



## HISTORIC ROYAL PALACES

Planning Services  
Elmbridge Borough Council  
Civic Centre  
High Street  
Esher, KT10 9SD

Attn: Jennifer Margetts

13 May 2021

**Application ref. 2018/3810: Jolly Boatman and Hampton Court Station Redevelopment Area, Hampton Court Way, East Molesey, KT8 9AE**

Dear Ms Margetts

Historic Royal Palaces has reviewed its position on this application, taking into account recent Legal Opinion on the South Western Railway Act 1913 (SWRA) and the potential efficacy of the protection that it seeks to provide in limiting the height of buildings to 50ft (15.2m) within half a mile of Hampton Court Palace. We also take into account the lack of protection that existing covenants afford to the character of Cigarette Island and hence the landscape setting of the palace.

In the light of this review, we strongly object to the application.

The Planning (Listed Buildings and Conservation Areas) Act 1990 requires that there is a strong presumption in favour of the preservation of the significance of Listed Buildings and their settings and of Conservation Areas. Hampton Court Palace's significance is reflected in the palace being a scheduled monument and statutorily listed at grade 1, and whose gardens and park are included at grade 1 in Historic England's *Register of Parks and Gardens of special historic interest*. The setting of the palace is a key component of its significance. As heritage assets of such high importance, any harm to their significance must be regarded with particularly high importance and weight.

The visual impact of the height, scale and massing of the development, particularly along its eastern elevation, would have a significant impact on the setting of Hampton Court Palace and Gardens that would be much greater than the minor/ moderate beneficial effect that is ascribed in the applicant's Heritage, Townscape and Visual Impact Assessment.

The presence of the development will, to varying degrees, significantly affect the views and importantly the riverside parkland character of the setting from all the principal viewpoints towards it. These include the south end of the Broadwalk, the Privy Garden (AVR View 5), the terraced walk either side of the Banqueting House with its framed views across the river,

### Historic Royal Palaces

Tel +44(0)20 3166 6000 [www.hrp.org.uk](http://www.hrp.org.uk)

Historic Royal Palaces is a Registered Charity (No. 1068852) and Historic Royal Palaces Enterprises Ltd, a company registered in England (No. 3418583).

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from the Banqueting House itself (close to AVR2), the west front forecourt entrance to the palace (AVR View 4), the main drive (AVR View 6) and from Bargewalk (AVR Views 1, 2 and 3). The true impact, which becomes progressively greater from each of these viewpoints, is not adequately represented in wireline illustration on springtime views from the palace but the images contained in Sarah Rutherford's Historical Impact Assessment, submitted by The Garden Trust in March, though not Accurate Visual Representations, give a reasonable indication.

We do not believe that the proposed development provides public benefits sufficient to outweigh the considerable weight that must be given to the harm to the significance of the palace and its setting, even if the Council were to find it to be 'less than substantial harm' and find no real heritage benefits from the proposals and particularly in the views to and from the palace and its gardens.

The impact of the proposed development will to an even greater extent affect the character of Cigarette Island park itself. The park is an important element of the landscape setting of Hampton Court Palace and was bought by The Office of Works specifically in order to preserve the views to and from the palace. The historical context of the park is laid out in the Molesey Meadow Landscape Proposal that Historic Royal Palaces submitted on 27 February 2019 and supports the recent request by Sarah Rutherford to appraise the park for addition to the Elmbridge Local List. The height and mass of the proposed development along the western boundary of the park will have a very significant visual impact on the park, protected by covenant in the 1938 conveyance "as an open space for the use of the public for games and recreation". The overshadowing identified in the applicant's Overshadowing Assessment Reports, will also impact on the public amenity value of the park and could adversely affect the existing trees.

The recent Legal Opinion supports our firm view that the SWRA is a material consideration for this planning application. This is acknowledged by its inclusion in Elmbridge Borough Council's extant Development Brief, also a material consideration. The Brief includes recommendations that no buildings on the site should exceed three storeys plus a pitched roof in order to ensure that new development does not dominate the station building, is below the tree canopy of the park and masses appropriately with the East Molesey Conservation Area buildings, ensuring also that new development would likely be substantially less than the 50ft feet limit – all breached by this application.

Moreover, the Legal Opinion supports our view that the SWRA offers uncertain protection from the proposed and future developments without appropriate new restrictive covenants on the land. The covenants that the developer has undertaken to impose through long-term leasehold interest

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on the former Jolly Boatman part of the development site are welcomed should the development be permitted, but do not cover the larger part of the site that currently forms the station car park.

In our previous responses we stressed the importance of an appropriate tree-screening and landscape strategy for Cigarette Island to help mitigate the visual impact of any development on this site should it be permitted. The condition of the mature horse chestnut trees planted around 1930 has always been a concern, which we note is shared by The Gardens Trust. Our offer to work with Elmbridge Borough Council and the developer has not met with any response other than the offer by the developer to plant 10 new trees. Without an agreed strategy and additional covenants on Cigarette Island we do not have any long-term assurance and we have come to the view that the scale of the current proposed development, the value of which will depend no doubt on views to the palace, could not be adequately mitigated.

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 envelops 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.

Our strongly held concerns about the inadequate provision for parking and the impact on the local area as detailed in our initial response dated 8 February 2019 and our view that the new traffic lights on the Lutyens Bridge need Listed Building Consent are not satisfied by the amendments on which you are now consulting and still stand.

In conclusion, we strongly object to this application.

Yours faithfully

Adrian Phillips

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