



Appeal Decision

Site visit made on 1 February 2024

by S Pearce BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 March 2024

Appeal Ref: APP/Q5300/W/23/3324187 254-256 Hertford Road, Enfield EN3 5BL

- 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 Idris Sahin against the decision of the Council of the London Borough of Enfield.
 - The application Ref 23/00535/FUL, dated 16 February 2023, was refused by notice dated 13 April 2023.
 - The development proposed is described as a “retrospective application about the erection of a first-floor infill construction in the central part of the site.”
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the determination of this application, a revised National Planning Policy Framework (the Framework) was published on 19 December 2023 and updated on 20 December 2023. Those parts of the Framework most relevant to this appeal have not been amended. As a result, I consider that there is no requirement for me to seek further submissions on the Framework, and I am satisfied that no party’s interests would be prejudiced by my taking this approach. Where I have referred to specific paragraphs of the Framework, the numbering used is that of the revised version.
3. While the development applied for has been substantially constructed, its external appearance does not replicate that shown on the submitted plans. Additionally, the agent has confirmed that although the structure is currently clad in waterproof insulation, the intention, as set out in the submitted plans, is to finish the building in brick. I have therefore considered the appeal based on the development applied for and the plans submitted with it.

Main Issues

4. The main issues are:
 - the effect of the development on the living conditions of the occupiers of 252 Hertford Road, with particular regard to outlook and light, and
 - whether the development would affect the setting of non-designated heritage assets, with particular regard to 258 Hertford Road, a locally designated heritage asset.

Reasons

Living conditions

5. No 254-256 is a three storey building that lies at the end of a parade of buildings that front Hertford Road. There is a commercial unit at ground floor and residential use on the upper floors. To the rear of the frontage building lies a single storey and two storey flat roof building. The appeal relates to the single storey element of this building (the appeal building).
6. A neighbouring flat, 252 Hertford Road, has two windows, one at first floor and one at second floor. These windows are within close proximity of, and at an oblique angle to, the appeal building.
7. An existing two storey outrigger is located adjacent to both windows. Having regard to its proximity and orientation, this reduces light to these windows. While the outrigger restricts outlook in a southerly direction, occupiers of No 252 still have some outlook over land and buildings to the rear of the parade, including the appeal building.
8. The appeal scheme extends the appeal building the full width of the site and increases its height to two storeys. Having regard to its height, size, orientation and proximity to No 252, this results in a visually dominant form of development that significantly reduces and adversely affects the outlook for the occupiers of No 252 from the first floor window.
9. The orientation, siting and height of the development means that there is very little overshadowing of the first floor window serving No 252 and then only for a very short period of the day. On this basis, there is no significant loss of daylight or sunlight reaching this window, as a result of the appeal development.
10. The appeal development does not materially affect outlook or light for occupiers of No 252 from the second floor window, by reason of its height in relation to the appeal development.
11. For these reasons, notwithstanding my conclusions about the effect on outlook from the second floor window serving No 252 and light, the development would have an unacceptable impact on the living conditions of the occupiers of No 252, with respect to outlook. This is contrary to the Framework which seeks, among other things, to ensure a high standard of amenity for existing users.
12. The Council have referred to Policy CP30 of the Enfield Plan Core Strategy 2010-2025 November 2010 (CS) and Policy DMD37 of the Enfield Development Management Document November 2014 (DMD) within their reason for refusal. These policies relate to maintaining and improving the quality of the built and open environment and achieving high quality and design-led development.
13. The Council also referred to Policy D3 of the London Plan March 2021 (LP) and DMD Policy DMD8 within their reason for refusal. LP Policy D3 relates to a design-led approach and states, among other things, that development proposals should deliver appropriate outlook. DMD Policy DMD8 relates to general standards for new residential development. As the appeal scheme is required for the storage of goods in association with existing commercial units, there is no requirement to deliver appropriate outlook and it would not deliver new residential development. As these policies do not refer to the living

conditions of existing occupiers, with regard to outlook and light, they are not relevant to the main issue.

Heritage Assets

14. No 254-256 and the appeal building are located adjacent to 258 Hertford Road, a locally designated heritage asset. Paragraph 209 of the Framework states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
15. The significance of No 258 derives from the prominent frontage building, including the architectural quality of the building's facade, and the historic use of the premises.
16. The Framework defines the setting of a heritage asset as the surroundings in which a heritage asset is experienced. Setting is not fixed and may change as the asset and its surroundings evolve. During my site visit, I noted No 258 was clearly visible from the appeal building. Accordingly, having regard to the guidance in the Framework, the appeal building forms part of the wider setting of the non-designated heritage asset.
17. To the rear of No 258 are predominately flat roof extensions. Similarly, the rear of the parade in which No 254-256 is located is also characterised by similar designed structures, including the appeal building. These structures have a neutral contribution on the significance of the non-designated heritage asset.
18. Due to the location of the appeal building to the rear of No 254-256, there are limited views of the appeal development from Hertford Road, including alongside the frontage building at No 258, and within the wider area.
19. The development increases the height of the single storey element of the appeal building through the creation of an additional storey, which is to be finished in brick. This has created a two storey high building with a flat roof, of a similar height, form, massing and materials to those neighbouring flat roof structures it is viewed alongside, including the adjacent two storey flat roof extension to the rear of No 254-256 and those to the rear of No 258. Therefore, it does not result in a dominant or unsympathetic form of development. As such, it does not harm the significance of the non-designated heritage asset.
20. The Council have indicated that the parade in which No 254-256 is located has a degree of heritage significance. The significance of the parade is suggested to be derived, in part, from the legible historic form of the buildings within it, which includes the original rear access stairs from ground to first floor. The Planning Practice Guidance¹ explains that a substantial majority of buildings have little or no heritage significance, with only a minority meriting identification as a non-designated heritage asset.
21. Given the very limited substantive evidence before me, I cannot be certain the parade comprises a non-designated heritage asset. However, even if I were to conclude it did comprise such an asset, the rear staircase remains, and its

¹ Paragraph: 039 Reference ID: 18a-039-20190723

overall mass is consistent with neighbouring structures. Therefore, there would be no harm to the significance of the parade, as a result of the development.

22. For these reasons, the development does not affect the setting of non-designated heritage assets, with particular regard to 258 Hertford Road, a locally designated heritage asset. It would therefore comply with LP Policy HC1, CS Policy CP31 and DMD Policies DMD37 and DMD44, which collectively seek to ensure, among other things, development proposals affecting heritage assets conserve their significance. It would also comply with the Framework, which seeks to ensure, among other things, that development proposals have regard to the historic environment.

Other Matters

23. The proposed development would support a new business, which accords with the aims of the Framework, in respect of helping to create the conditions in which businesses can invest, expand and adapt. The development may also support the ongoing viability of the commercial business and ensure the vitality of the local centre is maintained. Nevertheless, and even with the significant weight that the Framework places on the need to support economic growth and productivity, this does not outweigh the harm found in relation to the main issue.

Conclusion

24. For the above reasons, I conclude that while the appeal development does not affect the setting of non-designated heritage assets and does not harm the living conditions of the occupiers of No 252, with regard to light, the harm I have identified in respect of the living conditions of the occupiers of No 252, with regard to outlook, is determinative. Therefore, the appeal proposal would conflict with the development plan as a whole. There are no material considerations, including the Framework, that indicate I should conclude other than in accordance with it. Therefore, I conclude that the appeal should be dismissed.

S Pearce

INSPECTOR