



Appeal Decision

Site visit made on 16 November 2021

by M Scriven BA (Hons) MSc CMgr MCIHT MCMI

an Inspector appointed by the Secretary of State

Decision date: 8th December 2021

Appeal Ref: APP/Q5300/W/21/3272128

**Black Horse Tower, Holbrook House and Churchwood House, 116
Cockfosters Road, London EN4 0DY**

- 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 Alan Ward against the decision of the Council of the London Borough of Enfield.
 - The application Ref 20/04025/FUL, dated 11 December 2020, was refused by notice dated 12 March 2021.
 - The development proposed is external alterations to buildings involving removal and replacement of existing facades involving re-cladding and replacement windows and doors.
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Decision

1. The appeal is allowed and planning permission is granted for external alterations to buildings involving removal and replacement of existing facades involving re-cladding and replacement windows and doors at Black Horse Tower, Holbrook House and Churchwood House, 116 Cockfosters Road, London EN4 0DY, in accordance with the terms of the application, Ref 20/04025/FUL, dated 11 December 2020, subject to the attached schedule of conditions.

Preliminary Matters

2. For accuracy and having consulted with the main parties, I have taken the description of the proposal from the Council's Decision Notice and have used the correct name for the nine-storey building, the Black Horse Tower in the banner heading above.
3. I am aware previous appeals have been considered at the site¹ relating to a change of use of the buildings and the associated works have commenced. For the avoidance of doubt my decision relates solely to that applied for, regarding the external appearance of the buildings, not any formal change of use.
4. The National Planning Policy Framework (the Framework) was revised in July 2021, after the submission of the appeal. Therefore, I have had regard to the parties' submissions in relation to the changes to the Framework.
5. Various documents were submitted by the appellant to the Council, approximately one month prior to the Council's decision. These documents related to the proposed detail of door and window finishes, specific RAL numbering of the proposed finishes, computer generated images of alternative exterior finishes considered and the proposal when seen from the Green Belt

¹ APP/Q5300/W/20/3260507 and APP/Q5300/W/20/3265561

and Trent Park Conservation Area. Existing roof plans and a letter of support from the Cockfosters Local Residents Association were also submitted. Notwithstanding that these documents are not listed in the Council's decision notice, having consulted both parties on the matter, I am content to accept them as documents because they do not materially alter the scheme before me. As such, I do not consider any party would be prejudiced by me adopting this approach.

Main Issue

6. The main issues are:

- The effect of the proposal on the character and appearance of the area, including the existing buildings, the street scene and the Metropolitan Green Belt; and
- Whether the proposed development would effect the significance of the Grade II listed Cockfosters London Regional Transport Station, and preserve or enhance the character or appearance of the Trent Park Conservation Area.

Reasons

Character and appearance

7. The appeal site comprises of a group of three extensively glazed office blocks, which I am informed by the main parties date from the 1960s, specifically Black Horse Tower, Holbrook House and Churchwood House. The site is set back from the footway that runs along Cockfosters Road by virtue of parking areas, hedging and a wide verge accommodating mature trees.
8. The Black Horse Tower's height which reaches up over nine floors, taken with its expansive footprint and distinctive curved form dominates the existing street scene. The abundance of the building's pale beige brickwork adds to its conspicuousness, as too the distinctive white horizontal and vertical banding that travel up the block. Holbrook House and Churchwood House are arranged over three floors and incorporate powder blue cladding, appearing at odds with exterior finishes of the built form nearby. As such, the group of buildings do not match or complement one another, creating an uncomfortable arrangement when seen from street level. This jarring effect is amplified by virtue of the buildings appearing to require extensive external maintenance.
9. The built form that exists nearby is of mixed appearance and usage, with a parade of commercial units sitting below flats on the opposite side of the road to the appeal site. At the time of my visit, I saw few other buildings in excess of four floors above ground level in the locality. The closest exception being that of Metro Point, appearing to be arranged over five floors, incorporating black and white horizontal banding. I did also note that several of the units along Cockfosters Road incorporate black finishes that are experienced at street level as well as a large two storey workers' building located in the station car park, clad in dark grey which sits below the Black Horse Tower. Therefore, whilst there is little conformity in the local built environment, or a coherent approach to design, the incorporation of dark and black finishes on nearby buildings is by no means alien to the local street scene.
10. The Black Horse Tower is most readily seen in views from the north and south along the Cockfosters Road. The upper floors of the outer curve of the building

are visible from mid to long range points to the east, which I am informed by the main parties forms part of the Metropolitan Green Belt. However, the site itself does not sit in the Green Belt and I do not need to concern myself with applying the tests of Section 13 of the Framework here. The lower levels of the building, Holbrook House and Churchwood House are screened from such receptor points by virtue of the topography and mature trees. The main visual receptors of the low-rise buildings are from the adjacent street level and neighbouring properties, being largely shielded by the Black Horse Tower in views from the north.

