



## *Old Chiswick Protection Society*

### **Summer 2009 Newsletter**

Optimism is infectious and as we have a lot of encouraging news to report, we will reflect on the serendipity of Old Chiswick, the hope for a warm summer and the challenge of conservation. We would like to express our thanks to the loyal committee members who provide regular contributions to the newsletter and particularly for our lead article on conservation in this issue.

One important date to note is the OCPS AGM, held at Fuller's Hock Cellar on Monday June 15<sup>th</sup> at 7.30pm for 8pm. Don't forget, everyone is welcome and it's an opportunity to renew your membership for another year at the princely sum of £5/person.

### **Living in a Conservation Area**

Living in Old Chiswick is a privilege. The place has a charming and special character which derives from its riverside setting, its collection of important historic buildings and its well kept, tree filled gardens and open spaces.

That character was considered so special that in 1969, the local planning authority chose to designate Old Chiswick as one of the earliest Conservation Areas in England. That designation not only reflected the specialness of the place but also brought by law the responsibility to ensure that the character and appearance of the Area was preserved for future generations.

The designation also provided the impetus for the formation of the OCPS, a charity which has at its heart the protection of the special features of the Conservation Area.

Conservation Areas were created by Parliament to reflect the fact that collections of buildings, spaces and landscapes could have a special and often fragile character of their own - worthy of protection quite apart from the special protection which was given to individual listed buildings of historic or architectural importance.

But what does living in a Conservation Area actually mean? There are three main consequences of relevance for householders.

First and importantly, no building in a Conservation Area (whether listed or not) may be demolished (or substantially demolished) without Conservation Area Consent. This Consent, specific to the concept of Conservation Areas (ordinarily demolition outside a CA does not require planning permission) seeks to ensure that important facets of the built environment are not lost without careful consideration by the local authority.

By and large any building or structure (however humble) which makes a positive contribution to the character or appearance of a Conservation Area will not gain Conservation Area Consent to be demolished. The aim is protect the features large and small which make up the overall character of the Area.

Second, any work in the Conservation Area which needs planning permission, such as the erection of a new dwelling or the alteration/extension of an existing building must be judged against the desirability of, "preserving or enhancing the special character or appearance of the Area".

A development which fails to “preserve or enhance” the special character of the area is simply unlikely to get consent. It is unsurprising that the meaning of the, “preserve or enhance” test is one of the most litigated tests in planning/conservation law.

In a pragmatic piece of linguistic gymnastics, the Courts have held that while “enhance” means improve; “preserve” does not mean “leave unaltered or unchanged” but rather means “leave unharmed”. In other words the test does not presume against change in a Conservation Area, but against harmful change.

This distinction (one of the types much beloved by lawyers) has significant practical consequences. It means that even very significant and new development may be found to be appropriate and consistent with preservation within a Conservation Area provided that it is judged not to “harm” the character and appearance of that Area.

The existence of the statutory requirement to have regard to the desirability of preserving or enhancing the character or appearance of a Conservation Area also means that issues of design are scrutinised much more thoroughly than would be the case outside of such Areas. Thus, all applications for development but especially substantial new development are required to be accompanied by very detailed justification explaining how they pass the, “leaves unharmed” test.

It is this test that officers of the OCPS apply to applications which are sent to them as consultees before making their recommendation to the local planning authority as to whether consent should be issued or not.

All of this means that Conservation Areas are more than just museum pieces frozen in time. There is room for change within a Conservation Area but change is only allowable following very strict scrutiny and a judgment that the special character of the Area is left unharmed.

Third, and often forgotten, trees in Conservation Areas are protected from being “cut down, topped, lopped or uprooted”. This colourfully phrased protection, (which is as close to poetry as the Town and Country Planning legislation gets) extends to all trees within the Conservation Area and not just those which are the subject of Tree Preservation Orders.

The blanket protection given to trees reflects their importance in the creation and maintenance of the Area’s special character. This importance is further reflected in the fact that undertaking unauthorised works to trees in a Conservation Area is in fact a criminal offence punishable by heavy fines.

If works to trees are proposed, 6 weeks notification of intent to commence such works must be given to the local planning authority.

