

Part A

Report to: Cabinet

Date of meeting: 11 February 2019

Report author: Urban Design and Conservation Manager

Title: Review and Adoption of Proposed Changes to the List of Locally Important Buildings

1.0 Summary

- 1.1 Watford Borough contains a number of buildings that do not merit statutory listing under the Planning (Listed Buildings and Conservation Areas) Act 1990, but are of architectural and/or historic value. As part of the Council's Urban Design and Conservation Strategy (adopted 2014), the Council considers that these buildings make a valued contribution to the history, character, streetscape and identity of Watford and as such are worthy of protection. For this reason, Buildings of Local Interest were identified and listed in the 2010 Register of Buildings of Local Interest (Adopted by Cabinet in December 2010).
- 1.2 The Urban Design and Conservation team has recently reviewed the Register of Locally Listed Buildings. The review involved correcting factual errors which had been identified since 2010, assessing a number of buildings for inclusion on the list (28) and removing any buildings which have either been added to the National list (1 entry, Sugden House) or demolished following planning permission (4 entries). During the consultation it became apparent that there were further buildings which we should assess and that the area known as Cassiobury Triangle is of sufficient value to consider designation as a conservation area.
- 1.3 This report seeks Cabinet approval for the proposed changes to the local list; for approval to consult on a new conservation area and to consult on further additions to the local list which have come to light during the consultation, but have not yet been consulted on.
- 1.4 Most of the buildings on the 2010 list have Article 4 Directions affecting them which remove some of the permitted development rights pertaining to the properties. The PD rights removed mostly concern householder development which, if not managed through the use of Article 4 Directions, could result in the erosion of the character of the building which contributes to its value. It is proposed to make Article 4 Directions in relation to all the additions to the local

list and to make these effective from the time the buildings are added to the local list.

2.0 Risks

2.1

Nature of risk	Consequence	Suggested Control Measures	Response (treat, tolerate, terminate or transfer)	Risk Rating (combination of severity and likelihood)
Changing Government Legislation	New National Policy could require additional considerations	Update list in accordance with changes to national requirements	Treat	4
Less Resourcing	Reduce Council capacity to manage the local list	Manage expectations and seek out alternative approaches to managing the list	Treat	4
Legal Challenges to article 4 designation	Potential financial implication	Robust management of the article 4 process	Treat	2
Payment of compensation as a result of imposing an Article 4 Direction	In certain circumstances if PD rights are removed by an Article 4 and then planning permission is then refused for something that would otherwise have been permitted under PD then compensation is payable by the LPA	Robust management	Treat	8

3.0 **Recommendations**

- 3.1 That Cabinet agree the list of proposed additions to the local list set out at section 4.26 of the main report and deletions as set out in 4.30.
- 3.2 That Cabinet agree officers should prepare a consultation document for a new conservation area as shown on map a.
- 3.3 That Cabinet agree to officers assessing the properties that were suggested for inclusion during the consultation and that properties which meet the local list requirements are subject to public consultation.
- 3.4 That Cabinet notes that officers intend to make Article 4 Directions for those properties it is proposed to add to the local list.

Further information:

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4.0 **Detailed proposal Context**

- 4.1 A local list of buildings identifies individual buildings and structures which are of local value in terms of the historic environment. Assets will normally contribute to the local distinctiveness of a place. Occasionally assets which are identified at a local level will be of high significance and may be put forward for national listing. There are examples in Watford where this has happened; Sugden House and the Metropolitan Station were both locally listed before being added to the national list following a review by Historic England.
- 4.2 The existing list was adopted in 2010 following extensive public consultation. All the buildings on the list were considered against rigorous criteria and the published document contains a sheet for each building which sets out what the significant features are and why it has been included on the list. This approach is in line with Historic England's guidance on preparing local lists which was updated in 2016 and can be found at: <https://historicengland.org.uk/images-books/publications/local-heritage-listing-advice-note-7/> .
- 4.3 The Historic England guidance recommends regular reviews of the list to ensure that it remains up to date and helpful. This reduces the potential for challenges at appeal due to the list being out of date. The review undertaken in 2018 is the first major

review of the 2010 list and seeks to deal with any factual errors, typing errors, any new additions which meet the criteria and deletions which may be necessary.

