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# Appeal Decision

Site visit made on 11 November 2019

**by Caroline Mulloy BSc (Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 09 December 2019**

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## **Appeal Ref: APP/Y1945/W/19/3234511**

## **80, Langley Road (Little Stratford), Watford, WD17 4PL**

- 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 Mr S Hussain, Little Stratford Ltd against the decision of Watford Borough Council.
  - The application Ref 18/01563/FUL, dated 5 December 2018, was refused by notice dated 31 May 2019.
  - The development proposed is part demolition, extension and refurbishment works to existing house to create four two bedroom flats and construction of two new build, two bedroom flats to rear, associated car parking, access and landscaping.
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### **Decision**

1. The appeal is dismissed.

### **Main Issue**

2. The main issue in this case is the effect of the proposal on the character and appearance of the locally listed building, Nascot Conservation Area and the surrounding area.

### **Reasons**

3. The appeal property is situated on the western side of Langley Road, close to the junction with Stratford Road. It forms a part of a group of locally listed buildings, including adjacent properties 76 and 78 Langley Road and numbers 49 and 51 Langley Road opposite, situated within Character Area D of the Nascot Conservation Area (Conservation Area).
4. The Nascot Conservation Area Character Appraisal (CACA 2015) identifies the area as being comprised of predominately detached and semi-detached properties from the later Victorian period of a much lower density. This part of the Conservation Area is characterised by large dwellings situated within extensive plots. The variety of architectural styles adds to the character of the Conservation Area. From everything which I have seen on my site visit; I agree with this assessment.
5. The appeal property is a two-storey detached house of multi-coloured brick construction with a pitched tiled roof which features three brick chimneys, overhanging eaves, bargeboards and ridge tiles. It has a single-storey glazed veranda to the rear with a flat roof. To the side is a distinctive single-storey brick garage with a curved footprint.
6. Originally built as an ancillary building to the adjacent 76-78 Langley Road in the late nineteenth century, it was heavily altered by Max Lock, a prominent 20<sup>th</sup> Century architect-planner in 1938 when his family moved into the property.

7. Although Max Lock did not design the appeal property from scratch, the alterations are nevertheless representative of the era and contribute to the distinctive character and appearance of the appeal property and its architectural significance. Moreover, the historical association with Max Lock, one of the most significant architect-planners of the 20<sup>th</sup> century contributes to the building's historical significance.
8. The original building dates from the Victorian period and its situation within a large plot with front gardens including trees is broadly consistent with the layout and character of the Conservation Area. The historical purpose of the building as a lodge or stables to the main Victorian villa is also part of the history and character of the Conservation Area. The interventions by Max Lock are representative of a later period in the development of the area. Consequently, I agree with the local listing description which identifies that the building forms an important component of the street scape, lending it variety and contributing to the character of the area.
9. The Council has not raised concerns regarding the proposed detached single storey building in the garden of the appeal property to form a two-bedroom flat. From everything which I have seen in submissions and on my site visit; I have no reason to disagree.
10. It is proposed to demolish the existing rear extension of the property together with the distinctive curved garage. The rear extensions have already been altered since the 1938 construction and so the removal of this aspect would not, cause harm to the significance of the asset.
11. The garage is not specifically mentioned in the architectural and historical interest of the property within the local listing description; however, I note that it is referred to in the full description. Whilst the garage does not reflect the style of the original property it is easily read as a separate and later addition. As part of the 1938 refurbishment it is an important element of the history of the property and its association with Max Lock.
12. Furthermore, the distinctive curved shape is representative of an architectural style which is typical of the period and so contributes to the significance of the asset. Moreover, the garage is a strong design feature in the street scape and its loss would be readily apparent. Consequently, I consider that the loss of the garage would undermine the significance of the locally listed building and harm the character and appearance of the Conservation Area and surrounding area.
13. The proposal would involve the erection of a significant two-storey extension to the rear of the building. The pitched roof would be parallel to the main roof with a similar ridge and eaves height. However, whilst the extension would have less depth than the existing building it would nevertheless be around 5.7 to 6.5 metres deep and extend across the entire width of the house. Due to the significant mass and bulk, the extension would dominate the appeal property. The absence of chimneys would do little to mitigate the dominating effect of the proposal.
14. I acknowledge that the existing rear extensions do not contribute to the significance of the appeal property. However, due to the scale, design and materials, the proposal would not read as a subservient addition and it would, therefore, undermine the architectural legibility of the host property. Furthermore, the intended subservience of the appeal property to numbers 76-78 would be lost. Moreover, due to the orientation of the appeal property at an angle to Langley Road the significant mass and bulk of the proposal and the parallel pitched roof

would be readily apparent in the street scene. The two-storey extension would, therefore, represent an incongruous addition to the existing property which would undermine the significance of the host property and Conservation Area.

