



Appeal Decisions

Site visit made on 4 January 2023

by Paul Thompson DipTRP MAUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st February 2023

Appeal A: APP/Q5300/W/22/3294362

113 High Street, Southgate N14 6BP

- 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 Ms Jane Hoople against London Borough of Enfield.
 - The application Ref 21/03880/HOU, is dated 1 October 2021.
 - The development proposed is replacement of the lean-to with Georgian Orangery and associated internal alterations and general repairs/refurbishments.
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Appeal B: APP/Q5300/Y/22/3294365

113 High Street, Southgate N14 6BP

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a failure to give notice within the prescribed period of a decision on an application for listed building consent.
 - The appeal is made by Ms Jane Hoople against London Borough of Enfield.
 - The application Ref 21/03881/LBC is dated 1 October 2021.
 - The works proposed are replacement of the lean-to with Georgian Orangery and associated internal alterations and general repairs/refurbishments.
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Appeal C: APP/Q5300/W/21/3284419

113 High Street, Southgate N14 6BP

- 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 Jane Hoople against the decision of London Borough of Enfield.
 - The application Ref 21/01946/HOU, dated 1 May 2021, was refused by notice dated 22 July 2021.
 - The development proposed is installation of 6nr. conservation rooflights to the rear pitched main and secondary roofs.
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Appeal D Ref: APP/Q5300/Y/21/3284425

113 High Street, Southgate N14 6BP

- 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 Ms Jane Hoople against the decision of London Borough of Enfield.
 - The application Ref 21/01947/LBC, dated 1 May 2021, was refused by notice dated 22 July 2021.
 - The works proposed are installation of 6nr. conservation rooflights to the rear pitched main and secondary roofs.
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Decisions

Appeal A

1. The appeal is allowed and planning permission is granted for replacement of the lean-to with Georgian Orangery and associated internal alterations and general repairs/refurbishments at 113 High Street, Southgate, N14 6BP in accordance with the terms of the application, Ref 21/03880/HOU, dated 1 October 2021, subject to the attached schedule of conditions.

Appeal B

2. The appeal is allowed and listed building consent is granted for replacement of the lean-to with Georgian Orangery and associated internal alterations and general repairs/refurbishments at 113 High Street, Southgate, N14 6BP in accordance with the terms of the application Ref 21/03881/LBC dated 1 October 2021 and the plans submitted with it, subject to the attached schedule of conditions.

Appeals C and D

3. Appeals C and D are dismissed.

Procedural Matters

4. Appeals A and B, and C and D are for two separate schemes, but each pair of appeals concerns the same schemes under different, complementary legislation. I have dealt with the pairs of appeals together in my reasoning.
5. Appeals A and B are also against the Council's failure to determine applications for planning permission and listed building consent. The Council's Statement of Case outlines the reasons that it considers the scheme covered by those appeals would be unacceptable, but these are not formal determinations of the Council as the jurisdiction to determine the applications transferred from the Council upon valid receipt of the appeals. Nevertheless, the Council has set out that it would have refused the applications had it been empowered to do so. I have therefore taken its reasons into account in determining the main issues for Appeals A and B.
6. Appeals C and D are only in connection with the rooflights referred to in the application form, decision notice and appeal form. They do not relate to any other works or development that are alleged or have been undertaken.
7. The National Planning Policy Framework was revised on 20 July 2021 (the Framework), shortly before Appeals C and D were determined. I have had regard to the Framework in my decision and I am satisfied that this has not prejudiced any party, particularly as the revisions do not alter the policies upon which those appeals turn.

Main Issues

8. The main issues are:
 - whether the proposed rooflights would preserve the Grade II listed building, at 111 to 115 (odd) High Street, Southgate, and any features

of special historic interest that it possesses, and the effect on the character and appearance of their surroundings (Appeals C and D);

- whether the proposed orangery would preserve the Grade II listed building, at 111 to 115 (odd) High Street, Southgate, and any features of special historic interest that it possesses, and the effect on the character and appearance of its surroundings (Appeals A and B); and
- the effect of the proposed orangery on the living conditions of the occupiers of 111 and 115 High Street, in respect of daylight and outlook (Appeal A only).