Method

- 4.4 Watford's Local List was adopted in 2010; since then there have been some approved demolitions of locally listed buildings which need to be removed from the List. In addition there are a number of minor updates that need to be made to the current descriptions to address typing errors and some inaccurate information (These can be found on the attached table at Appendix 3). The revised guidance from Historic England stresses the benefits of engaging with the community regarding assets of local value and encourages a broad approach in order to capture a "collective memory" of place.
- 4.5 In July, officers brought a provisional list of properties to be added to the local list to the PPAG for consideration and asked for any other properties which should be considered. The report also identified a number of other updates and minor changes PPAG agreed that the proposed additions should be taken forwards for public consultation.
- 4.6 Some further properties were suggested for potential inclusion by members. These were reviewed along with the existing proposed additions; those which were considered to meet the criteria were included in the consultation document.

Consultation

- 4.7 At the start of the consultation a letter and a copy of the relevant entry was posted to each property included on the list of new additions (copy of the letter is attached). Resident groups were informed of the consultation and copies of the document was made available in the libraries and the CSC. The consultation started on the 19th October 2018 and finished on 30th November.
- 4.8 The council has received several representations, most are from householders but both the Cassiobury residents groups have responded. A summary table is attached to this report. Objections have been received in respect of Nos 44 and 94 Cassiobury Drive, 5, 11, 24 and 36 Cassiobury Park Avenue; 7 Shepherds Road and 42 The Gardens. Letters of support have been received in respect of 3 Cassiobury Park Avenue and 23 Shepherds Road. A letter received from Cassiobury Triangle Residents Group indicates support in terms of preserving the character of the area but some concerns regarding the consistency of the quality of buildings to be added and regarding future measures which may be used to manage change. The Cassiobury Residents group are generally supportive of the proposals.
- 4.9 Some further properties have been suggested for consideration in Cassiobury Park Avenue and Garden Close. In Central ward the following have been suggested, some of which are already on the local list; 67 Queens Road (on the list), the water trough at the corner of Sutton Road and Queens Road (already on the list) , Central Hall

Loates Lane (already on the list) , cottages on Loates Lane next to Central Hall (Nos 75-79 were originally included in the 2000 list but were removed as part of the 2010 and corner of St Albans Rd and Lowestoft Rd No 187 (already on the list).

- 4.10 Six key themes have emerged from the comments received as a result of the consultation:
- a. The local listing is seen as having a negative impact on value of the property;
 - b. Restriction of future changes to the exterior of properties is seen as unfair
 - c. There are inaccuracies in the descriptions
 - d. Implications of the local listing is not clear
 - e. Property has been altered significantly and should not be taken forwards
 - f. Property was built at a later date than suggested and evidence provided.
- 4.11 **Negative value:** this is not a valid consideration in terms of determining whether a building is suitable to add to the local list. Research has generally shown that heritage designations (the research cited focuses on Conservation Areas which have been in existence for longer than local lists and can therefore provide a more robust testing sample) actually improve value and ensure that an area retains its character which buyers will pay a premium for (Historic England and LSE study An Assessment of the effects of conservation areas on value <https://content.historicengland.org.uk/content/docs/research/assessment-ca-value.pdf>).
- 4.12 **Restriction of future changes:** the local list designation per se does not alter the permitted development rights which a property enjoys; the local listing designation would become a material consideration when determining any planning applications. The Council has used its powers to make Article 4 Directions in respect of the existing buildings on the local list and the conservation areas. This means that planning permission is required for the development where rights are withdrawn and any changes proposed should take the local listing into account.
- 4.13 **Inaccurate descriptions:** all the descriptions will be reviewed and fact checked against the records and the photographs.
- 4.14 **Implications of the local list are not clear:** the introduction to the consultation document sets out the potential use of Article 4 Directions; the local list designation without the article 4 only allows the designation to be considered as a material planning consideration in relation to a planning application. The cabinet report will set out the proposal to introduce Article 4 Directions and then these will be prepared and taken forwards. They can lapse if not confirmed and home owners have the right to object.
- 4.15 **Property has been significantly altered:** where alterations are deemed to impact on the significance, it is recommended that such properties are not added to the local list. This will be reviewed on a case by case basis.

