRODUCTION

- 1.1 I have prepared this short Rebuttal Proof in relation to the evidence submitted by Mr Ben Eley for the Council.
- 1.2 This Rebuttal Proof does not treat matters where Mr Eley and I have formed different judgments as to impact. Those differences will be explored in the usual way in oral evidence.
- 1.3 I wish to respond on three points.

STATUS OF THIS REBUTTAL EVIDENCE

- 1.4 For the avoidance of doubt, I confirm here that I do not change my written evidence or alter my findings. I continue to rely on the submitted proof.
- 1.5 This rebuttal evidence is prepared on the same basis as my main proof, and in line with the recognised duties of an expert witness addressing a tribunal or court.
- 1.6 The signed affirmation concluding this evidence confirms that I have prepared this evidence in accordance with those duties, as I have my previous evidence. These affirmations confirm, amongst other things, that I am not paid under any success or otherwise incentivised arrangement.

2.0 REBUTTAL POINT 1: ACCURACY OF ANIMATED SEQUENCES AND THEIR METHODOLOGY

2.1 At 3.37-3.40 Mr Eley states:

- 3.37 *I refer to point 15 of the Inspector's post-CMC note:*
15. *The appellant will submit additional visualisations and provide an accompanying note to clarify the points it is taking on these additional visualisations by no later than 9 February 2026.*
- 3.38 *The additional visualisations were received at 1803hrs on Monday 9 February 2026 from Tom Green at DP9 and comprise:*
- *1 x 360 animation video;*
 - *3 x illustrative CGIs;*
 - *27 x verified HTVIA views;*
 - *8 x animation kinetic sequences.*
- 3.39 *At no point, in the spirit of collaboration and saving inquiry time, did the Appellant reach out to the LPA to seek to agree the scope and nature of this new evidence. This extent of the additional evidence provided to us extends well beyond what was intimated in the Statement of Case and at the CMC and includes for example a range of animation sequences. Had the Council been informed as to the extent of the new evidence that the Appellant intended to introduce it would have taken a rather different position that it did at the CMC in respect of its admission. We would have been clearer as to the need to try and agree the scope and nature. It is with regret that we have to address this at this late stage.*
- 3.40 *The covering note accompanying the animated kinetic sequences did not, as should be standard, indicate an accepted professional industry standard methodology for their production. As always, it is our position that views should be experienced on the ground and with the human eye. In doing so, it will be noticed that the view does not appear to reflect (or come close to) the human eye. In addition, what will become clear, is that there appear to be inaccuracies as to how the skyline and existing built form is modelled – and this can be confirmed on-site. Not least, for example, from the animated video from the Royal Hospital and the Chelsea Embankment where taller buildings are shown to breach treelines which the ground conditions (and, in one instance their own verified photography) confirms is either not the case or has been exaggerated. It suggests potential material cumulative schemes but does not confirm what these are and, if confirmed, which did not form part of the application submission determined. One such example we understand could be the Fulham Gasworks site in the LB of Hammersmith & Fulham. We have concerns about how this has been rendered in the new evidence. In addition to this, I have concerns about the accuracies and renderings in the animated sequences, not least:*
- *How it has reflected/rendered baseline public realm and architectural conditions, including vegetation, in an inaccurate manner which could mislead.*
 - *That it includes public realm enhancements which are not in its gift, and which do not form part of the Appeal Scheme, namely those to the car parking area at*

the junction of Hester and Battersea Bridge Road. This is outside the Appellant's ownership. We contend this is inaccurate and misleading. • That it has sought to selectively convey, the spatial implications of tall building zones TB-B2-03 and TB-B2-04. Its renders suggest a 'wall' of development hard up against the river and Battersea Bridge which runs contrary to the UDS (CD5.16) guidance I have set out.

