



Appeal Decision

Site visit made on 2 October 2023

by Andrew Smith BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 October 2023

Appeal Ref: APP/Q5300/W/23/3320436

South Point House, 321 Chase Road, Southgate N14 6JT

- 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 Brookway LP against the decision of London Borough of Enfield.
 - The application Ref 21/04068/FUL, dated 26 October 2021, was refused by notice dated 28 November 2022.
 - The development proposed is: 'Erection of a single storey upwards extension at the rear of the site to provide addition office floor space (Class E). Minor alterations at lower ground floor level'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant has set out that various additional/revised plans illustrating amendments, including at roof level, were issued to the Council for review during its processing of the planning application that is now the subject of this appeal, but that the Council did not determine the application based on these latest plans. The Council has not refuted this suggestion. In any event, as the Council and interested parties have evidently had the opportunity to consider the latest additional/revised plans provided, I am content that no party with a potential interest in the outcome of the appeal is prejudiced by me coming to a determination based on the latest suite of plans submitted. I shall consider the appeal on this basis.
3. As the site falls within a conservation area and the settings of listed buildings, I shall have regard to the statutory duties that apply under Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Main Issues

4. The main issues are:
 - Whether or not the proposal would preserve or enhance the character or appearance of the Southgate Circus Conservation Area (the CA), having particular regard to its effects upon the settings and thereby the significance of relevant Grade II* and II listed buildings;
 - The effect upon the living conditions/amenities of neighbouring occupiers at South Point House and 311 Chase Road (No 311), having particular regard to privacy, outlook, and access to light;
 - Whether or not a safe and secure development would be created, having particular regard to intended internal circulation arrangements;

- Whether or not an acceptable noise environment would be created for future occupiers of the proposed development;
- The effect of the proposal upon the Borough's housing supply; and
- The effect upon biodiversity and visual amenity, having particular regard to the intended roof design.

Reasons

Character and appearance – designated heritage assets

5. South Point House is a large building of modern design that is prominently sited adjacent to a busy interchange and that accommodates a mix of commercial and residential uses. It is made up of differing interconnected rectangular elements of varying heights, rising to six storeys. The part of South Point House that the proposed development would extend is a recently constructed three storey extension (the existing extension) that occupies a position setback from the public realm. The site is located within the CA and in proximity to, and thus within the settings of, the Grade II* Listed 'Southgate Underground Station, including surface buildings and platforms' (the Station), the associated Grade II* Listed 'Station Pylons to north and south of Southgate Station', and the Grade II Listed '1 to 8 Station Parade, including eight lamp posts to east and west' (Station Parade).
6. The significance and special interest of the CA is drawn, in part, from the distinctively designed modernist Underground Station that serves as its centrepiece and from the regular availability of far-ranging views promoted by the Station and adjacent Southgate Circus constituting a historic hub where various routes meet. The significance and special interest of the Station and associated pylons as designated heritage assets is drawn, in part, from their bold modern architectural ethos, their designed setting, and their association to the renowned architect Charles Holden and his 1930s work for London Transport. The significance and special interest of Station Parade is drawn, in part, from its contemporary design, curved building lines, expansive brickwork, consistent ornate features, and group value.
7. The proposal is centred upon the construction of an additional storey above the existing extension. It would be of simplistic flat-roofed design and look to closely follow the block form and external finishes of both the existing extension and adjacent longer standing elements of South Point House. Furthermore, the proposed building lines would match those of constructed development beneath so as to promote successful assimilation.
8. Importantly, the proposed extension would occupy a discreet position to the rear of the site so as not to appear as prominent where visible from publicly accessible vantage points. Moreover, from street level to the south, only glimpsed views of the uppermost part of the proposed extension would be potentially appreciable above the intervening Chase Road-fronting element of South Point House. To my mind, the proposal would not undermine the horizontality of South Point House nor further exacerbate the wider building's negative effect upon the CA. Instead, when factoring in the roof-level amendments made to the scheme at application stage, the proposed extension would not materially alter the backdrop afforded to northward views available from within or across the CA over various ranges.

