



Appeal Decision

Site visit made on 12 December 2023

by P Storey BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 January 2024

Appeal Ref: APP/Q5300/W/23/3320973

290 Chase Road, Enfield, Southgate N14 6HA

- 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 Costa Symeou against the decision of the Council of the London Borough of Enfield.
 - The application Ref 23/00104/FUL, dated 12 January 2023, was refused by notice dated 7 March 2023.
 - The development proposed is described on the planning application form as “retrospective permission for erection of boundary fence”.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal site is within the Southgate Circus Conservation Area (the CA). Accordingly, I have had special regard to section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), which requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the area.
3. The appeal relates to a development that has been substantially completed. At the time of my visit the fence was in situ and the details I observed on site appeared to match those shown on the submitted plans.
4. An update to the National Planning Policy Framework (the Framework) was published on 19 December 2023. Other than changes to paragraph numbering, there are no material changes relevant to the substance of the appeal.

Main Issue

5. The main issue is the effect of the development on the character and appearance of the area bearing in mind the extent to which it preserves or enhances the character or appearance of the CA.

Reasons

6. The appeal site is a public house on the northern edge of the CA. It comprises a part-two-storey part-single-storey building occupying the northern area of its plot, with an outdoor seating area occupying part of the southern area.
7. The CA covers a reasonably compact area centred around Southgate Circus, which is formed of a busy road junction and public transport interchange. The art-deco style buildings of the bus and underground stations contain ground-

- floor commercial uses and form the focal point of the CA at the confluence of several roads, with many of the surrounding buildings facing on to this area. There is a strong degree of visual permeability through the area, with wide pavements, open public spaces and building facades that open to the street.
8. Ground floor uses within the CA are predominantly commercial and are contained within buildings of varying architectural style and detailing. Buildings are generally between 2 and 4 storeys in height, although there is some taller mid-20th century development close to the appeal site.
 9. The submitted CA Character Analysis Plan identifies the appeal site as a building contributing to the special interest of the area. The Council's officer report notes that it is one of few remaining late 19th century buildings preserved as part of the later holistic development of Southgate Circus.
 10. Given the above, the significance of the CA is primarily associated with the focus on the distinctive buildings forming part of the public transport interchange, the varied age and appearance of buildings throughout the area, and the visual permeability of the area that enables this varied character to be appreciated.
 11. The fence encloses the southern and part of the western boundaries of the appeal site. It is prominently visible in the forefront of views of the appeal site from the central part of the CA in the vicinity of Southgate Circus.
 12. Solid timber fences are not a characteristic feature of the area, particularly where they front public areas or provide visual barriers to building frontages. Whilst the fence uses reasonable quality materials, it appears incongruous and does not reflect the characteristic surroundings. Moreover, the fence's height and solid construction detract from the visual permeability and intrinsic openness of the CA, particularly given the importance of the appeal site to the overall significance of the CA.
 13. Paragraph 205 of the Framework advises that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to its conservation. Paragraph 206 goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets or from development within their setting and that this should have a clear and convincing justification. Given my findings above, the harm to the CA is less than substantial in this instance but nevertheless of considerable importance and weight.
 14. Under such circumstances, paragraph 208 of the Framework advises that this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. The appellant notes that the fence is intended to provide a safe enclosure to customers using the outdoor seating area, and also to deter rough sleepers who have previously caused damage to the garden.
 15. I am provided with no specific evidence of how the fence would provide public benefits to customers as opposed to a more open arrangement. Whilst it is understandable that the appellant would wish to add further security to the site if previous damage has occurred, the public benefits of this would be limited. As such, I do not find evidence of sufficient public benefits to outweigh the harm to the CA, given the great weight that must be given to its conservation.

16. For the reasons given above, the development is harmful to the character and appearance of the existing building and area and fails to preserve the character or appearance of the CA, resulting in harm to its significance that would not be outweighed by public benefits. The proposal therefore conflicts with Policies D4 and HC1 of the London Plan – March 2021, Policies CP30 and CP31 of The Enfield Plan Core Strategy 2010-2025 – Adopted November 2010, and Policies DMD8, DMD37 and DMD44 of the Improving Enfield Development Management Document (DMD) – Adopted November 2014. Together these policies seek, among other objectives, for the design of development to be thoroughly scrutinised, to conserve the significance of heritage assets, for all developments and interventions in the public realm to be high quality and design-led having special regard to their context, and for development to be of an appropriate scale, bulk and massing. The development would also conflict with the provisions of the Framework, which have similar aims.

Other Matters

17. The appellant has referenced previous appeal decisions where fences have been granted. Notwithstanding that I have been provided with very limited details of the cases or their context, the examples noted all appear to relate to cases that were determined a significant time ago. It is therefore likely that the decision-making context has changed significantly in the intervening period and these examples can be afforded limited weight. Given the clear conclusion I have reached on the main issue and the great weight that must be given to the conservation of the CA, these considerations would not lead me to an alternative view.

Conclusion

18. For the reasons given above I conclude that the appeal should be dismissed.

P Storey

INSPECTOR