- 2.2 The use of these kind of animated sequences and 360 degree renders is well established at public inquiries (including in Secretary of State cases) and I have presented them many times.
- 2.3 Neither these animations nor CGIs are intended to be accurate visual representations as defined in the appendix to the London Plan, for example; however, they are accurate sufficient for their purposes, which is to capture the experience of moving across or within a defined area (the river walks and Royal Hospital park).
- 2.4 The height parameters for the adjoining sites are clearly not intended to be real buildings but rather to indicate a height datum which the Council's Urban Design Study deemed acceptable. The accompanying key explains the genesis of these height data.
- 2.5 To assist the Inquiry on this point, the Appellant has instructed a note from the visualisation company, Cityscape, to explain how they were prepared. I append Cityscape's note to this Rebuttal Proof at Appendix 1.
- 2.6 Appendix 1 demonstrates there is no merit in Mr Eley's criticism of this information.

3.0 REBUTTAL POINT 2: PRE-EXISTING HARMS

- 3.1 Mr Eley considers that every tall building visible upstream, from Chelsea or Albert Bridge, has built up a 'reservoir' of pre-existing harm to which the proposals add, leading to a cumulatively greater impact.
- 3.2 There are many references, but see for example the Battersea Gasholders Scheme, the Moravian Tower, Montevetro, Chelsea Harbour and World's End Estate.
- 3.3 I will address this approach to existing buildings and impact assessment in my oral evidence (in chief and in cross examination if questioned), and with reference to the Appendices in my main Proof (see Appendix 03 of my main Proof for my Literature Review).
- 3.4 The approach he advocates assumes a baseline at some point in the past where there were no tall buildings, and that the change from that point has led to harm as part of an ongoing process. Whereas, methodologically, LVIA and TVIA treat the baseline as a neutral condition against which one measures a proposal by way of its particular impacts.
- 3.5 The trouble with his approach is that relies on an assessment of harm which all parties can accept. The other issue is that this approach also creates an additional impact assessment step prior to the actual assessment stage.
- 3.6 I accept Mr Eley is entitled to have an opinion. I understand that opinion to be that all of the tall buildings forming part of the character that have been discussed are intrusive and harmful.

4.0 REBUTTAL POINT 3: HERITAGE BENEFIT VERSUS PUBLIC BENEFIT

- 4.1 At 4.10-4.12, Mr Eley disputes that the proposed enhancements to the setting of the bridge are heritage benefits as opposed to public benefits.
- 4.2 My evidence explains why I think that the proposals deliver both types of benefit.
- 4.3 This question – of whether an urban design benefit can also enhance the experience and appreciation of heritage interest – comes up often in inquiries, and Mr Eley cites two instances.
- 4.4 I attach, Appendix 2, extracts from The South Kensington Underground Station Appeal Decision (APP/K5600/W/22/3300872) which takes a different approach to the one he advocates. See my highlights in the appended extract at paragraphs 186 and 188.
- 4.5 The present Appeal proposals, unlike the South Ken proposals, have a direct relationship with the designated asset.
- 4.6 Overall, then, I invite the Inspector to consider that urban design benefits can be heritage benefits as a matter of principle. Whether or not urban design benefits do comprise heritage benefits as well will depend on the facts of any case. See my paragraph *xivi* at the Executive Summary of my Proof.
- 4.7 I note, additionally, that the Historic England Setting Guidance identifies that architectural style and urban design are development characteristics which can be taken into account in a setting analysis. See CD 4.13, internal page 5, included below:

Setting and urban design

As mentioned above (paragraph 8, The extent of setting), the numbers and proximity of heritage assets in urban areas mean that the protection and enhancement of setting is intimately linked to townscape and urban design considerations. These include the degree of conscious design or fortuitous beauty and the consequent visual harmony or congruity of development, and often relates to townscape attributes such as enclosure, definition of streets and spaces and spatial qualities as well as lighting, trees, and verges, or the treatments of boundaries or street surfaces.

