

PROOF OF EVIDENCE:
HISTORIC ENVIRONMENT MATTERS
DR SARAH RUTHERFORD DIP. HORT. KEW, M.A., PH.D.
on behalf of
MR KEITH GARNER (RULE 6 PARTY)
UNDER THE TERMS OF SECTION 77 (TCPA 1990)

Appeals by Alexpo Ltd and Network Rail Infrastructure Ltd against refusal of planning applications 2018/3810 and
2018/3803 for the Jolly Boatman And Hampton Court Station Redevelopment Area, East Molesey
PLANNING INSPECTORATE REFERENCE: Appeal A: APP/K3605/W/22/3291461; Appeal B: APP/K3605/W/22/3290981
MAY 2022

1. INTRODUCTION

- 1.1 I am against the appeal proposals. My reasons for adopting this position are set out in Section 11 below, Conclusions, and in Appendix 2, Executive Summary Conclusions Historic Environment Impact Assessment.
- 1.2 I am a professional historic environment conservationist. Particulars of my qualifications and experience are contained in Appendix 1 attached at the end of this proof.
- 1.3 I appear at this inquiry pro bono on behalf of Mr Keith Garner who has, with many others, a longstanding interest in establishing an appropriate long term use of the appeal site that does not damage the setting of historic assets on either side of the River Thames.
- 1.4 My evidence is also endorsed by the Gardens Trust, the Statutory Consultee for all applications affecting Registered Parks and Gardens (RPGs).

2. THE SCOPE, CONTENT AND FORM OF THIS EVIDENCE AND SUPPORTING DOCUMENTS

- 2.1 **Scope.** This evidence relates solely to heritage aspects in the context of the proposals before the Inspector. It particularly focusses on the effects on the ensemble of Hampton Court Palace, its designed landscape and associated structures. Therefore my evidence relates particularly to the effects of Appeal A. In certain respects there is some overlap with evidence presented by Keith Garner and Paul Velluet, and so I have referred to these aspects only where they are essential to demonstrate my case.
- 2.2 **Purpose.** The purpose of submitting this statement is:
 1. To identify the level of accuracy of the data presented by the appellant to demonstrate the effects of the proposal on the historic environment of Hampton Court Palace. Scrutiny of supporting information supplied with the application led me to prepare my own heritage impact assessment to re-evaluate the conclusions reached by the appellant on the effects. This resulted in my own heritage impact assessment: *'Hampton Court Station, East Molesey Development Proposals, Historic Environment Impact Assessment Including Hampton Court Palace and its Setting'*, Dr S Rutherford, 23 March 2021, revision May 2022 (Appended Document L, referred to below as my HIA). An understanding of this aspect is fundamental to the rest of my evidence. (Section 3)
 2. To summarise the significance of the affected heritage assets and their present completeness and condition including visual, historic and cultural value (Section 4 & HIA Section 6).

3. To identify the effect of the setting & external views on the setting of the Palace ensemble (Section 5 & HIA Section 6).
4. To identify the most significant affected viewpoints and the impact of the proposed development upon the affected heritage assets (Section 6, HIA Section 6 & MSE TVIA).
5. To identify the effects on the setting and experiential qualities and thus the significance of the Palace ensemble (Sections 7 & 8).
6. To assess whether effective visual mitigation is possible (Section 9).
7. To attempt to understand the perversely unconcerned position adopted by Historic England in contrast to the position of numerous other heritage experts and bodies which identify this proposal as unacceptably damaging (Section 10).
8. To set out my conclusions about why the appeal should be refused (Section 11).
9. To support my evidence I refer to appendices at the end of this document, and to separately appended documents submitted supporting my evidence as part of Mr Garner's team submission.

2.3 **Relevant Objections Submitted.** I submitted an objection as a private individual on 11 February 2019 and further objected on 04 May 2021. As noted above, I advised The Gardens Trust (TGT) on its written objections (11 February 2019, 22 January 2021) and also on its Written Representation to this Inquiry ((21 March 2022). I fully support the points set out in the letter of objection by Historic Royal Palaces (HRP, 13 May 2021) and in its Written Representation to this Inquiry (HRP, 21 March 2022). The points made in all these documents remain valid.

2.4 **Supporting Document, Rutherford HIA** 23 March 2021, revision May 2022 (Appended Document L). My evidence is supported by the attached heritage impact assessment: *'Hampton Court Station, East Molesey Development Proposals, Historic Environment Impact Assessment Including Hampton Court Palace and its Setting'*, Dr S Rutherford. The revisions reflect the wording and paragraph numbers in the updated version of the NPPF issued in July 2021.

2.5 This document was prepared pro bono by me and submitted to the local authority to help inform its decision on these applications in the absence of accurate analysis supplied by the appellant. It is endorsed by a number of well-informed and highly regarded professionals in the heritage sector, including The Gardens Trust. The summary conclusions of this HIA are set out in Appendix 2 below.

2.6 The key section of that HIA is Section 6, Impact Assessment, in which the main affected heritage assets are identified, and for each is summarised heritage significances, predicted scale of change and magnitude of impact based on the methodology set out in Sections 4 and 5 of my HIA, with a commentary, and the appellant's predicted magnitude and effects in the Montagu Evans (ME) HTVIA (Dec. 2018). My assessment of the cumulative effect of these changes is set out below in Section 11 Conclusions, with visualisations based on Appendix 3 of the 2018 ME HTVIA. These estimated visualisations have been supplemented and the damaging effects confirmed by the MS Environmental visualisations submitted by Mr Garner.

2.7 **Supporting Document, Rutherford & Liddell Local Listing Nomination**, November 2021 (Appended Document M). Since my HIA was first prepared the whole of Cigarette Island has been nominated for Local

Heritage Listing. The nomination document is attached: *'Cigarette Island East Molesey Nomination for Local Listing'*, Dr Sarah Rutherford and Karen Liddell. This document is relevant as it presents an holistic understanding of the three elements of the of the island as the key setting of Hampton Court Palace RPG affected by the proposal: a) Cigarette Island Park and the landing stage, b) Hampton Court station, coal office and forecourt, and c) the former Jolly Boatman site originating as part of the working station yard. It sets out their historic significance as a whole both in their own right and as part of the setting of Hampton Court Palace. This document is endorsed by a number of well-informed and highly regarded professionals in the field, also local amenity groups, The Gardens Trust and Historic Royal Palaces.

2.8 Supporting Document, 'Hampton Court Railway Station Environs Topographical History' 1998. T.

Longstaffe-Gowan, T. Knox report for HRP (Appended Document C). This sets out in detail a rigorous history of the station and the efforts to preserve the rural setting of the Surrey bank of the Thames by the Office of Works and informed the Local Listing Nomination.

2.9 Supporting Document, MSE TVIA, April 2022. I will refer to the selected verified views modelled in the MS Environmental (MSE) TVIA Technical Photography, 3D Modelling and Verified Visualisations (April 2022) submitted by Mr Garner. These photographs were taken with a 50mm lens which provides a more realistic visualisation than the 24mm shift lens used in the appellant's TVIA which diminishes the scale of the proposed development.

I particularly draw the Inspector's attention to page 3 of Appendix 1 of the MSE TVIA, the Technical Methodology, which contains a visualisation of the proposed development as a 3D model on LiDAR with aerial photography mapped. I shall also refer to items from the appellant's 2018 ME HTVIA as relevant. Figure 5 below shows the viewpoints on an aerial view.

2.10 Content of this Evidence. Many of the arguments and much of the evidence against the proposed development on heritage grounds are before the Inspector in other documents, particularly those mentioned above in this section. I have therefore summarised in my evidence below the significances and the effects on views from the Palace ensemble (Sections 4-6), which are set out in more detail in my HIA. I refer the Inspector to the Cigarette Island Local Listing Nomination document for a detailed appraisal of its historic significance and relationship with the Palace ensemble. Further on below, in Section 8, I set out in more detail other experiential effects on the setting, particularly approaches, as (for reasons of time) this was not addressed in my HIA, nor by the appellant, but is a major aspect of the setting and the impact. I have identified in Section 10 the inconsistency and apparent misinterpretation of the effects by Historic England as it is important to point out those errors of judgment by the government's lead body in the historic environment which contrast so markedly with the conclusions of many other acknowledged expert bodies and individuals in the heritage field. I conclude in Section 11 with a summary of reasons why the proposed development is unacceptable on heritage grounds.

3. ACCURACY OF DATA IN DEMONSTRATING THE EFFECTS OF THE PROPOSAL

3.1 A comparison of the scale of the Palace and proposed development is instructive. In area, the palace building complex covers c.6 acres. The proposed development will fill 3.6 acres, a similar area to the palace's two

courtyard quadrangle blocks. In height the east elevation of the proposed villa and riverside blocks overlooking Cigarette Island Park and facing the Palace is 5 storeys high, rises to 53ft and is 492ft long. The Trophy Drive is 660ft long; the Tudor and Wren south frontage is 720 ft long. The Wren block is 60ft high; the Great Hall, at the heart of the extensive Palace roofscape, is 92ft high. The scale of the proposed Riverside block, projecting above and north of the station building, dominates the Trophy Drive, with the impressive linear appearance of the two-storey palace Barrack Block, and the Tudor west frontage, inviting inescapable comparison with the scale and qualities from numerous panoramic viewpoints including the Thames bridge. With respect to existing visible developments beyond the Palace, the proposed development will be higher than the prevailing East Molesey townscape and considerably closer to the Palace.

- 3.2 The HTVIA submitted with the appellant's proposals in 2018 did not provide an objective assessment or set out the full extent of the damaging effect on the significance of the Palace heritage assets. Section 6 'Predicted Impact: Heritage' in the appellant's Environmental Statement¹ does not accurately demonstrate the levels of harmful impact on the Palace heritage assets. It does not provide a fair and accurate assessment and representation of the effects for decision-makers. On 10th May 2022 the appellant submitted further information for this Inquiry in the form of a "Visual Impact Study". My review of this material indicates that some key viewpoints remain omitted, and the additional viewpoints which are included are not placed to show the full effects. This material does not alter my conclusions below.
- 3.3 Visualisations provided by the appellant in the ME HTVIA (2018) provided block views in some cases, which indicated a high level of visual impact. These did not include the wider and more historically significant setting, particularly many key heritage assets north of the Thames, for which only wire frame visualisations were supplied. To gain a better understanding of the visual effects some of the most sensitive views were emphasised in my HIA, based on the wire frame views supplied by the appellant in the 2018 HTVIA (see my HIA Appendix 2). These more realistic visualisations starkly indicated that significantly greater effects will occur, all of a highly damaging nature. In addition no analysis of the night-time effect was provided but will clearly cause further damage.
- 3.4 It is clear that the effect of development on the historic environment was not considered appropriately in the appellant's documentation supporting the applications. My own observation indicates that the proposed development will greatly harm the historic character and setting of many Palace heritage assets.
- 3.5 The Inspector is invited to compare in my HIA Section 6 (Impact Assessment), column 4, my identification of the Magnitude of Impact (based on a transparent and rigorous methodology), with column 6, the appellant's magnitude and effect assessments. Extracts are presented in Tables 1 and 2 below. For many assets a stark contrast occurs between the medium or large magnitudes of damage I have identified and for the same assets the appellant's assessment of minor or negligible damage, neutral or even minor to moderate beneficial effect. These high levels of damage are starkly apparent in the 2022 MSE visualisations which, as noted in Para. 2.9, provide a more accurate and therefore realistic rendering of the effects than the appellant's 2018 ME HTVIA.