9. I have given careful consideration to a specific concern raised that the proposal would layer behind the finial of the Station's roof such that it would no longer be silhouetted against the sky. However, following inspection, I am of the stance that one's experiences of the Station would not be adversely impacted by the proposal due to the highly restricted nature of its potential visibility as well as the current influences of existing modern development. Similarly, in-part owing to the backdrop/context already provided by South Point House, the proposal would have no material impact upon the settings or special interest of either the pylons or Station Parade. Moreover, the designed setting, group value, and architectural achievements of these various closely related listed buildings would be neither weakened nor undermined.
10. For the above reasons, I adjudge that the proposal would preserve the character and appearance of the CA and cause no harm to the heritage significance or special interest of the Grade II* Listed Station, its associated Grade II* Listed pylons, or the Grade II Listed Station Parade, by virtue of development within their settings. The proposal therefore accords with Policy CP31 of The Enfield Plan Core Strategy (November 2010) (the CS), Policy DMD44 of the Development Management Document (November 2014) (the DMD), Policies HC1 and D8 of the London Plan (March 2021) (the LP) and the National Planning Policy Framework (the Framework) in so far as these policies seek to ensure that built development and interventions in the public realm that impact on heritage assets have regard to their special character and are based on an understanding of their context.

Living conditions/amenities – neighbouring occupiers

South Point House

11. The Council's second reason for refusal alleges a detrimental impact upon the amenities of the existing occupiers of South Point House in terms of light, outlook and privacy. Nevertheless, there is recognition within the Council's Officer Report that weight must be given to comments raised within a previous appeal decision¹.
12. Within the previous appeal decision from 2016, which relates to a former proposal for a four-storey extension considered prior to the erection of the existing extension, it is indicated that there would be limited adverse impact on neighbouring residents in terms of privacy and that it had not been demonstrated that residential occupiers at South Point House would not receive adequate daylight or sunlight. Whilst occupancy at South Point House shall have evolved since the previous appeal decision was made, having assessed all written material before me and inspected the orientations and positions of residential window openings, there is no clear reason for me to veer from the previous Inspector's findings in the specific regards of light and privacy for residential occupiers. This is particularly when noting that development of reduced scale and footprint is now before me.
13. The previous Inspector did, however, find that, with respect to outlook for the occupiers of residential units, the development then proposed would be visually dominant and overbearing because of the siting, scale, height and proximity to the existing building. This, it was identified, would lead to an unacceptable sense of enclosure particularly for residents on the lower floors of the

¹ APP/Q5300/W/15/3134504 – decision date 21 October 2016

residential building. It is nevertheless relevant that a reduced scale and footprint of development is now proposed.

14. Whilst the Council has highlighted continued concerns with regard to dominance and outlook, I have not been made aware, in precise or clear terms, where such concerns are predominantly focussed. For example, specific elevations or existing residential units alleged to be the subject of adverse effects have not been pinpointed. Even so, upon inspection, I was able to attain an understanding of how the proposed extension would interrelate with adjoining elements of South Point House. Having noted the specific nature and direction of existing available outward views from properties, I witnessed nothing to obviously indicate that an unacceptable loss of outlook or sense of enclosure would occur for any existing residential occupier at South Point House as a consequence of the single storey extension now proposed.