- 4.16 **Property built at a later date after the main build period for the estate.** There is one example of this, the property was constructed in the 1950s and is not of sufficient quality to add to the list and will not be taken forward.
- 4.17 Two letters of objection have been received from a consultant, in respect of No 24 Cassiobury Park Avenue and 42 The Gardens. These specifically address the criteria used to assess the buildings proposed for the addition to the list.
- 4.18 **24 Cassiobury Park Avenue:**
- a. **Architectural:** claim that the quality is not as good as the description suggests; that the building is more significantly altered than the entry suggests and that this diminishes the property and makes it difficult to discern the original plan form. The architect mentioned in the entry is not notable as suggested when compared to other architects for buildings of local interest (of the ones cited the house designed by the Smithsons is now nationally listed and will be removed from the local list and this is referred to in Appendix 2 of the consultation document).
 - b. **Historic:** No 24 cannot be said to form a significant part of the development of the town or locality; it is an innocuous house which does not stand out and lacks significance.
 - c. **Streetscape:** streetscape has changed considerably in late 20th and 21st centuries; significant number of buildings which have a modern construction date; lack of design consistency along the road; not designed by a single architect.
 - d. Does not meet the criteria for local listing.

The Council's response to this is set out below:

- a. The house was designed by a Watford born local architect (VF Knowles A IAA) practising in the area; he was responsible for other buildings in the town and designed and constructed the property at 93 Hempstead Road which he lived in until his death in 1958. The property has good quality architectural features and brickwork which is typical of this period and a key feature which this architect used on other buildings: sprocketed (kicked out) eaves, patterned and textures brick panels between timbers on projecting gable, feature porch with timber brackets and hipped roof . The external features are little altered apart from small single storey rear extensions.



- b. The property is contemporary with the main building period for this street (1910- 1930); the character is one of individually designed detached houses with a consistent building line and frontage line. The land was part of the first land sale of the Cassiobury Estate in 1908 (to Messrs Ashby and Brightman) with plots being sold on in stages from 1908 -1918. The sale date of 1908 is contemporary with the point at which the Council bought the land which is now the Cassiobury Park. Therefore, it is part of a key moment in the history of Watford and demise of the Cassiobury Estate. Development is contemporary with the extension of the Metropolitan Line and is typical of the Metroland style developments around London
- c. The property does make a positive contribution to the street scape of this attractive part of the town; its character is not one of consistency in terms of a single architect but one of a coherent approach to development where there is evidence of a proscribed building line and requirement for an enclosed frontage (evidence from some of the original plans showing the required building lines). The properties are generally 2 storey and a consistent palette and design influence is present.
- d. It is considered to meet the criteria for adding to the local list.

4.19 **42 The Gardens:**

- a. Building is altered – replacement windows and dormers
- b. Building does not contribute to the streetscape other than by its size and presence in the street;
- c. Architects are not a significant firm and do not provide the building with historic interest.

The Council's response is set out below:

- a. The dormers referred to were shown on the 1934 alterations and designed by the architect for the original building and are only 7 years after the date of the plans for this building. As such this alteration can be regarded as contemporary with the original design. Other alterations are minimal and do not detract from the original concept.
- b. It is considered that the building has a strong presence in the street scene of the area and makes a positive contribution to the character of this area.
- c. The architects firm involved is of note (Stimpson Lock and Vince) and Max Lock does have connections to Watford (he lived in the property at 80 Langley Road from around 1938 until 1950 when it was sold to Mr FH Vince)); the house is shown as being designed for a Mrs Lock. Max Lock also designed the Elm Court buildings on Albert Road South dated 1935 and which he used as an office for a while.

