



## Appeal Decision

Site visit made on 11 August 2020

**by J Bowyer BSc(Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 24<sup>th</sup> August 2020**

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**Appeal Ref: APP/Y1945/W/20/3248322**

**Rose Barn, 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 Mr Terry Potts against the decision of Watford Borough Council.
  - The application Ref 19/01173/FUL, dated 10 October 2019, was refused by notice dated 5 December 2019.
  - The development proposed is a replacement dwelling.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The appeal site is within the Green Belt. Accordingly, the main issues are:
  - i) Whether or not the proposal would be inappropriate development in the Green Belt, including with regard to the effect of the proposal on the openness of the Green Belt;
  - ii) the effect of the proposal on the character and appearance of the area, including with regard to the loss of the existing building on the site; and
  - iii) if the development would be inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

### Reasons

#### *Whether Inappropriate Development in the Green Belt*

3. The main part of the appeal site is located between the rear of buildings fronting Hempstead Road, and the River Gade and Grand Union Canal, and is accessed via a driveway which runs between buildings set closer to the road. The Watford Character of Area Study 2011 indicates that the site is within character area 3B. This is noted as a low-density area that has developed gradually, with development in a piecemeal fashion for several centuries. Although the garden centre and church buildings adjacent to Hempstead Road are fairly large structures, buildings near to the site are predominantly of relatively modest traditional vernacular design. They vary in scale and form, but commonly exhibit irregular forms and pitched or hipped roofs and for the most part, are set on spacious plots. This results in an attractive openness and distinctive semi-rural character, both of which are enhanced by the undeveloped land to the other side of the Canal, and surrounding vegetation.

4. The appeal site contains a detached chalet bungalow set on a generous plot, together with assorted outbuildings. It is proposed to demolish this dwelling and replace it with a new dwelling in a similar position and orientation. As the site is within the Green Belt, Policies SS 1 and GI 2 of the Watford Local Plan Core Strategy 2013 (CS) are relevant. These advise that there is a general presumption against inappropriate development in the Green Belt and refer to provisions within the National Planning Policy Framework (the Framework).
5. The Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It makes clear that substantial weight must be given to any harm to the Green Belt, and that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 145 of the Framework identifies that, with certain exceptions, the construction of new buildings is inappropriate in the Green Belt. These exceptions include replacement buildings, provided the new building is in the same use and not materially larger; and limited infilling or the partial or complete redevelopment of previously developed land which would not have a greater impact on the openness of the Green Belt than the existing development.
6. The appellant has not disputed the Council's calculations which indicate that the replacement dwelling would be 506m<sup>3</sup> larger than the existing building, equivalent to a 36.8% increase. Volume is only one factor, but on this basis, I find that the replacement dwelling would be significantly and materially larger.
7. With regard to openness, the Planning Practice Guidance makes it clear that this has both a spatial and visual dimension<sup>1</sup>. In addition to the increase in the volume over the existing building, the dwelling would also have a crown roof form with a flat section. The existing pitched roof is stepped, with the wider part of the building set lower than the maximum height. The crown roof would be similar in height to this maximum, but the greater extent of roof at this height together with the additional volume would add to the bulk and mass of the built form on the site, taking up more space and resulting in an inevitable loss of openness in spatial terms.
8. The lower land level of the site in comparison to Hempstead Road and screening by mature vegetation to the boundaries of the site mean that views of the development from the surrounding area would be fairly limited. Even so, some glimpsed views of the building and the bulkier roof form would be possible including from the Canal towpath, particularly during winter months when trees are not in full leaf. For these reasons, the development would have a greater impact on the openness of the Green Belt than the existing building which would be harmful, albeit that the harm would be relatively modest given the scale of the development.
9. I acknowledge that Lawful Development Certificates ('LDCs') have been granted for extensions to the existing building under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)<sup>2</sup>. However, the relevant exceptions to inappropriate development as defined by paragraph 145 of the Framework require comparison with the existing building, and at the time of my visit, these extensions had not been implemented. This does not mean the potential fallback position under the

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<sup>1</sup> Paragraph: 001 Reference ID: 64-001-20190722

<sup>2</sup> Application references 15/00616/HPD and 15/00878/LDC

LDCs is not relevant, but it is something which should be more properly considered in the context of other considerations. I return to this matter below.

