
Appeal Decisions

Site visit made on 22 September 2021

by S Ashworth BA (Hons) BPI MRTPI

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

Decision date: 17th November 2021

Appeal Ref: APP/Q5300/W/20/3262279

Rivulet House, 32 Gentleman's Row, Enfield EN2 6PU

- 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 Dr Carol Cragoe against the decision of the Council of the London Borough of Enfield.
 - The application Ref 20/01782/HOU, dated 8 June 2020, was refused by notice dated 7 August 2020.
 - The development proposed is a single storey extension involving the removal of an outbuilding, the repair and reinstatement of a wall and alterations to existing elevation.
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Appeal Ref: APP/Q5300/Y/20/3262280

Rivulet House, 32 Gentleman's Row, Enfield EN2 6PU

- 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 Dr Carol Cragoe against the decision of the Council of the London Borough of Enfield.
 - The application Ref 20/01783/LBC, dated 8 June 2020, was refused by notice dated 7 August 2020.
 - The works proposed are a single storey extension involving the removal of an outbuilding, the repair and reinstatement of a wall and alterations to existing elevation.
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Decisions

1. Appeal A: The appeal is dismissed.
2. Appeal B: The appeal is dismissed.

Preliminary Matters

3. The two appeals relate to the refusal of applications for planning permission and listed building consent for the same proposal as set out in the banner heading above. As there are issues common to both appeals I have dealt with them in one decision for conciseness.
4. Since the decisions were made, the London Plan 2021 and an updated version of the National Planning Policy Framework have been published. I have referred to these, the most up-to-date versions of the documents, in my decision.
5. During the course of the appeal process, amended plans were submitted by the appellant to address objections made by the Council and interested parties to the application plans. The revised scheme includes changes to the footprint,

materials and appearance of the proposed development, include a change to the form of an existing extension.

6. The 'Procedural Guide - Planning Appeals- England' advises that if an appellant thinks that amending their application proposals will overcome the local planning authority's reasons for refusal they should normally make a fresh application. The appeals process should not be used to evolve a scheme. The Council and interested parties have not had the opportunity to comment on the amended plans which include significant and detailed changes to the refused scheme. Accordingly, my acceptance of the amended plans would deprive those interested parties of the opportunity of being consulted and they would thereby be prejudiced. Therefore, whilst I acknowledge the intention of the revised scheme, I have dealt with the appeals on the basis of the plans on which the Council made its decision.

Main Issues

7. 32 Gentleman's Row is a Grade II listed building which lies within the Enfield Town Conservation Area.
8. The main issues in this case are therefore the effect of the proposal on the special architectural or historic interest (or significance) of the listed building and whether the proposal would preserve or enhance the character or appearance of the Conservation Area.

Reasons

9. The starting point for the consideration of the proposals is Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) which require that special regard is had to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest it possesses. In terms of the Conservation Area, Section 72 (1) of the Act requires that special attention is paid to the desirability of preserving or enhancing the character or appearance of the area.
10. The character and appearance, and significance, of the Enfield Town Conservation Area, set out in detail in the appellant's Heritage Statement lies in the high quality of its townscape and the range of 19th century buildings, a high proportion of which are Grade II and Grade II* listed buildings. One of those buildings, the appeal property No 32 Gentleman's Row, is a 2-storey house in the style of a small villa, which dates from the early-mid 19th century. The property backs onto the road where it sits immediately at the back of the pavement and makes a positive contribution to the character and appearance of the area. The significance of the building, as set out in the Heritage Statement, is both architectural and historic. The house is well proportioned with modest detailing including a limited number of windows to the road facing elevation and a regular pattern of sash windows, and a lattice porch to the west. The internal plan form is well preserved and architectural details both internal and external are typical of its age. Although altered in 2002 by way of a single storey lean-to using non-matching materials from a demolished outbuilding, the special architectural and historic interest of the building is apparent.
11. A high brick boundary wall encloses the garden to one side and mature vegetation and a river to the other, such that the property has a secluded,

private character within an urban context. The garden, which is functionally and physically related to the property, forms part of the building's setting and makes a contribution to its significance as a heritage asset. Evidence indicates that historically the area of garden to the south side of the house was a functional area at various times occupied by outbuildings.

