



Appeal Decision

Site visit made on 21 May 2025

by **A Hunter LLB (Hons) PG Dip MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 3 June 2025

Appeal Ref: APP/Q5300/W/25/3360773

Progressive Synagogue, 75 Chase Road, Southgate, Enfield N14 4QY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a grant of planning permission subject to conditions.
 - The appeal is made by Mrs Joanna Carson of The Southover Partnership against the decision of the Council of the London Borough of Enfield.
 - The application Ref 24/02217/FUL was approved on 10 September 2024 and planning permission was granted subject to conditions.
 - The development permitted is the “retention of existing modular building to be used as ancillary to the main building.”
 - The condition in dispute is No 1 which states “this permission is granted for a limited period, expiring three years from the date of this permission when the use hereby permitted shall be discontinued and/or the buildings hereby permitted removed and the land reinstated.”
 - The reason given for the condition is “to ensure that the portable cabin is not used as a permanent structure on the application site.”
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Decision

1. The appeal is allowed and the planning permission Ref 24/02217/FUL for the retention of existing modular building to be used as ancillary to the main building at Progressive Synagogue, 75 Chase Road, Southgate, Enfield N14 4QY granted on 10 September 2024 by the Council of the London Borough of Enfield, is varied by deleting conditions 1 and 2 and substituting them for the following condition:
2. The development hereby permitted shall be in accordance with the approved plans and reports: drawing no's 23148.111 (location plan); 23148.114 revision B (elevations); 23148.112 revision B (existing); 23148.113 (roof & section proposed); 23148.110 (block plan); and the design and access statement revised 1st July 2024, prepared by BS Initiative Chartered Building Surveyors.

Preliminary Matters

3. The appellant's statement referred to seeking costs associated with their earlier planning applications. However, the appellant has subsequently confirmed that they are not seeking an award of costs as part of the appeal process. The appeal has been determined on this basis.

Background and Main Issue

4. The Council granted planning permission¹ in 2018 for replacement single storey buildings to the rear of the main building for a Class D1 use, these being the modular buildings the subject of this appeal, they were approved on a temporary

¹ Ref. 17/05169/FUL

basis for three years. A further temporary three-year permission was granted² through a variation to the temporary time condition in 2021.

5. According to the appellant an application³ was submitted in 2024 for a further three-year temporary permission for the buildings, but on the advice of the Council it was withdrawn, and they say the Council advised them to apply for the retention of the buildings on a permanent basis. That application was subsequently made and approved. However, it included a condition that limited the retention of the buildings in question to a temporary three-year period.
6. Accordingly, the appellants appealed against the temporary three-year condition that was imposed by the Council, and the main issue is whether condition 1 limiting it to a three-year temporary permission is reasonable and necessary.

Reasons

7. The appeal site has a wide frontage onto Chase Road, behind its front boundary is a large car parking area, with its main buildings setback behind the car park. Behind these main buildings and to the side of the buildings the subject of this appeal is a pitched roof building, which is lower in height than the main buildings, and it has a range of flat roof extensions and alterations. There are a range of different external materials, including brick, render, with decorative timber, stone and roof styles across the existing buildings at the appeal site. The buildings the subject of the appeal directly adjoin the appeal site's rear boundary and one of its side boundaries, they are understood to be used as part of an independent special needs day school
8. I saw on my site inspection that the buildings were in use, they contained classrooms, toilets, staff facilities, and storage areas. Its external plastisol cladding sat within a metal frame, and contrary to the submitted documentation and the comments from the Council, both internally and externally the buildings were in a good state of repair. Furthermore, the buildings are connected to water, electricity and drainage. I note the Council's reference to a google image of the roof which it said appeared to have water pooled. However, the part of the roof I could see had a shallow pitch, and there was guttering and downpipes attached to the buildings allowing the roof to be drained. In addition, the google image provided did not have the resolution to clearly show whether this was pooled water or not, and the discoloured area also appeared to be along the ridge of the roof (its higher part), where water would not normally be expected to sit. Therefore, and along with my site observations, I am not persuaded that the buildings are in a poor state of repair.
9. The appellant's appeal statement included reference to the buildings having a 30-year structural warranty and given that they were first brought to the appeal site in 2018, it would run until 2048. The Council has had the opportunity to comment on the appellants' warranty claim, but has not done so. I have no evidence to dispute the warranty for the buildings. And clearly with such a long warranty and from my own site observations regarding their general condition, it would indicate to me that they have a useful life well beyond the short-term and beyond the expiry of the three year temporary permission the subject of the appeal. As such, I am not

² Ref. 21/01066/VAR

³ Ref. 24/00623/VAR

persuaded that a time limited temporary permission would be justified on the basis of their construction and condition.

10. Policy CP30 of The Enfield Plan, Core Strategy 2010-2025 adopted November 2010 (CLP) and Policy DMD37 of the Enfield's Development Management Document, adopted November 2014 (DMD) collectively require high quality development having special regard to its context, which should be locally distinctive and make a positive contribution to the quality of life and a place's identity. In addition, Policy DMD37 says development that is not suitable for its intended function, and inappropriate to its context, or which fails to have appropriate regard to its surroundings, will be refused. In this case, the Council has granted planning permission for the buildings on three different occasions, albeit on a temporary basis, and they have been at the site since 2018, and on each case considered alongside the same development plan policies.
11. The buildings are not visible from Chase Road, and even within the appeal site itself, there are only limited views of them, and mostly from close-up, due to their discrete location. The buildings adjoin a row of shallow pitch garages at the end of a cul-de-sac, to one of its sides, and allotments to the rear, which contain a variety of different structures. Views of the single storey buildings from outside of the appeal site are limited and are in the context of the other different buildings and external finishes at the appeal site. In view of this, and whilst accepting that there would be some tension with the requirements of the policies set out above, I am not persuaded that the appearance of the buildings in this case is harmful to the character and appearance of the area. Nor have I been made aware of any short, medium, or long-term proposal for an extension to the other buildings at the appeal site that would replace these buildings.
12. Whilst there would be some conflict with CLP Policy CP30 and DMD Policy DMD37, in terms of the policy expectations for new development to be high-quality and locally distinctive, as set out above, in view of the buildings already being at the site and having planning permission, and against my findings above regarding the expected life of the buildings and their condition, together with the buildings low height, discrete location and limited visibility, I did not find them to be inconsistent with the key objectives of these policies of ensuring development would not be harmful to the character and appearance of the area. I therefore conclude that in light of my findings above, a temporary three-year condition for the buildings would not be reasonable or necessary, and the condition can be removed.
13. The Council referred to Policy D4 of the London Plan, The Spatial Development Strategy for Greater London, March 2021 as relevant to the proposal. That policy is mainly concerned with strategic design review and analysis, and I did not find it to be directly applicable to this main issue.

Other Matters

14. The comments made by the appellant regarding planning application fees are a matter between the parties, and beyond my consideration of the appeal.

Conditions

15. The condition relating to the temporary permission has been deleted, but the condition requiring adherence to the approved plans and documents is imposed in the interests of certainty.

Conclusion

16. For the reasons given above, I conclude that the appeal should be allowed.

A Hunter

INSPECTOR