



Appeal Decisions

Site visit made on 14 December 2023

by A Edgington BSc (Hons) MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 8th January 2024

Appeal A Ref: APP/Q5300/W/23/3320100

The White Lodge, 68 Silver Street, ENFIELD, EN1 3EP

- 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 Mr R Nicholas against the decision of the London Borough of Enfield Council.
 - The application Ref 22/03265/FUL, dated 14 September 2022, was refused by notice dated 14 July 2023.
 - The development proposed is Widening of existing rear wall opening and insertion of new gate.
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Appeal B Ref: APP/Q5300/Y/23/3320101

The White Lodge, 68 Silver Street, ENFIELD EN1 3EP

- 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 Mr R Nicholas against the decision of the London Borough of Enfield Council.
 - The application Ref 22/03266/LBC, dated 14 September 2022, was refused by notice dated 14 July 2023.
 - The works proposed are Widening of existing rear wall opening and insertion of new gate.
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Decisions

1. Appeal A is dismissed.
2. Appeal B is dismissed and listed building consent is refused.

Preliminary Matters

3. I have dealt with these appeals together where appropriate, in order to avoid duplication.
 4. The Council's reasons for refusal appear to relate only to the listed wall. The setting of the nearby listed The White Lodge does not appear to have been considered. The Planning (Listed Building and Conservation Areas) Act 1990 (the Act) requires me to consider all relevant heritage assets. As such, I invited the parties to submit additional comments with regard to the setting of The White Lodge during the appeal.
 5. Although not mentioned in the Council's refusal, the heritage statement indicates that the site also sits within the Enfield Conservation Area (ECA). As such, I have also considered the effects of the proposals on the ECA.
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Main Issue

6. The main issue is whether the proposals would preserve the Grade II listed 17th and 18th century Wall at back of garden to 68 Silver Street, and the setting of the Grade II listed 68 Silver Street known as The White Lodge, or any features of special architectural or historic interest which they possess; and whether the proposals would preserve or enhance the character or appearance of the ECA.

Reasons

Heritage assets

The White Lodge

7. The 19th century Ordnance Survey (OS) maps shows The White Lodge (No 68) to be a large dwelling with a garden to the rear, and Historic England's listing information for Silver Street shows that it is located within a series of other largely late 18th century listed buildings fronting the western side of Silver Street.
8. The listing for No 68 describes it as a 17th century timber framed house with 18th century weatherboarding, and having a tiled roof with dormers. However, No 68 comprises two parallel ranges, each with distinct roof forms, materials and typology. To the rear a two-storey brick villa with a hipped slate roof and a rather formal flat five bay façade overlooks a rear garden. To the front, a two storey weatherboarded range with clay tiles, pitched roof and a projecting two-storey porch contributes to the street scene. The OS maps suggest that in the mid-19th century No 68's footprint included both ranges, but I concluded that the more vernacular style and typology of the front range suggests that it predates the rear range.
9. The formal townhouses on each side of No 68, together with the overall extent of No 68 are reflective of Silver Street's prominence and status in Enfield's evolution. I agree that it is likely that No 68 originated as a farmhouse, but by the mid-19th century No 68 was clearly within Enfield's urban confines, and within a line of substantial buildings fronting the street with large rear and seemingly formal gardens to the rear. In the late 19th century it was occupied by Joseph Whitaker of Whitaker's Almanacs which reinforces my reasoning that it was a house of some social status.
10. The 19th century OS maps show a path leading from the centre of No 68's rear elevation to Church Lane. The existing pedestrian gate within the arched gateway appears to be located where the former path met the Church Lane boundary.
11. The significance of No 68 therefore arises from its intact historic fabric, its aesthetic and architectural qualities and its spatial relationship with the underlying building pattern. There is also significance arising from the retention of its L-shaped plot which contributes to No 68's setting, as well as its associative value with Joseph Whitaker.

Wall at back of garden to 68 Silver Street

12. The wall is described in the listing as being built of red brick and dating from the 17th and 18th centuries. Given its age, it seems reasonable to presume that

it formed the Church Lane boundary when No 68 was extended to the rear, and that the current opening reflects the position of the original gate.