¹ Montagu Evans, 'Environmental Statement Volume 3: Heritage, Townscape and Visual Impact Assessment', December 2018.

- 3.6 Some important heritage assets were not assessed by the appellant, but have been identified by me as suffering a large magnitude of damage, e.g. the Barge Walk, a Scheduled Monument.
- 3.7 Thus the Council and Consultees in this case were not appraised in the appellant’s documentation of the extent of the effect of the proposed development with which to make an informed comment. If this had been set out Historic England may have responded differently. Neither did the appellant demonstrate a full understanding of the historic development and significance of the station and park and its relationship to the palace, as set out in the Rutherford/Liddell Nomination for Local Listing of Cigarette Island (November 2021).
- 3.8 TGT, another Statutory Consultee, is deeply concerned at the potential effect and endorses the case set out in this evidence as is HRP. Both TGT and HRP have objected strongly to schemes since 1999 but neither has the resources available at present to reiterate its disquiet and objections at this Inquiry. Even so, both these organizations, both experts in their respective fields, agree with Mr Garner’s team that the level of harm to the historic environment is unacceptable.
- 3.9 It has not been demonstrated by the appellant that the extent of damage will not be significant. Photomontages are a useful tool if correctly and rigorously applied. However, they are limited in their ability to replicate the way the eye views a scene in reality, and to indicate the level of interference which a new feature such as the proposed development would create. A photograph, even if taken as accurately as possible with a 50mm lens as presented in the MSE visualisations, tends to equalise the effect of all visual features whereas the eye will be drawn towards modern, alien form and blocky scale. While photographs can indicate the position and scale of the effects on the scene, the eye will inevitably be drawn towards the proposed development, emphasized by its colour and alien size and form, competing with, and distracting from, the Palace buildings and Arcadian scene.
- 3.10 Not all affected views have been presented in the MSE TVIA portfolio because of the limited resources of Mr Garner’s team. The extent of views affected will only be fully evident when viewed on site. The Inspector will experience this when carrying out site inspections.
- 3.11 The maximum height of the proposed building as presented in the appellant’s supporting documentation in 2018 has been questioned, and is of particular relevance to the 1913 South Western Railway Act. This Act is further referred to in Sections 5.10, 6.7 and 7.10 below and in Mr Garner’s evidence, Section 11. Appendix 7 of my HIA (revision May 2022) presents a summary of the effect of the Act and an assessment made in 2021 of the maximum height based on the appellant’s documentation applied using a more accurate methodology. The revised heights above car park level taken as ground level led to the conclusion that the 50ft height limit in the 1913 Act would be breached. This desk-based assessment that the proposed development would be greater than 50ft was verified by MSE in April 2022 using LiDAR technology which gives the relevant heights as:
- Maximum ridge height: 24.339m (79.852 ft) AOD.
Ground height in car park: 8.16m (26.771 ft) AOD. Station Platform: 9.265m (30.396 ft) AOD.

Actual ridge height 16.179m (53.080 ft) above car park level or 15.074m (49.455 ft) above platform.²

4. HISTORICAL SIGNIFICANCE AND CONDITION OF HAMPTON COURT PALACE

- 4.1 I have summarised the historical significance of the various affected elements of the Palace ensemble in Section 6 of my HIA. This is based on heritage designations and further analysis of their respective roles as part of the Palace ensemble. They comprise the most important part of the ensemble of Palace monuments and designed landscape as the nucleus and focus.
- 4.2 Hampton Court Palace (Grade I, see Figures 1 and 2, Appendix 4) is one of the most significant and best preserved royal palaces in Britain. Its value as a cultural artefact cannot be over emphasized. It attracts 1 million visitors a year. It exhibits some of the finest craftsmanship and greatest innovation in English architecture. The Tudor west front of the palace is perhaps the grandest of its date. The terracotta medallions are among the earliest manifestations of the Italian Renaissance in England. It has been described by one historian as ‘a fairy palace ... as romantic and play-chivalric as an illumination in a Book of Hours.’ Sir Christopher Wren’s late C17 contrasting alterations are iconic, ‘a red brick slab of power and grandeur, an attempt at an English Versailles’, one of his grandest schemes and the most famous expression of the Baroque Style in England. The 200 ha. park and 21ha. garden (Grade I) were at the forefront of design fashion at various times. In many facets the ensemble was hugely influential.
- 4.3 The structural completeness of the historic environment of Hampton Court Palace is exceptionally good. The ensemble is a unique group of highly significant ornamental heritage assets which remains undamaged and retains its character intact. Maintenance standards are high so that the site continues in good condition. Internal viewpoints and views beyond the estate survive in good condition. The continuing level of care and attention which has been given to the Palace estate and the preservation of its setting in order to preserve its significance to this high degree is dealt with further by Mr Garner in his evidence, Sections 2-6.
- 4.4 Politically and socially the Palace has been since the C16, and remains at the heart of the nation: until the mid-C18 a breathtaking rural showpiece for royal owners and their guests (it is still used for diplomatic entertaining), as well as for many millions of other visitors since it was opened in 1840. A single month in 1603-04 saw a feast for seven European ambassadors, and then a theological conference of the king and his senior clerics, resulting in the King James Authorised Version of the bible, the consequence of which still affects national life.
- 4.5 The wider setting as illustrated in Figures 1 and 2 (Appendix 4), has a high impact on the experience of the Palace ensemble in a core area of the most concentrated significance, most obviously in the open views southwards along the entire riverside boundary across the river to the south bank. This contributes greatly to the significance. The scenery and outlook from within the grounds still evokes a bucolic and village character. In this respect Cigarette Island including the Park and Hampton Court Station play a central role of the greatest influence in the panorama across the Thames. The Local Listing Nomination report gives further detail of the significances.

² MS Environmental (MSE) TVIA Technical Photography, 3D Modelling and Verified Visualisations (April 2022) for Keith Garner. Appendix 1 Technical Methodology, contains a visualisation of the development as a 3D model on LiDAR.

4.6 Briefly, Hampton Court Palace is a unique and complex historic ensemble of the highest cultural value which survives largely unaltered and in good condition along with its setting and thus we must continue to protect this special piece of our history for the future.

5. SIGNIFICANCE CONDITION AND SURVIVAL OF THE SETTING OF HAMPTON COURT PALACE

5.1 The southerly Palace setting of the Thames and its south bank is of the highest significance to this ensemble as the most extensive and immediate in views for the core of the Palace and its grounds. This was deliberately used as the backdrop for these features together with the distant rim of the North Downs including Epsom Downs and Sandown. The landscaped horizon is elevated and treed due to the woodlands visible on the slopes forming The Surrey Hills AONB. The open and treed landscapes in the lower Green Belt lands north and south of the M25 corridor in Surrey provide a green outlook with very little built forms appearing within the woodland canopy.

Thus this distant backdrop shows little sign of the modern world and still fulfils a role as the sylvan backdrop from the Palace and its gardens. Nothing competes in prominence or scale with the palace which should maintain its majestic grandeur and not be threatened.

5.2 The immediate riverside setting comprises a sweep of what was by the C18 bucolic meadows and osier beds as depicted by various renowned artists. The south bank opposite the gardens and palace buildings has since retained an undeveloped appearance, evoking this character, with Kingston Grammar School playing fields to the east and Cigarette Island to the west. The history and significance of the various elements of Cigarette Island, including the station and park are set out in the Local Listing Nomination, both in their own right and as part of the Palace setting.

5.3 This character is well set out in Section 3 of the 2005 Colvin and Moggridge 'Historic Landscape Assessment for Hampton Court Station and the Jolly Boatman Site' for HRP:

The appearance of the Surrey bank is a vital part of the arcadian setting of the Palace. Walking along Barge Walk, ever conscious of a backdrop of magnificent buildings and formal grounds, the observer sees the southern shore beyond the shining Thames. The ambience sought is an illusion of trees and meadow stretching away from the river. This same ambience is perceived in inviting glimpses from the West Front forecourt, the southern end of the Privy Garden or looking out from several significant windows within the Palace itself. (para. 3.2)

This should be achieved in the following way:

The ideal outward view from the Palace, redolent of the ideas of Lancelot 'Capability' Brown whose official residence for a time was at Hampton Court, is space passing over 'beautiful' green turf between clumps of trees, to be lost into the sky beyond more distant trees. There may be a picturesque glimpse of a modest building in the distance here and there. To achieve this character the riverside trees on Cigarette Island need to be clumped together to allow views through to sky beyond, with additional backdrop tree planting and low level shrubberies beyond. It will be essential to continue such treatment right up to Hampton Court Bridge so that the impact of road and railway are minimised. At the same time a glimpse of one or two modest

buildings in East Molesey could be satisfying, as long as they appear to be well set back away from the arcadian foreground. (para. 3.3)

