



Appeal Decision

Site visit made on 23 June 2022

by D Wallis MRTPI, BSc (Hons), PGDip (Environmental Planning)

an Inspector appointed by the Secretary of State

Decision date: 13 July 2022

Appeal Ref: APP/Q5300/W/22/3291053

93 Burleigh Gardens, Southgate, LONDON, N14 5AJ

- 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 Palmers Green Investments Limited against the decision of London Borough of Enfield.
 - The application Ref 20/02823/FUL, dated 2 September 2020, was refused by notice dated 23 July 2021.
 - The development proposed is Change of use of existing building and part 3rd floor extension, fourth floor roof extension to provide an additional floor and rear four storey extension, enclosure of existing external staircase, to provide 107 bed hotel with associated external alterations, landscaping and car parking.
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Decision

1. The appeal is allowed and planning permission is granted for Change of use of existing building and part 3rd floor extension, fourth floor roof extension to provide an additional floor and rear four storey extension, enclosure of existing external staircase, to provide 107 bed hotel with associated external alterations, landscaping and car parking at 93 Burleigh Gardens, LONDON, N14 5AJ in accordance with the terms of the application, Ref 20/02823/FUL, dated 2 September 2020, and the plans submitted with it, subject to the conditions listed in the attached schedule.

Applications for costs

2. An application for an award of costs has been made by Palmers Green Investments Limited against the Council. This application is subject of a separate decision.

Preliminary Matters

3. A change to the description of development was agreed between the main parties during the course of the application. I have proceeded on the basis of this amended description.
4. A Unilateral Undertaking (UU) accompanies the appeal to secure energy performance measures and, if necessary, a carbon offset contribution. I sought information from the Council regarding the nature of the contribution, the policies underpinning it and evidence to demonstrate that the contribution would comply with the statutory tests within Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 (CIL Regulations). The deadline for this information was extended twice after an initial deadline was set, but the necessary information was not forthcoming. With the failure to provide the information, I have no legal or policy basis, or reasoning upon

which to justify the imposition of the UU. I shall return to this later in my decision.

5. The appeal site was subject to construction works at the time of my visit. I have relied upon the photographic and plan evidence that accompanied the appeal to ascertain the previous appearance of the appeal site.

Main Issues

6. The main issues for the appeal are the effect of the development upon:
 - the character and appearance of the area including the special interest of Southgate Circus Conservation Area;
 - the living conditions of neighbouring occupiers with particular regard to light, outlook and privacy; and
 - the highway network.

Reasons

Character and appearance

7. Sections 66 and 72 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) requires special regard to be paid to the desirability of preserving listed buildings and their features of special architectural or historic interest, and special attention to be paid to preserving or enhancing the character or appearance of a conservation area. Paragraph 199 of the National Planning Policy Framework 2021 (NPPF) sets out that great weight should be given to an asset's conservation.
8. The appeal site is outside of, but adjacent to, the Southgate Circus Conservation Area. The main focus of the Conservation Area is the Southgate underground station and its apparatus, which are grade II* listed heritage assets. A further grade II listed building, the Southgate Club, sits to the west on Chase Side. The southwestern extent of the Conservation Area comprises a three-storey terraced building fronting Crown Lane, and this terrace forms the northern and eastern boundaries of the appeal site. The roof of this terrace is visible above Southgate Circus when viewed from Winchmore Hill Road, The Bourne and the entrance to Chase Side.
9. The Council's reason for refusal alleged harm to the Conservation Area and to key heritage assets therein, on the basis of a lack of information. However, it is noted from the Council's cost rebuttal statement that the information supplied by the appellant to the appeal resolves the heritage concerns. Since the reason for refusal has not been formally withdrawn, my considerations are set out below, taking into account the Council's revised position.
10. Planning permission exists for a change of use and extension of the former building on the appeal site to a 66-bed hotel¹, reusing the footprint, floor space and height of the former office building. The proposal would increase the number of beds to 107, facilitated through both vertical and rearward extensions. The proposed building would be a completely five-storey flat roof development, with the fifth floor recessed behind a parapet wall. It would be constructed with brickwork, bronze-coloured metal cladding, aluminium and

¹ Permission reference 17/02342/FUL

would have projecting windows articulating the facades. Parking would be laid out to the rear of the site, with the existing access onto Burleigh Gardens utilised by vehicles and pedestrians.

