
Appeal Decision

Site visit made on 19 January 2021

by I A Dyer BSc (Eng) FCIHT

an Inspector appointed by the Secretary of State

Decision date: 28 January 2021

Appeal Ref: APP/Q5300/W/20/3258667
57 Fox Lane, Southgate N13 4AJ

- 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 Connifers Care against the decision of the Council of the London Borough of Enfield.
 - The application Ref 20/01133/FUL, dated 6 April 2020, was refused by notice dated 24 June 2020.
 - The development proposed is single storey side and rear extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the site and immediate area, with particular reference to the Lakes Estate Conservation Area.

Reasons

3. 57 Fox Lane is a substantial end of terrace Victorian building, currently in use as a care home, located at the junction of Fox Lane with Lakeside Road. Its design features include a conical roof on a double storey bay at the side of the front elevation, decorative roof finials and high parapets with chimneys. The building is finished in a mixture of brickwork and render.
4. The site falls within the Lakes Estate Conservation Area (the CA). The area is predominantly residential, with two-storey semi-detached dwellings and short terraces with a variety of period details and front gardens often bounded by hedges. The area accommodates numerous street trees. Notwithstanding that some of the buildings have been extended, the area retains a high degree of authenticity. Conical roofs, such as that on No 57 appear on many of the buildings in the locality, particularly at road junctions and are often matched on buildings on the opposite corner of the junction. The corner buildings also often feature a prominent main doorway on the corner of the junction. Such paired conical roofs and entrances, by virtue of their prominence and location framing junctions contribute positively to the character and appearance of the area, and hence the CA.
5. The significance of the CA, in so far as it relates to this appeal, derives from its evidential, historic and aesthetic value found in the authenticity of its period

- urban architecture. The character and appearance of the CA in this vicinity is of a verdant urban residential street.
6. Opposite the proposal site is a corner building (55 Fox Lane) that retains a significant proportion of its original detailing, including a conical roof, albeit that this building has been extended and includes roof extensions and a side and rear ground floor extension. Nonetheless the original conical roof, and prominent porch and door remain as dominant features on the junction.
 7. The proposal would introduce a single storey extension that would wrap around the side and rear of the building. The proposal includes design features and materials that reflect those appearing on buildings in the locality, including a conical roof, sash windows and detailing.
 8. The side extension, set back approximately 0.8 metres from the back of the footway, would extend over the length of the elevation of the building to Lakeside Road. The projection towards Fox Lane incorporates a conical roof which would be a prominent feature set forward in the site.
 9. The position of this roof, and scale would undermine the prominence of the main conical roof. Further there is no prominent porch/entry to the building and the extension would further diminish the legibility of the building's access point.
 10. Given the importance that I have placed on the role played by the conical elements in the main roof and the doorways in the setting of the junctions, this undermining of the prominence of the conical roof feature and further diminishment of the legibility of access to the appeal building, lacking subservience to the existing building, would constitute harm to the character and appearance of the area and hence fail to maintain or enhance that of the CA. Given the prominence of the building and its roof on the street scene and the visibility of the proposal from the public realm, the harm to the character and appearance of the CA would be great.
 11. 55 Fox Lane has been extended with a similar side element to that which is proposed on No 57, and this also features the use of detailing, including a conical roof, and materials that reflect those used locally. I have limited information regarding the planning history of No 55. However, whilst this building also lies within the CA and contributes to its character and appearance, in this case the conical roof of the extension is set back to retain the prominence of the entrance porch facing the corner of the junction and provides greater subservience to the conical element on the main roof. Notwithstanding the lack of setback of the side extension of No 55 from the footway and superficial similarity with the proposal, the effect of that extension on the parent building and the character and appearance of the CA is not the same as that of the proposal. At the time of my site visit I observed several other side extensions on corner plots within the CA. I have no details of their planning history and I have, in any case, considered the proposal before me on its own merits.
 12. In conclusion, I find that the development would cause great harm to the character and appearance of the site and immediate area, and hence to the Lakes Estate Conservation Area. The proposal would, therefore, not comply with the expectations of the Planning (Listed Buildings and Conservation Areas) Act 1990. It would be contrary to Policies 7.4, 7.6 and 7.8 of the London Plan

- (2016), Policies DMD6, DMD8, DMD11, DMD14, DMD37 and DMD44 of the Enfield Council Development Management Document (2014) and Policies CP30 and CP31 of the Enfield Council Core Strategy (2010). This is because these policies jointly, amongst other things, seek to ensure that development complements or makes a positive contribution to the character of a place, informed by the surrounding historic environment and that development affecting heritage assets and their settings should conserve their significance.
13. The statutory duty in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 is a matter of considerable importance and weight. As a consequence of its design the appeal scheme would have a harmful impact on the CA insofar as it would neither preserve nor enhance the character or appearance of the CA. The proposal would not lead to the loss of any buildings that make a positive contribution to the character or appearance of the CA. As such, whilst material, I find that the harm would be less than substantial. Paragraph 196 of the Framework directs that where a development proposal will lead to less than substantial harm, this harm should be weighed against the public benefits of the proposal.
 14. The development would provide public benefits in terms of supporting a local business, with associated benefit to the local economy. However, these benefits would be limited by the scale of the development.
 15. The benefits of the proposal would be of limited weight overall. The proposal would result in a great level of harm to the significance of a designated heritage asset. However, the harm must be considered in the context of the special attention I must pay to the desirability of preserving or enhancing the character or appearance of the CA. I afford considerable importance and weight to this statutory duty. This does not amount to a direction to refuse proposals that harm, and thus fail to preserve, designated heritage assets, but it provides a strong presumption in favour of preservation
 16. On the evidence before me I therefore conclude that the public benefit, in this case, has not been demonstrated to outweigh the less than substantial harm identified to the CA.

Conclusion

17. For the reasons given above I conclude that the appeal should be dismissed.

I Dyer

INSPECTOR