



Appeal Decision

Site visit made on 15 October 2019

by R E Jones BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th November 2019.

Appeal Ref: APP/Y1945/W/19/3230320 24 Watford Heath, Watford WD19 4EU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Miss Eleanor Rutherford against the decision of Watford Borough Council.
- The application Ref 18/01619/FUL, dated 20 December 2018, was refused by notice dated 5 March 2019.
- The development is described as: Removal of multiple sheds and replace with one large shed unit for kitchen storage. A street facing fence with double doors to hide bin storage area for the property.

Decision

1. The appeal is dismissed.

Procedural Matter

2. The street facing fence, double doors and the shed unit for kitchen storage have already been erected. I have therefore determined the appeal on the basis that the appellant is seeking permission for what is now in place.

Main Issue

3. The main issue is whether or not the fence and double doors preserve or enhance the character or appearance of the Watford Heath Conservation Area.

Reasons

4. The appeal site comprises the Royal Oak public house located in the Watford Heath Conservation Area (WHCA). I have therefore attached considerable importance and weight to the desirability of preserving or enhancing the character or appearance of the Conservation Area (CA) in accordance with section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. I have also had regard to Paragraph 196 of the National Planning Policy Framework (the Framework) in that where a development will lead to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits of the development.
5. The public house, a two-storey detached building, is locally listed and therefore a non-designated heritage asset. There is also an Article 4 Direction in place removing permitted development rights, which includes means of enclosure such as gates and fences. Although in this instance it is likely that the height of the fence / doors would also have required planning permission on account of them being above the permitted allowance adjacent to a highway.

6. The WHCA comprises predominantly residential dwellings that face onto a large area of public open space known as Watford Heath, which consists of a large area of grass surrounded along its perimeter by mature trees. The close proximity of the public open space to the buildings that face it, including the appeal property, results in a strong visual relationship which is one of openness. This appearance is also reflective of the front boundaries of properties that face Watford Heath, which consist primarily of open driveways and forecourt areas. These open frontages are a consistent feature of the WHCA and contribute positively to its character. Where dwellings have front boundary treatment this mainly consists of low-level boundaries and hedgerow, which reinforces the verdant character of the CA.
7. The appeal building is flanked by an open customer car park on one side and a yard area on the other. The yard includes the storage of predominantly wheelie bins and beer kegs and is enclosed by the appeal development, which comprises a wooden close boarded fence and double doors, which the appellant states is 1.8m in height with a 2m crossbar over the doors.
8. The fence and doors are immediately adjacent to the highway in front of the appeal property, and have a blunt appearance at the interface with the road, in marked contrast to the more open frontages along this part of the CA. This dissimilarity is most perceptible from the public open space where the design and height of the boundary treatment appears incongruous and excessive in context with the more open and verdant frontages of the dwellings along the street in this part of the CA.
9. It is acknowledged that the fence and doors help conceal the paraphernalia in the yard area, including wheelie bins and beer kegs. However, there would be other strategies available for screening the yard that would be less incongruous than the solution before me. Moreover, I do not consider staining the fence in a colour that would match the adjacent building would overcome the harm I have identified.
10. The Watford Heath Conservation Area Character Appraisal (WHCACA) shows that the yard area was historically enclosed by a wooden fence. However, this was lower in height and a picket fence with spaces between the laths, which differs considerably to the taller more solid fence and doors under consideration.
11. The Appellant has cited examples of where timber fencing of similar height is present in the area. However, I noted that in the case of Nos 20 and 23 these relate to side boundary fencing which is perpendicular to the road rather than facing it in the case of the appeal property. Furthermore, the fencing examples at properties adjacent to the bridge do not have the same prominent relationship to the road and the public open space. They also differ, in being side boundary fences that screen rear gardens. I also note the Appellant's reference to the WHCACA that timber fencing is used throughout the conservation area. However, on the whole I found that there were more open boundaries along frontages than timber fence enclosures.
12. With regard to the locally listed public house, the Council have not raised any concerns with the effect of the development on the significance of this non-designated heritage asset. I also have no concerns with the development in this respect.

13. Therefore, taking all of the above points into consideration, I conclude that the fence and double doors fail to preserve or enhance the character or appearance of the WHCA. The scheme therefore conflicts with Policies UD1 and UD2 of the Watford Core Strategy (2006-2031) adopted 2013, which amongst other considerations, requires developments to recognise and respond to features of historic value and ensure they are conserved, and, where appropriate, enhanced. The development would also be contrary to the Residential Design Guide Supplementary Planning Document (Adopted 2014, Amended 2016), as far as it relates to the development of high quality boundaries.
14. In terms of the Framework the harm I have identified is less than substantial. I acknowledge that there are public benefits to the scheme, in ensuring that the bins are not publicly visible and providing improved storage that contributes to keeping the public house viable. However, these public benefits are modest, and I have found they do not outweigh the harm to the NRCA as a whole.

Conclusion

15. For the reasons given above, I conclude the appeal should be dismissed.

R. E. Jones

INSPECTOR