- 5.4 The station is a vital part of the story of the Palace progressing from a royal residence to one of the most important tourist sites nationally while retaining its fabric and character intact. The history is set out in detail in the Longstaffe-Gowan and Knox report, and significances in the Local Listing Nomination.
- 5.5 Its relationship with the Palace has been closely linked for 170 years and afforded an appropriately respectful experience of arrival and initial appreciation of the Palace for millions of visitors since 1849. It was the first of this type built for such a purpose that neither served a residential area nor a seaside resort. In this respect it follows closely in the footsteps of Versailles-Rive Gauche (1840) to serve the Royal Palace of Versailles and predated others in Britain such as the two stations serving the Crystal Palace.³ It dominated the island when built, and, set on the largely open island, was strongly visually linked to the Palace, acting as a quasi-lodge at the point of arrival of millions of visitors to the Palace. This is further explained in the Rutherford/Liddell Local Listing Nomination for Cigarette Island (Nov. 2021).
- 5.6 The Station building is visible as the full stop to this sweep westwards. It heralds the view of the Victorian and C20 East Molesey village beyond Lutyens's 1930s Thames bridge, designed in Wrenaissance style to evoke the south and east blocks of the Palace overlooking the Privy and Fountain Gardens.
- 5..7 The original purpose of the Station to serve the palace, remains a role it still fulfils admirably, albeit in tatty and dilapidated condition not suitable to herald the Palace and as a key part of its setting to visitors who have travelled from all over the world. But this is easily remedied given the will of the owners working in consort with stakeholders such as HRP.
- 5.8 Only as an unexpected consequence did the station eventually serve the suburb of East & West Molesey located wholly to the west of the former Mole, now Hampton Court Way. The urban and suburban built fabric has retained a respectful prevailing townscape in height and scale. It has not encroached on this the most immediate part of the setting of the palace south of the river but has left unhampered the quasi-lodge to the Palace, which is so convincing in this role to visitors.
- 5.9 That this setting is of the utmost significance to the Palace has been recognized by government in strong and protective measures imposed over development to avoid unsightly structures. The continuing level of attention which has been given to the preservation of the Palace setting in order to preserve its significance to a high degree is dealt with further by Mr Garner in his evidence, Sections 4-6.
- 5.10 Key measures of this sort have included the 1913 South Western Railway Act which identifies a 50ft acceptable height limit for buildings within half a mile of the Palace on railway land and which recent legal opinion confirms remains a material consideration.⁴ This is dealt with further by Mr Garner in his evidence, Section 11. The purchase in 1910 of the Island by the Office of Works was intended to resist development; in 1938 again to resist development, when the Office of Works handed the land to the local authority with the

³ A Select Committee discussed the grant of the Branch Act, 1846, when direct comparison was made with the successful line from Paris to Versailles for tourists which opened in 1840.

imposition of a restrictive covenant on what became Cigarette Island Park. The 1938 covenant was directly related to the protection of the amenities of the Palace indicating the significance this area continued to be accorded by Government.

- 5.11 The history of these official protective measures in the supporting document, 'Hampton Court Railway Station Environs Topographical History' are summarised in the following sections (5.11-12). It shows the consistency of approach since 1902 in resisting proposals which would allow any development of the Surrey bank of the Thames opposite the Palace and gardens because of the recognition of unacceptable damage to the setting.
- 5.12 HM Office of Works first took an official interest in purchasing the river bank south of the Thames in 1902, in order that 'the amenities of the Palace and Garden may in future be protected', with Cigarette Island acquired in 1910. In 1915 the LSWR proposed to erect a steam crane on their wharf facing the Palace to which both the Council and Office of Works objected strenuously and it did not happen. Plans in the 1920s to build a housing estate and then a terrifying 'Coney Island' riverside amusement park with a Venetian flavour on what is now Kingston Grammar School playing fields were strongly opposed by the Board of Works, considering it 'very undesirable' as their principal concern remained to protect the palace from 'unsightly structures'. This influenced the design of the Thames bridge and the engagement of Lutyens to provide a sensitive scheme to harmonise with the Palace, when he also advised on the laying out of the Island park after works to the Thames and Embankment banks.
- 5.13 The covenant stipulated that the land should be maintained as an open space subject to restrictions including "for use by the public for games and recreation", not to erect buildings or stalls, nor allow the landing of boats, maintain "the river banks in good condition", and any other request "relative to the protection or maintenance of the amenities" of the Palace.
- 5.14 The setting has altered little significantly since the 1930s at which point the last major alterations occurred. These alterations, including Lutyens's bridge, landing stage and park gateway, were either to a lesser scale than the Palace and, or, in complimentary style, or screened.
- 5.15 In this crucial southerly sector of the Palace setting some damaging change has occurred. However, its effect is localised, relatively small scale and scattered. This includes three communications masts behind (i.e. south of) Cigarette Island, visible above the tree line, two of which are 15m high with multiple antennae, and the larger green one is 20m high.
- 5.16 A further development is the 4 storey block within the centre of Queen's Reach, Creek Road which rises to only 13.2m at the parapet and the ridge to 14.7m. The white-painted parapet and roof is visible from the Palace grounds including from the Broad Walk over the Grade I Tjouw Screen, illustrated in the left half of MS Environmental View 5. However, it is not as high as the proposed development and stands further away by approximately 150m, lessening its effect.

⁴ [3 & 4 Geo. 5], *South Western Railway Act*, 1913, ch. lxxxviii Section 49. This stipulation in the 1913 Act remains a material consideration, see Andrew Parkinson, Landmark Chambers, Opinion In the Matter of Hampton Court Station and the South Western Railway Act 1913, 22 March 2021.

- 5.17 The most recent is the 4 storey block west of the station and Hampton Court Way, facing the Thames. This is in modern style containing an alien and jarring 4th storey in a barrel roof form, following approval in 2004.
- 5.18 With respect to these existing visible developments, the proposed development will be higher than the prevailing townscape and considerably closer to the Palace.

6. IMPACT OF PROPOSED DEVELOPMENTS UPON PALACE VIEWS

- 6.1 The most significant historic features of the Palace affected are broadly in a southward-facing panorama. The effects on these and on the heritage assets associated with the approaches are discussed in this section in relation to assessment of effects in Section 6 ‘Predicted Impact: Heritage’ in the appellant’s Heritage, Townscape and Visual Impact Assessment⁵ (ME HTVIA), Section 6 of my HIA (revision May 2022) and supporting figures, and the MSE visualisations commissioned by Keith Garner (April 2022). Views southwards are dealt with further by Mr Garner in his evidence, Section 14.
- 6.2 Photographs of views were requested by HE in a letter to Elmbridge (17 Aug 18, see Appended Document H) but this omitted significant views in prominent and visible proximity to the proposed development including the Palace south front, the pond garden, Banqueting House, Trophy Gate entrance and Drive, and Fountain Garden.
- 6.3 The views from these key viewpoints as well as the riverside Barge Walk all include the horizon framed by the riverbank to the south including in the direction of the proposed development. Many viewpoints from the Palace buildings and landscape enjoy views over the Thames, which would be compromised by this scale of proposed development.
- 6.4 Views from the Palace and grounds which will be affected are grouped into historic character areas which all have a southerly aspect or a close visual relationship with the southern setting. These are set out in Table 1 below to compare the effects identified in the 2018 ME HTVIA, and in my HIA (2021, revision May 2022) or, if not covered in that document, with the benefit of my subsequent opinion.

Table 1. Effects on Viewpoints comparing appellant’s 2018 ME HTVIA and SR HIA (revision May 2022) assessments of level

Viewpoint	Appellant’s ME HTVIA 2018 Effects	SR HIA 2022 Effects	Photographic Views Recording the Effects
The main approach entering at Trophy Gates, Trophy Drive to main entrance: forecourt, Palace gatehouse, west front	<i>negligible/neutral</i>	<i>large magnitude of damaging impact</i>	MSE Viewpoint 2, 3; ME HTVIA View 4 & 6; SR HIA Figures 8 and 9
Wren South Front including the King’s Apartments (1 st floor) & garden door to Privy Garden	<i>minor/moderate beneficial</i>	<i>large magnitude of damaging impact</i>	MSE Viewpoint 6; SR HIA Figures 10-11
Privy Garden	<i>negligible</i>	<i>large magnitude of damaging impact</i>	MSE Viewpoints 6, 7; ME HTVIA View 5; SR HIA Figures 10-11
Banqueting House & terrace	<i>negligible/neutral</i>	<i>large magnitude of damaging impact</i>	MSE Viewpoint 8
Pond Garden	<i>negligible</i>	<i>large magnitude of damaging impact</i>	MSE Viewpoint 9
Broad Walk (north edge of Fountain Garden)	<i>negligible/neutral</i>	<i>large magnitude of damaging impact</i>	MSE viewpoints 4 and 5
Fountain Garden	Not assessed	<i>medium to large magnitude</i>	MSE Viewpoint 10

⁵ Montagu Evans, ‘Environmental Statement Volume 3: Heritage, Townscape and Visual Impact Assessment’, December 2018.

		<i>of damaging impact</i>	
Palace roof	Not assessed	<i>large magnitude of damaging impact</i>	MSE Viewpoint 11
Barge Walk	Not assessed	<i>large magnitude of damaging impact</i>	SR HIA Figures 3-7

The effects are discussed in more detail below.

6.6 **The main approach** entering through the Trophy Gates, along the **Trophy Drive** to the **main entrance:** forecourt and Palace gatehouse and west front (MSE Viewpoint 2, 3; ME View 4 & 6; SR HIA Figures 8 and 9). This has been since the C16 the most important approach to the Palace building for royal owners, as well as for the millions of other visitors since 1840. Figure 4 shows one example, The Arrival of Catherine of Braganza at Hampton Court, 1662. The approach its setting is of unquantifiable value both to the Palace and the designed landscape and its importance cannot be overestimated. The Tudor main west front is about 40ft high rising to 56ft to the top of the Great Gatehouse turrets. The two-storey Barrack Block along the drive is 32ft at its highest. The focus of the view south, framed by Lutyens' Thames bridge, is the smaller scale Tite station building in sensitive historicist style. Beyond it the buildings of East Molesey, are all subservient in scale and height to the palace. The view of the two Dutch-gabled east station elevation, obliquely and subserviently presented, will be obliterated, affecting numerous important Palace historic assets. At night the greatly increased light levels will be intrusive. The appellant's ME HTVIA assessed the effect on the Trophy Gates and Outer court/west front of the Palace as *negligible/neutral*. I in my HIA assessed the effect as *large magnitude of damaging impact* and this is confirmed by MSE Viewpoints 2 and 3, and Figure 9 in my HIA based on the Appellant's HTVIA View 4 with block visualization added by Piotr Hennig to indicate height and scale.

6.7 **The Wren South Front** including the King's Apartments, and **Privy Garden** (MSE Viewpoints 6 and 7; SR HIA Figures 10-11). The late C17 Wren south front facing the Privy Gardens and River Thames is the most important range of the Palace (Grade I and Scheduled Monument) as it includes at 1st floor level the most important enfilade of the King's Apartments, the monarch's state rooms. The block is 4 storeys high, rising to 60ft, 310ft in length, and is the largest element within the palace complex. It is likely that the 1913 Act established 50ft as the maximum acceptable height for hinterland buildings to protect the scale of this Wren front as the largest building, and ensure that setting buildings remained subservient to it. The progression through the King's Apartments enjoys oblique views over the gardens and Thames to Cigarette Island. The new building will be clearly visible and damaging. Further damage has been recently identified in MSE Viewpoint 6. The north end of the proposed development will be damagingly visible from the central garden door to the South Front terrace in the Privy Garden. It will appear here and when moving along the terrace straight towards the Pond Garden gateway, seen at the north end of Queen Mary's Bower above the steps, and C17 niche by the gateway to the Pond Gardens and Orangery terrace. The appellant's ME HTVIA assessed the effect on the Tudor and Wren blocks of the south front as *minor/moderate beneficial*; I in my HIA assessed the effect as *large magnitude of damaging impact*.

