

Appeal Decision

Site visit made on 2 July 2024

by Andrew Dale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th August 2024

Appeal Ref: APP/Q5300/Z/24/3340574

Shop at 1 London Road, Enfield EN2 6BN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Hina Mahmood against the decision of the Council of the London Borough of Enfield.
 - The application ref. is 23/02208/FUL.
 - The development proposed is described on the application form as: *"Installation of external shutters due to 2 robberies in the space of 6 weeks. Recommended by police and landlord to protect the staff and business. Carried out in an emergency."*
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Decision

1. The appeal is dismissed.

Preliminary matter

2. The revised versions of the National Planning Policy Framework (the Framework), which were published in December 2023, do not materially differ from the September 2023 version, insofar as the planning policy context around the main issue in this appeal is concerned.

Main issue

3. Flowing from the reason for refusal in the Council's decision notice and the statutory duty in section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 for special attention to be paid to the desirability of preserving or enhancing the character or appearance of conservation areas, the main issue is the effect of the external shutters upon the character and appearance of the Enfield Town Conservation Area (ETCA).

Reasons

4. This shop, currently operated as a bubble tea store, occupies the ground floor of a 3-storey building which forms part of a curved sweep of buildings where the western side of London Road merges with The Town, which has evidently earlier origins. Being part of a primary shopping parade, it falls within the busy commercial hub of the town centre and the ETCA. There are also shops and other commercial premises, mainly of small scale, in the terraces on the eastern side of London Road. The character of London Road is largely derived from its function as a busy shopping street within the town centre. The appeal property is a good-quality example of a building dating from the late 19th or early 20th
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century. It makes a positive contribution to the character and appearance of the ETCA which is a designated heritage asset of some significance.

5. When lowered, the metal external roller shutters, which have already been installed, extend from the shutter box to ground level and across the full width of the largely glazed shopfront. The shutter housing takes the form of a projecting box and does not sit neatly under the fascia as depicted on the submitted plans. When closed or down, the shutters, on account of their tiny perforations, only allow for extremely limited visibility into the property and this gives a rather bleak, solid and lifeless form to the shopfront. This is most evident in angled views when approaching along the footway from either direction. Even though the shutters are coloured dark grey to match the existing colour scheme of the premises, they are not attractive or welcoming features. The external roller shutters, by reason of their prominent location, design, material and projecting box make for an incongruous addition which harms the character and appearance of the building.
6. There are very few external roller shutters in place when moving along the southern side of The Town from its junction with Hatton Walk around the corner into London Road (western side) to its junction with Cecil Road. Along this section, I could only identify 3 other properties with external roller shutters covering the shopfront. These are at 7 and 8 The Town (a beauty centre and a jeweller's shop respectively) and at 3 London Road (a café). I saw that many of the small outlets on the eastern side of London Road do have external shutters, as referred to by the appellant, but equally the properties that could be said to be roughly opposite and closest to the appeal property on that eastern side do not have them. I have no planning history before me for any of the external shutters I saw. Judging from the condition of some of them, it appears they may have been in place for a considerable period of time. In any event, wherever they have been installed, the solid or near solid external shutters detract from the buildings and the attractiveness of the shopping streets.
7. The specific local context I describe in the paragraph above means that the subject roller shutters are particularly conspicuous in this street scene and this part of the ETCA. Adding them to the appeal property was a retrograde step. The harm caused to the character and appearance of the host building detracts from the positive contribution that this building and its shopfront make to the character and appearance of the ETCA. Furthermore, the shutters present a rather hostile appearance, reduce visual interest for pedestrians and spoil the attractiveness of the shopping street which forms an important component of the special interest, significance, character and appearance of this part of the ETCA. The cumulative impacts of incremental change from small-scale developments like this on designated heritage assets and their settings ought to be actively managed to preserve the historic integrity which remains.
8. I find on the main issue that the external shutters fail to preserve or enhance the character or appearance of the ETCA. The significance of the designated heritage asset – the conservation area – has been diluted. I attach considerable importance and weight to this matter given my statutory duty set out in paragraph 3 above. The development conflicts with Policy HC1 of the London Plan 2021, Core Policies 30 and 31 of Enfield's Core Strategy 2010 and Policy DMD 44 of Enfield's Development Management Document 2014 which, when

read together, seek to secure a high standard of design and conserve and enhance Enfield's built heritage, including the significance of heritage assets. The Enfield Town Conservation Area Character Appraisal does not point me to a different finding.

9. In terms of the Framework, the magnitude of the harm to the significance of the designated heritage asset may properly be considered to be less than substantial. That being the case, paragraph 208 of the Framework advises that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
10. In this respect, the appellant has not really articulated any points in this appeal that could be included as a public benefit. There are no public benefits identified that can be considered to outweigh the harm I have found. The balance of judgement therefore remains firmly in favour of the preservation of the conservation area. Paragraph 205 of the Framework indicates that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
11. That security and safety for the shop premises, the staff and the business are important material considerations is in little doubt. The appellant says the shutters were fitted out of desperation after 2 break-ins where the front glazed door was smashed. On another occasion, a large glass panel was found to be cracked. Another break-in has occurred at a property nearby and a photograph of shattered glass at the Halifax premises opposite has been provided. I understand the concerns raised. It is said that the police recommended the fitting of external shutters given the ongoing crime concerns in the area.
12. However, I have not been provided with any correspondence from the local constabulary about the break-ins or general security considerations relating to this shop. The advice on shopfront security in Enfield's Shopfronts and Associated Advertisements Supplementary Planning Guidance is clear. The Council prefers the use of security measures that do not require external shutters which obscure shop windows. This includes the use of roller lattice grilles installed behind the window glass. Whilst this would leave the glass exposed when the shop is closed, the strengthening of the shopfront could be considered including the use of toughened or laminated glass. This would be more sensitive to the character and appearance of the ETCA.
13. I am not therefore persuaded that the installation of external security shutters was the only way forward for the appellant. Many shops and commercial outlets in the ETCA trade without external shutters across their shopfronts. The need to provide security and safety, although important, does not outweigh the visually harmful effects of the development.
14. Moreover, providing security measures of the type in this appeal can undermine community safety over the longer term because of the intimidating and hostile

atmosphere they create, the potential to attract graffiti and the restriction on natural surveillance.

15. My conclusion is that the development is unacceptably harmful to the character and appearance of this conservation area. There are no planning conditions that would overcome the objections to the development. There is conflict with the development plan and I find no other material considerations of sufficient weight to justify a grant of planning permission. The appeal therefore fails.

Andrew Dale

INSPECTOR