Reasons

Special Interest

9. The appeal concerns the central house (Holcombe House, 113 High Street) in a row of three properties, which are Grade II listed. They are set in the longer terrace comprising Nos 107 to 117, to the west of High Street, with which it forms a group.
10. The listed building likely originates from the late 18th Century and No 113 is a taller three-storey house flanked by two-storey properties, with a formal symmetrical composition to the overall front façade. This includes hipped roofs, each clad in different materials, partly concealed behind raised parapets; vertically sliding sash windows beneath gauged flat brick arches; and reeded doorcases with cornice hoods. Each of the properties has been enlarged at the rear to varying degrees with single and two-storey extensions, which share few common design characteristics with each other or the prevailing Georgian architecture of the terrace. Several rooflights have also been installed at the properties to either side, but the principal roofs otherwise remain largely unaltered and legible. The proportions of the roofs of No 113 are important to the character of the terrace, including the greater height afforded through its additional storey, which give it greater prominence.
11. Where later alterations and extensions have been added, they reinforce the hierarchical emphasis on the public frontage of the terrace and reveal its growth and expansion in response to changing living standards and requirements. However, these generally make a more limited contribution to the special interest of the listed building, particularly the jumbled form of the extensions to No 113, which detract from its appearance.
12. Although the list description primarily focuses on the front of the properties, it is for identification purposes only and does not form an exhaustive list of the features of the listed building that are of special architectural or historic interest, including internal features; the floor plan layout, including the size and volume of rooms; and the means and space given over for circulation vertically and horizontally through the building.
13. Despite later alterations to the rear, principally through extensions, insofar as it relates to these appeals, I find the special interest of the listed building to be primarily associated with its architectural and historic interest, as a good example of a symmetrical fronted terrace of three late 18th Century houses. Moreover, the listed terrace possesses uniformity of architectural detailing to its front façade that is befitting of its Grade II status. The hierarchy of the rear

elevations and visibility of the roof slopes and arrangement of rooms and spaces within the building are also important to its legibility.

Effect of the Proposed Rooflights (Appeals C and D only)

14. Despite assertions made in the supporting evidence for the appeal, this does not provide sufficient assurance that historic fabric has not or would not be removed to install the proposed rooflights. The Building Survey Report (BSR) undertaken in November 2019 states the original roof construction of the main roof was repaired and reinforced with additional timbers to support the loading associated with earlier replacement concrete tiles. It also indicates the lean-to roof of the two-storey rear part of the listed building has been comprehensively repaired, reconstructed, and reinforced.
15. There are no visuals or drawings in the BSR depicting the location of original and later roof timbers or their spacing in relation to the proposed rooflights, and the *Heritage and Design Statement* (HDS) does not offer any further detailed clarification in respect of these points. Accordingly, there is no substantive evidence before me to demonstrate the rooflights could be installed without removing original timber fabric in the main or lower rear roofs.
16. In terms of the internal implications of the installation of the proposed rooflights, the BSR states 'original lath and plaster ceilings have been subject to comprehensive repairs and replacements by modern plasterboard ceilings beneath plastered and decorative surfaces'. However, there is no evidence before me to suggest where original ceilings remain. The application drawings do not show how openings would be formed internally on either floor, including in relation to historic fabric. The effect on such fabric is therefore unknown.
17. At the time of my inspection, openings had been formed through to the windows on the rear slope of the main roof, at second floor level, but none into the rear rooms at first floor. Having regard to the above, I am not able to determine what effect, if any, the openings already formed would have had on original fabric or the other openings could have, were they to be allowed. Similarly, the extent of openings through the ceiling of the larger rear room at first floor is unknown, but these are likely to disrupt how the space within the room would be experienced in the future.
18. The proposed rooflights have been installed in alignment with the windows at first floor, but their number and size represent considerable intrusions within the two separate roof slopes. Their prominence and interference to the slopes is exacerbated by their projection above the slates, as they are neither flush with nor set partly into the roof slopes. While they would be situated to the rear of the property, it is listed for its intrinsic architectural and historic interest and their visibility is not a determining factor in considering whether they would preserve its special interest.
19. The rooms to be served by the proposed rooflights at first floor are currently naturally lit by relatively large west-facing vertically sliding sash windows, whereas those at second floor are served by smaller east-facing windows. Discounting the rooflights already installed, I did not find these to be overly dark or gloomy spaces, particularly for the time of year.

20. I note there are other similar rooflights on the roofs of the other properties covered by the listing, but their presence would not provide justification for the proliferation of rooflights proposed, as they would be harmful to the special interest of the listed building.
21. The listed building is of relatively high-status and is adjacent to properties of similar age, it therefore makes an important contribution to the character and appearance of its surroundings. However, given that the proposal relates to rooflights to the rear of the property, that would not be prominent features when viewed from public areas, it would not harm the character and appearance of the surrounding area. I appreciate this runs counter to my argument advanced above, but these are separate considerations.