- 4.8 There is further guidance on this at pages 11 and 13 in the form of checklists which I reproduce in my Appendix 3, and which highlights elements such as ‘architectural and landscape style and/or design’ can form an attribute of a development which affects setting, and has implications on significance, therefore on the ability to form a heritage benefit

5.0 AFFIRMATION

- 5.1 I confirm that, insofar as the facts stated in my Proof of Evidence are within my own knowledge, I have made clear which they are and that I believe them to be true, and that the opinions I have expressed represent my true and complete professional opinion.
- 5.2 I understand that my duty as an expert is to the Inspector on matters within my expertise.
- 5.3 I confirm that my Rebuttal Evidence includes all facts which I regard as being relevant to the opinions that I have expressed and that attention has been drawn to any matter which would affect the validity of those opinions.
- 5.4 I confirm that my duty to the Inspector as an expert witness overrides any duty to those instructing or paying me, that I have understood this duty and complied with it in giving my evidence impartially and objectively, and that I will continue to comply with that duty as required.
- 5.5 I confirm that I am neither instructed, nor paid, under any conditional fee arrangement by the Applicant.
- 5.6 I confirm that I have no conflicts of interest of any kind other than any already disclosed in my Proof of Evidence.
- 5.7 I confirm that my Rebuttal Evidence complies with the requirements of the Planning Inspectorate, as set down in the *Procedural Guide: Planning appeals – England* (updated 18 February 2026) (see section 15 at: <https://www.gov.uk/government/publications/planning-appeals-procedural-guide/f90d5f21-de2c-43cd-b743-6c81b9a1b70f#expert-evidence> [accessed 04th March 2026]).
- 5.8 If, after I have produced this Rebuttal, my views should change on any material (for example, on the basis of new information or in the event an omission is drawn to my attention), I will communicate that to all parties without delay and when appropriate to the Inspector.



Dr Chris Miele MRTPI IHBC, Partner

DATE 06th March 2026

Montagu Evans LLP

Registered Office: Montagu Evans LLP, 70 St Mary Axe, London, EC3A 8BE

APPENDIX 01

TECHNICAL RESPONSE

FROM CITYSCAPE

Battersea Bridge Road

London

Cityscape answers to LPA Proof RE Visuals Ref: 6002127

04/04/2026



CITYSCAPE DIGITAL

1.1. 3.40 p28 “The covering note accompanying the animated kinetic sequences did not, as should be standard, indicate an accepted professional industry standard methodology for their production.”

Answer:

The kinetic sequences are illustrative in nature and do not fall under LVMF (AVR) or TGN 06/19 guidelines. Contrary to the assertion made, there is no established professional industry standard that mandates a specific methodology for such illustrative material.

While the TGN 06/19 does quote from the LVMF 2012 SPG, the definition of an AVR in 11.3.1 “*An AVR is a static or moving image [..]*”, the guidance explicitly excludes illustrative works from its scope.

The TGN 06/19 states in 1.2.3 that illustrative visualisations “*may be intended for marketing or to support planning applications by **conveying the essence** of what a proposal would look like in context. These do not have to be based on specific viewpoints and could, for example, include a colour perspective illustration or an artists impression based on a bird’s eye view.*”

In addition, TGN 06/19 1.2.4 explains, “*... context photographs and sketches may be effective ways to communicate to stakeholders, in advance of, or association with, more sophisticated Visualisation Types.[..] **Such illustrations, sketches and photographs are not, therefore, the subject of this guidance.***”

Furthermore, the guidance clarifies in 1.2.5 that technical visualisations (which require strict methodologies) generally take "static" forms.

The TIN 01/22 – Digital Realities (2nd edition) pertains to Augmented Reality (AR), Virtual Reality (VR), and Mixed Reality (MR) technologies. It does not provide a mandated methodology for standard video-based kinetic sequences.

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1.2. 3.40 p29 “As always, it is our position that views should be experienced on the ground and with the human eye. In doing so, it will be noticed that the view does not appear to reflect (or come close to) the human eye.”