On this basis it is considered that the building should be added to the local list.



4.20 A table showing the full responses is attached to the report at Appendix 2.

4.21 **47 Cassiobury Park Avenue**

Following a refusal of planning permission on 10th January 2019 for a very large extension and removal of outbuildings which were contemporary with the house, the owner contacted the policy team by phone and by E-mail to register his concern regarding the proposed local listing of the property. His initial concerns arose from the fact that he stated he had not received the consultation letter and that the first instance he was aware of the proposal was reference to it in the decision notice and in the officer's report. Following the refusal he had undertaken works using permitted development rights to demolish the outbuildings and to replace the windows and the front door. The Council has now made an Article 4 Direction restricting other permitted development rights which is allowed to proceed would

harm the character of the property and the area. We have replied to the points made in his email as follows:

- a. **Local Search:** the property was recently purchased with a view to extending it to make a large family home. A Local Search was carried out in September and there was no mention in the search of a proposal to locally list the property.
- b. **Refusal of planning permission:** the owner's architect was notified of the decision to refuse planning permission on 11th January 2019 and this is how the owner found out about the proposed local listing.
- c. Property is not being lived in so the consultation letter was not received.
- d. Building works have commenced on the site, the outbuildings have been removed, the windows and door replaced and the porch canopy over the door removed. On this basis we think the building should be removed from the local list.
- e. Can you advise on how we can get the property removed from the local list?

The Council's response to this is set out below:

- a. The earliest point at which information regarding designations which are proposed would appear on a search is at the point the proposals are made available for consultation – this usually follows an internal sign off procedure. In this instance the final decisions were made at the beginning of October following 3-4 months of internal discussions and research. Your search was made prior to the information regarding the proposed designations reaching the point where it could be shared with other sections of the Council.
- b. The Development Management team did consult with the Conservation Team as they were informed of the proposal to add further properties to the local list and that a consultation was taking place.
- c. As part of the consultation process the Council sends letters to all addresses affected. The consultation lasted for 6 weeks and the letters sent out 19th/20th October. As the owner we would expect you, or for you to have arrangements in place for someone else, to check the property regularly for mail if you were not occupying it. We are not required to consult prior to designation but it is good practice to do so and this is the method we have used in the past. Information was also available on the council's website and through social media.
- d. Work has indeed taken place which has removed some of the architectural features which were referenced in the proposed entry for the building. It is considered that despite these alterations the building still has sufficient value to add to the local list. An Article 4 Direction has

now been made in respect of other works which would be allowed under permitted development rights so that this work would now require planning permission. This was done to prevent further alterations which may impact on the value of the building as a heritage asset.

- e. The process for reviewing the proposed local listing is to comment during the consultation period and demonstrate why the proposed building does not meet the criteria identified. This has not been done. All the properties were reviewed following the consultation period to ensure that there was a consistency and robustness to the approach. No 47 is still considered to meet the criteria.

No 47 taken around 2015



No 47 taken 22 January 2019



Despite the demolition of the outbuildings and the removal of the original windows, the property retains many good quality original features (stepped and sprocketed eaves, asymmetric chimney, horizontal tile banding and tile feature above first floor window in gable to road) and is unaltered in terms of floor plan (originals design is available in the building control records).

4.22 Proposed Way Forward:

- a. Review of all properties consulted on for consistency and clarification of how the criteria are applied;
- b. Revised list of proposed additions;
- c. Proposed conservation area for Cassiobury Triangle area
- d. Proposed further consultation for suggested properties which meet the assessment criteria

4.23 Following the consultation comments, officers have reviewed the entries and set some clarification regarding how the assessment criteria have been used in relation to the buildings in the Cassiobury Estate. The review of all the proposed properties has been done using the following interpretations of the main criteria:

Architectural and Historical:

- i. Construction dates: post 1939 will not be taken forwards – the earlier the date the more likely the building is to be taken forwards; pre 1920s are most significant. Where it can be evidenced from the original plans that the building was designed by a noted local architect this is considered relevant to taking the building forwards.
- ii. Several practices were involved in building the Cassiobury Estate and some such as Max Lock had connections to Watford (evidence from the Max Lock Centre – research undertaken in respect of Little Stratford in 2010- Dr Mike Theis).
- iii. Impact and extent of alterations: properties where there are significant extensions which have altered the plan form on both storeys and the roof form will not be taken forwards. Limited single storey rear or side extensions where the plan form is still readable are likely to be taken forwards.
- iv. The quality and integrity of the features will be reviewed.