11. There is no direct intervisibility between the listed underground station and the appeal site due to roads and buildings in the intervening space. At five storeys, the proposed development has the potential to be seen above the roof of the commercial terrace, although the visual representations submitted by the appellant indicate the proposed building would be hidden. I have no reason to question the reliability of the visuals provided and, with the proposed building concealed by the existing built environment, there would not be any impact on the setting of the underground station. Even if the roof of the proposed building was visible, whether in part or in full, it would appear as a minor feature in the backdrop of the underground station, largely obscured from view by other buildings and would not make any significant visual impression on the appreciation of the heritage asset. The proposed building would not compete with the listed building, nor affect the experience of its setting and significance.
12. Having walked along Crown Lane and Chase Side respectively, I observed very little opportunity to see both the appeal site and the Southgate Club in the same context. Given the intervening buildings and land, I do not consider there would be any impact on the setting of that listed building.
13. There would be potential for the proposed development to be seen from the entrance into the Conservation Area at the corner between Burleigh Gardens and Ashfield Parade. However, the Council describes the proposed building as having a design, appearance and palette of materials that integrates well with the surroundings.
14. Furthermore, the appeal site sits within an urban area wherein there is a range of residential, commercial and public buildings. It is a plot between character areas, with two storey semi-detached dwellings to the west, three storeys to the immediate east, and multi-storey developments close by. I also noted a building had been extended vertically to four storeys immediately opposite the site within Burleigh Gardens, directly adjacent to a pair of semi-detached dwellings with very little gap in between. In this respect, the proposal would not appear out of place at five storeys in height, and not significantly higher than the building it would replace.
15. Commercial based buildings in the vicinity of Southgate Circus typically have greater proportions than private dwellings. The proposed development, as a commercial hotel, would be proportionately larger in size and site coverage than any of the immediately adjacent buildings, but this is no different to others sharing a similar relationship in the locality. Indeed, the same matters of scale and size could be said of the former office building on site and the permitted 66-bed hotel.
16. I find that the proposed development would be of an acceptable design, height and scale given the mixed character of the surroundings. Like the Council, I consider the proposal to add visual interest to the street scene of Burleigh Gardens and be an enhancement to the design quality of the area. The development would appear in views to and from the Conservation Area from Ashfield Parade, but this would not cause harm to its setting or special historic interest. The separation of the appeal site from the listed buildings within the

Conservation Area, combined with the intervening buildings of varying height and scale, would limit any adverse impact on the setting of those assets.

17. Having concluded there would not be harm to the Conservation Area, neither paragraph 201 nor 202 of the NPPF are engaged. I have not therefore needed to weigh any heritage harm against the public benefits of the proposal, although I consider these to be economically and environmentally substantial given the efficient and effective use of previously developed land in a highly accessible location. The proposed development would preserve the appearance of the locality as required by the Conservation Area Appraisal.
18. On this basis, the proposal would not cause harm to the special historic interest of key heritage assets. The proposal would not cause harm to the character or appearance of the surroundings. The proposal would accord with policy HC1 of the London Plan March 2021 (the London Plan), policies CP30 and CP31 of the Enfield Plan Core Strategy November 2010 (the Core Strategy) and policies DMD31 and DM44 of the Enfield Development Management Document November 2014 (the DMD), which require developments to be sympathetic to assets' significance and their surroundings.

Living conditions

19. The surrounding built environment is mixed in nature, with residential dwellings generally to the west and northwest of the appeal site, and commercial properties with flats above to the northeast and east. The Council's statement draws my attention specifically to the properties of 89-91 Burleigh Gardens and 76-78 Crown Lane, to the west and northwest.
20. With regards to sunlight and daylight, the submitted Daylight, Sunlight and Overshadowing Assessment dated July 2020 concludes either negligible or minor effects on residences and their gardens. I acknowledge that a building of greater height on the appeal site would be likely to have some impact on the availability of light, but I have no substantive evidence before me to dispute the findings of this assessment. In any event, any loss of light experienced would not be significantly greater in duration than that lost to the permitted 66-bed hotel building and any effects would be limited to the early morning only, given the orientation of the appeal site and the surroundings. I find that any loss of light would not be materially harmful to the living conditions of nearby occupiers.
21. With regards to privacy, the appellant suggested that inclusion of 'privacy' in the reason for refusal was an error. I have given consideration to this and the contents of paragraphs 6.3.8 and 6.3.9 of the Council's statement, which state there would not be any loss of privacy to No.91 Burleigh Gardens due to design and fenestration. At paragraph 6.3.5, it concludes that the rear elevation of the proposed hotel would be sufficiently distanced from the rear of properties on Crown Lane. There are therefore no obvious incidences of where a loss of privacy would arise and, taking into account the earlier appeal decision on the 66-bed hotel, I find no reason to consider that a harmful loss of privacy would occur.
22. With regards to outlook, the proposed building would be larger in height and depth compared to its predecessor, therefore featuring more prominently in views from surrounding properties. However, the proposed building would be over 40 metres away from properties to the north. It would be orientated so as

