
Appeal Decision

Site visit made on 24 January 2017

by Alex Hutson MATP CMLI MArborA

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 14 February 2017

Appeal Ref: APP/Q5300/W/16/3160534

Sainsbury's Supermarket, 3 Crown Road, Enfield EN1 1TH

- 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 Sainsbury's Supermarkets Ltd against the decision of the Council of the London Borough of Enfield.
 - The application Ref 16/02249/FUL, dated 20 May 2016, was refused by notice dated 18 July 2016.
 - The development proposed is erection of a standalone (A1 retail) pod for Timpsons.
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Decision

1. The appeal is dismissed.

Preliminary matter

2. The appellant originally sought planning permission for the erection of a standalone (A1 retail) pod for Timpsons and associated advertisement consent. However, the appellant has confirmed that the appeal has been made only on the basis of the Council's refusal to grant planning permission for the retail pod. This is reflected in the banner heading above and I have determined the appeal on this basis.

Main issue

3. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

4. The supermarket is located within the Enfield Retail Park (ERP). The ERP contains a number of permanent, contemporary retail units and food and drink outlets of varying sizes, typically set around large car parks. Whilst the area displays a strong commercial and retail character, the permanent appearance of retail units and food and drink outlets within the ERP, whether stand alone or otherwise, is a characteristic feature of the area. The supermarket is a large, modern development constructed of high quality materials with an attractively detailed canopy, which comprises a series of arches, along its principle frontage. The modern, attractive and permanent appearance of the supermarket therefore conforms to and contributes to the wider character and appearance of the area.
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5. The proposal would introduce a standalone retail pod in a prominent position to the front of and at the westernmost end of the supermarket's principle frontage, beneath one of the arches of its attractive canopy. I acknowledge that the brick cladding of the proposed retail pod would reflect the materials used in the construction of the supermarket. I also note that the intention is to mimic the entrance lobby to the supermarket and to reflect the height of windows to the east of it. I have also had regard to a previous appeal¹ which was dismissed that related to a standalone kiosk within the car park of the supermarket and recognise the differences, including in respect of design and location, between that proposal and the proposal at hand.
6. Nevertheless, I observed that the entrance lobby, whilst projecting forward of the main façade of the building, sits centrally below a larger and more elevated front canopy arch. The entrance lobby therefore appears as an integral design element of the supermarket and relates well to its overall appearance. The retail pod would have a lower overall height than the entrance lobby and would not be centrally sited below the arch of the canopy above it. It would therefore not adequately mimic the entrance lobby and would appear at odds with this main projecting element of the building. Moreover, the windows within the front façade of the building to the east of the entrance lobby display a strong horizontal arrangement which forms a characteristic feature of the overall design and appearance of the building. The full height, vertical glazed doors and windows of the retail pod would appear at odds with these windows.
7. Having regard to these factors, the proposed retail pod, whilst commercial in nature, would fail to integrate well with and would detract from the overall form and appearance of the supermarket. Furthermore, it would appear disjointed from and ancillary to the main building and as such, would not appear as a permanent addition to it. This would be noticeable in from views within the car park area to the front of the supermarket and in views from surrounding roads including Crown Road and the A10, through and over the perimeter vegetation of the car park area. Consequently, the retail pod would appear at considerable odds with and would result in significant harm to the character and appearance of the supermarket and surrounding area.
8. The appellant makes reference to a 'We Buy Any Car' kiosk with the car park of Toy R Us, located approximately 200m from the appeal site. However, whilst I observed such a kiosk in that location, there is no substantive evidence before me that it benefits from planning permission. Accordingly, I afford this matter limited weight. The appellant also refers to a number of planning consents for retail pods similar to that proposed, within the boundaries of other administrative authorities². However, no further details have been provided in respect of these consents to allow me to consider these further. As such, I afford limited weight to them.
9. I have, however, been provided with details of a planning consent for a similar retail pod associated with a supermarket in the London Borough of Croydon³. Whilst I recognise some similarities exist between that case and the case I am to consider, I do not consider it reasonable to compare the context of that site to the context of this site given the considerable separation distance between

¹ Ref APP/Q5300/W/15/3005024

² Including Bedford Borough Council; Breckland Council; St Edmundsbury Council; London Borough of Barnet; London Borough of Hillingdon; South Bucks District Council; and London Borough of Richmond Upon Thames

³ London Borough of Croydon Ref 16/02601/P

them and their wholly different geographical locations. In addition, it is unclear whether there are any other buildings with a temporary appearance in the vicinity of that supermarket or any wider retail park it is located within which might have influenced the decision in that case. Moreover, each case should be determined on its own merits. Consequently, the abovementioned examples do not justify a planning permission in this instance.

10. I therefore conclude that the proposal would be contrary to Policy 30- Maintaining and Improving the Quality of the Built and Open Environment, of the Enfield Plan Core Strategy 2010; and Policies DMD37- Achieving High Quality and Design Led Development and DMD39- The Design of Business Premises, of the Enfield Development Management Document 2014. These policies require, amongst other things, development to reinforce local distinctiveness, to be appropriate to its surroundings and to respect the grain and character of the surrounding area. These policies are broadly consistent with the aims and objectives of the National Planning Policy Framework which seek planning to secure high quality design and to take account of the different roles and character of different areas.
11. The proposal would also be contrary to Policy 7.4- Local Character, of The London Plan- The Spatial Development Strategy for London Consolidated with Alterations Since 2011 March 2015 (London Plan). This policy requires, amongst other things, development to have regard to the form and structure of an area and to sustain, protect and enhance the character of an area.
12. The Council also cites conflict with Policies 4.7- Retail and Town Centre Development and 7.5- Public Realm, of the London Plan. However, Policy 4.7 does not relate to character and appearance and Policy 7.5 appears to relate more to the design of the public realm in general, including ease of movement, connectivity between spaces and social infrastructure. As such, these policies do not appear to be of particular relevance to this appeal.

Other matters

13. The proposal would provide an additional service for customers of the supermarket and wider ERP. I recognise that it would contribute towards economic growth and would provide additional employment opportunities. However, in the wider scheme of things, such benefits would be modest in scale and would not outweigh the harm I have found in respect of character and appearance. Furthermore, there is no substantive evidence before me to demonstrate that the service which would be provided within the proposed retail pod could not be integrated within the existing large supermarket building to achieve these benefits.

Conclusion

14. For the reasons set out above and having regard to all other matters, I conclude that the appeal should be dismissed.

Alex Hutson

INSPECTOR