10. The proposal would result in a dwelling materially larger than the one that would be replaced, and it would have a greater impact on the openness of the Green Belt. I therefore conclude that it would be inappropriate development which is by definition harmful to the Green Belt. There would also be some modest harm to the openness of the Green Belt. Accordingly, there would be conflict with Policies SS 1 and GI 2 of the CS, as well as with the Framework.

#### *Character and Appearance*

11. The Framework defines a heritage asset as 'a building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. It includes designated heritage assets and assets identified by the local planning authority (including local listing).' Rose Barn is not statutorily listed or located within a conservation area, although the Council argues that it has some heritage value and refers to it as an 'undesigned heritage asset'.
12. The appellant's Heritage Statement dated June 2019 (HS) advises that the site formerly accommodated a building associated with Lady Capel's Wharf on the Grand Union Canal, but that this was demolished some time between 1913 and 1924 to make way for the existing dwelling. The Council suggests instead that part of the existing building is believed to date back to 1842, and refers to historic maps dating to 1871 and 1896 showing a simple rectangular structure on the site. However, no substantive evidence has been provided to support this assertion, and while the Council refers to a 'local list', the information before me suggests that this does not include Rose Barn.
13. In either case, while the appeal site has historical associations with the Grand Union Canal which the HS notes as of some heritage significance as a well-defined and legible historic waterway, it is clear that the building itself has been the subject of successive extensions. Even if the Council is correct that part of the building dates from 1842, these have significantly altered the original rectangular form of the building and increased its scale, diminishing the interest of the building to a degree. The decision to identify a non-designated heritage asset should be based on sound evidence. However, from the information before me, I am not persuaded that the heritage significance of the building is sufficient to merit consideration in planning decisions or to warrant its consideration as a heritage asset. Accordingly, I find no presumption against the loss of the existing building.
14. Be that as it may, even as altered and extended, the dwelling retains a relatively simple form and modest domestic scale. The central stepped pitched roof with finials and prominent chimneys as well as the external materials of roof tiles, render and timber boarding are distinctive attributes, in keeping with the local vernacular designs and the semi-rural character of the area. In these ways, the dwelling is sympathetic to the prevailing character of the area.
15. In contrast, the replacement dwelling would be of increased scale and footprint, including accommodation within a crown roof form with projecting gables and dormers. The flat section of the main roof would be of considerable width and depth. This would add considerably to the mass of the building, causing it to appear bulky and top-heavy, particularly in views from the sides of the building

where the roof form would be most apparent. The proposed gables which would all be comparable in height to the main ridge would further accentuate the increased bulk and mass of the upper part of the building.

16. The crown roof form would also represent an uncharacteristic design feature in the area, and along with the mostly ordered layout and appearance of the building would be at odds with the typical sloping roofs and more irregular forms of the nearby traditional vernacular buildings. In addition, the roof to the single-storey part of the building closest to the river would comprise a flat section set below the eaves of the main roof and a projecting shallow pitched section jutting just above. The juxtaposition of this against the blank gable to the main roof would result in an awkward and uncomfortable relationship.
17. I note the proposed traditional materials. Nevertheless, these factors cumulatively would result in an incongruous building which would not relate well to the semi-rural character and appearance of its surroundings. Although public views of the building would be fairly limited by vegetation to the site boundaries, this cannot be relied on long-term to provide screening. Nor would it provide total concealment year-round, with some potential views through vegetation, particularly in winter.
18. Notwithstanding my findings regarding the heritage significance of the existing building, the proposal would result in its replacement by a dwelling with an imposing and uncharacteristic form which would fail to assimilate well with its surroundings. For these reasons, I find that the development would cause unacceptable harm to the character and appearance of the area. Accordingly, there would be conflict with Policy UD 1 of the CS which includes, amongst other things, a requirement that development respects and enhances local character.

