
Appeal Decisions

Site visit made on 21 November 2019

by Brendan Lyons BArch MA MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 2nd March 2020

Appeal A: APP/Q5300/W/19/3231450

35 The Green, Winchmore Hill, Southgate, London N21 1HS

- 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 Mr Philip McGriskin against the decision of the Council of the London Borough of Enfield.
 - The application Ref 19/00060/FUL, dated 8 January 2019, was refused by notice dated 29 March 2019.
 - The development proposed is the installation of a gated carriage driveway to the front garden and associated alterations to the garden wall.
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Appeal B: APP/Q5300/Y/19/3231456

35 The Green, Winchmore Hill, Southgate, London N21 1HS

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr Philip McGriskin against the decision of the Council of the London Borough of Enfield.
 - The application Ref 19/00061/LBC, dated 8 January 2019, was refused by notice dated 28 March 2019.
 - The works proposed are the installation of a gated carriage driveway to the front garden and associated alterations to the garden wall.
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Decisions

1. Both Appeal A and Appeal B are dismissed.

Main Issue

2. The main issue in both appeals is the effect of the proposed driveway and boundary alterations on the special interest of the listed building, and on the character and appearance of the conservation area.

Reasons

3. No.35 The Green, known as Rowan Tree House, is one of a semi-detached pair of houses that date from the early 18th century and are listed Grade II. The house and its neighbour, Woodside House (No.37), stand just off The Green, a small open space that forms the centrepiece of the Winchmore Hill Green Conservation Area.
4. Rowan Tree House presents a symmetrical frontage to the road, comprising two storeys of painted brick in five bays with a central entrance door, and three dormer windows in a slated mansard roof above a moulded cornice. Woodside

House continues in similar style, but with a rendered façade of only four bays and an off-centre entrance, and with the mansard covering only half the width of the façade.

5. The houses are set back from the road behind modestly sized front gardens. The garden of Rowan Tree House is separated from the road by a low painted wall with a central timber gate giving onto a gravel path that leads straight to the entrance door, with rectangular areas of lawn and planted borders to each side.
6. Planning permission and listed building consent are now sought to form a semi-circular drive, with access from and egress to the road each secured by a pair of bow-topped ornamental wrought iron gates hanging from tall pillars. The central gate would be retained but flanked by matching tall pillars supporting an ornamental wrought iron archway above the gate. The short lengths of wall between pillars would be topped by railings similar in style to the double gates.
7. In considering proposals for alteration to a listed building, statutory duty¹ requires that special regard must be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. A similar duty applies in respect of the preservation or enhancement of the character or appearance of a conservation area². National policy set out in the National Planning Policy Framework ('NPPF') confirms the great weight in favour of the conservation of 'designated heritage assets' such as listed buildings and conservation areas³. The particular significance of any element of the historic environment likely to be affected by a proposal should be identified and assessed⁴. Any harm should require clear and convincing justification⁵.
8. In this case, the appellant has provided a robust assessment of the significance of the relevant heritage assets. The special interest of the listed building lies in its illustration of Georgian-era development in a village close to London. The survival of the original fabric of the pair of houses, together with sensitive later alterations and additions over time, has important historic interest. The proportions and treatment of the front elevation, including the later changes to doors and windows, have considerable architectural interest. Of the pair, Rowan Tree House benefits from the greater formality of its symmetrical frontage.
9. Historical map evidence shows that the houses have always been fronted by small gardens, free of vehicular access. The maps suggest that Rowan Tree House at one time had a layout of pathways in semi-circular format but that the present direct central path has been in place for well over 100 years. The front boundary wall appears to have had some rebuilding but to retain its historic form, although an early photograph shows that it was at one time topped by railings and that pedestrian gates to both houses were flanked by tall pillars matching the one remaining at the eastern corner of the site. The current timber gate and posts do not appear very old, but fit reasonably well with the context. The side boundaries are simple brick walls, possibly

¹ Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, dealing respectively with applications for proposed works and proposed development

² Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990

³ NPPF paragraph 193

⁴ NPPF paragraphs 189, 190

⁵ NPPF paragraph 194

contemporary with the front. The lack of consistent enclosure and the fact that the front wall has had some rebuilding does not devalue the boundary's contribution to the interest of the listed building, as argued by the appellant. In their present form, the front boundary and garden retain much of their historic fabric and provide a pleasingly understated frontage to the house, establishing its setting from the public realm and allowing the quality of the front elevation to be the focus of attention. This contributes to the special interest of the listed building.