Answer:

The appellant refutes the suggestion that the kinetic sequences are misleading proxies for visual impact. Our position is based on the following three points:

The kinetic sequences were rendered from an average height of 1.6m above ground level and falls into the accepted heights for Type 4 visualisation of 1.5-1.65m (TGN 06/19 Appendix 10 p.50)

There is no anatomical or optical parity between a fixed 50mm camera lens and the human eye. The human eye has a focal length of approximately 17mm to 22mm, and our perceived "field of view" is a composite of binocular vision and rapid eye movement (saccades), covering approximately 120° to 180°. The industry convention of using 50mm (on a full-frame sensor) is a legacy of 35mm photography intended to provide a "comfortable" perspective, but it does not scientifically replicate human biological perception.

As established previously, these kinetic sequences are illustrative and fall outside the scope of TGN 06/19.

Even if the spirit of the TGN 06/19 were to be applied, it appeals to proportionality, inclusion of relevant context and good compositions:

Ch2 Guiding Principles:

2.2 Baseline photography should: *[...] include the extent of the site and sufficient context;*”

Appx 4 In the Field:

“4.1.5 Views should include the full extent of the site / development and show the effect it has upon the receptor location.”

“4.2.1 The proposal under consideration and its relevant landscape context will determine the FoV (horizontal and vertical) required for photography and photomontage from any given viewpoint. This will, in turn, determine whether a single-frame image will suffice or whether a panorama will be required. Good composition of the scene is important.”

“4.2.5 The general requirement is to capture enough of the scene to represent the landscape / townscape setting and the likely visibility of the proposal.”

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1.3. 3.40 page 29 “In addition, what will become clear, is that there appear to be inaccuracies as to how the skyline and existing built form is modelled – and this can be confirmed on-site”.

Answer:

The 3d context consists of a mix of Zmapping 3d model and Google Map Tiles API, to illustrate the context. Built form and hardscape are portrayed as accurately as the source used for their creation.

Zmapping state their accuracy as “For the average model, however, we will only claim an accuracy of around 25-50cms. “ (<https://zmapping.com/faqs/>)

Google Maps Tiles API handled via Cesium plugins state their accuracy as:
England 1 m to 2 m
(<https://cesium.com/platform/cesium-ion/content/cesium-world-terrain/>)

Discrepancies between the Verified static 360s and the Kinetic sequences can be attributed to the different methodology used for their production. A static 360 Verified View uses photography from a single camera position, compositing the proposal into a real-world location whereas a Kinetic Sequence is prepared in a fully digital context and is meant to illustrate the essence of what the proposal will look like in place.

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1.4. 3.40 page 29: *“Not least, for example, from the animated video from the Royal Hospital and the Chelsea Embankment where taller buildings are shown to breach treelines which the ground conditions (and, in one instance their own verified photography) confirms is either not the case or has been exaggerated. “*

Answer:

The appellant refutes the suggestion that the context model has been "exaggerated" or that surrounding heights have been artificially increased. The context model, including the height of existing buildings and significant vegetation, is derived from Zmapping data.

Zmapping specifies a high degree of vertical accuracy for their standard models (typically within 25cm–50cm). The kinetic sequences represent a faithful 3D translation of this geospatial data.

Mr Eley seems to note that Amberley House appears to "breach" the treeline in the kinetic sequence more than it does in the verified photography (AVR).

Tree Representation: As is standard in 3D urban modelling, trees are represented based on the crown and height data provided by the context model. While minor variances in individual tree geometry may occur, it is comparable to the variance found in other industry platforms like VuCity. The overall treeline is representative of the baseline condition.

A single prominent tree that occludes Amberley House in the AVR photo, but is represented lower in the context model creates the illusion that Amberley House has been exaggerated, but is in reality an under-representation of the baseline vegetation.

Crucially, the scale of Amberley House and the Appeal Scheme are consistent across both the technical AVRs and the kinetic sequences.

Hierarchy of Evidence: Static AVRs (verified views) remain the primary technical documents for precise height assessments.

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Screenshot from Cityscape kinematic:



VuCity Screenshot:



Ref: 6002127

AVR photo:



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1.5. 3.40 p29: *“It suggests potential material cumulative schemes but does not confirm what these are and, if confirmed, which did not form part of the application submission determined. One such example we understand could be the Fulham Gasworks site in the LB of Hammersmith & Fulham.”*

Answer:

As part of the appeal, we are providing clarification to form part of Dr Miele’s rebuttal evidence for additional context that is provided beyond planning requirements.

