



Appeal Decision

Site visit made on 3 December 2024

by Sarah Manchester BSc MSc PhD MEnvSc

an Inspector appointed by the Secretary of State

Decision date: 20 December 2024

Appeal Ref: APP/Q5300/W/24/3341884

348C Bowes Road, Enfield, London N11 1AN

- 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 Mr Paul Tagliaferri (Tag Interiors) against the decision of the Council of the London Borough of Enfield.
 - The application Ref is 23/02107/FUL.
 - The development proposed is additional storey of B1 office development.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The revised National Planning Policy Framework (the Framework) was published on 12 December 2024. I have considered the changes and, as they are not material to the proposal in this case, the comments of the parties were not sought. Nevertheless, I have taken into account the revised Framework in the determination of the appeals.
3. Planning permission (ref 20/00762/FUL) was granted in 2020 for demolition of outbuildings and erection of single storey building for B1 use. At the time of my visit, I observed that the permission has been implemented and the single storey flat-roof office building has been constructed. The proposal would be a first floor extension above the existing building.
4. As the proposal relates to a listed building I have had special regard to section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) (the Act).

Main Issues

5. The main issues are the effects of the proposal on:
 - i) The character and appearance of the area, bearing in mind the special attention that should be paid to the desirability of preserving the setting of the nearby Grade II* listed building, "Arnos Grove Underground Station" (ref 1358981) (the LB);
 - ii) Trees; and
 - iii) The living conditions of the residential occupiers of 1 Brookdale, with particular regard to overlooking into the rear garden.

Reasons

Character and appearance

6. The appeal building occupies an enclosed compound with a small courtyard amenity area to the rear of 348 Bowes Road, which is an end of terrace property adjacent to Arnos Grove station car park. The appeal site is in the Arnos Grove Local Centre, which extends along Bowes Road and includes flanking properties with ground floor commercial uses and residential above, and Arnos Grove station. The residential townscape to the rear of Bowes Road in this location includes 2-storey, semi-detached and terraced dwellings with pitched roofs and traditional external materials.
7. Arnos Grove Underground Station dates from the 1930s, built as part of the first section of the northward extension of the Piccadilly Line to Cockfosters. The station building comprises a square single storey building, above which there is a tall circular ticket hall with vertical bands of metal windows alternating with red brick infill, and an oversailing flat concrete roof with dentilled soffits and a deep cornice. The LB is an imposing landmark feature, widely separated from other buildings by low level land including car parking, the train lines and Bowes Road. Insofar as relevant to the appeal, I find the traditional urban townscape and the open views around the LB, which comprise its setting, contribute to its special architectural and historic interest as a largely unaltered and notable example of Charles Holden's modernist design.
8. No 348C is a modest, detached flat roof building, finished in render, albeit the plans illustrate timber cladding to the elevation facing Brookdale. In views from Bowes Road and in juxtaposition with the LB, No 348C is a low and unassuming building, screened in part by the adjacent boundary wall and fence. The appeal building is in keeping with domestic single storey outbuildings and garages such as are found to the rear of properties in the area.
9. The proposed first floor extension would be set in from the ground floor elevations and it would have a flat roof. At around 12m long, 5m wide and 5.7m tall, the resulting building would be a bulky and boxy feature. While it would have aluminium uPVC windows, as does the ground floor, the pattern of fenestration and standing seam zinc finish would be poorly related to the ground floor. The first floor would not have the appearance of a mansard roof nor would it harmonise with the existing building, rather the building would have the appearance of disparate modular units stacked on top of one another.
10. There are 2-storey flat roof extensions to buildings in the area, but these are attached to and integrated into their surroundings by their hosts. In contrast, the detached 2-storey proposal would be widely separated and poorly related to neighbouring buildings. Moreover, by virtue of its height, scale and design including windows, it would be markedly dissimilar to utilitarian domestic outbuildings in the area. It would be an incongruous feature that would be out of keeping and it would not reflect the traditional surrounding townscape.
11. I have taken into account that planning permission¹ was recently granted on appeal² for the erection of 4 buildings comprising 162 residential units and flexible use ground floor units at car park adjacent to Arnos Grove Station. These buildings would vary between one and seven storeys. However, between

¹ Ref 20/01049/FUL

² Ref APP/Q5300/W/21/3276466

Brookdale and the railway line, they would be set back to the rear of the LB and they would step up in scale and height with distance from the ticket hall, preserving the primacy of the LB. Moreover, the design takes its inspiration from mansion blocks contemporary with the LB, with streamlined silhouettes and curvilinear forms. This considered and coherent response to the historic context would sit comfortably alongside the LB and there would also be significant enhancement to the public realm, resulting in a high quality scheme that respects and enhances the setting of the LB.