- 6.8 The **Privy Garden** is the stylistic climax of formal C17 garden design in Britain, particularly since its faithful restoration in the 1990s, and remains intact, with its views hardly encroached upon by development. It is the royal climax of the historic garden experience of Hampton Court. The south end will be affected including three C17 garden sculptures (Grade II), contemporary lead vases on the terrace steps (Grade II), the Tijou Screen (Grade I) and the southern ends of the flanking walks and terraces backed by the garden wall (Grade I). The apsidal south end of the garden is designed to obtain sweeping 180 degree panoramas over the river and these largely undamaged views will be disrupted to a great degree.
- The appellant's ME HTVIA assessed the effect on the Privy Garden as *negligible*. I in my HIA assessed the effect as *large magnitude of damaging impact* and this is confirmed by MSE view 7 and my Figure 11, based on the appellant's HTVIA View 5, with block visualisation added by Piotr Hennig to indicate height and scale.
- 6.9 **The Banqueting House, its terrace and Pond Garden** (MSE Viewpoints 8 and 9). This riverside viewpoint is of the highest significance to the garden and is similar to that from the adjacent terrace seen in MSE viewpoint 8, even further damaged because the building projects further towards the river and has two faces (west and south) from which the views will be affected. The Grade I building and its views were established c.1700, the Wren/Talman design framing River Thames views from the windows of the main floor including west towards the station. It was preceded by a Tudor banqueting house & water gate overlooking the river in similar manner. The new building, including the 150m long Cigarette Island frontage will disrupt the view particularly in winter, and at night when the greatly increased light levels will be intrusive.
- The appellant's ME HTVIA assessed the effect on the Banqueting House as *negligible/neutral*; I in my HIA assessed the effect as *large magnitude of damaging impact*.
- 6.10 In my HIA I noted that the effect on the Tudor Pond Garden, one of the oldest gardens existing here in its original form, was unclear. However, MSE viewpoint 9 shows that the proposed development will be damagingly visible in a key approach to the garden, overlooking it along the Orangery Terrace where at present there is no intrusion from other alien forms. The appellant's HTVIA assessed the effect on the Pond Garden as *negligible*; informed by the MSE view I assess the effect as *large magnitude of damaging impact*.
- 6.11 **The Fountain Garden including the Broad Walk** (MSE Viewpoints 4, 5 and 10).
- In my HIA the views from various points on the Broad Walk were identified as affected and these are verified by MSE viewpoints 4 and 5. It is a riverside viewpoint of the highest significance to the C17 garden design as part of the Fountain Garden, probably with Tudor origins. The south end of the Broad Walk faces west overlooking the south end of the Privy Garden and the Tijou Screen, directly towards the station, as does the adjacent apsidal Water Gallery projecting over the river, which frames 180 degree panoramic views.
- The 150m long Cigarette Island Park frontage of the proposed development will disrupt the view including at night with greatly increased and intrusive light levels. The appellant's HTVIA assessed the effect on the Broad Walk as *negligible/neutral*; I in my HIA assessed the effect as *large magnitude of damaging impact*.
- 6.12 Further damage in the centre of the Fountain Garden, another set piece in the Palace garden, has been recently identified. It is shown in MSE Viewpoint 10, in the view over the Privy Garden Wall, Queen Mary's Bower and the Banqueting House. This view should focus on the Bower and the Banqueting House roofscape

and dominant chimneys but will be disrupted by the buildings behind. Currently in the Fountain Garden the Queen's Reach block described in 5.15 disrupts the otherwise soft green horizon as far back as where the grass lawns rise and are connected by the formal yew avenues forming part of the C17 Daniel Marot Great Fountain Garden. The 5 storey development blocks of the 150m long east elevation will be more visible than the Queen's Reach block as shown in outline in the MSE Viewpoint 10. The appellant's HTVIA did not assess the effect on the Fountain Garden; informed by the MSE view I assess the effect as a *medium-large magnitude of damaging impact* as the proposed development introduces alien forms into the scene.

6.13 **The Palace roof** (MSE Viewpoint 11). This was requested by Historic England (letter to Elmbridge BC 17 Aug. 2018, see Appended Document H) but not addressed by the appellant. The Palace offers rooftop tours and HRP & HE agree that these views are of high significance and should be preserved. In my HIA I did not discuss the rooftop view from the Wren South block as I had been unable to gain access during lockdown, but have since had access several times. Informed site visits and by the MSE view I assess the effect as *large magnitude of damaging impact* as the proposed development introduces alien forms at large scale into this sector of the panoramic view in which they are otherwise small scale or absent.

6.14 It is highly likely that this was a designed viewpoint, in similar form to rooftops of other C17 country houses such as Apethorpe, Northamptonshire, particularly as a spacious staircase leads easily out onto the leads without resorting to ladders. Once more it offers numerous viewpoints in a dynamic experience moving east towards the east Wren block. From this breathtaking and extensive area, panoramic Palace views include the nearby Tudor and C17 roof and chimneyscape and over the gardens to east and south, which are the most prestigious. Outside the Palace grounds the view south is the most prominent, underlined by the river, and beyond this Cigarette Island is the most influential feature with its sylvan character, and next door Ditton Field to the east. Hampton Court Way buildings are evident beyond the park and station but form a low recessive feature. The Dutch-gabled station elevation, appears but is subserviently presented. East Molesey plays a lesser role in these views as a recessive backdrop beyond the Thames bridge, and is subservient in character and scale. The southerly view beyond the Island is remarkably undisturbed by modern development as far as the wide sylvan and elevated backdrop of the Surrey Hills towards Esher. The effect of the proposal will be catastrophic on these views.

6.15 **The Barge Walk** (SR HIA Figures 3-7).

The Barge Walk (Scheduled Monument) is a 600m long, linear and dynamic public viewpoint as part of the Thames towpath. It is an ancient and prestigious route associated with the river and with approaches along the river, historically with landing stages at various points. The buildings will appear in the backdrop, including at night when the greatly increased light levels will be intrusive. The arrival is dealt with further below in Section 8.9. The appellant's HTVIA did not assess the effect on this feature; I in my HIA assessed the effect as *large magnitude of damaging impact* and this is confirmed by Figure 4 in my HIA, based on the appellant's TVIA View 1, with a block visualization added by Piotr Hennig to indicate height and scale; Figure 6 in my HIA, based on the appellant's ME HTVIA View 2, with block visualization added by Piotr Hennig to

indicate height and scale; Figure 7 in my HIA based on the appellant's ME HTVIA View 3, with a block visualization added by Piotr Hennig to indicate height and scale.

6.16 These address the key viewpoints. Given the limited resources available to Mr Garner's team it has not been possible to record all of the others for this Inquiry. Those discussed here are indicative of the numerous other viewpoints in the Palace and its grounds in which the proposed development will undoubtedly appear, particularly in winter and at night.

Several major aspects are relevant to the Palace historic environment:

7. IMPACT ON HISTORIC CHARACTER OF THE SETTING

7.1 The whole scene is underpinned by the presence of the wider landscape which deliberately emphasizes the undeveloped character. The impact of the proposed development of the scale proposed on an essentially rural and village landscape such as East Molesey and Hampton Court will be significant; the question is whether the level of damage which will be caused is acceptable or not. Views towards the Palace are dealt with further by Mr Garner in his evidence, Section 13.

7.2 It is clear that the historic significance of the Palace heritage assets and the effect on their character would be compromised by the proposed development. My HIA (revision May 2022) summary assessment of the impact is given in Appendix 2 below. The alien height, bulk, and colour movement would dominate key views south from the core of the site including the most important elements, the Palace and its grounds, as described in Section 6 above and in my HIA, Section 6. Views from the approaches, main drive the Palace and the garden walks, would be significantly damaged. The proposed development would compete with the rural scene which is fundamental to the whole concept, and views of the station and Cigarette Island Park.

7.3 Comparison of the extent of the areas covered by the Palace and proposed development is visually demonstrated in HCRC's commissioned aerial view from the east with the 3D outlines of the three proposed blocks superimposed in Figure 1. This reveals that the application site is 1.45ha.; the palace buildings complex is c.2.5ha. The area of the palace's two courtyard quadrangle blocks is similar to the application site. Urban built forms of any design that fill a site of a comparable area on the opposite bank will always compete with the palace, which deserves to retain its international significance as the largest majestic building in its parkland surroundings unhindered by competing structures.

7.4 Comparison of heights and other dimensions is further demonstrated in HCRC's commissioned aerial view in Figure 1. This shows the C17 Wren south elevation facing the Privy Garden and River Thames which is the largest element of the palace complex. The east elevation of the proposed villa and riverside blocks overlooking Cigarette Island Park and facing the Palace, is 5 storeys high, rises to 53ft and is 492ft long. As the MSE visualisations clearly show it will read as a single monolithic block from many viewpoints. Clearly the scale will compete with and mar the otherwise isolated majestic scale of the palace and undermine its importance.

