
Appeal Decision

Site visit made on 10 November 2020

by Mr W Johnson BA(Hons) DipTP DipUDR MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 December 2020

Appeal Ref: APP/Q5300/D/20/3253132

47A Chase Side, Enfield, London EN2 6NB

- 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 John Kerr against the decision of the Council of the London Borough of Enfield.
 - The application Ref 20/01024/HOU, dated 24 March 2020, was refused by notice dated 17 April 2020.
 - The development proposed is described as: 'erection of first-floor front extension involving creation of undercroft parking space, together with front dormer with pitched roof and green roof, conservatory at front, conversion of garage into habitable room and alterations to courtyard fenestrations'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. For clarity, I have added 'London' to the address in the banner heading above as it is more precise.
3. The appeal site is located within the Enfield Town Conservation Area (ETCA), in accordance with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), I have paid special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area.
4. The appellant has referred to the host dwelling in his submission as a non-designated heritage asset (NDHA). The National Planning Policy Framework (the Framework) and Planning Practice Guidance (PPG) advises that it is important that all non-designated heritage assets are clearly identified as such, the PPG also advises that NDHA's may be identified as part of the decision-making process on planning applications¹. In light of the above, in accordance with the Framework and the PPG, for the reasons that follow, I find the host dwelling has a degree of significance meriting consideration in this decision. I will not prejudice any party on taking this approach and have therefore, dealt with the appeal on this basis.

Main Issues

5. The main issues of this appeal are the effect of the proposed development on:
 - i. the character and appearance of the appeal site and surrounding ETCA; and,

¹ Paragraph: 040 Reference ID: 18a-040-20190723

- ii. the living conditions of neighbouring occupiers, regarding dominance, outlook and privacy

Reasons

Background

6. The proposed development comprises of various elements. However, the Council only raise concerns surrounding the combination of the proposed first-floor front extension involving creation of undercroft parking space, together with front dormer with pitched roof and green roof. On the basis of the evidence before me and in the absence of any substantive evidence to the contrary, I agree with the Council's observations on this matter.

Character and appearance

7. The host dwelling is a detached property that dates from between 1897 and 1911, and is located within the ETCA. The building is simple in its appearance/form and I find that its significance derives from its likely industrial/commercial use/history, thus retaining the historic interest and relevance to its wider surroundings. The first part of the ETCA was designated in 1968, which was enlarged in 1972 to become the ETCA, with further extensions that took place again in 1983 and 1984. For the purpose of the character analysis the ETCA was divided into 5no. character areas².
8. The site is located within the Chase Side, Chase Green and Gentleman's Row character area. This character area lies between the town centre and the northern boundary of the ETCA, which is also predominantly residential. I note that the Council's ETCA Character Appraisal (the CA) summarises the special interest of this character area³ as the New River, the high quality architecture and its green setting; good quality 19th century terraces and small groups of houses; the strong contrasts on many routes between densely built houses and a wide outlook over green, public areas or fields. I find that the above elements correspond with my findings during the visit and form the significance of the character area of this part of the ETCA in which the site is located.
9. I acknowledge that planning applications⁴ have been previously approved that if combined would result in a similar outcome to the appeal scheme. However, I do recognise that the previous schemes were approved on their own individual merits and not collectively, unlike the scheme before me. I do not consider the principle of a contemporary extension to the host dwelling to necessarily be harmful, although I do have concerns surrounding the proposed development in this instance, particularly through the amount of development proposed and its collective effect of the host dwelling, which is notable.
10. Paragraph 192 of the Framework requires local planning authorities to take account of the desirability of sustaining and enhancing the significance of heritage assets, and the desirability of development making a positive contribution to local character and distinctiveness. Paragraph 197 says the effect of an application on the significance of a NDHA should also be taken into

² 1) Town centre, and New River eastwards; 2) Enfield New Town (Raleigh Road/Sydney Road/Essex Road);

³ 3) Chase Side, Chase Green and Gentleman's Row; 4) Enfield Grammar/county schools, their playing fields and Silver Street and 5) Town Park/golf course.

³ 3.7.21 (page 39)

⁴ 15/00726/HOU, 17/00345/HOU and 20/00887/VAR

account, requiring a balanced judgement to be made having regard to the scale of harm or loss and the significance of the asset.