Public Benefits and Conclusions on the First Main Issue (Appeals C and D only)

22. The statutory duties in Sections 16(2) and 66(1) of the Act are matters of considerable importance and weight, as are the aims of paragraphs 197, 199 and 200 of the Framework.
23. The proposed rooflights would fail to preserve the listed building or its features of special architectural or historic interest. In my view the harm that I have identified equates to less than substantial harm to the significance of this designated heritage asset. In such circumstances, Framework paragraph 202 identifies this harm should be weighed against the public benefits of proposals.
24. The rooflights could enable light to penetrate further into the rooms they would serve and replace lighting lost through the introduction of the landing shower room. This would offer improvements in terms of energy efficiency, as natural light could enter these rooms and spaces. This would largely amount to private benefits restricted to the appellant, although there would be a small environmental benefit to the public in terms of the minimisation of energy consumption. However, there is no substantive evidence before me to suggest that this could not also be achieved by smaller alternatives, including from other manufacturers, or other potentially less invasive options that would limit the extent of the roof covered. Rather, the only other alternative mentioned in the HDS, is enlargement of the existing window openings.
25. In addition, the building work associated with the proposal would amount to public benefits in economic terms, albeit in the short term.
26. The aforementioned public benefits are balanced by the potential loss of historic fabric and the disturbance to the roof of the listed building and internal spaces that would occur. Furthermore, there is no substantive evidence before me to suggest the rooflights are required to make the building habitable or sustain the heritage asset. The continued viable use of the appeal property for residential purposes is therefore not dependent on them, as the building has an ongoing residential use that would be unlikely to cease in their absence.
27. Taking the above together, the public benefits I have outlined would not justify allowing the proposed rooflights, as they would fail to preserve the special interest of the listed building. In accordance with paragraphs 197 and 199 of the Framework, considered together, I am therefore not persuaded that there would be wider public benefits of sufficient magnitude to outweigh the great

weight to be given to the less than substantial harm that I have identified to the significance of the heritage asset.

28. In light of the above, I conclude that the proposed rooflights would fail to preserve the special historic interest of the Grade II listed building, but not have a harmful effect on the character and appearance of the surrounding area. Hence, Appeals A and B would fail to satisfy the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), paragraphs 197, 199 and 200 of the Framework and would conflict with the heritage aims of Core Policy 31 of the Enfield Plan Core Strategy 2010-2025¹ (CS); Development Management Document² (DMD) Policies DMD37 and DMD44; and Policies D3 and HC1 of The London Plan³ (TLP).

Effect of the Proposed Orangery (Appeals A and B only)

29. The proposed orangery would be constructed on a brick base with timber framing, cornices, windows, and doors. The cornice would extend into a parapet above a solid roof and two raised glass lanterns positioned centrally. This would project slightly above the parapet.
30. The size and scale of the orangery, including the extent of its projection from the rear wall of the listed building would respect the proportions of the listed building and not compete with or distract detract from it. Moreover, given their height and prominence, the principal range, and lower two-storey parts would continue to dominate the listed building, so the proposal would adhere to the hierarchy of the building. The nature and extent of detailing employed in its construction would also follow principles of joinery exhibited in the house.
31. The intended use of the orangery would not be in its purest form, to house orange or citrus trees or grow other exotic plants, but it is certainly designed as one. Although the lanterns would be visible above the parapet, they would not be out of context with the proposal or house, the first-floor windows of which would be visible above in a manner similar to the existing extension.
32. The orangery would be clearly read as a contemporary and potentially largely reversible addition to the listed building. It would also markedly improve the jumbled appearance of the existing extensions to the rear of the building, including the awkward conglomeration of roofs of the existing extensions.
33. While the rear single-storey range of buildings, along the northern boundary between Nos 113 and 115, may previously have been of some special interest as external stores or other outbuildings, they appear to have been the subject of significant alteration. Moreover, they incorporate flat roofs and the internal walls have been removed and spaces subsumed into the kitchen. They therefore contribute very little to the special interest of the listed building, so their removal to accommodate the extension would not result in material harm to the listed building.
34. In light of the above, I conclude that the proposed orangery would preserve the Grade II listed building, and the features of special historic interest that it possesses. This would satisfy the requirements of the Act and would not

¹ Adopted November 2010.

² Adopted November 2014.

³ March 2021.

conflict with the design and heritage aims of DMD Policies DMD8, DMD11, DMD37 and DMD44; CS Core Policies 30 and 31; TLP Policies D3 and HC1; and Section 16 of the Framework.

