



Appeal Decision

Site visit made on 13 October 2020

by William Cooper BA (Hons) MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 2nd December 2020

Appeal Ref: APP/Y1945/W/20/3247091

Former Lloyds Bank, 99 St Albans Road, Watford WD17 1SJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a refusal to grant planning permission.
 - The appeal is made by Mr Justin Elvins, Fairfield Estate Agents against the decision of Watford Borough Council.
 - The application Ref: 19/00835/FULM, dated 16 July 2019, was refused by notice dated 14 January 2020.
 - The development proposed is demolition: complete removal of the existing building and associated boundary walls to the north and south. Change of use: to develop a mixed use scheme, maintaining an A2 use and adding A3 and C3. Proposed coffee house, estate agent to the ground floor. The remaining floors will house 21 flats - 10 x 1 bed 2 person and 11 x 2 bed 4 person.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description in the banner heading above is taken from the decision notice and appeal form as it more succinctly describes the proposal than that shown on the application form.

Main Issue

3. The main issue is whether the proposed development would preserve or enhance the character or appearance of the Nascot Conservation Area (CA), and preserve the Lloyds Bank Locally Listed Building (LLB).

Reasons

4. The CA covers a network of streets that lead off from the Langley Road axis, located to the west of the A412 St Albans Road. From what I saw during my site visit and the evidence before me, the CA's significance lies in its illustration of the architectural evolution of a largely residential suburb with some commercial frontages, through the Victorian railway age into the early twentieth century. The CA is characterised by the prevailing lower rise two and three-storey form of its varied residential and commercial architecture.
5. The appeal building is located around half way down the eastern edge of the CA, within a designated Local Shopping Frontage. It turns the corner of St Albans Road and Langley Road, facing onto an apparently busy crossroads. A former bank designed by the architectural practice of Burgess Holden & Watson, dating from 1928, it is a LLB.

6. The building amalgamates Art Deco principles and Neo-Georgian influences. With a double height ground floor and striking oversized stone doorway, it has a solid, squat presence. Architectural features such as moulded stonework around its double wooden doors, stone banding, symmetrical timber sliding sash windows with central keystones painted white and a parapet roof add to its attraction in the streetscene. The above together contribute to the building's prominence.
7. The building's special interest derives from the following. It illustrates the contribution of inter-war 'landmark' banking architecture to Watford's suburban evolution, embodying principles of solidity and respectability as articulated in the building's front facades and banking hall. In terms of architectural style, the building also reads on the ground as a 'gatekeeper' between the march of more modern and bulky higher rise blocks, approaching the crossroads outside the CA, and the more intimate scale and traditional character of townscape that prevails in the CA. As such, the building has evidential, historical, aesthetic and communal value.
8. Planning permission was granted on appeal in 2019¹ for a lower rise mixed use development on the site than the current scheme. The 2019 appeal scheme includes retail units and retention of the LLB's front facades on the ground floor, and a four-storey roof extension containing 14 flats above.
9. The previous Inspector found that while a tall, dominant landmark structure would be appropriate, the LLB contributes positively to the area, and its principal facades should be retained to allow the original building to be clearly read and understood. Retention of the architectural charisma of the LLB's principal facades, and sympathetic proportion and detailing of the new building were important to approval of the 2019 appeal scheme.
10. In comparison, the current appeal scheme would entail an entirely new building up to eight storeys high at the apex of the street corner. At street level it would replace the LLB's front facades with a substantial expanse of glazing up to around 6.5m high. It would also lack the assimilating influences of the relative 'squatness' and Art Deco style fenestration of the 2019 appeal scheme.
11. I appreciate the appellant's intention to provide an innovative 'statement building'. However, the combination of factors described above would result in a building of unsympathetically modern height, form and bulk which would eradicate the fabric and legibility of the Art Deco-Neo Classical fusion former bank building. This would undermine the role of the LLB as an architectural 'gatekeeper' to the CA and visually jar with the prevailing more intimate scale townscape of the CA. The above impacts would be noticeable from a range of viewpoints approaching the crossroads at this prominent gateway location. Therefore, the proposal would fail to preserve the special interest of the LLB and would be detrimental to the significance of the CA.
12. Taller building cases on other sites cited by the appellant are noted. These differ from the appeal site in that they are located north of the railway line, either outside the CA or outside the main part of the CA, and one is in the Watford Junction Special Policy Area. This limits the extent to which the other sites are analogous to the case before me. Moreover, the appeal site has its own setting and circumstances and as such I assess it on its own merits.

¹ Planning Application Ref: 17/01104/FULM, Appeal Ref: APP/Y1945/W/18/3211542 ('the 2019 appeal scheme').

