



Appeal Decision

Site visit made on 10 March 2020

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th April 2020

Appeal Ref: APP/Y1945/W/19/3242442

Land at Lady Capel's Cottage, Hempstead Road, Watford WD17 3NL

- 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 Founthill Ltd against the decision of Watford Borough Council.
 - The application Ref 18/01545/FUL, dated 29 November 2018, was refused by notice dated 2 July 2019.
 - The development proposed is erection of three detached dwellings.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The appellant has submitted a signed Unilateral Undertaking (UU) stating that all of the proposed dwellings will be let or sold as Discounted Market Sale Housing. I have addressed this in my reasoning below.

Main Issue

3. The main issues in this appeal are:
 - Whether the proposed development would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - The effect on the openness of the Green Belt;
 - The effect of the proposal upon the character and appearance of the area;
 - Whether or not the proposed development would make adequate provision for affordable housing; and
 - Whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether the proposed development would be inappropriate development

4. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special

- circumstances. The construction of new buildings is regarded as inappropriate in the Green Belt save for a number of exceptions.
5. The appellant submits that the proposed development falls within the definition of one such exception. This being the limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use, which would not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need in the area.
 6. Policy GI2 of the Watford Local Plan Core Strategy (2013) (CS) echoes paragraphs 145 and 146 of the Framework, in respect of the approach towards development in the Green Belt.
 7. The appeal site comprises the garden belonging to a large detached property fronting Hempstead Road. The rear of the site is at a significantly lower level than the road. The site is neighboured by existing development on all sides including a garden centre and houses. Beyond is more clusters of housing and a church.
 8. A small cluster of informally arranged houses sitting in plots that vary in terms of size and shape are located to the south. Aside from this cluster this side of Hempstead Road has a very low density with gardens, mature landscaping and trees creating a verdant environment and a spacious residential scene. The garden centre, associated greenhouses and hardstanding covering almost all of its site is somewhat at odds with the prevailing green and open character.
 9. The appellant contends that the Council's proposal map indicates that the site lies outside of the built-up area of the Borough. Whilst I acknowledge that the map identifies that the site is located in the Green Belt there is no information to suggest that it lies outside of the defined built up area. Based on this information and my observations on the site visit, it is apparent that the site neighbours existing development on all sides with the built form extending beyond it in the form of small-scale housing, commercial and community uses.
 10. On this basis, I am not satisfied that the site lies beyond the built-up area of Watford. As the site is garden land and lies within a built-up area it does not fall within the definition of previously developed land as outlined in the Glossary of the Framework.
 11. As such, notwithstanding the affordable housing proposed the proposal constitutes inappropriate development as set out in paragraphs 145 and 146 of the Framework and Policy GI2 of the CS.

The effect on openness

12. The Framework states that one of the essential characteristics of the Green Belt is its openness. Openness is the absence of development notwithstanding the degree of visibility of the land in question from the public realm. Openness has both spatial and visual aspects.
13. I acknowledge that the proposed development would be largely obscured from Hempstead Road due to the change in levels and as two dwellings would be positioned behind the existing house. However, I find that the proposed development would introduce considerable built form to the area with three

- large houses and an extensive amount of hard surfacing including the access road and parking areas.
14. The dwellings proposed and the associated infrastructure and domestic paraphernalia would have a substantial impact on openness in both visual and spatial terms and would not be offset by the surrounding built form.
 15. The appellant contends that the property benefits from permitted development rights under the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). I acknowledge that permitted development rights pertaining to extensions and alterations to the dwelling and its roof, outbuildings and hardstanding may well exist.
 16. In my view a development of three dwellings and associated infrastructure would have a far greater impact on openness than if the permitted development rights available were fully exercised, even if the garden outbuildings, car port and garage were to be removed. I therefore afford this matter limited weight in the overall planning balance.
 17. I acknowledge that the proposal would not conflict with the purposes of the Green Belt, as set out in paragraph 134 of the Framework. However, this is neutral in the overall planning balance as there would be no additional harm to that already identified.
 18. As such, I find that there would be a loss of openness of the Green Belt and this harm would be substantial contrary to the aims and objectives of the Framework.

Character and appearance

19. I acknowledge that the development would have a low density commensurate with the surrounding area. However, the formal layout of the proposed development, the uniform scale, extensive hard surfacing, limited spacing between the properties and lack of meaningful soft landscaping gives the impression of a far less spacious and unduly cramped development. The proposal would be in stark contrast to the informal layout and individuality of neighbouring properties and the surrounding mature landscape. As such, the proposed development would not successfully integrate into the area and would undermine its verdant and spacious character and appearance.
20. In my view, the imposition of conditions, in relation to hard and soft landscaping, would not overcome this harm as the overall length of the access and extent of the parking and turning areas would still be an overly dominant and incongruous feature.
21. I acknowledge that the change in levels and mature landscaping would filter views of the development. I also note that the resultant gardens would broadly be in keeping with those in the area. However, I find that the proposed development would be at the expense of a garden which positively and distinctively contributes to the overall character and appearance of the area. I appreciate that the garden may be too large to be enjoyed by the occupant. However, this is not a matter which alters or outweighs my conclusion on this issue.
22. I acknowledge that the garden centre makes up the immediate setting of the appeal site. However, in my view, its built form and extensive hard surfacing is

somewhat at odds with the prevailing verdant and spacious character of the area which should be preserved. I find that the presence of the garden centre does not justify the harm that I have identified.

23. Consequently, the proposed development would be contrary to Policies HS1 and UD1 of the CS which, amongst other things, requires new development to respect and enhance the character of the area. It would also run counter to the supporting aims of the Watford Residential Design Guide which, amongst other things, requires new development to create a place of distinction by building on local identity.
24. The development would also be contrary to Section 12 of the Framework which, amongst other things, seeks to ensure new development adds to the overall quality of the area and are sympathetic to local character.

Affordable Housing

25. The appellant has submitted the scheme on the basis of Discounted Market Sale Housing and has provided a signed UU as the mechanism by which to deliver it. I note that there is a need for affordable housing in the Borough.
26. I am satisfied that the affordable housing provision would satisfy the tests for planning obligations set out in Regulation 122 of the Community Infrastructure Levy Regulations (2010). Unfortunately, the document does not include a site plan that clearly identifies the appeal site and therefore is not legally binding in relation to the requirements of Section 106 of the Town and Country Planning Act (1990).
27. Consequently, the proposal fails to meet the requirements of paragraph 145 f) of the Framework which seeks to secure affordable housing for local community needs.

Other considerations and overall balance

28. The Council raise no objection on highway grounds or in respect of the living conditions of nearby occupiers and I have no reason to come to a different conclusion. However, the absence of harm weighs neither for nor against the proposal in the overall planning balance.
29. In line with the Framework the proposal would be inappropriate development in the Green Belt. It would also result in the loss of openness. I attach substantial weight to this harm, as required by paragraph 144 of the Framework. I have also found harm with regard to the character and appearance of the area.
30. The other considerations in this case do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.
31. For the reasons set out above the appeal does not succeed.

B Thandi

INSPECTOR