15. Paragraph 196 of the National Planning Policy Framework (the Framework) states that where a development proposal would lead to less than substantial harm to the designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
16. Paragraph 197 states that the effect of an application on the significance of a non-designated heritage asset should be taken into account when determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
17. The proposal would have some benefits in terms of bringing the property back into use and providing an additional four residential units in an accessible location. It may also have some economic benefits during the construction phase and the additional residents may support local services and facilities. However, whilst the harm would be less than substantial to the Nascot Conservation Area, I do not consider that the proposal would bring wider public benefits which would outweigh the harm which I have identified.
18. Although the harm would be less substantial to the non-designated locally listed appeal property, due to the demolition of the distinctive curved garage and significant scale and mass of the proposed rear extension and the resultant loss of architectural and historical significance, I do not consider that on balance the benefits of the scheme, referred to above would outweigh the harm which I have identified. In reaching that view, I have had regard to the case law<sup>1</sup> referred to by the appellant.
19. For the reasons stated, I conclude that the proposal fails to preserve the character and appearance of the Conservation Area, the locally listed appeal property and the surrounding area. It would, therefore, be contrary to Policies UD1 and UD2 of the Watford Local Plan Core Strategy (2013) which together seek to ensure high quality design which respects and enhances the local character and conserves and enhances the borough's historic environment. Conflict also arises with the Council's Residential Design Guide 2016. I consider that the conflict arises with the development plan as a whole.

### **Other matters**

20. Attention is drawn to a number of examples which the appellant considers sets a precedent for this type of development. The neighbouring locally listed 76-78 Langley Road has been converted into flats; however, there is no record of planning permission of the conversion and no details provided of any physical alterations which have been carried out to enable the conversion.
21. Planning permission was granted at numbers 55-57 Langley Road in 2007 for the demolition of existing properties and the erection of 7 residential units. However, no details of this case are provided and in any event, it appears from the description to be a different scheme to the appeal proposal.

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<sup>1</sup> Dorothy Bohm & Ors v Secretary of State for Communities and Local Government & Ors [2017] EWHC 3217 (Admin)

22. Attention is also drawn to development granted planning permission for the demolition of existing dwellings and erection of 8 no 4 bedroom, 2 ½ storey townhouses and 14 no two bedroom 2 ½ storey flats with off-street parking at 1 Langwood Gardens; however, again no details are provided. Due to the limited information before me, I cannot be certain that these cases are directly comparable to the appeal proposal or that they were decided in the same planning policy framework which limits the weight which I can attach to them in my decision.

### **Planning balance**

23. Paragraph 11 of the Framework states that plans and decisions should apply a presumption in favour of sustainable development. Paragraph C states that for decision-taking this means approving development proposals that accord with an up-to-date development plan without delay. Paragraph d goes on to say that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting planning permission unless the application of policies in this Framework that protect areas of assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
24. Attention is drawn to the Council's Five-Year Housing Supply Statement (Oct 2018) which states that the Council only has a 4.52 year supply of housing land. Other than reference to this Statement, there is no further evidence before me in relation to housing land supply. However, I have taken a precautionary approach and have determined the application on the basis that paragraph 11d is triggered by virtue of footnote 7 of the Framework.
25. I have found that the proposed development would fail to preserve the character and appearance of the Conservation Area, the locally listed appeal property and the surrounding and as a consequence would conflict with the development plan.
26. I accept that the proposed development would make a contribution, albeit limited, to the supply of market housing – which the Framework seeks to boost significantly – and support the local economy. The proposal would also bring the property back to use. However, even if I were to conclude there is a shortfall in the five-year housing land supply on the scale suggested, the harm which I have identified to the Conservation Area, a designated heritage asset provides a clear reason for refusing the development proposed as set out at paragraph d) i. of the Framework.
27. Taking into account the above, I do not consider that the Framework, or any other material considerations overcome the statutory presumption in favour of the development plan.

### **Conclusion**

28. For the reasons stated above, and with regard to all other matters raised, I conclude that the appeal should be dismissed.

*Caroline Mulloy*

Inspector