10. The Council's published Conservation Area Appraisal ('CAA') outlines the development of Winchmore Hill from its rural roots, initially in the 18th century but particularly from the second half of the 19th century onward. The character of the area derives from the feeling of the original village centre around The Green and the generally residential use, with the presence of many high-quality buildings of different styles and periods and an abundance of greenery. The appeal building, tucked away just off The Green, is noted as an important contributor to the character and appearance of the area.
11. The appellant accepts that the appeal building makes a positive contribution to the conservation area, but again argues that the boundary wall is of lesser value. In my view, this draws an unwarranted distinction between the principal building and its curtilage features.
12. The CAA notes that pressure for off-street parking and the increase in hardstanding areas in front gardens has been a source of adverse change in the conservation area. The same would be true in the present case. Irrespective of the design of the altered boundary, the reduction in the green area of the garden and the presence of parked cars occupying the space in front of the building would inevitably have an adverse effect on the perception of the listed building as an intact heritage asset.
13. The appellant argues that driveways are an established part of the character and appearance of the conservation area. But that is not unexpected in an area with buildings of varied age. None of the examples cited appears to involve a building of similar age to the appeal building, with most relating to much more recently built houses, such as 86-88 Broad Walk, where on-plot parking would have been provided as standard. A narrow drive to the side of some of the older houses, or between buildings such as that to the east of the appeal site, has limited impact on the street scene. Where these have been expanded in width, as in some of houses on Church Hill, the reduction in enclosure has detracted from character and appearance. The appeal proposal's looped layout, filling the width of the plot tight between the side boundary walls, would not be characteristic of the area or consistent with the special interest of the listed building.
14. The two pairs of gates required for the looped layout would involve the loss of almost half the length of the front boundary wall. The tall gates would form a much more prominent enclosure, with bowed tops and elaborate detailing for which no historic precedent is cited. The addition of five further masonry pillars would clutter the frontage, and go well beyond any historic precedent offered by the limited evidence of the nineteenth century boundary. That evidence is not clear on the pattern of any earlier railings, but it seems unlikely that they would have been as ornate in style as those now proposed. The ironwork overthrow feature above the central gate would appear particularly elaborate

- and incongruous, and would not derive justification from evidence that there may once have been a lamp or ornamental feature on top of the corner pillar.
15. The house has clearly always been a well-appointed dwelling but, contrary to the appellant's assessment, it is doubtful that it was ever of such 'high status' to justify a boundary treatment as elaborate as that now proposed. The railings and gates would allow visibility of the front elevation, when not interrupted by parked cars, but would become a dominant intrusive feature in the foreground of most views of the house, detracting from the setting of the principal building and the appreciation of its special interest.
 16. The appellant argues that a house of this size generates a need for on-plot parking, the provision of which could prevent pressure to change from residential use, as has happened at Woodside House. But there is no evidence that the viable use of the house as a substantial dwelling is in any way at risk. The appellant's own evidence in support of the appeal suggests that there is substantial capacity for on-street parking in the immediate vicinity. The proposal would result in the loss of two on-street parking spaces, but the Council's objection to this appears to be based on the consequent adverse effect on the front garden rather than on likely increased pressure for on-street parking.
 17. For the reasons set out above, I find that the proposal would not preserve the listed building or its setting. The harm to the significance of the heritage asset would be less than substantial, mainly because the fabric of the principal building would not be affected, but would not be inconsiderable. As the listed building is an important constituent of the heritage interest of the conservation area and occupies a central location, the proposal would not preserve or enhance the character or appearance of the conservation area, considered as a whole. The harm to significance of the designated heritage asset would again be less than substantial, due to the limited extent of the proposal.
 18. In accordance with NPPF policy, these harms need to be weighed against the proposal's public benefits. The appellant acknowledges that the loss of historic fabric, and the use of the garden space for parking, would involve a minor adverse impact on the special interest of the listed building, but argues that this would be outweighed by benefit from the proposed boundary treatment and by upgrading the property to modern-day standards. As set out above, I do not agree that the harm would be very minor or that the altered boundary treatment and access arrangements would constitute a benefit. While investment in the fabric of a listed building that would secure its future can sometimes be taken as a public benefit, that would not be the case here, where there are no grounds to conclude that the proposed parking provision would be necessary to secure the optimum viable use of the listed building.
 19. I conclude that the harms would not be outweighed. The appeal proposal would not accord with national heritage policy on the application of the statutory duty, or with the heritage protection objectives of Policy 7.8 of the London Plan ('LP'), Policy CP31 of The Enfield Plan Core Strategy ('CS') and Policy DMD44 of the Improving Enfield Development Management Document ('DMD'). There would also be conflict with LP Policy 7.4, CS Policy CS30 and DMD Policies DMD37 and DMD46, which collectively seek to achieve high quality design and protect local distinctiveness. There would be no other material considerations

that would indicate decisions other than in accordance with the development plan.

Conclusions

20. For the reasons set out above, I conclude that both appeals must be dismissed.

Brendan Lyons

INSPECTOR