No 311

15. No 311 is not in residential use, it instead accommodates an art and design studio used for commercial purposes (the studio). This active and long-standing commercial use occupies the above-basement floors of No 311 and shares a close-proximity relationship with the existing extension. The studio is sited directly to the north of the existing extension and is served by various south-facing openings, several of which are generously sized.
16. The occupiers of commercial premises are, in broad terms, less sensitive to the potential amenity effects of new development. Indeed, they would not typically be anticipated to require a commensurate level of protection when compared to what would be fairly required to safeguard the residential amenities of domestic occupiers. In this sense, and notwithstanding the related findings of the previous 2016 Inspector, I cannot find that the construction of a single storey extension would lead to any undue losses of outlook or privacy for commercial occupiers of No 311. Moreover, the new extension would not provide views not already similarly available from the existing extension and would necessitate a relatively limited increase in building height when considered in isolation.
17. However, I see merit in the suggestion made by the studio's occupier that the provision of natural light is crucial for the work that is carried out. This includes activities requiring precise colour matching. As No 311 is located directly to the north of the appeal site, there is clear potential for the proposed development to block the path of direct sunlight to the studio. Furthermore, the previous Inspector found that, as a design studio, natural light would be important, and that the development then under consideration would have an adverse effect upon its operation. Whilst a development of reduced scale and footprint coverage is now before me, it remains that a building of full four-storey height would have a direct close-proximity relationship with the studio.
18. A Daylight and Sunlight Report (May 2021) (the Report) has been submitted, which seeks to ascertain the impact of the proposed extension upon the levels of daylight and sunlight received by neighbouring properties. The Report has been produced in accordance with now superseded British Research Establishment (BRE) guidance intended to be interpreted flexibly rather than rigorously. Assessments undertaken on a window-by-window basis indicate that, almost without exception, acceptable standards of daylight and sunlight

would be achieved. This includes with respect to each of the south-facing openings that serves the studio.

19. However, the Report illustrates that the extension, when considered in isolation, would result in some loss of daylight and sunlight to various window openings that serve the studio. Whilst these losses have been calculated to be minor and thus within acceptable thresholds, they do not factor in the effects of the existing extension. To my mind this is a significant shortcoming of the Report. Indeed, given the recentness of its construction and its undoubted implications for daylight and sunlight serving the studio, it would be fair and reasonable for the existing extension's daylight and sunlight implications to be acknowledged and influence considerations. This is even though the proposal before me is for a single storey extension only.
20. In the absence of supporting information to robustly demonstrate that successive extensions at the site would not result in significant losses of daylight and/or sunlight to the studio, there is no clear reason for me to depart from the previous Inspector's finding that there would be an adverse effect upon the long-established neighbouring commercial operation that occupies it.
21. Therefore, whilst the proposal would have an acceptable effect upon the living conditions of neighbouring occupiers at South Point House having particular regard to privacy, outlook, and access to light, the scheme would have an unacceptable effect upon the amenities of neighbouring commercial occupiers at No 311 having particular regard to access to light. I thus identify harm. The proposal conflicts with Policy CP30 of the CS, Policy DMD37 of the DMD, Policy D4 of the LP and the Framework in so far as these policies promote design quality, inclusive and sustainable neighbourhoods, and the creation of conditions in which businesses can invest, expand and adapt.

Safety and security – internal circulation arrangements

22. The proposal includes the provision of access to a stairwell that would also be accessible to residential occupiers within South Point House as a secondary means of escape. However, there is no clear evidence before me to indicate that this would be a particularly unusual arrangement nor that it would necessarily lead to safety or security issues. In any event, a planning condition could be suitably imposed should planning permission be granted to secure full details of how access to different parts of the building would be suitably monitored and controlled. Thus, having particular regard to intended internal circulation arrangements, a safe and secure development would be created. The proposal satisfactorily accords with Policy CP9 of the CS and Policies D5 and D11 of the LP in so far as these policies set out that development is to be able to be entered, used and exited safely, easily and with dignity for all.

Noise environment – future occupiers

23. The intended occupiers of the proposed extension would be office workers, who would not be especially sensitive to the potential effects of noise. The Council's Environmental Health department has raised no objection to the proposal and, in the context of existing uses at and adjacent to the site, it is unclear why a noise assessment has been suggested as necessary. I also note that a condition could potentially be imposed should the appeal be successful to ensure that the proposed extension would be used for office-type purposes as opposed to any different purpose falling within Class E that could potentially be

capable of creating excessive noise to the possible detriment of neighbouring living conditions. For the above reasons, an acceptable noise environment would be created for future occupiers of the proposed development. The proposal satisfactorily accords with Policy CP32 of the CS, Policy DMD68 of the DMD, Policy D14 of the LP, and the Framework in so far as these policies set out that developments must be sensitively designed, managed and operated to reduce exposure to noise and noise generation.

