
Appeal Decision

Site visit made on 6 February 2017

by Gareth W Thomas BSc(Hons) MSc(Dist) PGDip MRTPI

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

Decision date: 14th March 2017

Appeal Ref: APP/Q5300/W/16/3160303

Hobart House, 51 The Bourne, Southgate, London N14 6RT

- 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 Crowncourt Properties Ltd against the decision of the Council of the London Borough of Enfield.
 - The application Ref 16/00459/FUL, dated 3 February 2016, was refused by notice dated 25 July 2016.
 - The development proposed is for a rooftop extension of 5 no. residential units upon an existing residential building.
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Decision

1. The appeal is dismissed.

Procedural matter

2. The description in the application differs from that shown in the Council's decision notice. The Council's decision clearly describes the appeal proposal and I have considered the appeal on the basis of an extension to the roof of the existing building to provide 5 additional units (comprising 3 x 1-bed, 1 x 2-bed and 1 x 3-bed) with dormer windows and extension to lift.

Main Issues

3. The main issues in this appeal are:
 - Whether the proposed development represents an unacceptable over-development and an over-intensification of the appeal site;
 - Whether the proposed development would cause harm to the character and appearance of the area in terms of scale and design;
 - Whether the proposed development would have a significant impact on the setting of heritage assets;
 - The effects of the proposal on the living conditions of future occupiers in terms of amenity space and;
 - The effects of the proposal on the living conditions of existing occupiers from potential noise and disturbance.

Reasons

Whether the proposed development represents an unacceptable over-development and an over-intensification of the appeal site

4. The appeal site comprises an existing four storey purpose built office block with a five storey tower at the south-west corner of the building. It is of utilitarian
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appearance faced in regular arrangement of vertical brick panels interspersed with vertical sections of aluminium framed windows and spandrel panels. The roof is designed as a steep mansard incorporating lead framed dormers. The appeal site lies in a mixed use area of housing to its south and east and retail and other commercial uses comprising a District centre on the eastern approach to Southgate Underground Station. The site adjoins the Southgate Circus Conservation Area and is within some 115 metres of the listed underground station.

5. The property is currently being converted to provide 40 residential flats with 128 habitable rooms. The proposal would see the vertical continuation of the mansard roof to provide an additional five residential units giving a total of 45 flats with 145 habitable rooms. The Council has calculated the density of the development as 794 hr/ha, which is significantly above the optimum values depicted in Table 3.2 of The London Plan for sites with a PTAL 5 score. However the appellant challenges the figures on the basis that the open plan kitchen/dining/lounge should not be treated as two separate rooms.
6. The reasoned justification to Policy DMD 6 of the Council's Development Management Document (DPD) explains that density is measured through the number of habitable rooms provided per hectare; where kitchen/dining rooms exceed 13sqm in floor area and are capable of subdivision, they should be treated as separate rooms. Whilst I accept the appellants' premise that such density standards should not be applied mechanistically, given the prevailing character of the area comprising relatively moderate density housing, it is clear that the density that would be achieved as a result of this proposal would not be in keeping with local residential character.
7. Consequently, the proposal would be in conflict with Policies 3.4, 3.5 and 7.4 of The London Plan and would be contrary to Enfield Core Strategy (CS) Policies CP4 and CP30 and DMD Policies DMD 6, DMD 8, DMD 37 and DMD 38 which in combination seek to ensure that new developments are of high quality design, particularly in areas of distinctive quality where there is a need to ensure that density levels are appropriate to the locality.

Character and appearance – scale/design

8. Despite the existing building's height and bulk and the particular dominance of the tower element, the proposal itself comprising a double height mansard would not sit comfortably on the building as the appellant suggests but rather would represent a visually top heavy element when viewed in the context of the street scene. Furthermore it would become an overly heavy and dominant element to the building.
9. Although the appellants draw attention to other buildings that include the provision of double height mansard roofs, it seems to me that these were discreetly designed behind the front face of those buildings. In the case of the appeal premises, there is no off-set provision and instead the roof would continue in a single plane thereby accentuating the top heavy nature of this roof.
10. There is, moreover, scant detail concerning the lift overrun. Whilst I am content that were I in a position to allow this appeal, the materials to be used could be dealt with by way of a planning condition, this vertical element merely

serves to accentuate the poorly designed roof and would represent a further unacceptably discordant feature.

11. Having regard to the above findings, the proposal would be in conflict with Policies 3.5, 7.1, 7.4, 7.6 and 7.8 of The London Plan, CS Policies CP4, CP30 and CP31 and DMD policies DMD 6, DMD 8, DMD 37 and DMD 38. These policies seek to ensure new developments are of high quality design that protect local character and distinctiveness. I also disagree with the appellant on the issue of tall buildings. DMD Policy DMD 43 clearly states that this policy will apply to locations where existing development is of good design and is relatively homogenous in scale, grain and height. The jarring element of the proposed increased height of the mansard would be out of kilter with the existing street scene and therefore contrary to this policy also.