Living Conditions (Appeal A only)

35. The proposed orangery would replace existing single-storey pitched and flat roofed extensions to the property. The pitched roof lowers in height down from just below the first-floor windows to the flat roof, which extends to meet the shed building further west. Both extensions adjoin the boundary with 115 High Street and project above the eaves of its conservatory. To the opposite side, the roof pitch of the extension is similar to that of a rear projection to No 111, but it is separated from it by a parapet which staggers down in height.
36. The proposed extension would be marginally taller than the existing extensions and project further out beyond these into the garden of No 113. It would therefore exceed the figure of 3 metres for the length of the single-storey rear extensions permitted by sub criterion 2.a. of policy DMD11.
37. The additional scale and height to that already experienced in connection with the existing extensions would not be significant. It is therefore unlikely to be so imposing that it would result in unacceptable harm to the living conditions of the occupiers of either property, in respect of outlook from or daylight within each of these properties. I am also mindful that No 111 is to the south so the effect on daylight would naturally be limited by the orientation of the properties. Similarly, the orangery would be shorter than the collective length of existing extensions, so light would be likely to penetrate the garden and conservatory of No 115 in a manner it did not previously, through the gap created between the orangery and the retained shed.
38. The proposed arrangement drawing (PA.O.01) is scaled at 1:50 and the maximum height of the proposed extension, allowing for the two different ground levels shown on the drawing, would fall within the parameters set out in sub criterion 2.a. of policy DMD11. Moreover, the parapet to the roof, which partly screens the lanterns thereon, would not be higher than the 3.5 metres allowed by the policy.
39. The proposed development would fail to accord with the dimension permitted for the depth of rear extensions, outlined in DMD Policy DMD11. However, there would not be harm to the living conditions of the occupiers of 111 and 115 High Street, in respect of daylight and outlook. Hence the proposal would accord with DMD Policies DMD8 and DMD11, in so far as they specifically relate to such impacts. While the proposal would therefore be in conflict with Policy DMD11, the harm that would be caused by the proposal would be limited.

Other Matters

Appeals C and D

40. The appellant has referred to the conduct of the Council in the determination of the applications, including the nature and clarity of the advice given, and the approach to and content of its decision-making. These are primarily not matters for me to consider as part of the appeals, which include the individual merits of the appeals in relation to the policies and evidence before me.

Appeals A and B

41. Several interested parties have raised that works have been carried out to the listed building without consent, whilst this may have been the case, I have considered the merits of the works and development, before me as part of these appeals, afresh in light of the evidence before me.
42. Damage caused to the party walls with neighbouring properties or access to existing sewers would be private matters between the parties involved.
43. Internally, the proposed extension would replace some compartmented extensions with an open plan arrangement but reintroduce some subdivision on the ground floor of the two-storey rear range. This would be closely aligned to that in the principal range. There is already a similar arrangement within the existing room and the room hierarchy within the remainder of the ground floor of the house would be reinstated with restoration of the layout of the principal front reception rooms. This would replace the current open plan arrangement to the right and later openings through to the rear range.
44. The proposal also includes reinstatement of the traditional vertical circulation route of the house with the staircase realigned to that found above and restoration of decayed elements of the original staircase timbers, and strengthening where required.
45. The plan form of buildings can contribute to special interest, as it helps to demonstrate why listed buildings were built or have been used in a particular way. This includes changes in the size or occupation of rooms to reflect the needs of society at particular point in time. The abovementioned alterations therefore amount to heritage benefits, as they would better reveal the special interest of the building. Details of materials for new or replacement internal walls and the new staircase would need to be approved by condition.
46. The installation of a new ensuite bathroom in half of the existing first-floor kitchen would be a further subdivision that would alter the legibility of the floor plan. It would be a minor alteration that would not be harmful and improve the facilities for occupants of the house. Details of services and the new partition would be required by condition.
47. The inclusion of a new shower room to the second-floor landing would reduce its space and natural lighting gained from the front of the building. However, it would introduce new facilities for occupants of the property that improve usability of the accommodation in the long term. It is therefore an acceptable alteration to the plan form of the building that would also be largely reversible.
48. The proposal also includes works to replace decayed structural timberwork but, having regard to good conservation practices, it may be possible to retain existing timbers in situ alongside those that may need to be replaced. Such details could be agreed by condition, including a condition survey and the methodology for the repair, retention in situ or replacement of any timbers.
49. At ground floor, there would also be restoration of the low-level timber panelling, original fireplace, and the Georgian timber panelled shuttering would be restored to the front reception rooms at ground and first floor. Those parts of the ceiling to the rear first-floor rooms that have been damaged by water

ingress will be replaced and timberwork restored and decayed floorboards would be replaced.