These three main consequences of designation have been largely sufficient to mean that many Conservation Areas around the country have maintained their essential character and appearance. But often, policing and enforcement has been lacking by local authorities, resulting in small, incremental but important challenges to the character of some Areas.

Luckily that is not the case in Old Chiswick, which despite many pressures for change and some failures to enforce by Hounslow has largely kept intact its special character.

The main function of the OCPS assisted by its large membership within and outside the Conservation Area has been and will continue to be to ensure that the special character of Old Chiswick which all of us enjoy and which is experienced by many other Londoners who choose to visit will continue to be, “preserved and enhanced” for those who came after us.

### **St Nicholas Churchyard: Hogarth tomb repair**

#### **HOGARTH’S TOMB**

Frances Ames-Lewis, of the Friends of St.Nicholas, is heading the appeal for the restoration. To date he has received more than £10,000 in donations, and is waiting to hear re his applications to the Heritage of London Trust, the Leche Trust, the Manifold Trust and the Chiswick area committee. Meanwhile, Jane Watson has received permission from the Diocesan Advisory Council to apply for a

Faculty to proceed with the work. She is still waiting for Listed Building Consent from the London Borough of Hounslow.

Once the funds and permissions are together, the conservator, Martin Holden is ready to start work. The remaining issue is how well the lettering reads once the cleaning has been done. The DAC and the LBH Conservation Officer agree with Martin Holden that no re-cutting should be undertaken, on grounds of conservation ethics. If the inscriptions are still not easy to read, the solution may be to have a plaque, perhaps attached to the south wall of the church on which the inscriptions are recorded.

### **Trees on the towpath – Putney to Kew**

Bartlett's Tree Services report has now been published and a meeting took place on Wednesday January 21. The state of the towpath was discussed and recommendations given for its future management.

We are happy to say that a more considered view is now being taken, replacing the earlier engineering solution with a wider environmental and ecological plan. We have much to thank Bartlett Consulting for this.

That said we can expect further felling on the towpath over an extended period, although wholesale felling of the trees on the riverside of the towpath will not now take place. Every tree has been looked at individually, and though many of them are self-sown, it is recognized that some provide valuable habitats. There will be removals, but also pollarding and coppicing of some of the larger trees. Urgent work started in the early spring to trees that are causing a danger to the public

Unfortunately, we were told that there will be further felling in the 'trial' stretch – bordering St Paul's School - one of the least wooded areas on the towpath .

The need to replant for the future has been recognized. Bartlett stressed that in order for newly-planted trees to thrive, much preparation of the ground, clearing of weed growth and thinning the canopy etc must be undertaken first. We are pushing for the 'trial' stretch to be given priority.

Charts of the survey and proposed replanting programme were shown and then sent to us. These indicate that the work is to proceed in 'tranches'. We have recently inquired from the PLA and Bartlett's when the Phase 1 tranche is to begin and whether we can expect replanting to follow soon after. The response received from the PLA indicated that they are reviewing their situation in the light of reduced revenue this year. At the same time a response was received from Bartlett's saying that they had been asked to prepare a replanting plan for this autumn!

***Further clarification is needed on all this and we are promised a further report from the PLA. However, in general the news is more encouraging than this time last year.***

### **Thames Tideway Tunnel**

Thames Water has now told us that they intend to engage local communities in discussions early in 2010 and that autumn 2009 remains a realistic timescale to have identified viable sites for the proposed construction shafts. Meanwhile survey vessels have been plying the Thames. At least one Thameside resident has received a questionnaire concerning land ownership and sub-soil investigations. Nothing more has been heard of the proposal mooted by some London Boroughs to dispense with the section between Chiswick and Chelsea. We continue to monitor this major project very closely.

### **Speed limit on the Mall**

The need for a 20mph speed limit – raised at our last AGM – has been pursued with our London Borough. Speed detection tubes laid across the Mall in December were vandalised but not before enough data was collected to get a feel for the prevailing speeds. 85% of speeds were less than 22 mph. There were no records of accidents in the last six years. These results are hardly surprising since the Mall is treated more as a promenade than a through vehicular route. However it is noted that one

speeder detected late in the evening was travelling at 40 mph and on at least one occasion an abusive driver insisted on his right to drive at 30mph. There is a government initiative to reduce limits to 20mph in some urban areas and we will continue to press our case.