4.24 Revised list: following a review of the properties proposed in the consultation to ensure that those to be added to list are of sufficient quality and that there is a

consistency in the approach, it is proposed that the following properties **should not** be taken forwards:

- a. 50 Cassiobury Drive – large two storey side extension which has altered the roof form and compromised the original intent.
- b. 94 Cassiobury Drive – degree of alteration and dates
- c. 10 Cassiobury Park Avenue – very large extension which has had a significant impact on the design?
- d. 14 Cassiobury Park Avenue – unaltered currently but damaging extensions have been granted consent which if implemented would compromise the integrity of the building design.
- e. 21 Cassiobury Park Avenue
- f. 26 Cassiobury Park Avenue
- g. 36 Cassiobury Park Avenue
- h. 40 The Gardens
- i. 7 Shepherds Road
- j. 69 Langley Way

4.25 All of the above which lie on Cassiobury Park Avenue or Shepherds Road are within the proposed conservation area and would be afforded further protection if this is taken forwards.

4.26 The list of those recommended **to be added** following consideration by Cabinet in February is set out here (map attached):

- a. 1 Cassiobury Drive
- b. 44 Cassiobury Drive
- c. 107 Cassiobury Drive
- d. 121 Cassiobury Drive
- e. 1 Cassiobury Park Avenue
- f. 2 Cassiobury Park Avenue
- g. 3 Cassiobury Park Avenue
- h. 5 Cassiobury Park Avenue
- i. 6 Cassiobury Park Avenue
- j. 8 Cassiobury Park Avenue
- k. 9 Cassiobury Park Avenue
- l. 11 Cassiobury Park Avenue
- m. 18 Cassiobury Park Avenue
- n. 24 Cassiobury Park Avenue
- o. 28 Cassiobury Park Avenue
- p. 35 Cassiobury Park Avenue
- q. 40 Cassiobury Park Avenue
- r. 43 Cassiobury Park Avenue
- s. 43A Cassiobury Park Avenue
- t. 47 Cassiobury Park Avenue
- u. 42 The Gardens
- v. 44 The Gardens

- w. 23 Shepherds Road
- x. Corinden, Temple Close
- y. Dancing Woman Sculpture, Cheslyn House
- z. Bridge 165, Grove Mill Lane
- aa. Bridge 168 Rousebarn Lane
- bb. Road Bridge, 30m north of Brook Cottage, Grove Mill Lane.

- 4.27 **Article 4 Directions:** the Policy Team received an e-mail from the Development Management section head recommending that if properties are to be added to the local list then an Article 4 direction should be made withdrawing some of the permitted development rights which allow development which if left unmanaged would cause harm to the assets. This is likely to include development such as alterations under Part 1: Class A; additions or alterations to the roof (Class B); other alterations to the roof (Class C); porches (Class D); hard surfaces (Class F) chimneys and flues (Class G); Minor operations under Part 2 such as gates, fences etc, exterior painting and under Part 11, Class B and C for demolition works.
- 4.28 **Conservation Area Proposal:** following the comments received and the subsequent review of the proposed additions it is considered that the area around Cassiobury Park Avenue to around no 47 and Shepherds Road should be researched further with a view to designating a small conservation area. The map attached shows the primary area of interest with two possible extension areas. It is intended to undertake further research into the background of this area so that we could consult with the public on this in the spring or early summer 2019. It is likely that if a conservation is designated then the properties within the conservation area which are not on the local list would become subject to Article 4 Directions in a similar way to the locally listed properties.
- 4.29 **Further properties to be reviewed and consulted on:** following the consultation officers will review some further properties for consideration and consultation at the same time as the conservation area. Not all the properties suggested during the consultation will be taken forwards for further review having already been reviewed and not included; generally this is due to the degree of alteration or a much later design and construction date (17, 34, 36 and 40 Cassiobury Park Avenue). Properties put forward for further consideration and not already reviewed are: 4,12,13,,22,23,27,30,31,33,38, 39,42 Cassiobury Park Avenue, 8,9,11 and 15 Garden Close and 93 Hempstead Road. It may be that some of these will not meet the criteria and would not be included in any future consultation. Those properties in Cassiobury Park Avenue would also be within the proposed conservation area boundary.

