



Appeal Decision

Hearing Held on 22 & 23 September 2020

Site visit made on 24 September 2020

by Richard Aston BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th October 2020

Appeal Ref: APP/Y1945/W/20/3248011

934-974 Marchwood House, St Albans Road, Watford WD25 9NN

- 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 David Chalmers (c/o Fairview New Homes London Ltd) against the decision of Watford Borough Council.
 - The application Ref 19/00496/FULM, dated 30 April 2019, was refused by notice dated 17 December 2019.
 - The development proposed is described as *'redevelopment of the site to provide 165 residential units in 2 buildings both part 4/5 storeys in height, with 150 parking spaces, communal landscaped amenity areas, secure cycle parking and other associated development'*.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. A Section 106 legal agreement was submitted following the close of the hearing¹ securing affordable housing provision, viability reassessment, fire hydrants, electrical vehicle charging points, car club, travel plan monitoring fee and a footpath connection to Garston Park. The Council have justified the obligations and the measures in the agreement are necessary, related directly to the development and fairly related in scale and kind. As such they would accord with the provisions of Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the tests for planning obligations set out in the Framework. I return to these in the planning balance below.
3. The emerging Watford Local Plan has yet to be submitted to the Secretary of State. Having regard to paragraph 48 of the National Planning Policy Framework ('the Framework') and on the evidence before me, I agree with the parties that it has limited weight.
4. A number of additional documents were received both prior to and after the hearing as set out at the end of this decision. Opportunities were given prior to and at the hearing for comments and I find that there would be no prejudice to any party from my consideration of these documents in determining the appeal. I have therefore taken them into account.

¹ Dated 17 December 2019.

Main Issues

5. The main issues in this appeal are:

- The effect of the proposal on the character and appearance of the area.
- The effect of the proposal on non-designated heritage assets.
- Whether, if conflict with the development plan, when taken as a whole is identified, such conflict is outweighed by other material considerations.

Reasons

The appeal site and its surroundings

6. The appeal site is not in active use housing the former Garston Bus Garage with its locally listed administration building fronting directly onto St. Albans Road. The site also includes a former garage block, a substantial industrial building occupying the majority of the rear of the site to an equivalent of 2-3 storeys in height and with large areas of associated hardstanding.
7. The appeal site is bordered by Garston Park on one side, a large recreational open space and to the rear by the gardens of 2 storey post war residential properties along Codicote Drive. There are 2 existing accesses directly onto St. Albans Road. The southernmost access abuts the 2 storey locally listed Garston Park Parade, set out around the north eastern side of the junction with Garston Lane. It contains retail and other commercial properties with residential accommodation above and public transport links.
8. In terms of how the character and appearance of the area should be defined I have been referred to the Watford Character Area Study 2011 ('WCAS'). The site lies on the edge of Area 18c a large and predominantly residential area where development originally took place along St. Albans Road in a linear form. Over time and to the rear, residential estate developments of streets, avenues, and cul-de-sacs of semi-detached and detached 1-2 storey houses has taken place along with some flatted developments. These estate properties demonstrate a high degree of architectural uniformity and a consistent pattern of estate style development.
9. Area 18c extends on the opposite side of the road and further north but the appeal site is also adjacent to Area 36f. This is a much smaller area between St. Albans Road and Kingsway North Orbital. It contains flatted residential blocks, typically 3 storeys with rear and front parking courts opposite the appeal site. There are also 2 single storey fast food outlets with front parking areas, a place of worship and a hotel.
10. There is a degree of subjectivity in such assessments but my observations on the ground were that the appeal site is within a part of St. Albans Road that has a mixed character with a strong setting of suburban residential development. There is variety in building type, form, size, and function but the broadly consistent scale and storey heights of no more than 3 storeys contribute to a townscape of a more suburban than urban scale and appearance. This is commensurate with its location close to a major transport route and on a busy thoroughfare into and out of this northern periphery of the town.