List of cumulative schemes:

Ransomes Wharf 2014/3837
The View Battersea Park 2016/4188
80-100 Gwynne Road 2023/4795
57-59 Lombard Road 2023/0892
Heliport Heights 2016/2315
Albert & Swedish Wharf 2025/02448/VAR (awaiting decision)
Earls Court Masterplan 2024/01942/COMB + PP/24/05187
Battersea Power Station Masterplan - phases: 3C, 3D, 4, 5-6, 7 + jetty
Stockley House 130 Wilton Road 20/00586/FULL
Development Site Bounded By Ebury Street Pimlico Road 22/08305/NMA
New Convent Garden 2014/2810
Vauxhall Square 18/02187NMC
Dean Bradley House 15/07690
Vauxhall Cross Gyrotory Scheme 17/04741/FUL
38 Havelock 2017/7026
Nine Elms 10 Pascal Street 20/02331/FUL
41-59 Battersea Park Road 2022/1835
6-10 Ongate Place 2019/5266
36-46 Albert Embankment 19/03500/FUL
12-20 Wyvil Road 16/05114/FUL
Vauxhall Cross Island Site 17/05807/EIAFUL
Watermeadow Court Watermeadow Lane 2022/00695/VAR and 2023/01134/NMAT
Hurlingham Retail Park 2022/03199/NMAT
Former Gasworks Swandon Way 2022/3954
Site of York Winstanley Estate 2019/0024
100-110 York Road Car Park 2023/23290101
Homebase Swandon Way 2020/0011
Embassy Gardens A01 2019/3324
Extension To Oval Cricket Ground 18/01799/FUL
Portland House 13/02214/Ful

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Mount Carmel 2014/1471
661-679 Pensbury Place 2018/1959
Ergon House 16/06616/FUL
Northern Line Extension 2017/4269
Victoria Circle BLOCKS 7B&7C 15/08005/FULL
Victoria Circle BLOCK 6A 15/08006/FULL
Battersea Power Station CRINGLE DOCK 2017/0319
Former Fulham Gasworks 2018/02100/COMB

VuCity List of Schemes in the Fulham Gas Works cluster:

Lots Road South PP/25/04416
FulhamGasWorks_2021-04010-RES
FulhamGasWorks_2022-01572-NMAT
FulhamGasWorks_2024-01420-RES

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1.6. 3.40 p.29 *“We have concerns about how this has been rendered in the new evidence.”*

Answer:

We have followed a clear hierarchy of rendering style based on industry standards and guidance documents.

Build and appeal schemes are shown as rendered
cumulative schemes are shown as solid massing.

This is in line with how cumulative schemes are shown in AVR3s where cumulative schemes are typically shown as AVR0 or AVR1 wire frame forms to indicate massing and position without architectural detail or materiality. This avoid visual clutter and distinguishes existing from future baseline in the animation.

Platforms such as VuCity, which are widely used in planning have established the use of a variety of colours for different status of schemes, which we adopt in our approach.

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1.7. 3.40 p29: *“How it has reflected/rendered baseline public realm and architectural conditions, including vegetation, in an inaccurate manner which could mislead.”*

Answers:

The kinetic animations show the local context with relevant walls, steps, hard and soft landscaping features such as street lights, crossings and balustrades. A simplified material palette helps to distinguish different area characters and create an intuitive reference to their real-world locations. Hard and soft landscaping features enhance the visual experience by including providing expected visual clues that aid with the perception of speed of travel as well as temporary occlusions.

Size and location of trees are derived from the Zmapping 3d context model. Additional lower-level vegetation is introduced based on Google Maps and google Street view to represent the character of parks, gardens, and public realm where they alter the visibility or setting of the appeal scheme.