50. The Georgian sash windows to the first-floor rear and second-floor front elevations would be renovated and there would be refurbishment and redecoration throughout, along with removal of surface fixed and mounted electrical and plumbing supplies.
51. I am satisfied that the detailed methodology for repairs and renovation could be agreed by conditions. All of the above aspects of the proposal would therefore preserve the special interest of the listed building and accord with the design and heritage aims of the aforementioned design and heritage policies and the requirements of the Act. I note that the Council did not object to either aspect of the proposal.

Planning Balance and Conclusion (Appeals C and D only)

52. The development plan for the area includes the CS, DMD and TLP, all of which predate the current Framework. However, it is clear that existing policies should not be considered out-of-date simply because they were adopted or made prior to its publication. Due weight should be given to policies according to their consistency with the Framework.
53. Despite the absence of a balancing exercise in relation to heritage harms in CS Core Policy 31, DMD Policies DMD37 and DMD44 and TLP Policy D3, they are generally consistent with the heritage aims of the Framework. TLP Policy HC1 includes reference to the benefits of proposals so it is also generally consistent. I therefore afford considerable weight to the conflict of the proposal with these policies.
54. I have already identified the benefits of the Appeals C and D, as part of the assessment of public benefits in undertaking the necessary balancing exercise in relation to the heritage asset. In terms of harm, the proposal would not comply with development plan policy regarding harm to the listed building.
55. This leads me to an overall conclusion that the appeal scheme would not accord with the development plan, when considered as a whole, and I find that the adverse impacts of the proposal are matters of great weight against the grant of permission and consent that outweigh the stated benefits.
56. The proposal development would be contrary to the development plan and there are no other considerations, including the provisions of the Framework, which outweigh this finding. Accordingly, for the reasons given, I conclude that Appeals C and D should be dismissed.

Planning Balance and Conclusion (Appeals A and B only)

57. I explained in the third main issue that the conflict with DMD Policy DMD11 was limited due to the proposal not having a harmful effect on the living conditions of neighbouring occupiers. However, the proposal would accord with the development plan, when considered as a whole, and there are no other considerations, including the provisions of the Framework, which outweigh this finding. Accordingly, for the reasons given, I conclude that Appeals A and B appeal should be allowed and permission and consent granted for the scheme.

Conditions (Appeals A and B only)

58. In addition to the standard time limits for Appeals A and B, in the interests of clarity I have specified the approved plans in Appeal A. This is unnecessary for Appeal B, as the decision incorporates the plans. However, conditions covering internal works referred to above in *Other Matters* are necessary to ensure further detail is secured to protect the special architectural and historic interest of the listed building and ensure an acceptable standard of detail and finish.

Paul Thompson

INSPECTOR

Schedule of Conditions

Appeal A: APP/Q5300/W/22/3294362

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 113HS.P.RL01, PA.O.01, PA.O.02, PA.O.03, PGA.101, PGA.102 and PGA.103.

Appeal B: APP/Q5300/Y/22/3294365

- 1) The works authorised by this consent shall begin not later than three years from the date of this consent.
- 2) Notwithstanding the details on the approved plans, no works installing the new first-floor en suite bathroom shall take place until details of the scheme for water, waste and extraction including plans, elevations, and sections at a scale of 1:20, as well as details of materials, colours and finishes have been submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the approved details.
- 3) Notwithstanding the details on the approved plans, no works to install new or replacement internal partitions or walling shall take place until details of the same, including plans, elevations, and sections at a scale of 1:20, as well as details of their materials and finishes, have been submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the approved details.
- 4) Notwithstanding the details on the approved plans, no works in relation to the new staircase shall take place until details of the new staircase and balustrade, including plans, elevations, and sections at a scale of 1:5, as well as details of materials, colours, and finishes, have been submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the approved details.
- 5) Notwithstanding the details on the approved plans, no works to structural timbers, the existing windows, timber panelling, panelled shuttering, floors, ceilings, staircases, walls in the existing house, including to install any other services not referred to by other conditions above, shall take place until a full building condition survey, a schedule of works and

method statement detailing the extent of any works and how they would minimise the impact and loss of historic fabric, have been submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the approved details.

- 6) Notwithstanding the details on the approved plans, no works to any of the existing fireplaces or hearths, shall take place until full details of the extent of work proposed, including methodology for repair or restoration, of each have been submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the approved details.

END OF SCHEDULES