7.5 The threatening nature of the scale and height of the proposed development is further emphasized in the view from inland at East Molesey demonstrated in HCRC's commissioned aerial view from the west in Figure 2. Comparison of the small plot sizes along Bridge Road and Creek Road shows how the 3 large blocks

- conflict with the urban grain established since the station arrived in 1848. Even the larger blocks at Hampton Court Parade and Queens Reach are significantly smaller than the proposed Hampton Court Way block.
- 7.6 Both views (Figures 1 & 2) demonstrate the immediacy of the proposed development in relationship to the Thames via its close position and the threatening nature of its scale to the position and character of the Palace which is similarly adjacent to the river.
- 7.7 Comparison with the palace complex in this aerial view (Figure 2) shows the Tudor 2 and 3 storey blocks between the forecourt and Wren's C17 great quadrangle block emphasizes this stark visual competition. The scale of the proposed Riverside block, which projects above and north of the station building, will undermine the heritage significance of the two-storey palace Barrack Block at its highest, by degrading its impressive linear appearance, similarly degrading the Tudor main frontage by the inevitable comparison with the scale and qualities which will occur from numerous panoramic viewpoints including the Thames bridge.
- 7.8 This view (Figure 2) also illustrates the how numerous views from Molesey towards the palace will be blocked by such a massive structure in this setting, as Historic Royal Palaces stated succinctly in their Objection letter:-
- "For 170 years, visitors coming to Hampton Court Palace by train have had glimpses of the palace on approach and arrived at the station with a sense of the parkland setting of the palace that Cigarette Island provides from the south of the river. The proposed development envelopes the station and the approach to it with urban buildings that challenge the height and scale of the palace itself, which do not sit comfortably alongside the grain and character of East Molesey and cause it to encroach hugely on the parkland setting of the palace. As a result, the sense of anticipation and arrival as the palace draws near are lost as the parkland setting will no longer be visible until after visitors exit the station and approach and cross the Lutyens Bridge. The potential to open slotted views to the palace from the station platforms are lost forever."*
- 7.9 I have established the principle that the external views are an essential element of the Palace design entity, the open spaces of which are as important in design terms as the other structural elements of the ensemble as they evoke a bucolic and undeveloped character. The experience occurs as a series of views appreciated by moving through the Palace grounds and setting. The wider landscape and its historic character are themselves part of the essential design ethos and ensemble. Thus the numerous views of this enormous development proposal will lead to major damage in the character and thus significance of the complete ensemble of heritage assets.
- 7.10 The need to protect views relating to highly valued historic assets such as the Palace has been of such concern in the past that it has been enshrined in government and other official protection measures since 1902. This was expressed in various official ways including by Parliament in the 1902 Act to preserve the famed Thames view from Richmond Terrace.⁶ This statutory instrument possibly influenced the identification by the Office of Works of the Surrey bank of the Thames at Hampton Court as requiring protection, in this case by purchase (see Section 5.9 above). The 1913 South Western Railway Act identified a maximum acceptable height of 50ft for building on railway land in the immediate setting of royal palaces and

⁶ [2 Edw. 7], *Richmond, Petersham, and Ham Open Spaces Act*, 1902 ch. ccliii.

parks, affecting Hampton Court and Windsor Castle.⁷ This is dealt with further by Mr Garner in his evidence, Section 11. More recently the view from King Henry VIII’s Mound in Richmond Park to St Paul’s Cathedral was protected in planning policy.

7.11 The acquisition of land such as Cigarette Island was part of a national movement to preserve views such as the first major Lake District acquisition, Brandlehow Park, opened in 1902. To protect the view over the Thames from Richmond Hill before legislation was enacted, Marble Hill was purchased for public use in 1901 with subscriptions from local councils and private donors and handed to London County Council for its preservation.

8. IMPACT ON THE KEY EXTERNAL EXPERIENTIAL ASPECT OF THE PALACE SETTING: ARRIVAL

8.1 The Experience of Arrival Through the Setting will be Badly Damaged

8.2 The setting of the Palace does not consist solely of views from it over the surroundings. It constitutes the whole experience. In this case the setting is particularly experienced in the arrival at the west gateway, since c.1700 marked by the magnificent Trophy Gates (Grade I). The west approach has heralded the RPG and Palace as the most important entrance for all types of people and nationalities, from royalty since the C16 to the millions of day trippers since 1838 when it was opened by Queen Victoria. Queen Catherine of Braganza was depicted on her arrival for her marriage to Charles II in 1662 as she swept in a coach and six into the grounds; day trippers were shown in the 1860s in the *Illustrated London News* arriving by river (Figure 3).

8.3 This arrival experience of the setting in four major approaches which converge at the Trophy Gates has altered little since the 1930s. The environs are of a scale and character subservient to the impressive scale of the Palace ensemble.

8.4 The four external approaches and their convergence along the Trophy Drive are set out in Table 2. This compares effects identified in the appellant’s 2018 ME HTVIA with those in my HIA (2021, revision May 2022) or, if not covered in that document, with the benefit of my subsequent opinion.

Table 2. Effects on Palace Approaches comparing appellant’s 2018 ME HTVIA and SR HIA (revision May 2022) assessments of level

Approach	Appellant’s ME HTVIA 2018 Effects	SR HIA 2022 Effects	Photographic Views Recording the Effects
A. Rail from London via Hampton Court Station			
Effect on Station	<i>minor/moderate beneficial</i>	<i>large magnitude of damaging impact</i> Substantial harm	MSE Viewpoint 1
Effect on Hampton Court Bridge	<i>moderate beneficial</i>	<i>large magnitude of damaging impact</i>	MSE Viewpoints 1,2
B. River along the Thames			
Effect on Barge Walk	Not assessed	<i>large magnitude of damaging impact</i>	SR HIA Figures 3-7
C. Road from the south along Hampton Court			

⁷ [3 & 4 Geo. 5], *South Western Railway Act, 1913*, ch. lxxxviii Section 49. This stipulation in the 1913 Act remains a material consideration, see Andrew Parkinson, Landmark Chambers, Opinion In the Matter of Hampton Court Station and the South Western Railway Act 1913, 22 March 2021.

Way			
Effect on Ember Bridge	<i>minor beneficial</i>	<i>large magnitude of damaging impact</i>	SR HIA Figures 18, 19, 20, 27
Effect on Hampton Court Bridge	<i>moderate beneficial</i>	<i>large magnitude of damaging impact</i>	SR HIA Figures 18, 19, 20, 27
D. Road from the north across Hampton Court Green			
Effect on Hampton Court Green Conservation Area	<i>negligible/low-neutral</i>	<i>medium magnitude of damaging impact</i>	Appellant ME HTVIA View 7 SR HIA Figure 15
Effect on Hampton Court Bridge	<i>moderate beneficial</i>	<i>large magnitude of damaging impact</i>	
E. Convergence at Trophy Drive			
Effect on Trophy Gates and Outer court/west front of the Palace	<i>negligible/neutral</i>	<i>large magnitude of damaging impact</i>	Appellant ME HTVIA View 1, 4 & 6; MSE viewpoints 2, 3; SR HIA Figures 8, 9

The effects on these four approaches and their convergence at the Trophy Drive are described in more detail as follows:

- 8.5 **A. Rail Arrival from London at Hampton Court Station.** This has been carefully orchestrated so that since the 1840s the millions of visitors have enjoyed the opportunity to glimpse views of the Palace in its bucolic and riverine setting from the railway carriage as the train slows towards the station. Upon arrival by train the Palace is visible along the platforms, its great scale filtered by trees. In leaving the station by foot the full view is gradually revealed, increasing the anticipation: from the former Jolly Boatman site to the Lutyens's Thames Bridge where the wow-factor is revealed at last: the Palace, fully visible, in a sweep along the river framed by Cigarette Island to the right, heralding the Britain's greatest palace and its landscape setting.
- 8.6 The proposed scheme will obliterate this experience, replacing it with a modern and prosaic blot, entirely at Odds with the expansive historic approach visitors should experience as the herald to their Palace visit as demonstrated in MSE Viewpoint 1. The view will be entirely lost will not be retrievable, and this cannot be mitigated. The appellant's ME HTVIA assessed the effects on the station as *minor/moderate beneficial*; I in my HIA assessed the effect as *large magnitude of damaging impact*. The appellant's ME HTVIA assessed the effect on Hampton Court Bridge as *moderate beneficial*; I in my HIA assessed the effect as *large magnitude of damaging impact*.
- 8.7 In addition the Park is intended for use by Palace visitors as well as local residents. Those who are diverted into the Park before crossing the bridge to the Trophy Gate or on their return to the station while waiting for a train, will have this experience of the Palace setting and views damaged by the looming bulk, alien materials and shade cast by the proposed development as demonstrated in MSE Viewpoint 12.
- 8.8 **B. Boat Arrival along the Thames to the landing stages.** As noted above, the river is a cultural artefact of the highest significance, even if this is not protected by planning designation. Its cultural significance has been identified in the Thames Landscape Strategy, and by the GLA, with the intention to work towards nomination of the Arcadian Thames, of which this reach forms a key part, as a World Heritage Site (see my HIA Section 3.2). Part of this significance derives from the experience of travel by boat along it, especially in this renowned Arcadian and Royal sector which has been a key experience since the C16, most prominently then

by Cardinal Wolsey and King Henry VIII. Practically before the C19 river travel was preferred to road travel as easier and quicker.

- 8.9 The water arrival framed by the Palace grounds and its breath-taking ornamental features visible from the river, and the still naturalistic Cigarette Island with the station as its principal focus, will be greatly damaged by the looming development overshadowing the park and engulfing the station, devastating its role as a quasi-lodge to the Palace (in which role it is experienced in the other three approaches addressed here).
- 8.10 The parallel route along Barge Walk tow path facilitated the public perception of the cultural ensemble from the river approaches which was recorded in literary works such as *Three Men in A Boat* (1889) and Morris's *News from Nowhere* (1890) and illustrated such as in the *Illustrated London News* of 1864 (Figure 3).
- 8.11 This will be damaged to the greatest degree in the arrival at the 1930s Cigarette Island landing stage but also to a high degree from the landing stage on the Palace side of the river by Barge Walk. Arrival by boat and landing on either the north or south bank should focus the passenger on the majesty of the palace, and not be deflected by banal C21 commercial urban development.
- 8.12 **C. Road arrival from the south along Hampton Court Way.** This 1930s approach, overlying the course of the former River Mole, has for nearly a century been one of the two main vehicular approaches to the Palace (from north and south). It crosses two contemporary and high quality listed bridges by Lutyens, over the Ember/Mole and then the Thames which currently have a good level of visibility linking the two. These are linked by the station environs and the passenger enjoys views over the rails and past the historic and attractive coal office (now a car sales office) and Cigarette Island Park to the palace roofscape including the Great Hall. The anticipation of the approach is part of the experience of visiting Hampton Court. The proposed development will block this view as demonstrated in the ME TVIA, unnumbered view, reproduced as Figure 19 in my HIA. The tall blocky hotel alongside the road will create a canyon at odds with the articulated buildings of the Hampton Court Way shops which are respectful of the scale and Wrenaissance style of the palace. Thus this element of the setting of the Palace and its grounds will be significantly damaged at close quarters in similar manner to the station arrival. As the view towards the palace will be entirely lost. The loss of view is not retrievable, and cannot be mitigated. The appellant's HTVIA assessed the effect on Lutyens's Ember Bridge as *minor beneficial*; I in my HIA assessed the effect as *large magnitude of damaging impact*. As noted above, the appellant's HTVIA assessed the effect on Hampton Court Bridge as *moderate beneficial*; I in my HIA assessed the effect as *large magnitude of damaging impact*. My assessment of levels of damaging impact is confirmed in my HIA by Figures 18 and 19, based on an unnumbered image from the Ember Bridge presented in the appellant's 2018 ME HTVIA; also my Figure 20 showing the view from Hampton Court Way over the station platforms; and my figure 23 showing the view past the station ticket office to the Palace. My HIA Figure 27 shows a scaled drawing of the west site elevation alongside Hampton Court Way and how the proposed development will present a canyon of buildings instead of glimpsed views of the Palace.
- 8.13 **D. Road arrival from the north across Hampton Court Green.** This is the historic London approach for visitors by road, in a bucolic and largely parkland setting from Kingston to the Trophy Gates. On rounding the

corner onto the green having skirted the RPG with increasing anticipation, nothing should detract from the approach to the river so that the Trophy Gates suddenly appear as a marvel of artistic taste and expense, framing the magnificent palace entrance at the end of the long majestic drive.