to taper away from the shared boundary with No.91 Burleigh Gardens, thus not directly encroaching into views out of that property's windows. Similarly, the building would not impose directly into the south-westerly views enjoyed by No.76 to No.78 Crown Lane. Whilst the proposed building would be visible from within the garden areas of these neighbouring dwellings, I consider the orientation and layout to be such that outlook would not be lost to a material harmful degree.

23. On this basis, the proposed development would not give rise to an unacceptable loss of light, outlook or privacy and therefore would not harm the living conditions of nearby residents. The proposal complies with policies D4, D5 and D8 of the London Plan, policy CP30 of the Core Strategy as well as policies DMD6, DMD8 and DMD31 of the DMD, which seek to protect residential amenities.

Highway Network

24. The plans that accompany the appeal show that the proposal retains 24 car parking bays, of which 8 would be available for disabled users. A total of 10 cycle spaces would also be provided. The appellant predicts 42 full-time equivalent jobs being created, with the Transport Statement stating 4 would be full-time roles and 52 part-time.
25. The main parties agree that the appeal site has a Public Transport Accessibility Level of 4 (PTAL4), representing that the location has good accessibility by public transport modes. In such areas, policy T6 of the London Plan sets out that on-site car parking for hotel and leisure uses should be limited to that to meet operational needs, disabled users, drop offs or servicing. I note that parking standards are a maximum under this policy, which also advocates a starting point of 'car-free' development. Local Plan policies offer no deviation from the London Plan.
26. During my site visit, I noted that the underground station was within easy walking distance of the appeal site and that bus movements were fairly frequent. It would be reasonable to consider that a high proportion of visitors would use the public transport available to access the hotel. Whilst an additional 41 beds would be provided by the appeal development (above the 66-bed hotel already granted planning permission), the accessible location of the site, recognised by the PTAL4 value, suggests such intensification would not give rise to a significantly increased need for parking provision. Staff operating the hotel would also be able to utilise public transport for access.
27. I acknowledge concerns regarding on-street parking interrupting traffic flow but note that controlled parking zones were in effect in the area, limiting the ability to park freely or obstructively. Due to the likely ebb and flow of visitors to the hotel, as opposed to the potential peak time traffic attending the site's former office use, it is unlikely the proposed development would contribute significantly to any congestion in the locality. At 24 spaces, this would equate to one parking space serving every 4.4 hotel rooms that, when combined with 10 cycle spaces and the availability of public transport, would adequately meet the operational needs of the hotel.
28. On this basis, the proposal accords with policy T6 of the London Plan, and policies DMD31 and DMD45 of the DMD, which seek to restrict parking in line with levels of existing and future public transport accessibility and connectivity.

Other Matters

29. My attention is drawn to the surfacing of the access at the rear of properties in Ashfield Parade and Crown Lane. The immediate part of the drive off Burleigh Gardens was a smooth surface at the time of my site visit up to the gate that forms the enclosure of the hotel's car parking area. Beyond that, the surface was in poor condition, but that part of the vehicular access falls beyond the appeal site boundary and would not be in control of the appellant to repair.
30. I acknowledge that there are other hotels in the locality and that the Council considers there may be an over-concentration of hotel uses in the area. No reason for refusal has been advanced on this ground. I nonetheless refer back to the fact that a 66-bed hotel has been granted on the appeal site previously by the Council, and the proposal subject of the appeal would not therefore introduce a new hotel use into Southgate, augmenting the original permitted scheme. On this basis, since the principle of a hotel use has already been established, the appeal development would not result in an over-concentration of such uses.