12. The proposal seeks to remove the existing timber shed adjacent to the boundary wall and replace it with a larger flat roofed, partly glazed, partly timber single-storey extension to provide a dining room, bedroom, shower and utility room. Space would be left between the original kitchen and extension for bin storage and gates in the boundary wall retained. In addition to that, the 2002 extension would be clad in a brick to match the house and the boundary wall repaired.
13. I note that there is no objection by the Council to the removal of the existing shed and given that it makes a neutral contribution to the significance of the Listed Building. I have no reason to disagree.
14. The proposed charred timber cladding, which would be limited in extent, would be a modern interpretation of the weatherboarding I noted on other properties in the area. It would clearly contrast with the brick of the existing building, and thereby differentiate the new part of the extension from the existing, an effect assisted by the full height glazing, which although limited, would provide a visual break between the existing and proposed extensions.
15. Nevertheless, the extension would be a sizeable structure which would in effect fill the space between the side of the house and the front and side boundary walls. Combined with the 2002 extension, it would constitute a significant addition to the original footprint and massing of the building. Moreover, the irregular form and detailing of the combined elements, exacerbated by the variety in the size and shape of the window openings, would lack visual coherence and would thereby contrast poorly with the polite ordered appearance of the original house. In addition to that, the projection of the extension beyond the west elevation of the house, albeit by a limited degree, would add to its bulk and prominence. Accordingly, taking all these matters together, the extension would be a dominant and distracting structure that would detract from the simple elegance and small scale of the building, elements which contribute to its significance as a heritage asset.
16. A small barn or garage, which itself projected forward of the west elevation, occupied part of the site until its demolition. Evidence of that outbuilding is still apparent. However, that building was a stand-alone structure of a limited scale and was not attached to the house or shed. It would have been apparent that it was an ancillary building. Moreover, it pre-dated the kitchen extension and there would have been significant gaps between the end of the house and the outbuilding, and the outbuilding and the shed, such that the massing of the buildings would have been entirely different. As such, the historic spatial arrangement of the buildings would have meant that the scale and form of the house was readily apparent. Accordingly, the former presence of outbuilding does not justify the proposal before me.
17. Views of the extension from the street would be generally limited to a narrow strip of weatherboarding above the boundary wall and glimpses of the extension through the gate opening. In that respect, viewed from this side, the proposal would have a limited impact on the public realm. To the rear of the

site the proposal would be screened to an extent from the opposite side of the river by mature vegetation and a summer house within the appeal site, although there would be glimpses of it at certain points. Nevertheless, listed buildings are protected for their inherent qualities, irrespective of whether or not they are visible to the public.

18. My attention has been drawn to examples of extensions at Nos 2 and 10 Gentleman's Row which I saw on my site visit. Both extensions are readily visible within the public realm. I do not have the full details of these cases before me and cannot therefore know whether the circumstances that led to their approval are the same as in this case. Moreover, it does not appear that these are listed buildings and the type and appearance of the extensions is different from the case before me. Accordingly, whilst I have had regard to these examples, I have determined the appeal on the basis of the site circumstances of this particular case.
19. There would be no alteration to the historic fabric of the listed building and features of importance within the building, including the plan form, would be retained. There is no dispute between the parties that there would be some benefit from changing the appearance of the existing extension, a matter which carries limited weight in heritage terms in support of the scheme. However, these matters would not outweigh the harm I have identified which carries significant weight.
20. Therefore, for the above reasons the proposal would not preserve the significance of the building, its setting or the ability to appreciate it. It would therefore be contrary to the statutory duty of the Act as set out above. Whilst the extension would not be unduly prominent from within the public realm, given that the significance of the conservation area lies in part in the quality of the architecture within it, the proposal would also result in, albeit limited, harm to the significance of the conservation area. Given the extent of the conservation area and the interest of the listed building as a whole, that harm, in the terms of the Framework would be less than substantial.
21. The approach in the Framework is that where a development will lead to less than substantial harm to a designated heritage asset this harm should be weighed against the public benefits of the proposal including, where possible, securing its optimal viable use.
22. The proposal would provide enhanced living accommodation including the provision of a downstairs wc and bedroom which would be accessible. In that regard the proposal is in accordance with Policy D5 of the London Plan which seeks to promote inclusive design. However, I am unconvinced that given its size and layout the dwelling is not currently suitable for modern living or that similar benefits could not be achieved by an extension of a different design and size. Accordingly, the proposal is not necessary to secure the continued use of the building as a dwelling and as such this matter carries limited weight in favour of the scheme.
23. The Council concurs with findings of a structural report which states that the boundary wall needs to be repaired. There is no convincing evidence to the contrary. Therefore, the proposed repair and reinstatement of the upper part of the wall, which I noted on site to be distorted, is necessary. This is a public benefit of the scheme, particularly given the importance of the wall to the public realm. I note the Council's view that in any event the wall could be

repaired without the need for listed building consent. Nevertheless, this benefit carries limited weight in support of the scheme.

24. On that basis the public benefits of the proposal considered cumulatively do not outweigh the identified harm, harm which, in accordance with the requirements of the Framework, carries great weight.
25. For the above reasons the proposal would conflict with the weighty statutory requirements of the Act and the policy of the Framework which states that any harm to the significance of a designated heritage asset should require clear and convincing justification. For the same reasons it would not comply with policies D3 of the London Plan 2021, Policies CS30 and CS31 of the Core Strategy 2010 and Policies DMD8, DMD37 and DMD44 of the Development Management Document 2014, which amongst other things and in various ways, seek to ensure that development is of high quality having regard to its context; conserves and enhances the special interest, significance and setting of heritage assets; is of an appropriate scale, bulk and massing and of appropriate design materials and detailing.
26. My attention has also been drawn to Policy D4 of the London Plan. However, this policy refers to the process by which the quality of the design is assessed and is not determinative in this case.

Conclusion

27. For the reasons set out above, the scheme would not comply with the development plan considered as a whole and there are no material considerations that outweigh the identified harm and associated development plan conflict. It therefore follows that the appeals should be dismissed.

S Ashworth

INSPECTOR