



Appeal Decision

Site visit made on 4 April 2023

by M J Francis BA (Hons) MA MSc MCIfA

an Inspector appointed by the Secretary of State

Decision date: 19 April 2023

Appeal Ref: APP/Q5300/W/22/3308826

94-96 Silver Street, Enfield, EN1 3TW

- 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 Bovington Estates Ltd against the Council of the London Borough of Enfield.
 - The application Ref 22/02394/FU is dated 5 July 2022.
 - The development proposed is replacement of existing critall windows (where indicated) with uPVC windows.
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Decision

1. The appeal is dismissed and planning permission for replacement of existing critall windows (where indicated) with uPVC windows is refused.

Preliminary Matters

2. The Council has described the proposal as being 'Replacement of existing critall windows with uPVC windows to front, rear and side.' The appellant has highlighted that the proposal does not include the replacement of windows to the front and side and that this lack of understanding of the proposal resulted in their lack of support. Notwithstanding this, I have determined the appeal based on the description of development set out above, which is taken from the application form.

Main Issue

3. The appeal is against the failure of the Council to determine the planning application. The Council have produced a putative reason for refusal and from that I consider that the main issue is the effect of the proposal on the character and appearance of the Enfield Town Conservation Area.

Reasons

4. Number 94-96 Silver Street is a brick built, flat roofed building which is largely two-storey with a three-storey element. It is sited along a curved section of road, separated from the main carriageway of Silver Street by a wide verge containing trees and bushes.
5. The site is within Character area 4 of the Enfield Town Conservation Area. The significance of this part of the conservation area is defined by the presence of the Grammar School whose buildings date from the 16th to the early 20th centuries, and include the surrounding playing fields and footpaths, and St Andrews Church. It also comprises Silver Street which stretches from the town centre northwards, and has both locally listed buildings, and immediately to the

south of No 94-96, a number of listed 18th century houses. The character and presence of these buildings within the townscape also contribute to the significance of the Conservation Area.

6. Along the east, north, and parts of the west elevations of No 94-96, there are currently uPVC windows which the appellant says equate to 74% of the windows in the building. These windows are reputed to have been inserted prior to the designation of the Conservation Area. Whilst I have no evidence of the window style prior to their change to uPVC, I noted on my visit that the current uPVC windows are in fact in a variety of styles. The proposed windows are clearly visible from the public footpath which abuts part of the building to the rear, and from the pedestrian access through the green area accessed from Portcullis Lodge Road.
7. The townscape analysis in the Enfield Town Conservation Area Character Appraisal has classified the front elevation of No 94-96 as having a neutral effect on the conservation area, whilst the 3-storey element and car park to the rear has a negative impact.
8. The windows that I saw did not appear to be in poor condition. Moreover, although it is intended to match the existing window style of the crill windows, it is not clear from the plans provided whether the windows would in fact fully match the narrow glazing bars that exist within the current windows. Consequently, replacing the windows with uPVC would further erode the existing character of the building, particularly given its size and position within the Conservation Area. It therefore follows that the contribution that the building makes to the significance of the Conservation Area, as a designated heritage asset would be substantially eroded by the proposal. The proposal would neither preserve or enhance the character or appearance of the Conservation Area and would harm its significance.
9. As the changes proposed are localised in terms of the Conservation Area as a whole, the harm to the significance would be less than substantial. Regardless of the level of harm, the Framework indicates that great weight should be attributed to the conservation of heritage assets. In such circumstances paragraph 202 of the Framework requires the harm to be weighed against the public benefits of the proposal.
10. While the proposal may facilitate compliance with legislation regarding the energy efficiency of rented property, and benefit the users of the building, it has not been shown that this is the only way that such compliance can be achieved. In any case, the Council had advised that alternative materials should be considered. Therefore, I consider that the changes proposed are essentially a private benefit and I attribute limited weight to this matter. Consequently, the public benefits would not outweigh the harm to the designated heritage asset.
11. I conclude that the proposal would unacceptably harm the character and appearance of the Enfield Town Conservation Area. The proposal would fail to accord with Policies DMD 37, DMD 39 and DMD 44 of the Enfield Development Management Document, 2014, and Policies 30 and 31 of The Enfield Plan Core Strategy 2010-2025, all of which seek to achieve high quality design and conserve and enhance heritage assets. It would also not accord with Policy D3 of The London Plan, 2021, which has a design-led approach that protects

heritage assets. Finally, it would not accord with the historic environment objectives of the Framework.

Other Matters

12. I understand that the adjoining building may be listed, but the Council do not allege any harm would be caused to its setting and the appeal questionnaire similarly indicates that the proposal would not affect the setting of a listed building. As the windows are to the rear, and the setting of the adjoining building appears to be primarily derived from its position in the street, I have no reason to disagree.

Conclusion

13. The proposed development conflicts with the development plan when considered as a whole and there are no material considerations that outweigh the identified harm and associated development plan conflict.
14. For the reasons given above, I conclude that the appeal is dismissed.

M J Francis

INSPECTOR