1.8. 3.40 p29: *“That it includes public realm enhancements which are not in its gift, and which do not form part of the Appeal Scheme, namely those to the car parking area at the junction of Hester and Battersea Bridge Road.”*

Answer:

The car parking area does not form part of the appeal scheme and is shown without proposed enhancements. As stated earlier, covering all kinetic sequences, tree models are taken from Zmapping context models. Baseline of the Zmapping model is a 2022 aerial scan.

A small difference in the height of the existing planter is within the stated tolerances of Zmapping models.

A direct comparison with VuCity shows that Cityscape’s representation represents the area with all existing constituent parts of car park, planter, trees and vegetation. Only trees are shown in VuCity.



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1.9. 3.40 p29: *“That it has sought to selectivity convey, the spatial implications of tall building zones TB-B2-03 and TB-B2-04. Its renders suggest a ‘wall’ of development hard up against the river and Battersea Bridge which runs contrary to the UDS (CD5.16) guidance I have set out.”*

Answer:

Policies B2-03 and TB-B2-04 are shown on the Wandsworth Planning policy mapping server <https://maps.wandsworth.gov.uk/>.

The representation of zones TB-B2-03 and TB-B2-04 is a direct, data-driven translation of the Wandsworth Planning Policy Mapping, as defined by the Council's own spatial data, and we refute the claim that this “selectively conveys” the special implication of the Tall Building Zones.

The zones shown in the kinetic sequences correspond exactly to the extent and height parameters set out in the Wandsworth Local Plan:

- **TB-B2-03:** 7 to 12 storeys (21m to 36m)
- **TB-B2-04:** 7 to 12 storeys (21m to 36m)

The sequences employ a clear visual hierarchy to distinguish between reality, committed schemes, and future policy potential:

- **Existing Context:** Fully rendered
- **Cumulative Schemes:** Solid massing
- **Policy Zones (TB-B2-03/04):** Represented as semi-transparent, colour coded volumes

The sequences do not show "development" within these zones; they show the spatial capacity as defined by the Local Plan. The transparent rendering shows a clear view of the relationship between the existing context, river and the appeal scheme.

The Urban Design Study (CD5.16) sets out design principles of individual schemes in their setting, the policy specifies appropriate development heights.

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APPENDIX 02

**EXTRACT FROM SOUTH
KENSINGTON
UNDERGROUND STATION
APPEAL DECISION
(APP/K5600/W/22/33008**



Appeal Decisions

Inquiry held on 18-20, 24-27 and 31 January, 2, 3 and 27 February, and 19, 20 April 2023 and 27 April 2023

Site visits made on 18 January and 4 May 2023

by Zoë Hill BA(Hons) MRTPI DipBldgCons(RICS) IHBC

an Inspector appointed by the Secretary of State

Decision date: 12th December 2023

Appeal A Ref: APP/K5600/W/22/3300872

South Kensington Underground Station, 20-48 (even) and 36-46 (odd) Thurloe Street, and 1-9 (odd) Pelham Street; 1-13 South Kensington Station, 20-34 Thurloe Square, London, SW7 2NA

- 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 Native Land (Kensington) Limited, TTL South Kensington Properties Limited and London Underground Limited against the decision of Royal Borough of Kensington and Chelsea.
 - The application Ref: PP/20/03216, dated 8 June 2020, was refused by notice dated 13 December 2021.
 - The development proposed is mixed use development of the land around South Kensington Station providing for: the demolition and redevelopment of the Bullnose (including Use Classes A1, A2, A3 and B1), demolition and façade retention of the Thurloe Street Building, refurbishment of the retail facades along Thurloe Street, refurbishment of the Arcade, construction of a building along Pelham Street comprising of residential use (Use Class C3), retail use (A1, A2 and A3), and Office use (use Class B1), construction of a building along Thurloe Square to provide for Use Class C3, alterations to South Kensington Station to provide for Step-free access to the District and Circle Lines and fire escape, including consequential alterations to the layout of the Ticket Hall, construction of two retail facades within the Subway, and other works incidental to the application proposal.
-