12. I note that the Council's conservation officer considers that the much larger Arnos Grove scheme would reduce the visual impact of the proposal in the street scene, resulting in a neutral impact on the setting of the LB. The proposal would undoubtedly be smaller than the multistorey apartment blocks, but its bulky and overtly contemporary appearance would not complement the mansion-block design of the neighbouring development or the striking design of the LB. Moreover, unlike the Arnos Grove scheme which would be set back from the LB and from Bowes Road, the proposal would be prominent in the foreground in views around the LB. The proposal would not be assimilated by the larger Arnos Grove development, rather it would be a discordant feature in visual juxtaposition with it and the surrounding traditional townscape.
13. The proposal would be a conspicuous and incongruous modern feature that would not sit comfortably or unobtrusively alongside the LB. The design of the proposal would not be a sympathetic response to the LB and it would not contribute positively to the traditional townscape. As it would be a visually obtrusive feature that would detract from local distinctiveness and sense of place, it would make a negative contribution to the setting of the LB, this being the surroundings in which the heritage asset is experienced. On the basis that the proposal would harm the setting, I find that it would fail to preserve the special interest of the LB. Consequently, I give this harm considerable importance and weight in the planning balance of these appeals.
14. Paragraph 212 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 the asset's conservation. Paragraph 213 goes on to advise that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting and that any such harm should have a clear and convincing justification. Given the scale of the proposal, I find the harm to be at the lower end of less than substantial in this instance but nevertheless of considerable importance and weight. In such circumstances, paragraph 214 of the Framework advises that this harm should be weighed against the public benefits of the proposal.
15. The appellant is of the opinion that any less than substantial harm would be outweighed by the provision of additional office space the proposal. Taking into account the scale of the proposal, this would be a very limited benefit. There would be similarly limited benefits to the local economy in the short-term during construction and when the additional office space was in use. There would be energy efficiency measures, and the flat roof is indicated as a location for PV panels, such as would appear to be at most a limited benefit taking into account the requirements of policy. The sedum roof would be a negligible benefit, taking into account its size, nature and surrounding context. These benefits are not sufficient to outweigh the harm that I have found.

16. Given the above, I conclude that, on balance, the proposal would harm the character and appearance of the area and fail to preserve the setting and thereby the special interest of the Grade II* listed building. This would fail to satisfy the requirements of the Act, paragraph 212 of the Framework and conflict with policies D3 and D8 of London Plan 2021, policy CP30 of the Enfield Plan Core Strategy 2010-2025 Adopted November 2010 (the CS), and policies DMD37 and DMD39 of the Development Management Document (DPD) Adopted November 2014. These seek, among other things, to ensure that buildings respond positively to local context including public realm and historic development, reinforce local distinctiveness and contribute positively to sense of place. As a result, the proposal would not be in accordance with the development plan.

Trees

17. The appeal building is partly within the root protection zone of a mature oak tree that is rooted close to the building along the Arnos Grove boundary. The tree is not protected by Tree Preservation Order but it has significant amenity value and biodiversity value, including as part of a line of mature trees to the rear of Brookdale. Branches on the appeal site side have already been cut back, but nevertheless the tree continues to overhang No 348C. Consequently, construction, tree works and future pressure to prune or remove it have the potential to adversely affect the tree.
18. An updated arboricultural assessment has been provided with the appeal. This confirms that as no foundation works are required, the proposal would not result in root disturbance. The lightweight additional storey would be roughly 1-1.5m from the major tree limb closest to, and above, the building. The arboricultural consultant states that scaffolding could avoid the limb, and this could form part of a tree protection plan. Moreover, due to the large size of the closest limb, it is unlikely that the branch system would strike the structure during high winds. Furthermore, given the mature life stage of the tree, it seems unlikely that there would be future conflict giving rise to pressure to remove or significantly prune the tree.
19. The Council has not commented on the further evidence. Nevertheless, I see little reason why the proposal would result in significant detrimental impacts on the tree, subject to tree protection and appropriate working methods during construction which could be secured by the imposition of planning conditions.
20. Therefore, I conclude that the proposal would not result in loss or harm to a tree of significant amenity or biodiversity value. It would not conflict with the tree protection aims of policy G7 of the London Plan, DMD Policy DMD80 or CS policy CP34. It would similarly not conflict with the aims of the Framework in relation to the importance of retaining urban trees that make an important contribution to the character and quality of urban environments and that help mitigate and adapt to climate change.