Character and appearance

11. In such a context, it is not always essential for a proposal to replicate the traditional design or appearance of a building or area, even when a building to be replaced is locally listed. The Council's Residential Design Guide 2016 ('the RDG') adopts such an approach² and refers to building size and scale respecting but not replicating the height and scale of nearby buildings. Contemporary design can also develop a further layer of townscape which complements, rather than competes with the past. However, it is critical to understand how the proposals will spatially and visually engage with their context and how new development responds to and addresses the constraints and opportunities of the site and locality.
12. The administration building has a scale and form that gives it some landmark value in the streetscene and contributes to the structure and variety of the townscape. The alignment of the carriageway, siting and domestic scale of the parade and other development means that the building is a very prominent feature in the streetscene, in particular on the approach from the Garston Lane junction. Of a distinctly different style and form to the parade it is more visible but is also of a sympathetic mass and height which sits comfortably with the domestic scale of the parade and other buildings that form its context.
13. I agree with the parties that the size of the site and the footprint and scale of the existing buildings means the site can accommodate larger blocks and greater than 2 storey heights. The proposal is for 2 large and distinct flat roof blocks of apartments, of an undoubtedly contemporary urban form and style of apartment architecture with a consistent 4 – 5 storey height, recessed on most elevations, including the western frontage to St. Albans Road.
14. The blocks would be of a considerable mass, depth, and evidently bulkier and larger than any of the buildings that form its townscape context. Despite Block A and B following the siting of the administration building it would be sited further forward and is substantially deeper in footprint and taller in height. The greatest increase in forward projection would be approximately 3.2 metres but this would be at the prominent southern corner. Building lines and setbacks do vary but over such an extent of the frontage on both approaches the effect would not be 'slight'. The very significant step up in height would be an unsympathetic and abrupt transition with the 2-storey parade and surrounding housing, including the flatted blocks. On both approaches the eye would be unacceptably drawn to the combination of its height, bulk, forward projection, and depth.
15. Closer to the site views from the street would no longer be of sky above and around the buildings, replaced with monolithic walls of red brick and regimented fenestration. The corner elevations and overly deep side elevations of both of the blocks would visually confront passers-by. The prominence of Blocks A and B would also be exacerbated by the use of contrasting textured brickwork for the top storey which, although set back, would draw attention to the height and bulk of a building that would be far larger and dominating than any building in the streetscene.
16. To the rear and in wider views from Garston Park I observed a broadly consistent suburban residential roofscape. Parts of the garage roof were visible

² Paragraph 7.3.4.

behind properties in Codicote Drive and from the park, but it is also seen behind mature trees and with a prevailing view of sky above the buildings. The mass and bulk of Blocks C, D and E would be clearly apparent from a number of locations as one moves between the suburban residential streets and Garston Park. Of a patently greater scale, bulk, and height than existing development it would be strikingly obtrusive in its surroundings.

17. The design approach to the external appearance has been to break down the massing and apply different treatments to the inner and outer elevations of the block. However, for a building of such scale the articulation is far too subtle, the vertical band of windows with slender grey framing and small areas of blue brick banding do not provide a sufficient visual contrast to break up such large and monotonous elevations. Even with a different treatment at the base, a small canopy and hedging the appreciation of the functional purpose of this main elevation on the site's frontage would be weak.
18. Recessed balconies would add little perception of visual depth to create sufficient interest for blocks of this size. There would also be no significant difference between the lower 4 storeys and the slight changes in window groupings and materials is simply not enough to mitigate its incongruous size. The way in which the corners of Blocks A and B have been conceived, with four storeys of built form set at right angles and very close to the carriageway, would not be richly animated or provide interest. Such effects are apparent to me from the CGI's at pages 45 and 46 of the Design and Access Statement which in my view show a lack of visual contrast and interest. This is not an appropriate design response for such a large building in such a prominent part of the site.
19. I acknowledge that the design has been considered with reference to some of the architectural forms and details found within the local area and on the existing building. Over such wide, tall and box like buildings however the visual effects of such an approach would be harmfully more apparent and incongruous. The external appearance would appear wholly uninspiring, unappealing and to the detriment of the visual interests of its surroundings. Such effects would not be mitigated by retained and replacement landscaping, including existing mature street trees or any additional planting that could take place around the buildings.
20. Achieving high quality of design is not just centred around what a place or development looks like – aesthetics – but also how users experience it and encompasses function and the creation of safe, quality, and accessible places that optimise the potential of a site. The amenity spaces would be contained by the tall frontages of the large blocks enclosing them. Located to the rear of each block they would have no visual or spatial connection to each other with both contiguous to long rows of vehicle parking spaces.
21. At such a density it is no doubt challenging to accommodate the number of vehicle parking spaces required by policy and desired by future residents. Some thought has gone into mitigation, but the resultant internal car parking arrangement would be one of overly linear and long rows of uninterrupted vehicular parking spaces. This includes a row nearly the entire width of the appeal site along the rear boundary with properties in Codicote Drive. I find the