The proposed development will form a tall and alien backdrop to this approach, distracting from and damaging the present view over the sensitively designed Lutyens bridge to the low and generally recessive village buildings of East Molesey. The appellant's HTVIA assessed the effect on Hampton Court Green Conservation Area as *negligible/low-neutral*; I in my HIA assessed the effect as *medium magnitude of damaging impact*.

The appellant's HTVIA assessed the effect on Hampton Court Bridge as *moderate beneficial*; I in my HIA assessed the effect as *large magnitude of damaging impact* and this is confirmed by the appellant's ME HTVIA View 7 (Figure 15 in my HIA).

- 8.14 **Summary of the Experience of the Four Routes:** The visual experience of the routes is largely unchanged for 90 years since the last major alteration to the Palace setting, and remains recognizable from earlier centuries, engendering a sense of anticipation with glimpses of the magnificent Palace and grounds within an extensive rural setting.
- 8.15 **Convergence at Trophy Gates.** All four of these main routes, plus the road from Hampton and the west, converge at the Trophy Gates, the main entrance to the Palace for all visitors, from royalty downwards. The arrival of the newly married queen, Catherine of Braganza in 1662 epitomises the celebratory nature of arrival here (Figure 4). United the approach proceeds along the Trophy Drive towards the dominant Palace gateway tower as the climax of arrival and herald of magnificent accommodation, views and grounds, to come. The view to the left of the Drive is closed by the nearby Barrack Block, a relatively neutral building, its length, uniformity and lack of articulation automatically drawing the eye past it, forward to the gateway. This contrasts with the open view to the right which drops to the Barge Walk and river backed by the distant trees of Cigarette Island Park, with the small scale station building and the low, attenuated arches of Lutyens's bridge. Beyond this is the village of East Molesey, which does not intrude visually except for the aberration of one building west of the station containing a jarring part 4th storey in a barrel roof form, but this is localised in its effect and does not rise greatly above the village streetscape.
- 8.16 This ensemble forms the backdrop for the splendid arrival – framed by the wider world which has been carefully orchestrated with trees and structures of sensitive historicist style and scale. The station appears as an outlying lodge for the Palace, which role it has practically fulfilled since its construction in the late 1840s in heralding the palace and its royal origins to visitors at a main point of arrival. The arrival should focus on the route to the Great Gatehouse rising to 56ft but attention will be deflected to the monolithic scale of the competing proposed development on the south bank rising to 53ft over an area much larger than the Trophy Drive and Barrack Block. The ability to appreciate the significance of the arrival should not be undermined. As noted above in Section 6, the appellant's HTVIA assessed the effect on views from the Trophy Gates and Outer court/west front of the Palace as *negligible/neutral*; I in my HIA assessed the effect as *large magnitude*

of *damaging impact* and this is confirmed by the appellant's TVIA View 1, and by MSE image viewpoints 2 and 3.

- 8.17 HRP has justifiably adopted a policy of reinstatement of historic views over the river based on the HRP Views Management Plan (2005), but this depends on the view south remaining uncompromised, e.g. policy R3.6.: 'Once the future of the Hampton Court Station/Jolly Boatman development site is known, give consideration to selectively felling the avenue enclosing the West Front to open views to the Palace from Hampton Court Bridge and Station. The long term management plan for the retained trees should identify their eventual replacement with more majestic trees to frame views and provide a more permeable relationship between the Palace and the River, with the Station and East Molesey beyond'. The proposed development will of course inappropriately prevent this.

9 VISUAL MITIGATION

1. Mitigation in this case is defined as something breaking the view of the unacceptable landmark feature to minimise the harm to affected historic assets. It must be addressed as the appellant has relied on the enormous misconception that the trees in Cigarette Island Park will provide adequate visual screening in mitigation of the proposed development in relation to the Palace estate. In the setting they have some effect on the southerly views from the Palace ensemble but certainly do not affect the other experiential aspect, the key approaches particularly the views along them. Keith Garner has further addressed this issue in his evidence, Section 15.
2. The presence of trees does not guarantee an adequate screen nor can adequate mitigation be guaranteed at all. The NPPF does not reference mitigation when stating the levels of harm that maybe offset by public benefits. Relevant guidance from Historic England HEAPG 3, *Setting of Heritage Assets*, relating to mitigation using off-site landscaping notes that 'Where attributes of a development affecting setting may cause some harm to significance and cannot be adjusted, screening may have a part to play in reducing harm.'⁸ It qualifies this by stating that screening "ought never to be regarded as a substitute for well-designed developments within the setting of heritage assets." In this case 'well designed' should be read as 'appropriate' for however well designed the proposed development might be it will always be inappropriately sited.
3. Visual mitigation of views from the Palace and its grounds relies solely on existing tree screening on land in Cigarette Island Park which is not in the ownership or influence of the appellant. Screening affects only the east side of the proposed development, not the north, and in its effect is partial for the summer half of the year and largely absent in the winter half. It will not make a significant impact on the extensive night-time light emittance from the proposed development.
4. The retention of the vegetation offering such a partial measure of screening is not guaranteed. It may not last long, given age, condition, increasing extreme and unpredictable weather events and pathogens. Of the 32 horse chestnut trees planted in the 1930s only 20 remain. There is no tree planting strategy or

⁸ Historic England, *The Setting of Heritage Assets Historic Environment Good Practice Advice in Planning*: 3 (2nd Edn 2017), Para 40.

management plan adopted for this park, the Open Spaces budgets have been reduced and its appropriate visual relationship with the Palace has been overlooked by Elmbridge for decades.

5. That Historic England clearly appreciate this is revealed in an internal e-mail of 21 April 2021 following review of my HIA and communication from TGT pointing this out (see Appended Document N). One of the key officers involved, possibly Ms Sidell (author unclear), at last understanding the high level of potential damage, proposed, 'to write now indicating that if there is no tree screen the impact on views from Privy Garden, Barge Walk & W Front will be severe.' [emphasis added]. In the formal response to Elmbridge however, the 'severe' level of harm had been watered down considerably.
6. The **upper level** of the proposed development will breach the tree line. It can never be adequately or appropriately screened. It will breach the line of the existing vegetation screen seen from the palace and designed landscape and the other affected heritage assets at large scale.
7. The trees forming a partial and inadequate screen for the **lower level** of the proposed development are not a long term and sustainable solution. The evergreen Holm Oaks on the Thames bank are historically inappropriate as even in their present immaturity they screen views between the Palace and the CIP promenade and the station, and this will only increase. The Council has agreed to remove these 20 trees or shrubs when resources become available, potentially with grant funding. Views through the deciduous trees, in summer forming an inadequate screen, are still more permeable for half of the year, in winter.
8. The very partial screening by the horse chestnuts relies in large part on diseased trees remaining in situ on land which is not controlled by the appellant. Replacement like-for-like screening trees is neither guaranteed by ownership or management agreements nor historically appropriate especially in the case of the screening of the station building, with reciprocal views related to the Palace and its grounds. Elmbridge Planning Committee Report on the application (13 July 2021) Para 11.9.10.14 (p.119) noted that "The management of the trees on Cigarette Island Park is outside of the control of the appellant and reliance should never be solely placed on third party trees for screening."
9. Replanting and views management should respect the historic 1930s park planting scheme. This scheme has been supplemented and overtaken by more dense screening which is historically inappropriate and if removed for restoration purposes would leave the proposed development still more starkly visible in those southerly views both in daytime and at night. Consideration must be given to the function and amenity value of the park which already benefits from large areas of shade, and does not warrant additional tree planting to reduce the open spaces.
10. Mitigation should be considered for the effects of the proposed building along the four main approaches, which have been identified above as a key experiential element of the Palace setting, to which the damage will be great. Visual mitigation along those routes is not only not proposed but in any case is impossible.
11. In conclusion, adequate visual mitigation of the damage to the two main elements of the Palace setting is impossible. Key southerly views from the Palace estate will be permanently damaged, even if the development is screened to an inadequate degree by trees in Cigarette Island Park. In the other key

experiential element of the Palace setting, views along the approaches, screening of the large scale development is impossible.

10 ASSESSMENT OF EFFECTS BY CONSULTEES AND OTHER EXPERTS

- 10.1 Historic England in its previous form as English Heritage strongly objected in 1999, along with HRP, to the planning brief on which the proposed development is predicated. The objection to the brief, which has never been withdrawn, is explained by Chris Sumner the former English Heritage Inspector who scrutinised the 1999 brief (Appendix 5 of my HIA). This response sustained the actions by government bodies since 1902 to protect from development the Surrey bank of the Thames as the key element of the Palace setting.
- 10.2 It is a matter of great regret that Historic England, the government's lead adviser on the historic environment did not in its response to this application continue to pursue such strength of objection. Instead, its officers misunderstood the magnitude of the effect of the proposed development in the experience of the Palace ensemble including the RPG, presenting a muddled and inconsistent response. Keith Garner has further addressed this issue in his evidence, Section 11.
- 10.3 This is initially evident in the pre-application letter from HE written by Ancient Monuments Inspector Ms Sidell (17 Aug 2018) to Elmbridge setting out the scope of its interest, in which she notes she will be primarily concerned with the Scheduled Monument and that HE will also be interested in the listed bridge. There is no reference to the RPG aspects or other Listed Buildings or the Conservation Areas. Although a list of suggested views for assessment was provided, other significant views were not identified in prominent and visible proximity to the proposed development including the south front, the pond garden, Banqueting House, Trophy Gate entrance and Drive, and Fountain Garden. HE clearly did not comprehend the entirety of the historic environment in which it has an interest which would be affected.
- 10.4 In the consultation response letter of 30 January 2019 to Elmbridge, Ms Sidell concluded that HE had 'no objection to the application on heritage grounds' although earlier in that letter a section relating to the RPG noted that there would be 'some harm to the settings of the registered park and garden and palace'.
- 10.5 It was noted that 'the proposed development will be a large new built form within the landscape of a greater scale, and height than these existing buildings (Save for Hampton Court Palace itself.', identifying a major visual effect on the environs and on the visual setting of the Palace dominated by a tall modern development. It was noted that this would be partially screened by the existing trees while in leaf, but failing to realise that for more than half the year the views will be without leaves on the trees, or to take into account the effects of disease and climate change discussed above in Section 9 that mean even this partial and inadequate mitigation cannot be relied upon.
- 10.6 It was concluded that although the proposed development 'still represents some harm to the settings of the registered park and garden and palace,' the contradictory opinion was that HE had 'no objection' on heritage grounds. Even this relatively low level of harm (whether or not accurately assessed) should have been given great weight given the highest significance of the heritage assets affected, but evidently was not. It is quite possible that Inspector Ms Sidell and others officers she may have consulted internally, such as the Regional

Landscape Architect, did not fully scrutinise the ME HTVI Views 1-6 as these were not available in the published documents or electronically shared version until 20/2/19 after their letter was sent on 30/1/19.