Conditions

31. A list of conditions was supplied by the appellant in the draft and unsigned statement of common ground. The Council has since confirmed that those conditions proposed form an agreed position with the appellant. Nonetheless I have the following comments to make.
32. I have imposed conditions 1 and 2 for certainty as to the development hereby permitted. Condition 3 is necessary given the busy location of the appeal site and the need for effective management of construction.
33. Conditions 4 and 5 are necessary to control the overall appearance of the appeal site and its grounds. Meanwhile, conditions 6, 7 and 8 are required in the interests of securing environmentally sustainable development. In the interests of highway safety and appropriate management of traffic impacts, I have imposed conditions 9 and 10.
34. I consider that condition 11 is reasonable given the proximity of noise sensitive receptors to the appeal site whilst conditions 12 and 14 are needed to ensure sufficient provision of parking spaces to meet the needs of the development, whilst condition 13 is imposed to secure a high level of accessibility for future users.
35. I have imposed condition 16 to ensure satisfactory surface water management and condition 17 so as to allow the local planning authority to control light emissions in the interests of protecting nearby residents from pollution. Even though hotels do not have the benefit of permitted development rights to add windows, I welcome the appellant's commitment to no additional openings being made and attach the condition accordingly at condition 18.
36. I note the suggested conditions requiring the provision of an employment and skills strategy but consider this is not necessary to make the development acceptable in planning terms.
37. Earlier I considered that, without any justification to support the need for imposition of the UU or to demonstrate that it complies with the CIL Regulations, I could not proceed to impose it. I have given consideration to the

need for energy performance monitoring and reporting, which was a term contained in the UU, but consider that condition 7 in the attached schedule provides suitable means to control such matters.

Conclusion

38. For the reasons given above I conclude that the proposed development accords with the Development Plan for the area.
39. Subject to the conditions set out in the attached schedule, the appeal development is hereby considered acceptable and thus the appeal is allowed.

David Wallis

INSPECTOR

SCHEDULE OF CONDITIONS

1. The development to which this permission relates must be begun not later than the expiration of three years beginning from the date of the decision notice.
2. The development hereby permitted shall be carried out in accordance with the following approved plans:

Proposed Ground Floor Plan (0883-JSA-XX-00-DR-A-02210 P4)
Proposed First Floor Plan (0883-JSA-XX-01-DR-A-02211 P4)
Proposed Second Floor Plan (0883-JSA-XX-02-DR-A-02212 P3)
Proposed Third Floor Plan (0883-JSA-XX-03-DR-A-02213 P3)
Proposed Fourth Floor Plan (0883-JSA-XX-04-DR-A-02214 P4)
Proposed Roof Plan (0883-JSA-XX-RF-DR-A-02216 P3)
Proposed Landscaping Plan (0883-JSA-XX-00-DR-A-90210 P2)
Proposed Site Plan (0883-JSA-XX-00-DR-A-01212 P3)
Proposed Elevation – sheet 1 (0883-JSA-XX-XX-DR-A-04210 P3)
Proposed Elevation – sheet 2 (0883-JSA-XX-XX-DR-A-04211 P3)
Refuse Store and Plant Compound (0883-JSA-XX-00-DR-A-90211 P2)

3. No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The statement shall provide for:
 - (a) Arrangements for wheel-washing facilities;
 - (b) Arrangements for the storage of materials;
 - (c) Hours of work;
 - (d) Arrangements for the securing of the site during construction;
 - (e) The parking of contractors' vehicles clear of the highway;
 - (f) The siting and design of any ancillary structures;
 - (g) Enclosure hoarding details; and
 - (h) A construction management plan written in accordance with the 'London Best Practice Guidance: The control of dust and emission from construction and demolition'.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

4. No development shall commence until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved samples.
5. No development shall commence until full details of all hard and soft landscaping works have been submitted to and approved in writing by the local planning authority. The details shall include:
 - (a) A surfacing scheme for all pedestrian and vehicular accesses;
 - (b) A planting scheme for all external areas;
 - (c) Green Roof Specifications; and
 - (d) Means of enclosure for refuse storage bins.

Under the approved details, the hard landscaping shall be carried out in full prior to the occupation of the development whilst the soft landscaping shall be carried out in full accordance with the approved details in the first planting season after completion or occupation of the development, whichever is the sooner. Any planting which dies, becomes severely damaged or diseased within five years of planting shall be replaced with new planting in accordance with the approved details.