- CGI's³ to not be entirely representative of the likely parking situation and visual effects on the internal streetscenes.
22. The pergolas are an attempt to soften the effects, but the restrained size of the majority of the planting spaces means that I have some doubts that any meaningful soft landscaping could be secured and maintained. Such landscaping would also take a long time to mature to have any real effect and even in balancing the impact value, for a significant period of time many residents would simply look out onto overwhelming rows of parked vehicles and a poor internal environment.
23. Kinks have been designed into the internal roads so as to break up the views at street level, but I find this design feature far too subtle to have any real mitigating effect in offsetting such long rows of parking. The internal environment would feel like a car park in which people and residents could move as opposed to a truly shared series of connected and quality spaces. It may be a considered approach to resolving optimum design, but it would not result in good design. On my reading this is a matter which does not appear to have fundamentally been resolved since the Council's first pre-application comments and is clearly influenced and constrained by the number of units sought.
24. At the hearing interested persons raised concerns regarding the density of the scheme. This proposal may well be for more units than some previously envisaged for the site, but a design led approach requires a number of less calculated considerations and judgements than simply applying a density figure to any particular parcel of land. Development must be appropriate to the local context with regard to the principles of good design and as such, density or the number of dwellings is only one measure of acceptability.
25. There is no question in my mind that a higher density of development should be accommodated here, given the size of the site and existing buildings and the relatively good public transport connections. Redevelopment of this site may also necessitate built form of some substance but seeking to make a more optimal use of land and in an area that currently needs additional housing should not be at the expense of design quality or the creation of quality residential environments.
26. Well-designed places and schemes integrate not intrude into their surroundings, so they relate well to them, are influenced by, and influence their context positively. That would not be the case here and put simply, it would be a development that overall is far too big and visually inappropriate to fit comfortably into its surroundings. A jarring intrusion of urban city style apartment architecture imposed onto the site, in my view the appellant has somewhat underestimated the visual and spatial effects.
27. The proposal would fail to take the opportunity to promote a high quality of design that responds to its location and would cause considerable harm to the character and appearance of the area. It would therefore conflict with Policies SS1 and UD1 of the Watford Local Plan Core Strategy 2006-31 ('the LP') and the RDG. When taken as a whole and amongst other things, these require high standards of design including a positively integrated approach to development,

³ Pages 47 and 48 of the Design and Access Statement.

that new development should respect and enhance the local character of the area in which it is located.

28. The policies in such terms are broadly consistent with the Framework and the proposal would also conflict with the design objectives of national planning policy. In particular, the requirement that developments that function well, add to the overall quality of an area, are visually attractive as a result of good architecture, are a high-quality standard of design that is sympathetic to local character and history and results in a well-designed place.
29. High quality design has always been an objective of the Framework and more recently the National Design Guide ('the NDG') has been published. Whilst not a detailed set of criteria against which to assess the design of a proposed development at a local level, sets out broad principles to achieve the well-designed places that the Framework expects new development to deliver. In terms of the characteristics of context, identity, built form and homes and buildings the proposal would fail to be a well-designed place.
30. Overall, I give considerable weight to the harm and conflicts that I have identified.