Setting of heritage assets

12. In March 2015 Historic England published its Historic Environment Good Practice Guide in Planning, Note 3 – The Setting of Heritage Assets with guidance on the steps to follow in assessing these. I have taken this guidance into account in reaching my conclusions.
13. Whilst the concept of the setting of a conservation area is not enshrined in legislation, the National Planning Policy Framework (the Framework) states that the setting of a heritage asset can contribute to its significance. Opportunities should be sought for new development within the setting of heritage assets that would enhance or better reveal the significance of the heritage asset. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.
14. I have been provided with the conservation area appraisal concerning the Southgate Circus Conservation Area (CA). It appears to me that the focus and principal significance of the CA is derived from the curved modernist Southgate Underground Station and its associated transport interchange comprising of five roads and the shopping parades that face the station and which echo its curvature. The immediate setting of the Underground Station is one reminiscent of a planned grand design. However this quickly changes along The Bourne beyond Tudor Way to a more suburban housing quality. The appeal building represents an altogether more bulky and somewhat brutal built form that is quite out of character with either the residential area to its east or the three storey parade of shops fronting the approach road to the station.
15. However, in my view, whilst I have found that the mansard design is unacceptable in scale and design, from the distances involved, there would be negligible effect on the listed building as such. In making this assessment, I have had special regard to the statutory duty to pay special attention to the desirability of preserving the setting of the Underground Station as a listed building.
16. Notwithstanding, when viewed against the parade of shops, the additional height of the mansard roof together with the severity of the roof plane would have a significant additional jarring effect against the traditional commercial properties on the corner of The Bourne and Tudor Way. This aspect of the appeal proposal would consequently have an unacceptably harmful effect on the setting of the CA.

17. On this basis, given the considerations outlined above regarding the setting of heritage assets, the proposed development would have a significant additional unacceptable effect on the setting of the CA. For the reasons identified, I find that the appeal development comprising an additional storey to the mansard roof would fail to conserve and enhance the setting of the CA contrary to Policies 3.5 and 7.8 of The London Plan, CS Policies CP30 and CP31 and DMD Policy 44, as well as the Framework in this regard.

Living conditions – future occupiers

18. The appellants contend that the provision of some 530sqm of communal amenity space within the landscaped area at the corner of The Bourne and Wynchgate would be of sufficient size and, as an area that is overlooked by those flats already permitted and by the proposed flats, this would provide the necessary natural surveillance that is required by DMD Policy DMD 9. My attention is also drawn to a number of planning applications approved by the Council and that of its neighbouring authority areas where a reduction in the area required for communal open space has been permitted.
19. I recognise that there is no set prescription included in DMD Policy DMD 9 but also that there was a degree of acceptance of this aspect of the proposal by the Council in the advice given at pre-application stage. In my view, the amount to be provided would be acceptable and, moreover, this area would provide a mature and attractive open space facility for future occupiers.
20. Consequently, the proposed communal open space provision would fulfil the Council's ambitions as set out in DMD Policy DMD 9 and would therefore comply with such policy.

Living condition – noise disturbance to existing occupiers

21. The Council asserts that the proposal would adversely affect the amenity of occupiers of existing neighbouring properties through intensification resulting in unacceptable levels of noise and general disturbance. This is also a potentially negative feature also associated with over-intensive housing developments. However, the Council offers no evidence that such problems will inevitably arise.
22. Moreover, I am cognizant of the views of the Council's Environmental Protection & Regulations team who do not raise any objections in this regard and, in reality, support the appellants' view that existing background traffic noise are already high which would have the effect of negating the effects arising from many households living in such close proximity of one another. However, I am doubtful whether the normal day to day activities associated with an additional five households living at the premises or utilising the communal open space would result in unacceptable additional levels of noise or general disturbance.
23. Consequently, I do not consider that the proposal would be in conflict with policies 3.4, 3.5 and 7.4 of The London Plan or with CS Policies CP4 and CP 30 or with DMD Policies DMD 8, DMD 9, DMD 37 and DMD 38. These policies combine to ensure that developments are well designed in relation to standards of accommodation and provision of private amenity space as well as respecting local character and amenity levels.

Other matters

24. It is recognised that the proposal would result in much needed additional housing accommodation which would occur in a highly sustainable location. In addition, the Council does not appear to dispute the fact that it has a record of under-delivery of housing. However, these factors do not override the harm that I have identified.
25. Local residents also express concern at the lack of on-site parking facilities. However, as the Council concedes, this site is located in a sustainable location close to major public transport infrastructure.

Conclusion

26. Having regard to the above reasons and taking all other matters raised into account, this appeal is dismissed.

Gareth W Thomas

INSPECTOR