- 10.7 In 2021 Elmbridge reconsulted Historic England in the light of further information. This included my HIA which The Gardens Trust and Elmbridge Council had sent to HE, Section 6 of which presents a dramatically worse assessment of the effects of the proposals on the heritage assets to that of the appellant's HTVIA, in identifying high levels of damage in most cases. As a result the matter was reconsidered by Historic England. An internal Historic England memo of 21 April 2021 (see Appended Document N) by one of the officers involved, possibly Ms Sidell (author unclear) to Emily Gee clearly understood a high level of potential damage and proposed, 'to write now indicating that if there is no tree screen the impact on views from Privy Garden, Barge Walk & W Front will be severe.' [emphasis added]. In the event, and for reasons that are unclear, this proposed response to Elmbridge was weakened in the letter of 14 May 2021 to Elmbridge in which it was reiterated that 'some harm to the setting' would be caused, particularly as a reconsideration of the information showed that any loss to the tree screen would cause a greater degree of damage. Historic England stated that it 'remains concerned' about the proposal, though it had not expressed this concern in its previous communication to Elmbridge. The 'severe' impact on the Palace had been watered down.
- 10.8 Neither of the HE formal responses makes reference to the appellant's HTVIA and its conclusions, neither does HE quantify the level of 'some harm' identified in both letters. Reference would be expected to the HEAPG 3, *Setting of Heritage Assets*,⁹ including with regard to concerns about mitigation using off-site landscaping.
- 10.9 In contrast, other equally expert and well-informed heritage bodies did strongly object. TGT and HRP have clearly and consistently identified the damaging effects on the historic environment of both the 2008 scheme and this proposed development. Richmond Council objected strongly to both schemes, not having been consulted at pre-application stage on this scheme as it requested. Other authoritative heritage and conservation bodies strongly objecting include SAVE Britain's Heritage, The Victorian Society, CPRE and Surrey Gardens Trust. Expert and well-informed individuals in the heritage sector objected including Kim Wilkie, author of the Thames Landscape Strategy and Chris Sumner.
- 10.10 The Gardens Trust is the lead advisory conservation body in the field of Registered Parks and Gardens and has expertise in this discipline equalling that of Historic England. This is recognized in its longstanding role as a statutory consultee, along with HE, for RPGs as set out in Schedule 4 para (s) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. The requirements are for TGT to be consulted 'For development **likely to affect any park or garden** on Historic England's Register of Historic Parks and Gardens of Special Historic Interest in England' (emphasis added). HE is consulted on applications affecting RPGs only at Grade II* and I. Therefore the advice of the Gardens Trust as a statutory consultee should be given equal

⁹ Historic England, *The Setting of Heritage Assets Historic Environment Good Practice Advice in Planning: 3* (2nd Edn 2017), Para 40: '... As screening can only mitigate negative impacts, rather than removing impacts or providing enhancement, it ought never to be regarded as a substitute for well-designed developments within the setting of heritage assets. Screening may have as intrusive an effect on the setting as the development it seeks to mitigate, so where it is necessary, it too merits careful design. This should take account of local landscape character and seasonal and diurnal effects, such as changes to foliage and lighting. The permanence or longevity of screening in relation to the effect on the setting also requires consideration. ...'

weight to that of Historic England. The advice of TGT has been crucial in Inspectorate decisions such as the 2018 proposal for allotments in Syon Park, which pivoted on the effect on the significance of the Grade I RPG.¹⁰

- 10.11 It can only be concluded that Historic England misinterpreted the documents or the meaning of setting. It is most unfortunate that the relevant HE specialist in setting and designed landscapes, the Regional Landscape Architect for London, was not involved directly in the interface with the developer and Elmbridge, given the specialism in setting of this post. The advice of such a specialist, if any, is obscure.

11 CONCLUSIONS

11.1 Hampton Court Palace is a cultural ensemble of international significance which survives remarkably complete and in good condition. The setting is a highly important part of its value and design which contributes a substantial degree of significance and retains its bucolic and village character.

11.2 Within the Palace setting the station retains, largely unaltered for 170 years, the two original uses related to the Palace: as a very significant element of the Palace setting in the manner of a quasi-lodge; and as a key arrival point for visitors. Significant alteration to it or its associated environs on Cigarette Island is neither necessary nor desirable and will not enhance either function in relation to the Palace.

11.3 The development affects two experiential aspects of setting: southerly views from the core of the Palace estate, also associated structures and grounds; and the experience of approach along four main external historic routes which converge at the Trophy Drive.

11.4 The most significant elements of the ensemble at the historic core including the Palace will be affected by the high visibility of the vast scale, alien form, and materials of the buildings. This will badly damage the characteristics of the Palace setting with an imposing modern intrusion which cannot be adequately mitigated.

11.5 Adequate mitigation is impossible. Loss of the trees in Cigarette Island Park will expose still further the alien structures. Their replanting cannot be guaranteed and in any case should not be dense in order to retain glimpses of the Palace from the station.

In the other key experiential element of the Palace setting, views along the approaches, screening of the large scale development is impossible.

11.6 Decades of experience of numerous heritage experts, including TGT, HRP and expert professionals who endorsed my HIA, show it is extremely rare that such a highly significant heritage asset comprising numerous important component features is affected to this serious degree by irreversible damage from a proposal. This will have a consequent highly damaging effect on the UK's national cultural heritage.

11.7 Regarding Paragraph 202 of the NPPF this proposal will, in my view, lead to damage at the **upper end of less than substantial harm** to the significance of many designated heritage assets of the Palace estate discussed in this evidence which are of the highest significance (Listed and Registered Grade I).

11.8 Regarding Paragraph 203 of the NPPF this proposal will, in my view, lead to **substantial harm** to the significance of the Locally Listed Hampton Court Station.

11.9 Cumulative harm is a major consideration in assessing harm. When a proposal affects a number of heritage assets, even damage of 'less than substantial harm' incurred by individual assets can – indeed should – be given

¹⁰ Appeal Ref B: APP/F5540/W/17/3192086 Land at Syon Park, Brentford, Middlesex TW8 8JF Decision date 29 Nov. 2018.

more cumulative weight in the overall planning balance. In this case the weight given to that harm is particularly high given the significance of the group of historic assets affected.

11.10 The proposed scheme would have a materially adverse and unacceptably harmful impact on these immensely valuable heritage assets in contravention of various levels of planning regulation as set out by evidence from other objectors to this appeal.

11.11 The level of damage caused to the character of the setting of this site of such exceptional significance is sufficient that, with reference to NPPF Paras 199 and 200, the applications should be refused.

11.12 Because of the exceptional significance and great number of these unique and irreplaceable affected heritage assets, the overall public benefits from this proposal (as discussed by Mr Garner and Mr Velluet) are not so great as to balance or outweigh all identified harm – harm which should be afforded very considerable weight. Therefore the appeal should be refused.

Signed by me,

A large black rectangular redaction box covering the signature of the author.

15 May 2022

APPENDIX 1 PROFESSIONAL AND HERITAGE SECTOR BACKGROUND

- 1.1 I worked for English Heritage from 1996 to 2003, initially as a Historic Parks and Gardens Inspector and then for two and a half years as Head of the *Register of Parks and Gardens of special historic interest in England*. Whilst at English Heritage I revised *Register* entries for more than 200 sites, and assessed over 50 further sites countrywide for addition to the *Register*. In 1992 I obtained an MA in designed landscape conservation from York University; in 2003 I obtained a Ph.D.
- 1.2 Since 2003 I have been as a consultant preparing many historic environment conservation plans, setting studies and heritage impact assessments also advising on policy for English Heritage/Historic England including on the devising of a Landscapes At Risk methodology. My clients include charitable and public bodies, Historic England, commercial and private individuals, addressing historic assets of the highest significance such as Stowe, Cliveden and West Wycombe in Buckinghamshire, Petworth, Sussex, Wimpole Hall, Cambridgeshire. Identifying and understanding the setting of multiple historic assets is always part of the conservation and protection of complex sites as the setting is usually a sensitive part of the significance of the ensemble and can be vulnerable to inappropriate change.
- 1.3 I have published eight popular but rigorous books on historic environment subjects, including on Capability Brown for the National Trust in 2016 on the occasion of his tercentenary, with total book sales of over 45,000, as well as scholarly articles and chapters in refereed publications.
- 1.4 I am a life member and former Chair and trustee of the Bucks Gardens Trust (BGT) and a life member of The Gardens Trust (TGT). I run pro bono the BGT Research and Recording project in which my professional skills are applied to guide a group of rigorously trained volunteers to identify the significance of and record local designed landscapes.
- 1.5 My professional skills are again offered pro bono as I lead the BGT planning group responding to planning applications on registered and unregistered sites in the county and frequently offer advice to other charities pro bono on the effects of planning applications on the historic environment, particularly to County Gardens Trusts and to TGT as the statutory consultee for all Registered Parks and Gardens. Designed landscapes usually include significant historic structures and often archaeology, and so I am experienced in assessing the effects of changes on ensembles of heritage assets both individually and as designed ensembles.
- 1.6 I advised TGT, as the Statutory Consultee for all Registered Parks and Gardens, on responses to this application. I was one of an expert team including the Conservation Officer, the Chair of the Conservation Committee and the Chair of the Trust.
- 1.7 I produced pro bono the 2021 Historic Environment Impact Assessment (HIA), the May 2022 revision of which is submitted with this evidence as a rigorous and objective appraisal of the significance and effects for use by interested parties including TGT, Historic Royal Palaces (HRP) and Hampton Court Rescue Campaign. It was helpful to inform Councillors of the effects on the Palace ensemble during guided site visits in 2021 hosted by HRP and attended by Council Officers and The Gardens Trust.