13. The heritage statement identifies several phases of building, and I see no reason to dispute that most of the gothic arch, the brickwork above and the outer buttress, are of far more recent construction than the remainder of the wall. The heritage statement accepts that some of the brickwork above the arch uses reclaimed brick, and in appearance it is not noticeably dissimilar from the other historic sections of wall. Moreover, the presence of a remnant of the original arch clearly indicates that there was an arched gateway in the original wall, in this position.
14. A comparison of the site plan and the OS maps suggests that the northern end of the existing vehicular entrance more or less coincides with the southern end of the listed wall. Moreover, the OS maps show that south of the wall there was formerly a series of buildings hard against Church Lane. These buildings have now been removed to create a new structure and a hardstanding accessed from the vehicular entrance. I conclude that when those works were carried out, making good was required at the end of the wall and this included the replication of the arch feature and the construction of an additional buttress.
15. As such, I conclude that the significance of the wall arises from its extent along No 68's rear boundary, its intact historic fabric and materials, and the position and presence of the arched gateway. Although this may not be authentic historic fabric, it appears to have been built with reclaimed brick and to replicate an original feature. As such, it reflects the position and morphology of the former arched gateway and its functional relationship with No 68.
16. I give no weight to the argument that the path linking No 68 and Church Lane is not shown on the 1935 OS map as there is reduced detail within all the plots shown. In any case, even if the path was not being used by 1935 it remains that it clearly provided a link between No 68 and Church Lane in the time period before motor traffic.

Enfield Conservation Area

17. At my visit I noted that the area between the nearby church and the appeal site has a distinct and quiet character which contrasts with the bustle of Silver Street. This is derived from the comparative narrowness of Church Lane, which terminates in a footpath alongside the listed wall, the predominance of aged brick boundary walls along other sections of Church Lane, and the proximity of open space associated with the churchyard, the school, and the garden land behind the Silver Street frontage. My observations are reinforced by the ECA appraisal which notes that *many good brick walls survive, defining and enclosing the townscape and its routes, and emphasising the importance of the footpath network*.
18. The significance of the ECA in the vicinity of Church Lane therefore arises from the underlying building pattern, which appears to have changed little since the mid-19th century, as well as the intact historic fabric of nearby listed buildings and their boundary treatments.

Proposals and effects – listed buildings and ECA

19. The proposals would widen an existing opening in the boundary wall resulting in the loss of a short section of wall and the arched gateway. Whilst I

acknowledge that the arch, buttress and adjoining brickwork are not original, they nonetheless appear as such at first glance and make a positive contribution to an appreciation of the wall and its gate feature. There would therefore be a diminution of significance which would result in less than substantial harm to the wall and the setting of No 68, as well as adverse effects on the character or appearance of the ECA.

Heritage balance

20. Paragraph 202 of the National Planning Policy Framework (the Framework) sets out that where a development proposal will lead to less than substantial harm, this harm should be weighed against the public benefits of that proposal.
21. The plans state that the aim of the proposals is to restore the gate at the rear of No 68 through removing bricks that are out of keeping with the historic style. However, the wall would be demolished, removing the arched gateway and shortening the wall's overall length. There is nothing before me to suggest that there has ever been another gate at the rear of No 68 and consequently it is unclear to me how the proposals would restore the gate at the rear of No 68.
22. It is also noted that bricks that are not in keeping with the historic style would be removed. However, the images in the heritage statement indicate that a significant proportion of the bricks to be removed are reclaimed, and this is confirmed by the heritage statement.
23. Moreover, the recent rebuilding of the wall end, including the buttress and arched gateway has been carried out sympathetically. Furthermore, although it is noted that some of the brickwork is modern, I am satisfied that this does not detract sufficiently from the overall appreciation of the wall to warrant the demolition of that brickwork and the arched gateway. As such, it is unclear to me how the proposals would preserve the wall or the setting of No 68, or the ECA.
24. It is also the case that the rebuilding of structures using reclaimed or similar materials and to original configurations is a recognised approach in conservation management. I disagree that the removal of this rebuilding work amounts to any public benefit.
25. Consequently, the proposals fail to preserve the wall, or the setting of No 68, or to preserve or enhance the character or appearance of the ECA. In that regard I conclude that the proposals would be contrary to Policies DMD44 and of the Development Management Document (2014) (DMD), Policy HC1 of the London Plan and Policy CP31 of the Core Strategy (CS) which taken together are concerned with the safeguarding of heritage assets and the reinforcement of local distinctive and historic patterns of development amongst other considerations. There would also be conflict with Sections 16, 66 and 72 of the Act, and Section 16 of the Framework, which are concerned with heritage assets.
26. CS Policy CP30 and DMD Policy DMD38 are also cited but these are general policies concerned with high quality design rather than heritage assets and as such carry lesser weight with regard to this appeal.

Conclusion

27. I conclude that the proposals conflict with the local development plan taken as a whole, the London Plan, the Framework and the Act and there are no material considerations of such weight to lead me to conclude otherwise.
28. Appeal A is dismissed.
29. Appeal B is dismissed and listed building consent is refused.

A Edgington

INSPECTOR