11. I find that the proposed development would significantly reduce the important sense of space around the host dwelling, dominating its original shape and form. The resultant appearance of the proposed development would be unsympathetic and distinctly at odds with the host dwelling, thus forming an incongruous feature. I accept that views of the site from areas within the public realm are limited, due to the surrounding residential development on Chase Side, Horseshoe Lane and River View. Nonetheless, I consider that glimpses would still be possible from the access. Additionally, I note that currently the host dwelling is considered to form a 'Neutral building' within the CA. However, I am not convinced that the proposed development would not create a strident feature with proportions out of keeping with the prevailing character of the host dwelling.
12. The statutory duty in Section 72 of the Act is a matter of considerable importance and weight. The proposal would have a negative effect on the significance of a designated heritage asset and would result in "less than substantial" harm in the words of paragraph 196 of the Framework. To allow the proposal the resultant harm would need to be clearly outweighed. The proposal would add accommodation to the host dwelling and there would be some economic and social benefits associated through the construction phase of the development, amongst other things. However, I find that the public benefits of the proposed development are limited and would not outweigh the harm to the significance of the ETCA.
13. The appellant has brought to my attention various developments that have been approved by the Council⁵ and an appeal decision⁶ that was allowed. Whilst all of these cases are located within the same Council area as the appeal scheme, I am not satisfied that the site-specific circumstances are directly comparable to the case before me. I have also noted the photograph of a development in Chapel Street. In any event, the fact that other development may exist, is not a reason, on its own, to allow otherwise unacceptable development. Consequently, I find that the development referenced has little implication for the specific impact of the appeal scheme.
14. I acknowledge the appellant's comments in relation to the proposed lower ridge lines. However, I do not consider the proposed development would amount to a subordinate addition. Although, the facing materials would likely complement the host dwelling and there is mature vegetation adjacent to the flank wall facing No's 49 to 55 (odd) Chase Side, I do not find that these factors would provide sufficient mitigation to outweigh the harm otherwise arising. Furthermore, I do not consider that a suitably worded condition could be imposed to ensure that otherwise unacceptable development could be made acceptable in this instance.
15. For the above reasons the proposed development would fail to preserve or enhance the character or appearance of the ETCA, and would lead to less than substantial harm to a designated heritage asset; and would adversely affect the significance of the appeal site as a NDHA. Accordingly, I find that the proposed development would conflict with the design, heritage, character and

⁵ P14-01780PLA; 18/04480/HOU; 18/04401/HOU; P14-02110PLA;

⁶ APP/Q5300/W/15/3141415

appearance aims of Policies 7.4, 7.6, 7.8 of the London Plan 2016 (LonP); Policies CP30, CP31 of the Council's Core Strategy 2010 (CS); Policies DMD 6, DMD 13, DMD 14, DMD 37 and DMD 44 of the Development Management Document 2014 (DMD). Additionally, the proposed development would not conserve the heritage assets in a manner appropriate to their significance in line with the Framework.

Living conditions

16. The proposed development will not extend any closer towards No's 49 to 55 (odd), but would have a more direct relationship with No's 49 and 51. I acknowledge the concerns raised by the Council and the occupier of No 47 Chase Side, which is on a similar building line to No's 49 to 55 (odd), but due to No 47 being sited on the opposite side of the access it is sited at an oblique angle to the host dwelling and I find any effects on their living conditions would be limited. Overall, I find that the separation distance maintained between No's 47 to 55 (odd) would be sufficient to prevent any significant harm to the occupier's outlook. Whilst noting that the existing flank wall will increase in height, this would not be a notable addition, and the first-floor front projection will have a flat roof.
17. Therefore, in both instances, I am satisfied that there would be no significant sense of enclosure created from the proposed development. Additionally, whilst no windows are currently located on the flank wall of the host dwelling, I do not consider that the insertion of the 2no. windows as proposed would create any loss of privacy to the occupiers of neighbouring dwellings, due to them being obscure glazed and non-opening, nor do I consider that any perception of being overlooked would result. In this instance the level of obscure glazing and the non-opening function could be satisfactorily controlled through the imposition of a suitably worded condition.
18. For the above reasons, the proposed development would not harm the living conditions of neighbouring occupiers. Accordingly, I find that the proposed development would not conflict with the amenity aims of LonP Policy 7.6; DMD Policy DMD 8 and the requirements of the Framework.
19. DMD Policy DMD 6 has been cited by the Council on its decision notice in respect of this main issue. However, this policy relates to residential character, and therefore, I do not find it directly applicable.

Other Matters

20. The occupier of No 47 has also expressed a wide range of concerns including, but not limited to the following; noise, highway safety, hazards and disturbance from construction works and damage to properties, amongst other things. However, I note that these matters were considered where relevant by the Council at the application stage and did not form part of the reasons for refusal, which I have dealt with in the assessment above. Whilst I can understand the concern of the neighbouring occupier, there is no compelling evidence before me that would lead me to come to a different conclusion to the Council on these matters. I have considered this appeal proposal on its own particular merits and concluded that it would cause harm for the reasons set out above.

Planning Balance and Conclusion

21. Whilst I accept the absence of other harm arising from the proposed development, including living conditions, this does not outweigh my assessment of the main issues.
22. The proposed development would conflict with the development plan when taken as a whole, and there are no other material considerations that indicate otherwise. It would also be at odds with the requirements of the Framework, conflicting with the environmental objectives set out in paragraph 8. Thus, the proposal does not constitute sustainable development.
23. Taking all relevant matters into account, I conclude that the appeal should be dismissed.

W Johnson

INSPECTOR