Non-designated heritage assets

31. The definition of heritage assets, as set out in the Framework, includes buildings, sites, and places as having a degree of significance meriting consideration in planning decisions because of their heritage interest. Heritage assets include designated heritage assets and non-designated heritage assets identified by the local planning authority.
32. The administration building is locally listed and acts as a limited landmark in certain views due to its scale, form, and siting. However, although the first post-war garage to be constructed of its type it does not appear to be a particularly rare or special example of such built form. Whilst there is much before me in terms of its detailed history, local listing criteria and significance I found it to be a pretty utilitarian administrative building with little interest internally. Externally it also housed large telecommunications apparatus which visually detract from the roofscape and along with more modern repairs and unsympathetic uPVC windows and external ducting its significance has been further diminished.
33. I share the view of the Council that the level of interest in architectural, historic, and archaeological terms is 'Low' at best. The asset would be demolished however, which the Council considered to result in a 'Major Adverse' effect. I have some concerns as to the relevance and significance of the documents that underpin the Council's methodology and assessment⁴ as they relate to highways and World Heritage Properties.
34. The Council refer to a 'Moderate' overall impact, but on my reading of Table 3 of that assessment⁵ which deals with the Magnitude of Change it clearly allows for classification of the overall impact as 'Slight/Moderate' and not just 'Moderate'. Based on this approach the loss of this particular building which is

⁴ The Highways Agency, August 2007. Design Manual for Roads and Bridges, Volume 11, Section 3, Part 2 HA 208/07 Cultural Heritage 37 International Council on Monuments and Sites (ICOMOS), 2011. Guidance on Heritage Impact Assessments for Cultural World Heritage Properties

⁵ Essex Place Services Heritage Statement 20/05/2020.

- of all-round low significance can also be reasonably interpreted as 'Slight', or put another way, small in degree.
35. The Council also considered the scheme put forward at the appeal regarding the building's conversion as 'unimaginative' but the potential of reusing the building is limited given that it was not designed for residential use. The appellant's conversion note demonstrates this, in a reasonable and logical way that the constraints of the internal layout and fabric of the building would result in 11 units.
36. However, the building fabric would adversely affect the quality of accommodation because the fenestration means that for a number of habitable rooms there would be limited light and an oppressive sense of enclosure. Any extensions at the rear would need to be served by a new stair core, exacerbating the already compromised efficiency of the building. Retaining the building may limit the opportunities available for the wider redevelopment of the site but moreover, the resulting substandard quality of the residential units, together with the poor efficiency of the building, make the conversion of the existing structure an unsuitable option for residential use.
37. There appeared to me to be negligible group value in the building and parade other than they are generally reflective of development over time in this area. I did not find the parade to be of any particular value as a landmark and their relationship is not referred to in the local list descriptions. The appeal site and the parade are distinctly different in terms of built form, appearance, use and functions. The demolition of the administration building would not adversely affect the significance of the parade as a non-designated heritage asset. It was not put to me by the Council that the setting of the parade would be harmed by the proposed development and it is not necessary for me to consider this matter any further.
38. It is also common ground and material that the building's demolition could be carried out without planning permission, under the relevant prior approval procedures⁶. Although the full details are not before me the demolition would be subject only to details of demolition methodology and any proposed restoration. It is unlikely that this would result in anything other than approval for the building's demolition. The Council referred to an intended Article 4 Direction to prevent such demolition but that is something that I do not give any determinative weight to, given the absence of any substantive evidence to indicate this is a realistic prospect.
39. The starting point is the development plan. The loss of the building would conflict with Policy UD2 of the LP insofar as it requires the borough's historic environment, including locally listed buildings to be conserved and where appropriate, to be enhanced. In terms of Saved Policy U15 of the Watford District Plan 2000, the proposal does affect a building of local importance, but the policy does read to my mind there is a presumption against loss and the word 'unlikely' does not really reflect the balancing exercise.
40. Further, it also refers to safeguarding in terms of historic recording. Historic Recording may well be a way of mitigating demolition, but the Framework is clear at paragraph 199 that the ability to record such evidence of our past should not be a factor in deciding whether such loss should be permitted. I

⁶ The Town and Country Planning (General Permitted Development) Order 2015 (as amended)

therefore find this approach to non-designated heritage assets to not be entirely consistent with the Framework.

