



Appeal Decision

Site Visit made on 8 November 2021

by M Chalk BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st December 2021

Appeal Ref: APP/Q5300/W/21/3274722

50-54 Church Hill, Southgate, N21 1JA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Mr Trevor Beadle against London Borough of Enfield.
 - The application Ref 20/03755/FUL, is dated 16 November 2020.
 - The development proposed is erection of three detached, 4-bedroom dwelling houses, together with associated parking, access, and landscape improvements.
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Decision

1. The appeal is dismissed and planning permission for erection of three detached, 4-bedroom dwelling houses, together with associated parking, access, and landscape improvements is refused.

Preliminary Matters

2. The Government released a revised National Planning Policy Framework in July 2021. The latest revision of the London Plan was published in March 2021. The main parties have had the opportunity to comment on these revised documents.

Main Issues

3. The appellant lodged an appeal against non-determination as the Council did not issue a decision on their application within the statutory period. The Council has subsequently stated that it would have refused planning permission on grounds relating to design, local character, and the effect on heritage assets, trees and biodiversity.
4. The main issues are therefore:
 - The effect of the proposed development on the character or appearance of the Winchmore Hill Green Conservation Area including the effect on trees, and on the setting of the nearby listed St Paul's Church; and,
 - The effect on biodiversity.

Reasons

Heritage assets

5. The site falls within the Winchmore Hill Green Conservation Area (the CA), and specifically within the Church Hill character area as recognised in the Winchmore Hill and Vicars Moor Lane Conservation Area Character Appraisal (the Appraisal). This recognises the dominant characteristic of the area as its variety, with a range of architectural styles forming an engaging and constantly changing street scene. The Appraisal notes that the stylistic variety is

reinforced by the eclectic mix of materials used, including brick, render and weatherboarding. It further highlights the well-planted front gardens, often with mature trees, that give the area a leafy, suburban feel that is almost rural to the west of the church. I agree with this appraisal of the character of the area.

6. The site is also a short distance from St Paul's Church, a Grade II listed building recognised as an architectural highlight of the area in the Appraisal. The church dates from the nineteenth century and was built to provide for urban growth after the Napoleonic Wars. It derives its significance from its cultural importance in the area as well as its architectural quality. It is a prominent feature of the street scene, notwithstanding that the street frontage of the church is distinguished by a row of mature trees. Prominent trees are likewise present in the front garden of 56 Church Hill, which sits between the church and the appeal site, and along the frontage of the appeal site itself. Given the proximity to the church and the shared presence of mature trees to the front of the sites, the appeal site forms part of the setting of the church.
7. In accordance with the statutory duty set out in the Planning (Listed Buildings and Conservation Areas) Act 1990, I have paid special attention to the desirability of preserving or enhancing the character or appearance of the CA and had regard to the desirability of preserving the setting of the listed building.
8. The site is largely covered by a woodland tree preservation order specifically designating the oak trees on the site. While the site is not public land, its existence as undeveloped woodland makes a substantial contribution to both the character and the appearance of the CA with its tall, mature trees being prominent in the street scene and wider area.
9. The introduction of three large houses on this site would irrevocably alter its character and substantially diminish its contribution to both the character and the appearance of the CA. The three houses would span almost its full width, with an urbanising effect that would be unsympathetic to the almost rural setting.
10. The houses would be essentially identical in form and scale, which would fail to respect the variety that is the dominant characteristic of the area. While each house would be finished in a varied palette of materials, the effect would be subtle and not sufficient to offset the impact of development of this scale on this wooded site. The houses would each be large, with the proposed No 54 the same height as No 56, despite the lower ground level of the appeal site. The proposed No 50 would be significantly taller than No 48. The size of the houses would add to their prominence within the street scene. The inclusion of a roof over the garage or car port to each house, while set back from the front elevation in each case, would significantly add to the width of the houses and the overall urbanising effect on the site.
11. There are examples of repeating designs in this character area, with the 1970s development at Hill House Close and the row of houses at 62 to 70 Church Hill. However, the Appraisal highlights these as being out of keeping with the rest of the road and, in the case of the Hill House Close houses, as being a negative aspect.
12. While most of the trees on site would be retained, and many of those to be removed are of relatively low value or poor quality, the extent of removal

would result in the significant reduction in the overall woodland quality of the site, and the contribution that it makes to both the character and the appearance of the CA. While the trees to be removed are generally those towards the centre of the site and additional tree planting would take place as part of the proposed landscaping scheme, the impact would still be perceived in the surrounding area, including from neighbouring properties.