11. The use of cladding, floor to ceiling glazing and associated black frames would not materially alter the existing dimensions or footprints of the buildings and would respect the main points of architectural interest including the contrasting horizontal and vertical banding, in addition to the defining curvature of the Black Horse Tower.
12. That the intended cladding and bandings would cover the existing light brickwork would not be of detriment to the character or appearance of the existing buildings. Instead, it would replace existing unattractive expansive, light coloured, brickwork with an alternative distinctive yet neutral finish, lifting the existing experience of the street scene whilst also respecting the main defining architectural elements of the existing development.
13. The use of matt black cladding would not in my view make the buildings any more visually dominant, intrusive or overbearing than they already are as it is the overall size and scale of the buildings, particularly Black Horse Tower, that dominates the experience of them. The increased coverage of glazing would not affect this in any harmful way but instead better break up the solid form of the buildings than is currently experienced. The proposal would also tie the buildings together in a more coherent manner than is currently the case, whilst also contrasting appropriately with their neighbours.
14. The proposed matt black finish set amongst white banding would also draw on the appearance of that which already features as described nearby. Notwithstanding this would be on a wholly different scale to that currently in existence, the finishes of the appeal buildings in their current appearance are not replicated or complimented in any obvious way by that which currently exists nearby.
15. Therefore, in my view the proposal would not harm the local street scene but rather improve the experience of it, refreshing the site and surrounds with a more aesthetically pleasing look and feel.
16. Turning to the nearby Green Belt, as explained above it is the overall massing and height which defines the Black Horse Tower in its position, and it would continue to do so. Likewise, I do not consider the flank elevations of the Black Horse Tower would be made any more conspicuous when seen from the Green Belt as they do not appear to be readily visible from the associated land and the orientation of the building is not changed by the proposals. The roof top structure that is visible from the Green Belt would also not appear any more visible than it already is. The additional glazing would assist in breaking up the exterior of the buildings and be of benefit, albeit minor. Therefore, in my view, ultimately the building would not appear more intrusive or dominant when seen from the Green Belt and the Green Belt edge would not appear any more

urbanised or developed as a result of the proposal than that which is already experienced.

17. I note the Council considers the design to be of insufficient quality and not design-led. It further considers the proposal lacks “lightweight” materials and that measures such as landscaping and living walls should be incorporated into the proposed scheme. However, I do not find that the Council has submitted sufficient explanation to substantiate its concerns on these matters. In any event and for the reasons given above, I find the appeal to be acceptable
18. Therefore, for the reasons above I consider that the proposal would result in betterment to the character and appearance of the existing buildings and the experience of the street scene. There would also be no harm experienced from within the Green Belt as a result of the proposal.
19. The proposal would therefore accord with Policy CP30 of the London Borough of Enfield Local Development Framework Core Strategy: The Enfield Local Plan, 2010, (CS) which amongst other things seeks to ensure development proposals maintain and improve the quality of the built environment. The proposal would also accord with the London Borough of Enfield Development Management Document (EDMD), 2014, Policy DMD37, which seeks to achieve high quality and design-led development. Similarly, the proposal would accord with CS Policy CP33 and EDMD Policy DMD83 which combined seek to protect the Green Belt. For the same reasons the proposal would accord with the policies D1 and D3 of the London Plan, 2021, which amongst other things seek to ensure development proposals evaluate the characteristics of the area and follow a design led approach.
20. For the same reasons the proposal would accord with the Framework in relation to achieving well designed places, being sympathetic to local character and landscape setting, whilst not preventing or discouraging appropriate innovation or change.

Heritage Assets

21. I am informed by the main parties that the appeal site sits close to two heritage assets, specifically the Grade II listed Cockfosters London Regional Transport Station to the north and the Trent Park Conservation Area to the east which forms part of the Metropolitan Green Belt referred to above.
22. Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 sets out that, in considering whether to grant planning permission for development which affects a listed building, or its setting, the decision maker shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended, requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas. Similarly, the Framework explains that great weight should be given to such heritage assets’ conservation
23. The historic significance of Cockfosters Station is explained by the Council to be limited to the architectural historic interest of the building, platforms and canopies, designed by Charles Holden and built in 1933, retaining original fittings such as lighting and signage as opposed to that which surrounds it. I

agree with that assessment, it is the historic 'metroland' style building from which its significance is derived. Whilst the Black Horse Tower is visible from the station platforms and car park, it has a neutral effect on the experience of the historic asset.