#### *Other Considerations*

19. The Council has not disputed that the LDC extensions could be implemented on the site. While the appellant has expressed a preference for the appeal proposal, there would appear to be a realistic prospect of the LDC schemes being implemented if the appeal is dismissed. I therefore consider that the previous approvals for development represent a fallback position which is an important material consideration.
20. The appellant's evidence indicates that the volume of the replacement dwelling would be around 4m<sup>3</sup> less than the existing dwelling together with the LDC extensions, and that the footprint would be around 51sqm less. I have no reason to doubt this assessment. The mass of the upper part of the building would be greater than under the LDC fallback, but this would be balanced against the reduced volume, footprint and spread of built form on the site. In my view, the overall effect on the openness of the Green Belt would be broadly comparable, and I give the LDC fallback significant weight in this regard.
21. However, I have also found that there would be harm to the character and appearance of the area. The LDC extensions would notably increase the footprint and volume of the dwelling, but they would be single-storey additions to the side and part of the rear of the main building. They would include flat roof sections, but their lesser height below the main dwelling roof would not compete to any significant degree with the existing pitched roofs which would remain the more conspicuous form. Given the position and scale of the

extensions, the appearance of the front elevation of the dwelling would also be largely retained. Moreover, the lower height of the LDC extensions would also help to reduce likely opportunities for glimpsed public views of the development. These factors would lessen the visual impact of the extensions, and they would not obscure the overall form or overwhelm the host dwelling so as to detract substantially from the character and appearance of the dwelling or area.

22. In my view, the harm to the character and appearance of the area under the LDC extensions would therefore be markedly less than would be the case under the appeal scheme. As a consequence, the LDC fallback does not offer a direct comparison for the development, and notwithstanding a slight reduction in the volume of the dwelling, does not weigh in favour of the proposal overall.
23. I acknowledge the appellant's desire to improve the internal space and layout within the dwelling which is said to be in a poor state of repair and in need of renovation to enhance living conditions. However, there is no firm evidence demonstrating that structural works to the building are necessary or that it is otherwise unsuited to continued residential occupation. I note the location of the appeal site with access to bus routes and transport connections, but the proposal would replace an existing dwelling which is similarly served. I attach some weight to measures to promote the energy efficiency and sustainability of the replacement dwelling which would meet Building Regulation requirements. However, this is qualified by the lack of a quantitative assessment to determine the extent of any improvement over the existing situation.
24. Existing trees would be retained, and the appellant advises that the dwelling would exceed the Government's Technical Housing Standards – Nationally Described Space Standards. The Council have also not raised the effect of development on neighbouring occupiers, wildlife, transport or flood risk as concerns. However, the absence of identified harm in these respects is a neutral factor and does not weigh in favour of the proposal.
25. I note reference within the appellant's Planning Statement to other buildings nearby which are said to have been significantly enlarged over time. However, given the very limited details presented I can draw little comparison with the appeal proposal and the weight which can be attributed to these examples is therefore limited. For similar reasons, and noting additionally that it relates to a different area, I cannot be certain that the circumstances of the appeal decision at Claverdon in Warwickshire<sup>3</sup> are comparable. In any event, all proposals for development must be determined on their individual merits.

### **Planning Balance and Conclusion**

26. Drawing matters together, the proposal would harm the Green Belt by virtue of inappropriateness, and would cause some modest harm to its openness. In accordance with the Framework, I give this harm substantial weight. There would additionally be harm to the character and appearance of the area.

Against this, the development would offer a more energy-efficient building than the existing, and would offer enhanced living accommodation. The impacts of the proposal are broadly comparable to the LDC fallback on matters of Green Belt. However, given that the development would cause greater harm to the

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<sup>3</sup> Appeal reference APP/J3720/W/17/3177670

character and appearance of the area than the LDC fallback, it does not weigh significantly in favour of the proposal taken as a whole.

27. I find that the other considerations, either individually or collectively, do not in this case clearly outweigh the harm that I have identified to the Green Belt or the other harm to the character and appearance of the area so as to amount to the very special circumstances necessary to justify the development in the Green Belt.
28. The proposal would therefore conflict with the Framework. It would also conflict with Policies SS 1, GI 2 and UD 1 of the CS, and there are no material considerations which would outweigh the conflict with the development plan.
29. For the reasons given above, I conclude that the appeal should be dismissed.

*J Bowyer*

INSPECTOR