13. The retained trees would provide some screening of the houses. However, the creation of a vehicle access would provide a clear view into the site, including the extensive block paving to the front of the houses. Furthermore, the size of the houses would be such that they would still be visible in the street scene even where the screening would be at its densest in front of the proposed No 54.
14. My attention has been drawn to three approvals within the CA for new housing, each on sites containing or next to mature trees. I do not have full details of the individual cases but have considered the information submitted. The development on Denleigh Gardens involved the removal of most of the trees on site, mainly those closest to the street frontage, and the site was subject to a tree preservation order. However, I note that Denleigh Gardens is a side road and the site is both smaller and less prominent in the CA than the appeal site. I am also conscious that planning permission was granted for this development in 2017, and the most recent revision of the National Planning Policy Framework (the Framework) places greater emphasis on the retention of existing trees wherever possible. The Church Hill permission was for a modest dwellinghouse of a scale in keeping with the neighbouring houses and which would appear to sit comfortably in the street scene. No trees were proposed to be removed as a part of the development. The approved house on Hoppers Road does not have any immediate neighbours and will be viewed in relative isolation in the street scene. The trees to be removed to accommodate this development were Category C or U trees. In addition to the differences noted, each permission was for a single house rather than three as proposed in this instance. There are therefore significant differences to the appeal proposal, which limits the weight that they attract in my assessment of this appeal.
15. Overall, therefore, the development would result in harm both to the character and the appearance of the CA. The appeal site is prominent and makes a positive contribution to the CA that would be significantly reduced by the appeal proposal, but it is a single location in the CA and the harm arising would be localised to the site and its surroundings. It would therefore amount to less than substantial harm to the significance of the CA overall.
16. The development would also cause harm to the setting of the church. Given the separation between the church and appeal site, and as the trees closest to the church would be retained, this would amount to less than substantial harm to the significance of this listed building.
17. The proposed development would therefore conflict with the requirements of Policies D4, HC1 and G7 of the London Plan 2021 (the LP), Policies DMD 37, DMD 44, DMD 80 and DMD 81 of the Development Management Document 2014 (the DMD) and Policies CP30 and CP31 of the Core Strategy 2010 (the CS). Collectively these policies require that development proposals affecting heritage assets, and their settings, should conserve their significance.

Biodiversity

18. The preliminary ecological appraisal that was carried out found that the site had limited ecological value. Follow-up surveys found no evidence that the site was in use by reptiles, and that the only tree found to potentially support bat roosts was one that would be retained as part of the development. Both surveys propose mitigation measures to provide additional bat roosts and reptile habitats within the site, and guard against harm from additional lighting. These measures could be secured by appropriately worded conditions if I were minded to allow the appeal. The proposed development would therefore accord with the requirements of Policies G6 of the LP, DMD 78 and DMD 79 of the DMD and CP36 of the CS. Taken together these require that development manage impacts on biodiversity and aim to secure net biodiversity gain.

Other Matters

19. There have been tree works carried out prior to the submission of the planning application the subject of this appeal. From the information before me, consent was sought and received from the Council where required for these works.
20. The Council referred to Policy CP35 of the CS in their submissions. I have not been provided with a copy of that policy, so it has not formed part of my consideration of this appeal. The Council further identified conflict with Policy DMD 38 of the DMD, but I am satisfied that the requirements of this policy relating to the detail to be provided with applications are met in this instance, so no conflict is present.

Planning Balance

21. The appeal proposal would create three generously sized new houses. This would support the Government's objective of significantly boosting the supply of homes. This is a small site where development can be delivered quickly. It is in a sustainable location close to Winchmore Hill Green which provides services and facilities as well as a train station. The development would include the installation of solar panels to each house, as well as the inclusion of measures to enhance biodiversity at the site. Collectively these benefits attract significant weight in favour of the proposal.
22. Set against this would be the less than substantial harm to both the significance of the CA, and to the setting of the listed church. The Framework states that great weight should be given to the conservation of designated heritage assets, irrespective of whether any potential harm amounts to less than substantial harm to their significance. While there would be significant benefits arising from the proposal these would not, in this instance, outweigh that great weight.
23. There are therefore no material considerations in this case to lead me to determine this appeal otherwise than in accordance with the development plan.

Conclusion

24. For the reasons set out above, the appeal fails.

M Chalk

INSPECTOR