Living conditions

21. The rear gardens of the Brookdale properties to the north of the appeal site extend to the Arnos Grove station car park boundary. Consequently, while the appeal site is well separated from the neighbouring property, 1 Brookdale, it is close to the neighbours' rear garden. The facing side boundary to No 1 comprises a tall wall along the access to the rear of the Bowes Road terrace

- properties and a close-boarded fence to the rear of the appeal site. This serves to prevent close overlooking into the neighbours' garden.
22. The proposal would be only a few metres from the adjoining garden boundary. The first floor of the facing elevation would be extensively glazed, with tall windows and a glass balustrade balcony that would span the full width of the elevation. This arrangement would allow for very close and direct overlooking into the garden of No 1. The resulting loss of privacy would be significantly detrimental to the neighbours' residential amenity.
23. I understand the hours of opening of No 348C are between 0800 and 1800 on weekdays, which the appellant considers align with times when residential gardens are not commonly in use. However, the planning application form states that hours of opening are not relevant to the proposal. In any case, there could be no guarantee that No 1 would not be occupied by persons who work part-time, are retired, or who have a young family, any of whom might seek to use the garden during the day.
24. While the appellant disagrees that the proposal would impact the neighbours, nevertheless he would be willing to amend the scheme. In this regard, an alternate plan has been submitted with the appeal to illustrate a low Juliet glass balustrade balcony to one window only. However, the Juliet balcony and tall clear-glazed windows would still allow for overlooking.
25. Although no other alternate plans have been provided, the appellant suggests that the height or materials of the balustrade could be altered, the balcony could be removed or frosted glass could be installed to the first floor facing windows. Taking into account its prominent elevated siting, changes to the height and materials of the balustrade would have a visual impact such as would need to be considered. Obscure glazing to first floor windows could prevent overlooking, although windows would also need to be non- or only narrowly- opening to prevent views of the neighbouring garden. However, this would have implications for the internal space, taking into account that the proposal has been designed to be energy efficient with large full height windows that maximise natural lighting, reduce heat gain in summer and facilitate passive heating in winter. Consequently, while an alternative design, including rooflights, could protect the neighbours' privacy, this is not a matter that could be satisfactorily addressed by the imposition of planning conditions.
26. Therefore, I conclude that the proposal would harm the living conditions of the neighbouring residential occupiers of 1 Brookdale, with particular regard to overlooking and loss of privacy to their private outdoor space. It would conflict with the residential amenity aims of Policy D3 of the London Plan in relation to privacy and amenity and with the aims of DMD Policy DMD24 which requires, among other things, that small businesses should be in appropriate locations. It would also conflict with the residential amenity aims of the Framework.

Other Matters

27. The energy statement indicates that the building has been designed to be energy efficient in terms of heating, ventilation, lighting and renewable sources of energy. However, while it suggests that solar PV panels will be installed on the roof, and the plans are annotated with 'flat roof with location for PV panels', the description of the development does not include PV panels nor are any illustrated on the plans. Therefore, while the energy efficiency measures would

contribute to the climate change mitigation and adaptation aims of the Framework and align with the Council's sustainability objectives, compliance with the requirements of policy in this regard is a largely neutral factor.

28. The northern half of the roof would be covered with sedum, which the appellant considers would additionally provide biodiversity benefits. However, uniform sedum roofs lack species and structural diversity and they are of generally relatively low biodiversity value. As such, and particularly taking into account its size, the sedum roof carries little weight in favour of the scheme.
29. I note the suggestion that the proposal would help meet demand for high quality sustainable office space. In this regard, there is local and national policy support for small businesses and offices, this being a type of use that contributes to ensuring the vitality of town centres and local communities. However, in the absence of substantive evidence in this regard, this carries little weight in favour of the scheme.
30. The Framework supports the effective use of land to meet the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Taking into account the harm that I have found, the use of the airspace above the existing premises carries little weight in favour of the proposal.

Conclusion

31. For the reasons set out above, I conclude that the proposal would conflict with the development plan and there are no material considerations that would outweigh that conflict.
32. Therefore, I conclude that the appeal should be dismissed.

Sarah Manchester

INSPECTOR