41. Ultimately the Framework requires that in weighing applications that directly or indirectly affect 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. Having regard to all of these factors and on the evidence before me, the loss of this building of overall low significance carries no more than a small amount of weight against the proposal.

Other Matters

42. Interested persons have raised concerns over parking and highway safety and effects on living conditions in terms of privacy and outlook. The garage block abuts the rear garden fences of Nos. 65 to 85 Codicote Drive and a smaller number of similar properties in Felden Close. The proposal would remove a large industrial structure from these boundaries and although a larger building would replace it, it would be sited a materially greater distance from those properties. Large built form would still be visible it would be evidently less obtrusive for residents of these properties using these back gardens and ground floor rooms. The proposal would not result in any unacceptable overbearing or oppressive effects on privacy or outlook that should weigh against it.
43. The proposal's approach to zonal based parking provision would be in accordance with the Council's maximum standards. Photographic evidence of additional parking in surrounding streets was also put before me by local residents. From my observations, during the early and late morning, the immediate vicinity of St. Albans Road had very limited on-street parking restrictions in place. Numerous spaces were available, and a range of alternative transport modes are accessible.
44. Although the surrounding streets may be heavily parked at times, with vehicles on both sides of the road, and in particular on weekends, the evidence does not indicate to me any particular highway safety issues associated with on-street parking in this locality that would be exacerbated by the proposal. Even if there was a modest increase in on-street parking from additional visitors and residents who own more than one car, on the evidence before me it would not be to the extent that it would cause harm to highway safety.
45. The proposal has a lengthy planning history of discussions and negotiations with the Council. A public consultation was also held and whilst the appellant states responses were 'generally supportive', 40 objections were still received to the application. I also acknowledge that there were no concerns from any professional officers or relevant design and heritage experts involved in the proposal, the same officers who put forward an alternative view in this appeal.
46. The proposal was recommended for approval by officers and this recommendation was overturned by members of the Planning Committee, but the Council's administration and determination of the proposal are not matters for me to address. Members are not bound by that view and are entitled to take a different one, especially in a case which involves a degree of subjective matters of planning judgement, as is the case here. It is the decision of the Council that I must have regard to as opposed to a recommendation from one

of its officers. This is the case regardless of how considered or supported internally by other professionals that recommendation may have been.

47. Whilst no doubt my decision will come as disappointing to the appellant given this history, each case must be determined on its own merits, on the basis of the evidence as put to me solely by the parties and my own observations. Having done so, none of these other considerations, on their own or in combination, alter my view to dismiss the appeal.