### **Subways**

Though much of the makeover, which should have been finished last August, is still incomplete, our subways are in much better shape. Recent major improvements are the lighting in the Hogarth subway and the clearance of the drains in the Chiswick Lane subway through which for many years pedestrians had to deal with ankle deep wading in times of flooding rain.

We are pursuing the inadequate/non-existent mirrors; the scruffy signage (especially in the Hogarth subways) and the ever present need to improve the cleaning schedules.

### **Chiswick Causeway**

The Society is still in discussion with the London Borough of Hounslow on this matter. The legal department is now in agreement that the Borough is legally empowered to co-operate financially with the Society in the cobbling of the area above mean high water, and is putting this in writing to the Highways Department. We will expect an estimate for the work from them as soon as possible so the restoration of the causeway can be completed. All Chiswick area committee councillors are in favour of this co-operation. We are particularly grateful to Cllr Todd for the interest he has shown.

### **Heathrow**

The Government and other lobbyists in favour of the expansion of Heathrow have long proclaimed that the demand to build a third runway is supported by all UK business and that those against it are therefore anti-business and anti-UK plc in their attitude. This argument has been blown apart by a letter recently written to *The Times* by a number of important businessmen to point out that it is not true that all businessmen are for Heathrow expansion. The writers stated that climate change must not be ignored and the UK must show that it is serious in its undertaking to cut emissions by scrapping the third runway

There is no doubt that the opposition to Heathrow expansion is growing but it remains to be seen whether the Government will actually crack. A very significant victory has been won, however, with the Government's agreement that alternation will remain. This was a concession made to persuade sceptical Labour ministers to withdraw their opposition to the third runway; alternation is of course vital for us in Chiswick as it gives us half a day every day of relative peace. Beyond that, the only real hope is the electoral timetable.

The Tories have declared themselves against the third runway and may just be in Government in time to stop it. But it is only Boris Johnson's plan for a new Heathrow in the Thames Estuary that would remove the noise and pollution threat to West London for good. Promises of quieter aeroplanes in the future can safely be ignored.

### **Potholes**

We have found LB of Hounslow particularly co-operative in many ways this year, not the least has been their dealing with the perennial potholes in Netheravon Rd South largely the legacy of the articulated trucks and heavy vehicles visiting the brewery.

### **Pollarding of Chiswick Eyot**

The annual pollarding of the willows on Chiswick Eyot took place on Sunday morning February 1 2009. There was a good turn-out and the job was quickly done. The Society would like to extend its thanks to all those who gave their time and put in the hard work.

### **Chairman's message**

Our sub committees continue with their excellent work on behalf of all of us. The Rivers sub committee is continuing to try to get the Slipway looking more presentable, and I'm sure that this will be achieved. They continue to keep an eye on the pollarding on the south side of the River. The

annual Pollarding back in February was a good success, particularly given how icy it was. Let's hope we can organise a clean up of the Island in the Autumn.

On Planning, the subcommittee has been keeping an eye on local issues and not much has been happening on the Chiswick Lodge site. It's easy to become complacent during times of relative inactivity, and it's only by their diligence that we can protect and preserve this unique part of London's heritage.

On roads, that subcommittee has been persuading LBH and TfL to keep things in good order locally. It looks as if we won't have anything definite about the Tideway Tunnel until late next year, so we'll just have to keep a weather eye out for that too.

### **OCPS Books on Old Chiswick**

Copies can be obtained from Grania Munro, Eynham House, Chiswick Mall, tel. 0208 994 5022.

### **Neighbourhood Watch**

Neighbourhood Watch coordinator Robin Marris continues to provide us with news on his Watch. Just to remind you, if you observe any suspicious activity, please contact the CPO (Crime Prevention Officer) on 07900 65 66 95. If you are not successful and you believe it needs immediate attention please try to call the local station.

If you have any queries or would just like some advice the contact details are as above and via e-mail on [ChiswickHomefields.snt@met.police.uk](mailto:ChiswickHomefields.snt@met.police.uk)

### **Next issue highlights**

#### **Names and addresses of OCPS officers**

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