
Appeal Decision

Site visit made on 10 November 2020

by J Williamson BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 February 2021

Appeal Ref: APP/Y1945/W/20/3254847

24 Cassiobury Park Avenue, Watford WD18 7LB

- 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 Patel against the decision of Watford Borough Council.
 - The application Ref 20/00182/FUL, dated 14 February 2020, was refused by notice dated 09 April 2020.
 - The development proposed is demolition of existing detached house and construction of new detached house with accommodation within the loft space.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Patel against Watford Borough Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues are the effects of the loss of a non-designated heritage asset, the appeal building, and the construction of a replacement dwelling on the street scene and the character or appearance of the area.

Reasons

Planning policies & list of locally listed buildings

4. The appellant has questioned the relevance of the development plan policies referred to in the Council's decision notice to the determination of the appeal, ie policies SS 1, UD 1 and UD 2 of Watford's Local Plan: Part 1-Core Strategy 2006-31 (2013) and saved policy U15 of the Watford District Local Plan (2003).
5. Policy SS 1 is a strategic spatial policy which, among other things, expects development to achieve high standards of design. Policy UD 1 is also concerned with high quality design, requiring all new development to adhere to a specified set of design principles, including local character and historic value. The policy requires new development to respect and enhance the local character within which it is located and to recognise and respond to features of historic value, safeguarding, understanding, and promoting the historic environment. Policy UD 2 is concerned with conservation of built heritage; it states that the Council will ensure that the borough's historic environment is identified, conserved and where appropriate enhanced, including locally listed buildings. Saved Policy

U15 relates to buildings of local interest and requires proposals for development affecting the appearance, character or setting of buildings of local interest to ensure that due regard is paid to safeguarding the relevant features of the building and its setting. The policy also states that proposals which involve demolition of such a building are unlikely to be approved.

6. Although these policies date to 2003, I consider them to be consistent with the design and heritage policies in the National Planning Policy Framework (the Framework). As such, I confirm for the avoidance of doubt that these policies are relevant to the determination of the appeal and attract full weight.
7. It was agreed at the Council's Cabinet meeting of 11 February 2019 to add the appeal property to its list of locally listed buildings. The appellant questions the weight to be attached to the list as it does not form part of the existing, or emerging, Local Plan.
8. I acknowledge as a generalisation that such a list may not attract full weight unless it formally forms part of an adopted Local Plan. However, it appears that the decision to add the appeal property to the list of locally listed buildings was reached via due process. As such, and although an updated document has not yet been produced, I consider the list to a) include the properties added at the Cabinet meeting of 11 February 2019 and b) to constitute a material consideration in the determination of the appeal. Given the due process undertaken and the fact that the list was updated less than 2 years ago, I attach significant weight to it.
9. The appellant is of the opinion that the building should not have been added to the list of locally listed buildings and has submitted detailed documents dealing with heritage and conservation matters. The contents of these documents challenge the diligence of the Council's assessment and the conclusions it has reached. However, the s78 appeal process is not the mechanism by which buildings can be removed from, or added to, the Council's list of locally listed buildings. Nevertheless, I have had full regard to the heritage and conservation matters outlined by the appellant noting that the Council has not responded in any depth to the issues and questions raised.

Assessment of non-designated heritage asset

10. Paragraph 184 of the Framework advises that heritage assets are an irreplaceable resource which should be conserved in a manner appropriate to their significance, to contribute to the quality of life of existing and future generations.
11. As the appeal building constitutes a non-designated heritage asset paragraph 197 of the Framework applies, which requires the effect of development on the significance of a non-designated heritage asset to be considered in determining applications, and advises that in weighing development that directly or indirectly affects 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.