Other Key Changes

- 4.30 The key changes aside from the additions proposed are deletions/removals from the list;

- a. 36 Clarendon Road – demolished with consent (residential and office development)
- b. 73-75 Clarendon Road – demolished with consent (TJX development)
- c. 39-41 High Street – demolished with consent (Intu development)
- d. 54-56 High Street – demolished and rebuilt so the integrity of the building and hence much of its value has gone.
- e. Sugden House - now nationally listed.

5.0 Implications

5.1 Financial

- 5.1.1 The Shared Director of Finance comments that the further work and consultations will be undertaken using existing budgets.

5.2 Legal Issues (Monitoring Officer)

- 5.2.1 The Head of Democracy and Governance comments that the legal implications are contained within the body of the report

5.3 Equalities, Human Rights and Data Protection

- 5.3.1 Having had regard to the council's obligations under s149, it is considered that the review of the Local List and the proposal to add further properties to the local list will not result in any equality issues. The proposed buildings have been assessed purely on their heritage value. In terms of Human Rights the addition of buildings to the local list results in their becoming heritage assets and to ensure their protection and continued contribution to the visual amenity and character of the area the Council may use Article 4(1) powers to withdraw permitted development rights where this can be justified. The impact on an individuals' Human Rights is considered in assessing the justification for using these powers.

Having had regard to the council's obligations under the General Data Protection Regulation (GDPR) 2018, it is considered that officers are not required to undertake a Data Processing Impact Assessment (DPIA) for this report.

5.4 Staffing

- 5.4.1 No additional resources required as this is led by the Conservation and Urban Design Team.

5.5 Accommodation

- 5.5.1 N/A

5.6 Community Safety/Crime and Disorder

5.6.1 N/A

5.7 Sustainability

5.7.1 The adopted Local Plan Part 1: Core Strategy adopted in 2013 was subject to a full sustainability appraisal.

Appendices:

Appendix 1: Consultation Letter sent to Property Owners

Appendix 2: Summary Table of Consultation Responses

Appendix 3: Table of Changes

Appendix 4: Proposed Additions - Final Entries Feb 2019

Appendix 5: Revised Introduction Text

Appendix 6: Maps:

a. Cassiobury Triangle Area showing Proposed Locally Listed Buildings and Potential Conservation Area

b. Cassiobury Estate North of the Park showing proposed Locally Listed Buildings

c. Grove Mill Area showing Bridge Locations

d. Rousebarn Lane Area showing bridge location

e. Cheslyn House and Gardens – Dancing Woman Statue

Background papers

The following background papers were used in the preparation of this report. If you wish to inspect or take copies of the background papers, please contact the officer named on the front page of the report.

Supporting Documents:

1. PPAG Report 11th July 2018

2. Consultation Document

3. PPAG Meeting Note December 2018

4. Historic England Guidance note & can be found here

https://www.watford.gov.uk/info/20168/planning_policy/820/design_and_conservation/3

5. The 2010 Local List Document can be found here: <https://historicengland.org.uk/images-books/publications/local-heritage-listing-advice-note-7/>

6. Historic England LSE An Assessment of the effects of conservation areas on value May 2012

<https://content.historicengland.org.uk/content/docs/research/assessment-ca-value.pdf>