Appeal B Ref: APP/K5600/Y/22/3301446

South Kensington Underground Station, 20-48 (even) and 36-46 (odd) Thurloe Street, 1-9 (odd) Pelham Street, 20-34 Thurloe Square, London, SW7 2NA

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Native Land (Kensington) Limited, TTL South Kensington Properties Limited and London Underground Limited against the decision of Royal Borough of Kensington and Chelsea.
 - The application Ref: LB/20/03217, dated 8 June 2020, was refused by notice dated 13 December 2021.
 - The works proposed are restoration and refurbishment of the retail facades within the Arcade, alterations to the Ticket Hall within the South Kensington Station to provide for step-free access, construction of a fire escape stairwell, construction of two retail facades within the Subway, demolition of the brick wall along Pelham Street and other associated works.
-

Overall Planning Balance (including Heritage Balance)

184. Policy CO5 of the Local Plan is an overarching strategic objective for renewing the legacy which the Council has inherited, so that it passes on to the next generation a borough that is better than today, of the highest quality and inclusive for all, by taking great care to maintain, conserve and enhance the glorious built heritage that has been inherited and to ensure that where new development takes place it enhances the borough. This is thought-provoking, and to some extent encapsulates the complexity and tensions found in this proposal; a clear desire to preserve a rich valuable heritage but also to make it more inclusive.
185. It is evident from my reasoning and conclusions set out above that there are conflicts with some policies within the development plan but there is also accord with other significant policy objectives.
186. In this case it is clear that, despite the moral desire to deliver SFA, there is no financial support available to deliver improvements to the public transport network which would facilitate SFA at South Kensington Station. Such SFA is now being proposed in this scheme and because of the s.106 Agreement that part of the scheme would have to be implemented and could not be set aside - the additional housing, commercial and retail development in this scheme could not be implemented without the SFA and SCU. **SFA would mean that for the first time those with disabilities, infirmity or using pushchairs with children, and those who might accompanying them, could readily access the internationally important museums of Albertopolis and other institutions of learning from the London Underground. Given how important the collective asset which the museums and learned institutions are, and the limitations arising from the lack of SFA in this case, the scheme would materially help to better reveal those assets and therefore, as most parties to the appeal agree, amounts to a heritage benefit of some magnitude (and one uncounted to this point).**
187. I have found that there would be an overall harm to designated heritage assets, despite development/works which would be heritage benefits, particularly in terms of shopfront reinstatements and re-establishment of street pattern and enclosure of the Thurloe Square corner. In many respects the design has been well executed in terms of its sense of place, with the harms being as a consequence of the particular heritage sensitivities, predominantly in terms of setting, but also in terms of original shop front loss (and here I note that the harm to the subway is avoided by refusal of that part of the scheme).
188. I acknowledge that heritage assets are an irreplaceable resource which should be afforded considerable importance and weight. In this case the loss of statutorily designated asset fabric that results in heritage harms is predominantly linked to works to provide the SFA and is justified. The harms to setting would be *less than substantial* and towards to the lower end of the spectrum of harm. **In this case the substantial heritage benefit of better revealing the heritage assets, which include the whole of this internationally renowned cultural quarter, the Conservation Area and its highly graded designated assets, by providing SFA from the key proximate point of arrival by London Underground, in my view, clearly tips the internal heritage balance in favour of development.**
189. This is a case where, given the housing land supply situation, the relevant policies of the development plan are deemed to be out-of-date. However, the

APPENDIX 03

**EXTRACT OF CD4.13:
HISTORIC ENGLAND GPA:3,
THE SETTING OF HERITAGE
ASSETS - CHECKLISTS,
PAGE 11 AND 13**

assessment may also inform the production of a strategic, management or conservation plan in advance of any specific development proposal, although the assessment of significance required for studies of this type will address the setting of the heritage asset ‘in the round’, rather than focusing on a particular development site.