6. The use hereby approved shall not commence until details of the design of the secure/covered cycle parking spaces have been submitted to and approved in writing by the local planning authority. The approved details shall thereafter be installed prior to the occupation of the development and permanently retained for cycle parking thereafter.
7. The development hereby approved shall not commence until a BREEAM pre-assessment has been submitted to and approved in writing by the local planning authority. This shall demonstrate how the development will be built to a minimum standard of BREEAM 'Very Good' and how it shall use reasonable endeavours to achieve an 'Excellent' Rating. Where a rating of 'Excellent' cannot be achieved the applicant shall demonstrate why this is not technically feasible or economically viable. Prior to the occupation of the approved building, a copy of the Post Construction Certificate verifying that a minimum BREEAM 'Very Good' has been achieved shall be submitted to the local planning authority. The evidence required shall be provided in the following formats and at the following times:
 - (a) A design stage assessment, conducted by an accredited Assessor and supported by the relevant BRE interim certificate, shall be submitted at preconstruction stage prior to the commencement of superstructure work on site; and
 - (b) A post construction assessment, conducted by an accredited Assessor and supported by relevant BRE accreditation certificate, shall be submitted following the practical completion of the development and prior to first occupation.

The development shall be carried out strictly in accordance with the details approved, shall be maintained as such thereafter and no change shall take place without the prior approval of the local planning authority.

8. Prior to occupation, details of the efficient use of water shall be submitted to and approved in writing by the local planning authority. Submitted details will demonstrate reduced water consumption through the use of water efficient fittings, appliances and recycling systems to show consumption will exceed a 25% improvement in water efficiency over notional baseline. The development shall be carried out strictly in accordance with the details so approved and maintained as such thereafter.
9. Prior to the commencement of the use hereby permitted, a detailed Servicing and Delivery Management Plan for the management of deliveries and servicing to site has been submitted to and approved in writing by the local planning authority. The strategy shall include hours of deliveries,

measures to avoid localised congestion and parking on footways and damage to buildings caused by vehicles. The applicant shall detail a booking system to be operated to co-ordinate the arrival of deliveries to ensure that all associated vehicles can be accommodated within the site with no need to wait on the adjoining highway and also set out a robust enforcement regime to ensure that no unauthorised use occurs. Deliveries and servicing shall thereafter be carried out solely in accordance with the approved details.

10. Prior to the commencement of the use hereby permitted, details of a Coach Management Strategy shall be submitted to and approved in writing by the Local Planning Authority. This should set out measures to be employed to manage coaches in the event that they do arrive to site and identify appropriate management arrangements for the drop-off and pickup of coach passengers in such an event. The use shall operate fully in accordance with the approved strategy thereafter.
11. Details of all air conditioning units, ventilation and filtration equipment as well as any other plant, machinery or equipment (including rooftop plant), in addition to measures to control noise from such equipment, shall be submitted to and approved in writing by the local planning authority prior to installation. The report must set out the sound level generated from all noise generating plant and equipment and state the noise control measures to be employed to ensure the noise from the combined plant does not exceed a level of 10dB(A) below typical background noise levels, measured as L(Aeq-15mins), at the façade of the nearest residential/noise sensitive property.
12. The parking and turning facilities shown on the approved plans shall be constructed and laid out in full prior to the occupation of the development hereby permitted and shall be maintained for this purpose for the lifetime of the development.
13. Not less than 10% of all hotel rooms shall be constructed to wheelchair accessible standards and these rooms shall be retained as such thereafter.
14. Electric vehicular charging points installed prior to the first occupation of the development hereby permitted in accordance with the approved plans. These charging points shall be retained and available for use thereafter.
15. No development shall commence until a revised Sustainable Drainage Strategy has been submitted to, and approved in writing by, the local planning authority. Such strategy shall be based on an assessment of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles as set out in the Technical Guidance to the NPPF and the London Plan Drainage hierarchy. The Strategy shall include:
 - (a) Detailed investigation of existing ground conditions;
 - (b) Detailing of any on and/or off-site drainage works;
 - (c) Feasibility of above ground sustainable drainage solutions;
 - (d) Further detail of green roofs;
 - (e) Details of proposed permeable paving system; and
 - (f) Feasibility of incorporating rain gardens/planters to provide treatment for the roof water runoff.

The drainage system shall be installed/operational prior to the first occupation of the development hereby permitted and a continuing management and maintenance plan put in place to ensure its continued function over the lifetime of the development.

- 16.No external illumination shall be installed at the site except in accordance with written details that have been submitted to and approved in writing by the local planning authority prior to installation. Any lighting shall be installed in accordance with the approved details and retained as such thereafter.
- 17.No external windows or doors other than those indicated on the approved drawings shall be installed in the development hereby approved without the approval in writing of the local planning authority.