Planning balance and conclusion

48. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The harm and the conflicts with the policies that I have identified are such that the proposal should be regarded as being in conflict with the development plan, when read as a whole. It is therefore necessary to consider whether there are material considerations which indicate that permission should be granted.
49. The Framework is one such consideration and because the Council cannot demonstrate a 5-year housing land supply, in accordance with footnote 7 of paragraph 11 d) of the Framework the presumption in favour of sustainable development in d) ii applies. For decision taking this means granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
50. In terms of the benefits, the proposal would make a more effective use of land in meeting the need for new homes and it is important that decisions in such locations avoid homes being built at low densities. Further, that optimal use is made of a site and there is accordingly some support insofar as paragraph 123 of the Framework is concerned. Nevertheless, the proposal would not safeguard and improve this particular environment, a key component of the Framework's objective of making effective use of land.
51. The need to boost the supply of housing is important and even if the position is optimistic as the appellant indicated, for the purposes of this appeal the parties have agreed a supply of 4.61 years⁷. Whilst this is a modest shortfall, I give the construction of 165 such dwellings significant weight. Twelve of the units would also be for affordable housing. While the scheme does not promote a strictly policy compliant level of affordable housing, it is agreed it is the maximum currently achievable. Mechanisms are also in place to ensure an increased provision if viable in the future. Given the number of units such provision weighs moderately in favour.
52. The appellant also pointed me to a quick delivery of the units and whilst that may be the intention, no amendments were requested to the time limit condition to secure earlier commencement than the standard 3-year period. A moderate amount of weight arises in relation to direct and indirect economic benefits during construction and to residents spend and support of local services in the area. I ascribe negligible additional benefit in respect of accessibility to local services, or compliance with housing or other development

⁷ Signed statement in Respect of Housing Land Supply dated 2 September 2020.

management standards and policies as I consider this to be an absence of harm.

53. Mitigation in the form of financial contributions is often intended to respond to needs arising from the development in question but in this case, there would be a further pedestrian link between Garston Park and St. Albans Road. It is difficult to quantify who would benefit as there is a main entrance to the park on Codicote Drive and another entrance further along St. Albans Road. General accessibility in the area would be improved however along with natural surveillance which attracts moderate weight in favour.
54. In terms of adverse impacts, the Framework is clear that permission should be refused for development of poor design which fails to take the opportunities available to improve the character and quality of an area and the way it functions. Creating high quality buildings and places is fundamental to what the planning and development process should achieve but this proposal would be poor design that harms the character and appearance of the area, to which I give considerable weight. There is also a small amount of weight from the loss of a non-designated heritage asset but even on its own the harm to the character and appearance of the area and conflicts I have identified are compelling.
55. Whilst there are considerations that weigh significantly in favour of this proposal the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. The proposal would not therefore be the sustainable development for which Paragraph 11 of the Framework indicates a presumption in favour.
56. The proposal would conflict with the development plan, when read as a whole. Material considerations, including the Framework do not indicate that a decision should be made other than in accordance with the development plan.
57. Having considered all other matters raised, I therefore conclude that the appeal should be dismissed.

Richard Aston

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Timothy Corner, of Queens Counsel	Landmark Chambers
Martin Friend BSc MTP MRTPI	Vincent and Gorbing
Lucy Markham BA (Hons) MSc MRTPI MIHBC	Montagu Evans
Marco Tomasi RIBA	Formation Architects
Colin Pullan BA (Hons) DipUD	Lambert Smith Hampton
Colin Romain	Mott Macdonald
Mr Mark Jackson	Fairview New Homes

FOR THE LOCAL PLANNING AUTHORITY:

Andrew Clarke	Watford Borough Council
Paul Baxter	Watford Borough Council
Jack Green	Watford Borough Council
Sian Finney Macdonald	Watford Borough Council
Maria Kitts	Essex County Council

Local residents and interested persons

Mark Foster	Local resident
Amanda Grimston	WBC Member for Meriden Ward
Mike Walker	Fairview New Homes
David Chalmers	Fairview New Homes
Paresh Mistry	Fairview New Homes
Carmel Huntley	Watford Borough Council
Alice Reade	Watford Borough Council
Sam Oguz	Watford Borough Council
Semanta Bloomfield	Watford Borough Council

DOCUMENTS AND PLANS SUBMITTED PRIOR TO AND FOLLOWING THE HEARING

1. Statements of Common Ground from local planning authority and appellant on Design, Heritage and 5 Year Housing Land Supply and associated appendices.
2. Emails and Photographs of parking situation in surrounding streets from 2 local residents.
3. Appellant's note on conversion by Formation Architects.
4. Letter from Councillor Pattinson.
5. Watford Borough Council CiL Compliance Statement.
6. Section 106 legal agreement dated 17 December 2019.

Richborough Estates