1.1 *Cumulative Magnitude of effects on Combined heritage assets*

1. The assessment in Section 6 [of the HIA] identifies a large cumulative magnitude of harmful effect on the setting of 22 identified heritage assets (some of these including groups of assets), including the River Thames, many being of the highest significance.¹¹ Together these comprise a large proportion of the environs of the development, both in the immediate vicinity and further distant, and cumulatively amounts to a **large harmful impact**.
2. The cumulative magnitude of effect on the 12 heritage assets of the **highest significance**, affecting an extensive area north of, and including, the River Thames, forming a key part of Hampton Court Palace and its grounds, is generally defined as Large. This cumulatively amounts to a **large harmful impact**.
3. The cumulative magnitude of effect on the setting of the 10 heritage assets of **lesser significance**, i.e. those west of the Palace and south of the river, varies between mostly Large (those south of the river, nearest to the development) with fewer at Medium (north of the river).¹²
4. The buildings will be 3ft taller than the 50ft limit imposed by the 1913 SWR Act. This, magnified by the scale of the buildings, contributes to the **large harmful impact** on the setting of the Palace and its grounds.
5. This cumulatively amounts to a **large harmful impact**.

1.2 *Specific Harm*

The harm is a result of the position, height and bulk of the proposed building resulting in the following specific effects on the setting of the historic assets:

1. Overtopping and visible through the existing trees (which themselves are not a long term screen) from various key viewpoints in Hampton Court Palace and grounds, and the River Thames.
2. The scale and height competing with that of the Palace and introducing an alien form in close proximity. Major damage to the setting of other nationally designated structures, significant areas of three Conservation Areas, and locally listed structures, introducing an alien form in close proximity.
3. Greatly increased light emission in a dark zone as seen from heritage assets on the north side of the River Thames, the river itself and parts of the Conservation Area south of the river, including Cigarette Island Park.
4. The level of harms are similarly high for most heritage assets, both those which are close to the development site, which are generally of lower significance, and those which are further away, which are of the highest significance and sustain a higher level of damage to the setting with less intrusion.

1.3 *Level of Harm*

Based on NPPF guidance and site-specific assessment, the large and harmful impact of the proposed development on the setting of so many affected heritage assets of the Hampton Court Palace ensemble equates to the **upper end of less than substantial harm** to their significance. This is principally owing to the height and scale of the buildings proposed as well as the materials.

¹¹ Of those heritage assets assessed, the Magnitude of Impact is Large on 16 of them, Medium on 5 of them and Small on 1.

Hampton Court Station, undesignated in terms of the NPPF but Locally Listed will suffer **substantial harm** to its significance.

1.4 *Overall Impact on Historic Assets*

The proposed development will be transformative. Extensive and large scale building will damaging the setting of a large and varied group of designated heritage assets including many highly significant ones, particularly the ensemble of Hampton Court Palace, the architectural centrepiece, and its landscape frame, and intruding rudely into the Arcadian Thames landscape.

1.5 *Conclusion*

The proposed development is unacceptably damaging to the setting of these heritage assets.

¹² The numbers of assets in each significance category are: A – 12; B – 3; C – 6; D – 1.

Dr Sarah Rutherford and Karen Liddell

Section 7 Conclusion

Cigarette Island should be added to the Elmbridge Local List in the category of a **local historic/ heritage landscape** for the multiple facets of its high cultural significance within and beyond Elmbridge. These relate to the multiple and integral features in serving visitors to Hampton Court Palace including functions of transport and recreation, and as the backdrop to the Palace setting. These facets are manifestly united and reflected in the purposes, fabric and design of the entire island, and other cultural significances. **Thus the rural foreground setting of the palace has been protected with the intent derived from the 1913 South Western Railway Act restricting the height of building on the station site and the 1938 park covenant.**

The island survives largely intact as developed in the mid-C19 (the station site) and 1930s (park, landing stage and attached bridges) which brought it to the zenith of its design by 1950. It retains the key elements from which the historic character of those phases is derived including its essential island character, detachment from the East Molesey urban environment and strong visual relationship with Hampton Court Palace and its grounds and setting.

This unique historic landscape is a heritage asset the significance of which should be recognised in a Local Plan designation both for its own significance and to safeguard the setting of existing nationally and internationally significant heritage assets within the palace estate and the wider environment both north and south of the Thames.

APPENDIX 4 SUPPORTING IMAGES



Figure 1 Aerial Photograph Of Hampton Court Palace and Cigarette Island from the east, with Renderings Of The Development (Hampton Court Rescue Campaign)



Figure 2 Aerial Photograph Of Hampton Court Palace and Cigarette Island from the south-west, with Renderings Of The Development (Hampton Court Rescue Campaign)

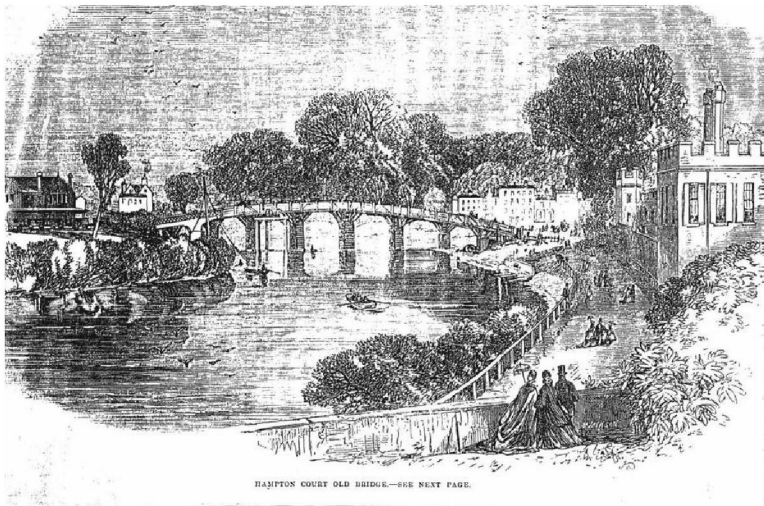


Figure 3 View from the Board Walk or Privy Garden over Barge Walk and Banqueting House, *Illustrated London News*, 1864. The station stands in full view on the far left above the osiers.



Figure 4 The Arrival of Catherine of Braganza at Hampton Court, 1662.



Figure 5 Location of viewpoints 1-12 in visualisations for Keith Garner
by Mike Spence Environmental Ltd, 2022.

APPENDIX 5 LOCAL LISTING NOMINATION SUPPORT NEIL JACKSON, MAY 2021

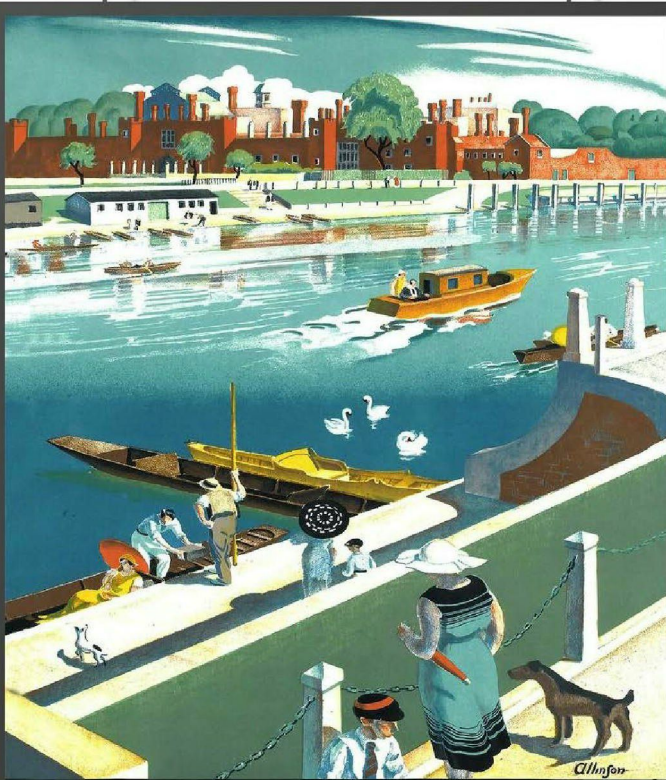
[As part of the Local Listing nomination document Neil Jackson RIBA FSA Professor Emeritus of Architecture, University of Liverpool, President of the Society of Architectural Historians of Great Britain, summed up the the special quality of the Palace and its environs.]

‘To the alert but uneducated eye, there is an architectural coherence in the buildings which are grouped around the Palace and Cigarette Island. Three main architectural styles prevail: the Tudorbethan of Wolsey’s Palace; the Wren(aissance) of William and Mary’s addition; and the eighteenth-century vernacular of Old Court House and the Mitre Hotel. Each is easily identifiable due to their stylistic differences, but the separation of the early and late examples within each group can be more difficult to discern. Thus, a passing pedestrian or an uninformed tourist might be forgiven for thinking that Lutyens’s great Thames bridge and its associated landing stage on Cigarette Island were one and the same as Wren’s south front of the Palace; or that Tite’s railway station, the old-bridge tollhouse beside the Mitre Hotel and the Tudorbethan Palace opposite are of the same era. The similarities of appearance draw them together despite the obvious anachronisms.

‘It is this coherent yet anachronistic architectural quality which binds together the whole area, from Lutyens’s River Ember Bridge in the east to Hampton Court Green in the west. Central to this is Cigarette Island and the multiple

views it affords of the Palace, the Bridge, the station and, of course, the river, which must be retained. Its preservation is essential to the comprehension of the space, for everything revolves around it.

'In the fifty years since I left the area, much of the village quality of Hampton on Thames has disappeared. Yet with their open spaces, variety of architectural scale and style, and their ancient street pattern which converges on the river crossing, Hampton Court and East Molesey still retain much of their village atmosphere. Bridge Street is little changed and even Creek Road and Hampton Court Parade, despite the traffic (which was always busy), appear much as they did. It is not that I wish to argue against development and change, but that I do wish to argue for the retention of character, scale and the specialness of place, of which there is so much here to appreciate.'



TROLLEYBUS 4

From Wimbledon Station
via Raynes Park, Malden, Kingston
Daily every 8 mins. Single fare 6^p

TRAM 67

From Hammersmith Station
via Kew Bridge, Twickenham
Daily every 8 mins. Single fare 10^p

COACH D

From Hyde Park Corner
via Hammersmith, Richmond
Daily every 30 mins. Return fare 2/-

HAMPTON COURT

