



Appeal Decision

Site visit made on 10 May 2022

by Peter White BA(Hons) MA DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st July 2022

Appeal Ref: APP/Q5300/W/21/3285471

147 High Street, Enfield EN3 4EB

- 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 Ms G Saglam against the decision of London Borough of Enfield Council.
 - The application Ref 21/01630/FUL, dated 27 April 2021, was refused by notice dated 14 July 2021.
 - The development proposed was originally described on the application form as alteration to rear/side (middle) wall and roof for sliding doors and roof covering for open smoking area. Placement of tables and chairs at side/rear.
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Decision

1. The appeal is allowed and planning permission is granted for alterations to rear/side wall and roof involving installation of sliding doors and roof covering for open seating area, installation of window to rear elevation at ground floor level and repositioning of front entrance door at 147 High Street, Enfield EN3 4EB in accordance with the terms of the application, Ref 21/01630/FUL, dated 27 April 2021, subject to the following 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 plans: Site Location Plan dated 28 Mar 2019, 023.19/01, 023.19/02, 023.19/03, 023.19/04, 023.19/05, 023.19/06, 023.19/07, 023.19/08.
 - 3) All new external brickwork shall be carried out in materials that match those used in the existing building.
 - 4) The bi-fold doors shall not be installed until details of the colour and external finish of the frames and glass have been submitted to, and approved in writing by, the local planning authority. The development hereby permitted shall be carried out in accordance with the approved details, which shall thereafter be retained.

Preliminary Matters

2. In my decision above I have used the description of development stated by the appellant in the appeal form and the Council in its decision notice, as it more clearly represents the development proposed.
3. The appeal site, as indicated by the red line on the site location plan and drawings 023.19/01 and 023.19/02, is the property with its enclosed

courtyard. However, the appellant's description of development, and the plans accompanying the application and appeal, also include external seating in an area of the park adjacent to the appeal site. As the external seating would fall outside of the application and appeal site it does not form part of the development proposed, and I have therefore considered only the development proposed within the appeal site boundaries.

4. At my site visit I noted that a similar development to that proposed has already been carried out. The development that had taken place appeared to differ from the proposed development in terms of the extraction flue from the kitchen, and the glazing and installation of a security shutter along the boundary with the park. Notwithstanding certain development that has been carried out, I have considered the development as proposed on the plans submitted with the appeal. I have therefore used the phrase 'development proposed' in this decision.

Main Issues

5. The effects of the development proposed on: (i) the loss of an area designated as "Local Open Space", and (ii) the character and appearance of the area, with regard to the surrounding area and setting of the Ponders End Park as a non-designated heritage asset.

Reasons

Local Open Space

6. The appeal site is an end terrace property in a row of shops, restaurant and service uses adjacent to Ponders End Park. The building and structures on the appeal site form the park's southern boundary.
7. The placement of tables and chairs at the side of the appeal building is described in the original description of development and shown on the plans, albeit outside the defined application and appeal site area. It would take place on land within the park boundaries.
8. The Council state that Ponders End Park is designated as a Local Open Space. Local Plan Development Management Document Policy DMD71¹ resists the loss of open space unless better quality replacement open space can be provided in the same locality, or an assessment is submitted which demonstrates it is surplus to requirements. London Plan Policy G4 has similar requirements, and Core Strategy Policy 34² requires protection and enhancement of existing open space.
9. However, as I am only considering development within the appeal site boundaries, the placement of tables and chairs at the side of the appeal building are not part of the development before me (nor the bi-fold doors crossing the boundary line³). There would therefore be no loss of an area of Local Open Space, and the development would not conflict with Development Management Document Policy DMD71, Policy G4 of the London Plan (2021), or Policy 34 of the Core Strategy.

¹ London Borough of Enfield Council Development Management Document (2014)

² London Borough of Enfield Plan Core Strategy 2010-2025 (2010)

³ As shown and annotated on plan 023.19/02

Character and appearance

10. The appeal building is a gable ended buff brick structure with an outhouse of a similar character at the end of its plot. The existing plans show the area between these buildings contained a brick boundary wall enclosing a roofed courtyard, and photographs on the plans show the wall was previously brightly painted with an artistic design. These structures formed the public-facing southern boundary to Ponders End Park, which is a locally listed⁴ non-designated heritage asset.
11. The Council's local list does not define the significance of Ponders End Park but states it was used as wartime allotments in 1916, then ploughed and levelled and laid out as a public park in 1923. It was opened to the public as Ponders End Pleasure Park in 1924, and the band stand was erected in 1936. It is said to have been part of an estate belonging to John O'Ryan, and the name O'Ryan's Field or Ryans Park is said to persist locally, even to this day. With the information before me, I therefore consider the significance of the park to be associated with its development and historical associations as an open space for the local community.
12. At the time of my visit the park appeared to have seen better days. The historic band stand had collapsed and was fenced off, and grass and planted borders at the park's entrance were overgrown. The park's setting, for the purposes of this appeal, includes the commercial environment of High Street at its entrance, the side walls of the appeal site, the rear of properties on South Street, and commercial and residential developments beyond trees and shrubs on the park's boundary. Given the limited number of trees and shrubs along its boundary, the appeal site is prominent in the park's setting.
13. The proposal would introduce a by-fold glazed screen between the main building and its outhouse, with a shallow retractable roof above it. Changes would also be made to the shopfront and an extraction flue would be installed at the rear, both of which the Council consider acceptable.
14. In the right place and with the right design, lightweight glazed sections can sit comfortably alongside more historic elements. In this case the proposed bi-fold doors would stand as a lightweight feature between the appeal site's original buff brick structures. Subject to the use of appropriate glass and the colour of the surrounds, which could be secured by a planning condition, the glazed section would neither detract from, nor compete with, the existing buildings, as seen from High Street and Ponders End Park. The glazed frontage would also bring vitality and an active frontage into the environs of the park, replacing a utilitarian feature associated with the blank side wall of a use serving High Street. The development would therefore make a positive contribution to the character and appearance of the area and would enhance the setting, and preserve the significance, of Ponders End Park.
15. In conclusion, the proposed development would enhance the character and appearance of the area, with regard to the surrounding area and setting of the Ponders End Park as a non-designated heritage asset. It would accord with Policies D3, D4 and HC1 of the London Plan (2021), which relate to design, character and the conservation of heritage assets and their settings, Policies CP30 and CP31 of the Core Strategy, which require high quality design-led

⁴ No.135 on London Borough of Enfield's Local List adopted in September 2017 and updated in May 2018

development which preserves and enhances heritage assets, Policies DMD25, DMD37, DMD39 and DMD44 of the Development Management Document, which require high quality design which relates to character and appearance of the area, preserves the setting of heritage assets, and positively addresses the public realm, and to Chapter 12 of the National Planning Policy Framework.

Conditions

16. Considering the Council's recommended conditions, I have set out the approved plans for certainty. To maintain the character of the area and the setting of the park I have required new external brickwork to match the existing, and details of the external colour and finish of the bi-fold doors and windows.

Conclusion

17. For the reasons given above, having had regard to the development plan as a whole and to all other relevant material considerations, I conclude that the appeal should be allowed (insofar as the appeal site is concerned as reasoned throughout this decision).

Peter White

INSPECTOR