
Appeal Decisions

Site visit made on 4 February 2020

by Nick Fagan, BSc (Hons), DipTP, MRTPI

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

Decision date: 17th February 2020

Appeal Ref: APP/J1915/W/19/3237241

Water Tower, Goldens Way, Goldings Estate, Waterford, Hertfordshire, SG14 2WH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant [outline] planning permission.
 - The appeal is made by Mr Dermot Flannery against the decision of East Hertfordshire District Council.
 - The application Ref: 3/19/1127/FUL dated 30 May 2019, was refused by notice dated 19 July 2019.
 - The development proposed is the restoration and conversion of the water tower as a single bedroom residential unit with infill of the lower structure, with associated landscape works.
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Appeal Ref: APP/J1915/Y/19/3237450

Water Tower, Goldens Way, Goldings Estate, Waterford, Hertfordshire, SG14 2WH

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr Dermot Flannery against the decision of East Hertfordshire District Council.
 - The application Ref: 3/19/1128/LBC dated 30 May 2019, was refused by notice dated 19 July 2019.
 - The works proposed are the restoration and conversion of the water tower as a single bedroom residential unit with infill of the lower structure, with associated landscape works.
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Decisions

1. The appeals are dismissed.

Main Issues

2. The main issues are:
 - (a) Whether the proposals would be inappropriate development in the Green Belt and, if so, whether such development is clearly outweighed by very special circumstances; and
 - (b) The effects of the proposed residential conversion of the water tower on its historic character as a curtilage listed building, on the setting of the Grade II* listed Goldings Manor (LB) and on the Grade II Registered Park and Garden (RP).

Reasons

Green Belt Issues

3. Policy GBR1 of the East Herts District Plan 2018 states that applications within the Green Belt will be considered in line with the provisions of the National Planning Policy Framework (NPPF).
4. NPPF paragraph 145 states that the construction of new buildings in the Green belt is inappropriate subject to a number of relevant exceptions including:
 - c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building; and
 - g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use which would not have a greater impact on the openness of the Green Belt than the existing development.
5. NPPF paragraph 146 states that certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it, including:
 - d) the re-use of buildings provided that the buildings are of permanent and substantial construction.
6. I shall consider the effect of the proposal on openness first. The water tower comprises of a 92m³ steel water drum, 5.1m high and 4.9m in diameter, which sits 17.6m above ground level on a substantial steel frame with a square plan. It dates from around the time the house was built in the 1870s or shortly thereafter. The drum is rusty, but the frame appears stable and this is confirmed by a structural engineer's report commissioned by the appellant.
7. The tower is sited 70m north of the Manor, which has been converted into separate dwellings, and 50m south of the North Field Houses, which were built in 2004 as part of the redevelopment works to convert the LB and estate into a new residential development. It sits in a partially wooded area between these two sets of residential buildings and is partially screened from them by trees of various ages. However, from some of the North Field Houses and standing near to the tower, it is easy to see through the steel frame to the trees and surrounding land because it is an open structure.
8. The proposal involves infilling the existing steel frame with a mixture of anodised metal rain screen cladding, with various aluminium framed windows including large windows covering the majority of the south east and south west elevations at ground and first floor levels. Due to the limited size of the floor plans it is necessary to erect a four-storey staircase extension, which would be to the north east elevation and would comprise green profiled channel glazing.
9. These works would fail to preserve the openness of the majority of the existing structure (the steel frame of the tower) because they would enclose the four sides of the frame. The large windows on the ground and first floor would allow some vision through the south east and south west elevations but only if the blinds in these windows were not down. What is now an open tower would become a four-sided building, with a consequent impact on visual openness. The translucent stair tower would be obscure glazed and would not allow views

through it. The existing steel frame indicates the presence of a building, but its complete enclosure and extension clearly impacts on openness simply as a matter of fact. For these reasons the proposals do not fall within the exceptions of NPPF paragraph 145 g) or 146 d).

