



Appeal Decision

Site visit made on 21 January 2020

by J Hunter BA (Hons) Msc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 February 2020

Appeal Ref: APP/Q5300/W/19/3240316

1, Harston Drive, Enfield EN3 6GG

- 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 Ms Iveta Nemcova against the decision of the Council of the London Borough of Enfield.
 - The application Ref 19/01760/FUL, dated 10 May 2019, was refused by notice dated 20 August 2019.
 - The development proposed is described as Installation of two electric gates at each entrance of Harston Drive (the road), EN3 6GG. One gate will be placed at the beginning of the road, between Maynard Court and Harston Drive (the building), and second at the end of the road, between Harston Drive and Maynard Court. The gates will extend over the footpath laid on both sides of the road and will finish with doors providing unrestricted access for pedestrians.
-

Decision

1. The appeal is dismissed.

Background and Main Issue

2. The appellant argues that the site falls outside of the Enfield Lock Conservation Area (CA) boundary but the Council has confirmed that they have assessed the proposal as being within the CA because the fixings of one of the gates would be within the boundary. The statutory duty as set out below is applicable in relation to the part of the proposal that is within the CA. The remaining elements of the proposal fall within the setting of the CA. In this context, the main issue is whether the proposal would preserve or enhance the character and appearance of the Enfield Lock Conservation Area (CA) and preserve its setting.

Reasons

3. Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the decision maker to pay special attention to the desirability of preserving or enhancing the character or appearance of CAs. Paragraphs 193 and 197 of the National Planning Policy Framework 2019 (The Framework) require decision makers to afford great weight to the conservation of a designated heritage assets. Similarly, Policy CP31 of the Enfield Core Strategy 2010(CS) and Policy DMD44 of the Enfield Development Management Document 2014 (DMD) require proposals affecting heritage assets to have regard to their special character.

4. The appeal site is a residential street which bounds the River Lea to the west and includes three original buildings that appear to have been converted into residential accommodation. The modern element of the street is arranged in a horseshoe shape with two entrances off Metford Crescent to the east and as well as James Lee Square to the north which leads into the village centre.
5. The appeal proposal seeks to install two electric gates, one at each entrance into Harston Drive from Maynard Court. The gates would be relatively substantial in scale at approximately 9 metres wide and 1.8 metres tall across the road section. There would also be pedestrian gates measuring around 1.1 metres wide by 1.5 metres high on each of the footpaths adjacent to the road gates. Based upon the information submitted the gates would be a vertical bar design in dark coloured metal.
6. The character of the area is that of a modern residential estate that is encircled by the River Lea creating an island know as Enfield Island Village. I saw during my site visit that much of the character of the area is derived from the presence of the buildings linked to the historical uses of the riverside location that have been retained within the modern housing development. The modern development that surrounds the historic core has an open feel and I noted during my site visit the connectivity between the streets and spaces and links to the central commercial area. Furthermore, the street layouts, particularly those in and around the appeal site allowed open and unrestricted views into the CA.
7. I consider that the erection of the proposed gates would create a physical barrier that would interrupt the views into and from the CA and erode the openness of the area. Whilst I acknowledge that the pedestrian gates would be unlocked and would therefore allow unrestricted access into the street for pedestrians, the effect of the gates would inevitably deter movement through the space thus reducing connectivity to the wider area. Furthermore, when viewed from the riverside to the west, the gates would impinge on the views across the CA and into the surrounding residential streets.
8. Overall, I conclude that owing to their scale, design and prominent position, the gates would introduce a dominant feature that would enclose the space thus detrimentally altering the prevailing open character of the area. This would be contrary to the requirements of Policies CP30 and CP31 of the Enfield Core Strategy 2010 (CS) and Policies DMD6, DMD8, DMD37 and DMD44 of the DMD which collectively seek to ensure that development proposals of a high quality design, of appropriate bulk, scale and massing that has regard to the context of an area.
9. In the context of the above, the proposal would fail to preserve or enhance the character and appearance of the CA and its setting. In terms of the advice in the Framework at paragraph 196, the harm to the CA would be less than substantial. Such harm must be weighed against any public benefits identified.
10. The appellant asserts that the proposal would prevent indiscriminate parking and fly tipping within the street and in addition would increase security and privacy for residents. These are benefits to weigh in the balance. However, I note third party comments that appear to dispute some elements of the appellant's case, in relation to the occurrences of fly tipping and unauthorised parking. Nevertheless, I am not persuaded that alternative, more sensitive measures to increase surveillance and security have been considered and, in

any event, the benefits outlined would be mainly attributed to the residents of Harston Drive, and not to the wider public.

11. Therefore, whilst I sympathise with the appellant's desire to address potential anti-social behaviour, I find that the harm to the CA and the failure to preserve its setting would clearly outweigh the identified benefits.

Other Matters

12. The appellant has raised concerns about the conduct of the Council in and the way that this application was processed. This is something that should be raised directly with the Council and is not something that I can deal with as part of a S78 appeal.

Conclusion

13. For the reasons outlined above and taking into account all other matters raised, I conclude the appeal should be dismissed.

J Hunter

INSPECTOR