Housing supply

24. The Council has asserted that the proposal would result in the loss of an existing housing unit in lieu of consent having been granted at South Point House for an office to residential conversion totalling 37 flats. This consent, I understand, was issued in 2014. Nevertheless, whatever the precise details of that consent, the appellant has asserted that the proposed development would not result in the loss of any existing residential accommodation and has provided photographic evidence to demonstrate that the particular part of the building in question has been retained as commercial floor space up to this point. As such, I cannot find that the proposal would result in the loss of a housing unit and I instead identify that the scheme would have an acceptable effect upon the Borough's housing supply. The proposal satisfactorily accords with Policy DMD4 of the DMD, Policy H8 of the LP, and the Framework in so far as these policies guard against the loss of existing residential units.

Biodiversity and visual amenity – intended roof design

25. The Council has suggested that the proposal involves the loss of an existing Green Roof without suitable mitigation. However, the appellant has sounded a commitment to delivering a Brown Roof and explained that such a feature would be left to vegetate in a more natural manner and would hold the same aims of encouraging biodiversity and ecology. The stated intention to deliver a Brown Roof is consistent with the latest proposed roof plan provided. I am thus satisfied that, subject to full details being secured via condition, the intended roof design would have an acceptable effect upon biodiversity. There is also no clear reason for me to consider that a Brown Roof would be detrimental to visual amenity. The proposal satisfactorily accords with Policies CP30 and CP36 of the CS, Policy DMD37 of the DMD, Policies G1 and D4 of the LP, and the Framework in so far as these policies seek to protect, enhance, restore or add to biodiversity interests within the Borough.
26. I note that Policies CP21 and CP28 of the CS, Policies DMD59, DMD60 and DMD61 of the DMD, and Policies SI4, SI12 and SI13 of the LP, which relate to such matters as water supply, drainage, sewerage infrastructure, flood risk and managing heat risk, are of little relevance to this main issue of the appeal. Indeed, the Council's sixth reason for refusing planning permission is focussed upon alleged detriment to the visual amenity and biodiversity value of the site.

Other Matters

27. Policy DMD25 of the DMD, which relates to locations for new retail, leisure and office development, is referenced in a couple of the Council's reasons for refusing planning permission. For the avoidance of doubt and without prejudice to my overall conclusions, as I understand the site to be located within a District Centre, I find no conflict with this policy. In any event, the

principle of providing office accommodation at South Point House is already long established.

28. I have noted objections/concerns raised by interested parties with respect to matters including foul water disposal and a potential wind tunnel effect. However, as I have found the proposal to be unacceptable for other reasons, it is unnecessary for me to explore these matters further here.
29. The proposal involves the creation of additional commercial floorspace in a previously developed and well-located central location. When factoring in the relatively modest scale of the scheme, the scheme's economic benefits attract moderate weight. In my judgement, the proposal's benefits would be insufficient to outweigh the harm and associated policy conflict that I have identified due to the proposal's effect upon the amenities of neighbouring commercial occupiers. Moreover, the proposal conflicts with the development plan when read as a whole and material considerations do not lead me to a decision otherwise.

Conclusion

30. Whilst I have found the proposal to be acceptable in a variety of senses, including with respect to its heritage impact, I have identified that it would cause harm to the amenities of neighbouring commercial occupiers at No 311 having particular regard to access to light so as to have an adverse effect upon the studio's operation. This considerable harm is the overriding consideration in this case. Thus, the appeal is dismissed.

Andrew Smith

INSPECTOR