30 An assessment of the contribution to significance of a view does not depend alone on the significance of the heritage assets in the view but on the way the view allows that significance to be appreciated. The view may be part of a

landscape, townscape or other design intended to allow a particular attribute of the asset to be enjoyed, such as its reflection in a body of water. Heritage assets (sometimes of different periods) may have been deliberately linked by the creation of views which were designed to have a particular effect, adding meanings through visual cross-references. Composite or fortuitous views which are the cumulative result of a long history of development, particularly in towns and cities, may become cherished and may be celebrated in artistic representations. The ability to experience

Assessment Step 2 Checklist

The starting point for this stage of the assessment is to consider the significance of the heritage asset itself and then establish the contribution made by its setting. The following is a (non-exhaustive) check-list of potential attributes of a setting that may help to elucidate its contribution to significance. It may be the case that only a limited selection of the attributes listed is likely to be particularly important in terms of any single asset.

The asset’s physical surroundings

- Topography
- Aspect
- Other heritage assets (including buildings, structures, landscapes, areas or archaeological remains)
- Definition, scale and ‘grain’ of surrounding streetscape, landscape and spaces
- Formal design eg hierarchy, layout
- Orientation and aspect
- Historic materials and surfaces
- Green space, trees and vegetation
- Openness, enclosure and boundaries
- Functional relationships and communications
- History and degree of change over time

Experience of the asset

- Surrounding landscape or townscape character
- Views from, towards, through, across and including the asset
- Intentional intervisibility with other historic and natural features
- Visual dominance, prominence or role as focal point
- Noise, vibration and other nuisances
- Tranquillity, remoteness, ‘wildness’
- Busyness, bustle, movement and activity
- Scents and smells
- Diurnal changes
- Sense of enclosure, seclusion, intimacy or privacy
- Land use
- Accessibility, permeability and patterns of movement
- Degree of interpretation or promotion to the public
- Rarity of comparable survivals of setting
- Cultural associations
- Celebrated artistic representations
- Traditions

Assessment Step 3 Checklist

The following is a (non-exhaustive) check-list of the potential attributes of a development affecting setting that may help to elucidate its implications for the significance of the heritage asset. It may be that only a limited selection of these is likely to be particularly important in terms of any particular development.

Location and siting of development

- Proximity to asset
- Position in relation to relevant topography and watercourses
- Position in relation to key views to, from and across
- Orientation
- Degree to which location will physically or visually isolate asset

Form and appearance of development

- Prominence, dominance, or conspicuousness
- Competition with or distraction from the asset
- Dimensions, scale and massing
- Proportions
- Visual permeability (extent to which it can be seen through), reflectivity
- Materials (texture, colour, reflectiveness, etc)
- Architectural and landscape style and/or design
- Introduction of movement or activity
- Diurnal or seasonal change

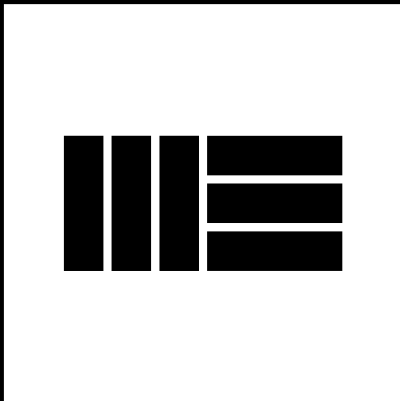
Wider effects of the development

- Change to built surroundings and spaces
- Change to skyline, silhouette
- Noise, odour, vibration, dust, etc
- Lighting effects and 'light spill'
- Change to general character (eg urbanising or industrialising)
- Changes to public access, use or amenity
- Changes to land use, land cover, tree cover
- Changes to communications/accessibility/permeability, including traffic, road junctions and car-parking, etc
- Changes to ownership arrangements (fragmentation/permitted development/etc)
- Economic viability

Permanence of the development

- Anticipated lifetime/temporariness
- Recurrence
- Reversibility

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WE CONSIDER OUR CREDENTIALS, HOW WE HAVE STRUCTURED OUR BID AND OUR PROPOSED CHARGING RATES TO BE COMMERCIALY SENSITIVE INFORMATION.
WE REQUEST THAT THESE BE TREATED AS CONFIDENTIAL.