Effect of loss of non-designated heritage asset

12. The appeal property is a detached, two/one and a half storey dwelling set back from the pavement behind a dwarf wall with a relatively deep garden to the rear. The original property had a 'T' shaped footprint and an asymmetrical

design. The eastern half is two storeys with a half-timbered, double-jettied gable sited on robust timber brackets, a feature which is likely to have been included to provide the property with an attractive elevation (one of only a few requirements of the original covenants). It is this section of the property which has the primary relationship with the street. There is patterned and textured brickwork between the timber frames. The western half of the property is one and a half storey with a hipped roof. This half of the dwelling is subservient to, and has a reserved relationship with, the half with the gable. The roofing comprises several sections resulting in varied roof ridge heights and planes. The original roofs have stepped, sprocketed, projecting eaves throughout. The property has retained 2 of its 3 decorative chimneys, one either side of the building. There is a hipped porch hood on timber brackets over the front door. The property has casement windows with a horizontal emphasis; it is constructed primarily of dark red brick with clay roof tiles.

13. The property has been altered over the years. The main additions that are evident externally comprise a single storey, flat-roof brick extension and single storey, glazed lean-to extension, both at the rear. The chimney adjacent to the porch has been truncated. From the evidence before and my site visit I am not able to conclude whether the single storey attached garage is or isn't an addition to the original building.
14. The site is located on the eastern half of Cassiobury Park Avenue (CPA). With respect to house design and type, in contrast with the uniformly designed semi-detached dwellings located at the western end of CPA and the estate west of the railway station, the eastern half is characterised by individually designed, detached dwellings. Most are two storeys; some are two and a half with living accommodation in the roof space, and several, like the appeal property, are a combination of two and one and a half or one storey. Many have mixed roof forms with varied roof ridge heights and planes. Consequently, the roof ridge and eaves heights vary between the properties. The properties primarily have pitched roofs, with their ridges running in both east-west and north-south directions, with a mix of hipped and gable ends. Front gables are a common feature. The properties follow a consistent building line set-back at the front behind dwarf walls and/or hedges. The size of the gaps/spaces between buildings varies. There is a mixed pallet of materials including bricks, render and timber-frame panels with brick and/or render inserts. Most roof coverings are plain clay tiles (again, tiled roofs were a requirement of the original covenants).
15. I consider the presence of some smaller properties with modest features along the eastern half of CPA, including the appeal dwelling, make a positive contribution to the street scene and therefore its character and appearance.
16. I acknowledge that the architect who designed the property does not appear to have been of any significant standing outside the local area and, rather than the property design being totally original, it is likely to have been influenced by many factors, including: popular, "manufactured", house designs of the period; the fashions, styles and aspirations of the time; changes in building materials and their availability; changes in construction methods/practices and the availability of labour, and the personal circumstances of the original owner of the plot. I also agree with the appellant that it may be more accurate to describe the property as having some design features of an Arts & Crafts style, rather than it being a pure Arts & Crafts design. Additionally, the evidence

before me suggests that the residential development to the west of the railway station (and not that at the eastern end of CPA) can be more accurately described as 'Metroland' residential developments; and I consider the development of the eastern half of CPA would have occurred without the extension of the Metropolitan line to Watford.

17. Nevertheless, the fact that the architect was born, lived, and practised locally and that the property includes some features apparently used by him in other local properties, ie stepped sprocketed eaves, patterned & textured brick panels between timbers on projecting gable and a feature porch on timber brackets with hipped roof, are factors which have been deemed to be of architectural and historic interest locally. Furthermore, much of the development of the eastern half of CPA (including the appeal property), the demise of the Cassiobury Park Estate (CPE), the Council's purchasing of CPE land used to create Cassiobury Park and the extension of the Metropolitan railway line, all occurred during the period around 1908-1928. Hence, the appeal property is deemed to have been designed and constructed during what is considered to have been a significant time in local history. It is these factors which give the property its local heritage significance.
18. I consider the following to be the key features of the original property which result in it contributing positively to the street scene and the character and appearance of the eastern half of CPA. Thus, the 'T' shaped footprint, asymmetrical design and modest scale; the mix of gables and hipped roofs, varied roof heights and planes; the front gable (all-be-it mock Tudor), with patterned brickwork between timber frames; the stepped, sprocketed, projecting eaves; the porch hood, decorative chimneys, well-proportioned window openings and use of clay roof tiles.
19. I consider that demolition of the property and therefore the loss of a non-designated heritage asset, would completely remove the local heritage significance from the site, and that removal of the property would have a detrimental impact on the street scene and appearance of the area. That said, considering all the above, I believe the degree of harm in respect of the heritage significance of the building and its loss would be moderate. I consider removal of the property would significantly harm the street scene and the appearance of the area. The question therefore is whether the proposed dwelling would mitigate against the loss of the non-designated heritage asset and the harm to the street scene and appearance of the area I have found.