10. Assuming that the water tower is a 'building' I now consider whether the staircase addition to it is a disproportionate addition in terms of NPPF paragraph 145 c). According to the appellant's figures it would be a 17% increase in the volume of the building (60.2m³ against 345.2m³). I consider this to be a disproportionate addition over and above the original building. In saying this I am conscious of its dominating visual impact on the character and appearance of the water tower because it significantly changes the slim profile of the existing tower.
11. For these reasons I conclude that the proposed works would be inappropriate development in the Green Belt. The appellant suggests a number of other considerations which he argues amount to very special circumstances (VSC) that would justify nonetheless allowing them. The fact that the proposal would create a small dwelling is not a VSC because that would apply to many dwellings proposed within the Green Belt.
12. It is suggested that the proposed development would create a visual focus along the lines of a folly within the registered park and garden. The evidence that is presented that this water tower was such a folly originally or that there was some other structure in this part of the grounds is sketchy. I am unconvinced that the 1880 plan in the appellant's Design Access Planning and Heritage Statement shows any previous structure as a focal point in this area; on the contrary, it appears that the site of the water tower in the 1923 plan actually lay outside the parkland in 1880. It also lay to the north of a tree belt in the 1923 plan, which suggests it was not meant as a focal point. I suspect it was sited in this position because it lay on higher level land above Goldings Manor and that it was never intended – being of a rather utilitarian appearance – to act as any sort of focus for the occupants of the Manor.
13. The idea that the proposed new dwelling in the water tower could become some sort of folly now and that this would somehow enhance the registered parkland is unconvincing and, in my view, inappropriate even if it could be seen clearly from the Manor House.
14. For these reasons no other considerations exist amounting to very special circumstances necessary to allow this inappropriate development within the Green Belt. In concluding this I am conscious that the residential development of the estate allowed in 2003/4 included all the well-designed new dwellings in the walled garden and the North Green Houses. But I am unaware of the totality of the planning issues and development plan policies that led to the decisions to allow that development and I must assess this proposal on its merits in relation to current Green Belt policy.

Heritage Issues

15. The water tower lies within the setting of the Grade II* Manor House and as such is a curtilage listed building, as well as lying within the Grade II Registered Park and Garden. It is unclear exactly when it was erected, since there is no description of it in the listing. It is of some historic interest because it originally provided water for the Manor House.

16. However, as set out above, there is scant evidence that it provided a visual focus in this northern area of the estate grounds. The structure has been redundant for some time. It is not particularly attractive, distinctive or rare – many such buildings exist in the country. Whilst I agree that this area of the estate has been subject to a number of changes over the years, including the construction of the North Field Houses in 2004, that is not a reason in itself for retaining the water tower.
17. There are glimpsed views of the water tower from within this treed area between the Manor House and North Field Houses as well as from these buildings themselves. There would continue to be such views of the converted and extended water tower if the proposal went ahead. But the views from the Manor House are largely shielded by trees, even if the three young conifers to the south west of the tower were to be removed. I consider this shielding, and the fact that it is 70m away, would mean that it would not harm the setting of the Manor House, nor therefore its significance as a LB.
18. However, the staircase extension, with its flat roof, would unbalance the elegant slim profile of the current steel structure, giving it a clumsy and unsympathetic shape. Whilst the external materials proposed for it would be as satisfactory as possible, they would not disguise the disproportionate size and impact of the staircase extension on the existing water tower and indeed bring into question the reason for retaining it at all.
19. There has already been a substantial change in this part of the RP by the North Field Houses. The insertion of a new tall dwelling in the parkland between these dwellings and the Manor House to the south, along with the associated terrace area, ground cover planting, storage sheds, regularly used parking area and the possibility of fences or other boundary treatments would not enhance the park's character or appearance. In my view this area of parkland should be retained as an open treed area without any additional residential uses, even if this means the removal of the water tower – because it is not a significant or important element of the LB or the RP.
20. I acknowledge that the proposal includes the planting of 10 new trees including a new semi-mature cedar and two advanced nursery stock English oaks and that this would enhance the parkland. But new trees could easily be planted without the need to preserve and convert the water tower to residential use. I also acknowledge that water towers have been successfully converted elsewhere, although I note the two examples given did not require an external staircase tower to be added onto them.
21. I can understand that the proposed conversion works would comprise an interesting and imaginatively quirky engineering project but, for the above reasons I conclude that they would harm the Registered Park and Garden and be contrary to the relevant heritage and design policies of the Local Plan set out in the Council's refusal reasons as well as Chapter 16 of the NPPF.

Conclusion

22. For the reasons given above I conclude that the appeals should be dismissed.

Nick Fagan

INSPECTOR