24. The main parties agree that the proposal would not harm the significance of the Cockfosters Station as its historic qualities are limited to the buildings rather than any wider setting. From my site inspection and the evidence before me I have no reason to disagree with this assessment. In my view, the proposal is clearly separated from the station by an intervening car park and relates solely to the exterior appearance of the appeal buildings. The existing appearance of the appeal buildings does not contribute to the way in which the historic asset is currently experienced, and neither would that proposed.
25. The significance of the Trent Park Conservation Area is derived from the expansive open parkland associated with historic usage of Enfield Chase and its previous agricultural usage, creating an attractive rural landscape and valuable respite from the urban feel of north London. The historic integrity of the land remains largely preserved from development albeit evidence of change in use and function is apparent and the abundance of trees, particularly along its edge play an important part in preserving the Conservation Area's setting.
26. At the time of my site visit, visibility was excellent and the sky was cloud free, the upper floors of the Black Horse Tower building were visible in only mid to long range views. It was apparent that as referred to above in relation to the proposal's effect on the Green Belt, it is the height and massing of the building that defines its experience from the Conservation Area. The current colour of the brickwork does not in any way soften the building's appearance, instead it contrasts with the skies above and trees below. This situation would not harmfully change with the use of an alternative neutral colour given the mid to long range views in which the building is experienced. Likewise, when visiting the Conservation Area, it was also apparent that other dark buildings are also present within the Conservation Area itself, with no apparent resultant aesthetic harm, including what appear to be recently constructed buildings at the Trent Park development in much clearer, short-distance views from public points.
27. Therefore, in my view, the character or appearance of the Conservation Area, would not appear any more harmfully urbanised or developed as result of the proposal than that which is already experienced.
28. As such, I am satisfied that the heritage assets would be preserved. The proposal would accord with CS Policy CP31 and Policy DMD44 of the EDMD, which amongst other things seeks to preserve heritage assets. Likewise, the scheme would accord with Policy HC1 of the London Plan which seeks to ensure development proposals conserve heritage assets and are sympathetic to their significance and surroundings. For the reasons above I also consider the proposal would align with section 16 of the Framework regarding heritage assets and as I have not found harm, it is not necessary for me to undertake the balancing exercise as specified in paragraph 202 of the Framework.

Conditions

29. I have had regard to the suggested conditions put forward by the Council, I have made some minor amendments for clarity and to meet the 6 tests set out in the Framework and the Planning Practice Guidance. In addition to a standard

time limit condition, for accuracy and to ensure conformance with the Development Plan conditions requiring that the proposal be constructed to the approved plans and documents is necessary. Also, having consulted the main parties, so as to ensure nearby residents' living conditions and the experience of the street scene is not harmed during construction, I have imposed a condition requiring a construction method statement. I also consider a condition relating to the submission of proposed materials, including that their colour closely matches that proposed, to be necessary given the application focuses more upon the appearance of the proposal than the precise materials to be used.

30. For the avoidance of doubt, the attached conditions relate solely to the proposal and not to the ongoing works at the site associated with the previously approved change of use.

Conclusion

31. For the reasons above, having had regard to all matters raised, the appeal is allowed.

M Scriven

INSPECTOR

****Schedule of conditions****

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans and document:

20 0055-111 - Block plan; 20 0055-112 - Location plan; 20 0055-1 - Existing ground floor plan; 20 0055-2 - Blackhorse Tower existing first and second floor plans; 20 0055-3 - Blackhorse Tower existing third and fourth floor plan; 20 0055-4 - Blackhorse Tower existing fifth and sixth floor plan; 20 0055-5 - Blackhorse Tower existing seventh and eighth floor plans; 20 0055-7 - Churchwood House existing first floor 20 0055-8 - Churchwood House existing second floor; 20 0055-9 - Churchwood House existing third floor; 20 0055-10 - Existing elevation key plan; 20 0055-11 - Existing external elevations; 20 0055-12 - Existing internal elevations; 20 0055-101 - Proposed ground floor plan; 20 0055-102 - Proposed first floor plan; 20 0055-103 - Proposed second floor plan; 20 0055-104 - Proposed third floor; 20 0055-105 - Proposed fourth to sixth floor; 20 0055-107 - Proposed elevation key plan; 20 0055-108 E - Proposed external elevations; 20 0055-109 C - Proposed internal elevations; 20 0055-110 - Proposed seventh to eighth floor and roof plan; 20 0055-113 Existing roof plan Blackhorse Tower; 20 0055-114 Existing roof plan Churchwood House; 21 0055-115 Proposed door and window details; Image titled View from Trent Park; Design, Access & Planning Statement 116 Cockfosters Road, dated December 2020;
- 3) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the Local Planning Authority. The Statement shall provide for: the parking of vehicles of site operatives and visitors; loading and unloading of plant and materials; storage of plant and materials used in constructing the development; the erection and maintenance of hoarding and scaffolding including decorative displays; measures to control the emission of dust and dirt during construction; delivery, demolition and construction working hours; the method of fixing(s) of approved exterior finishes to the existing buildings. The approved Construction Method Statement shall be adhered to throughout the construction period for the development.
- 4) No development within the area coloured red on submitted drawing no. 20 0055-112, shall take place until samples of all external facing materials, including their associated colours, have been submitted to and approved by the local planning authority in writing. The colour of the cladding shall match, or closely match, that submitted in the approved document: Cladding details final, submitted to the Local Planning Authority in letter dated 9 February 2021. The relevant works shall be carried out in accordance with the approved sample details.

****ENDS****