13. The identified harm arising from the proposal would be significant, relative to the site and the immediate surroundings of the proposal in the CA. However, the effect would be localised and therefore would constitute less than substantial harm to the significance of the CA as a whole. In such circumstances I therefore necessarily weigh the harm against the public benefits of the proposal.
14. The appellant considers that complete removal of the LLB is necessary to provide sufficient accommodation to enable development of the site. However, given the site's characterful setting and prominence - to which the architectural charisma of the LLB contributes - and its accessibility, I am not persuaded that the identified harm to heritage assets is necessary to secure a viable future for the site.
15. The proposal would provide a new retail frontage on the site. It would also deliver 10 one-bedroom flats and 11 two-bedroom flats. There is potential for affordable housing among these, albeit any extent of this would be determined through viability reassessment on completion. The residential development would provide socio-economic benefits to the area during and after construction.
16. However, the public benefits are limited by the scale of proposed development and do not outweigh the great weight given to the conservation of the CA and the less than substantial harm to its significance which I have identified.
17. To conclude, the proposed development would fail to preserve or enhance the character and appearance of the CA, including failing to preserve the LLB. As such it would conflict with Policies SS1, UD1 and UD2 of Watford's Core Strategy 2006-31 (2013) (CS). Together the policies seek to ensure that development is of appropriate design and appearance to conserve or enhance local character and the historic environment. The policies are broadly consistent with the approach of the National Planning Policy Framework (the Framework) in respect of the desirability of sustaining and enhancing the significance of heritage assets, with great weight given to the asset's conservation.

Other Matters

Affordable housing

18. Policy HS3 of the CS seeks a rate of 35% affordable housing on major applications of 10 residential units and above, on sites of more than 0.5ha. Exceptional circumstances in which a lower rate will be considered include demonstration of exceptional constraints in a development viability assessment. The appellant's economic viability assessment indicates that the proposed development could not afford to deliver any affordable housing. This conclusion is corroborated by the independent consultant's financial viability assessment (FVA) commissioned by the Council. Nonetheless, as a safeguard to take into account actual build costs and sales values, the FVA recommends that a mechanism to review the scheme on completion be included within a section 106 agreement, to determine whether the scheme could afford a contribution in lieu of affordable housing.
19. While an 'on completion' viability review mechanism is not mentioned in Policy HS3 of the CS, the policy does not preclude it, and such a mechanism would

avoid the risk of the proposed development unnecessarily under-delivering on affordable housing. Provision for a possible, capped affordable housing contribution, to be ascertained through viability reassessment, is included within the signed and dated section 106 agreement provided with the appeal. The Council sets out in its appeal statement that in the light of the section 106 agreement, the second reason for refusal in respect of affordable housing provision has been addressed. In conclusion, the proposal would make adequate provision for affordable housing. Therefore, the proposed development would not conflict with Policy HS3 of the CS.

Parking

20. The section 106 agreement makes provision for contribution towards variation of the Controlled Parking Zones (CPZs) Consolidation Order. This would exclude future residents of the proposed development from entitlement to resident and visitor parking permits in CPZs in the vicinity of the site. A similar exclusion was deemed necessary by the previous Inspector in respect of the 2019 appeal scheme. In the light of the section 106 agreement, the Council sets out in its appeal statement that the third reason for refusal in respect of parking provision has been addressed. In conclusion, the proposal would make adequate provision for parking provision in the area. As such, it would not conflict with Saved Policies T24 and T26 of the Watford District Plan (2000) which seek to safeguard local parking provision.

Other considerations

21. While the Council can demonstrate in the region of five years supply of deliverable housing sites, the Housing Delivery Test indicates that the delivery of housing was less than 75% of, and thus substantially below the housing requirement over the previous three years. However, given the identified harm to the designated heritage asset, the 'tilted balance' as described in paragraph 11 of the Framework, is not engaged.
22. I have considered the appeal on its planning merits and such pre-application discussions as may have taken place between the Council and the appellant before and during the course of the application process do not alter my conclusions.

Planning Balance and Conclusion

23. Bringing matters together, I have found that the proposal would harm the significance of heritage assets. Paragraph 193 of the Framework establishes that when considering the impact of proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. As set out above, I have determined that the public benefits of the proposal are insufficient to outweigh the less than substantial harm that would be caused to the significance of the designated heritage asset. Accordingly, I confirm that overall, the benefits of the proposal are insufficient to outweigh the totality of harm which I have identified in relation to the main issue in this case.
24. For the reasons given above I conclude that the appeal should be dismissed.

William Cooper INSPECTOR