The proposal

20. Although the front elevation of the proposed dwelling would have some variation in terms of elements extending forward and others being recessed, the footprint of the building would almost be a square block. The property would technically be 2.5 storeys; however, given the height of the roof area, the height of the main roof ridges (which would be higher than the neighbouring properties either side), a chimney extending above the highest roof ridge height, the proportion of the window on the large front gable serving the third floor level, and the siting of the front dormer towards the ridge, the proposal would have the appearance and presence of a 3 storey property.
21. I note that the western side elevation would be set in a little from the side boundary with the neighbouring property to the west. However, the increase in height and the increase to 2.5 storeys across the full width of the proposed

- dwelling would reduce the perceived space between the 2 properties. The front gable on the eastern side of the property would be much wider than the existing gable and both proposed front gables would extend significantly forward of the roof that runs east-west. As such, the gables would be overly prominent and dominant projections off the front elevation, when viewed travelling west to east, and as such imposing in the street scene. Except for the roof ridge of the smaller front gable, the roof ridge heights would all be the same.
22. The design of the eaves would be less elaborate than the eaves of the existing building. The infill between the timber panels on the front gable would also be less elaborate. The size of the window openings on the front elevation would be out of proportion with, and less subservient within, the elevation itself and out of proportion with the windows on the front elevations of neighbouring properties.
23. I acknowledge that the design of the proposal seeks to emulate some Arts & Crafts inspired elements of the existing property in respect of the front elevation, and that such design features could be reproduced in a manner more true to Arts & Crafts architecture. I also accept that a more contemporary design could be utilised on the rear elevation without harming the street scene or character or appearance of the area. The proposed dwelling would also be sited to respect the building line and set back behind a low-level front boundary wall. Additionally, the proposal would provide the "homeliness" quality which the appellant considers is missing in the existing dwelling and present within other properties along the eastern half of CPA. The quality of external materials could also be secured by condition, should I have been allowing the appeal.
24. However, due to the increased height, depth, width above ground-floor level, scale and mass of the proposal; its appearance as a 3 storey dwelling; its imposing relationship with the street; the loss of perceived space between the site and the neighbouring dwelling to the west; the limited extent of asymmetry; the lack of any modest qualities; the limited variation in roof ridge heights, and the lack of detail in the eaves and infill between the gable timbers, I conclude that the proposal does not adequately represent the local heritage significance of the existing property. As such, it does not quite mitigate against the loss of the non-designated heritage asset. I also conclude that replacing the existing dwelling with the one proposed would erode the street scene and the character and appearance of the area, as the proposal does not adequately reflect the smaller modest size and features of the existing dwelling.
25. Consequently, the proposal does not accord with policies: SS 1, UD1, UD2 of Watford's Local Plan: Part 1 - Core Strategy 2006-31 (2013), Saved Policy U15 of the Watford District Plan 2003, Watford's Residential Design Guide 2016.

Other considerations

26. I acknowledge that demolition of the property would erase the recent history of the site and what I understand to be anti-social behaviour associated with the property. However, this factor is not sufficient to outweigh the harms I have identified.

Other Matters

27. It has been contended that refusal of the planning application, and by logical extension, dismissal of the appeal, would immolate the human rights of the appellant. I appreciate this decision prevents the appellant from developing their land in the manor proposed. However, the courts have generally taken the view that planning is concerned with land use in the public interest rather than the purely private interests of individuals. I have reached my decision based on this principle, having had due regard to the Human Rights Act 1998, and the appellant has been given a fair trial through the appeal process.

Conclusion

28. For the reasons outlined above, I conclude that the appeal is dismissed.

J Williamson

INSPECTOR