
Appeal Decision

Site visit made on 9 September 2014

by P N Jarratt BA DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 22 September 2014

Appeal Ref: APP/Q5300/A/13/2208315
105 and 107 Chase Side, Enfield, EN2 6NL

- 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 R J Nicholas against the decision of the Council of the London Borough of Enfield.
 - The application Ref TP/11/1163, dated 11 July 2011, was refused by notice dated 27 September 2013.
 - The development proposed is the redevelopment of site involving demolition of former showroom and associated offices building, deconstruction and removal of two commercial warehouse buildings, and erection of a part 3-storey block to provide 455sqm of retail floorspace on ground floor and 13 residential units on first and second floor (comprising 1 x 1-bed, 6 x 2-bed and 6 x 3-bed) together with 16 car parking spaces at rear/side with undercroft access, balconies to first and second floors and communal amenity space to the rear at first floor.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. A planning obligation in the form of a Unilateral Undertaking has been submitted by the appellant.
3. An application for costs was made by the appellant against the Council. This application is the subject of a separate Decision.

Main Issues

4. The main issues in this appeal are the effects of the proposed development on the character and appearance of the area, on the setting of the Conservation Area and on the setting of a listed building.

Reasons

5. The appeal site is a corner plot at the junction of Chase Side and Chase Side Avenue. It is currently occupied by a two storey commercial building, a single storey warehouse and a forecourt used for car sales.
6. The site adjoins the Enfield Town Conservation Area to the south and 103 Chase Side is a Grade II listed building. It is also within the Chase Side Local Centre meeting the day to day shopping requirements of local residents. This is a linear centre with a mix of retail, commercial and residential uses on Chase

Side extending northwards from the appeal site. Chase Side Avenue and other streets nearby are predominantly in residential use.

7. The area of Chase Side is characterised by buildings of modest, domestic scale, laid out in terraces or semis with pitched roofs, generally with commercial uses on the ground floor with residential over, or as intact terraced houses. The buildings are generally two storey although some have accommodation in the roof space. To the north of the Chase Side Avenue junction is a public house in a distinctive former school building. Opposite is a three storey apartment block with gables and a mansard roof facing the street.
8. To the south of the appeal site and within the Conservation Area, the character is more verdant with a greater number of street trees, older properties with gardens and a number of listed buildings. The two storey listed building at 103 Chase Side is an attractive Georgian building with its roof hidden from the street behind a parapet. The nearby Christ Church and its impressive spire contribute significantly to the townscape by providing a focal point for views in the street.
9. Although the appeal site is on the edge of the commercial area and the character to the south is distinctly different, both areas contribute to the context of the site to which the proposals should have regard. The appellant considers that because of the many contrasting styles of architecture, the locality has no architectural conformity or any coherent townscape. However, I consider that the townscape has coherence although it changes in character and appearance between the Conservation Area and the local centre.
10. The proposed development is intended to create a landmark building at the junction. It would be three stories in height with a flat roof set behind a parapet and a cupola feature on the corner. The roof height of the stairwell adjoining the single storey 'Kitcheners' building would be slightly lower than the rest of the Chase Side elevation and the building would be reduced to two storeys in height on Chase Side Avenue adjoining Parsonage Gardens. It would contain retail space on the ground floor with 13 flats on the two floors above. Vehicular access would be ramped from Chase Side Avenue giving access to 16 parking spaces for residents and retail staff. Above the parking area would be an external amenity courtyard area for residents of the flats. The road elevations would be articulated through the setting back of the balconies.
11. I do not take issue with the proposed building as a single element of architecture when read by itself. It may well be an appropriate urban building in another location. However individual buildings must respect their context in terms of scale, massing, density, height, materials, detailing, space between buildings and other factors that make up the townscape, which in this location is more suburban. The proposed building would be prominent, which is partly what a landmark building is supposed to achieve, but it would also be intrusive in the street scene through its height and massing. Although the appellant has provided information comparing the height of the proposed building to others in the vicinity, some of these comparisons relate to the ridge heights of two storey pitched roof buildings, rather than their eaves heights. It is not the height alone that contributes to the massing, but its shape and volume. In the case of the proposed building when viewed from the street, it would be the parapet above the second floor rather than the eaves above a first floor (which is more typical in the street), that would be visible to the viewer. This would

- give the impression of a building far greater in bulk than other buildings in the area.
12. The appellant refers to the apartment building opposite. Whilst this forms part of the street scene, it is not representative of the general character and appearance of other buildings and I disagree with the contention that this building and the church establishes the scale for the surroundings. In my view it is the two storey development that is characteristic. Notwithstanding the flat roof of the apartment building, at least some attempt has been made to disguise its overall height and massing through its gables, mansard roof design and the use of roofspace, albeit that these design devices contrive to mask the bulk of the building and its predominantly flat roof.
 13. The proposed building would have a large footprint occupying the whole site and extend to the back of the footway on the roadside elevations. Although I am not suggesting that the existing buildings and use of the site make a positive contribution to the character and appearance of the area, space exists between the buildings and with the site boundaries, whereas the proposed building would create a single large mass extending along Chase Side Avenue, contrary to the grain of development. This would appear particularly intrusive and overbearing in relation to the adjacent dwelling in Parsonage Gardens and would appear incongruous in relation to the nearby dwellings.
 14. The site coverage raises the issue of density. The proposed development would have a density of 518 habitable rooms per hectare (hrph) compared to the London Plan suggested density of 150-250 hrph for a suburban location with a public transport accessibility level of 2-3. It would therefore not be in accord with Policy 3.4 of the London Plan 2011. The site coverage and density adds weight to the conclusion that the proposed massing and height reflects overdevelopment of the site.
 15. Reference is made by the appellant to the proposed building not being materially higher or bulkier than permitted in 2004. However I note from the elevations included in the appellant's statement, that scheme was for a two storey block with accommodation in the roofspace.
 16. I conclude therefore that the proposal would represent overdevelopment of the site, appear overbearing and intrusive in the street scene and fail to promote local distinctiveness due to its density, height and massing. This would be detrimental to the character and appearance of the area. It follows therefore that it would also adversely affect the setting of the nearby listed building and that of the Conservation Area, both of which are designated heritage assets. The significance of these assets would be harmed through the development of the appeal site. Whilst the harm would be less than substantial, the harm would not be outweighed by the removal of the incongruous use and buildings on the site or by other social, economic or environmental benefits that would otherwise make the proposal sustainable. In addition to being contrary to Policy 3.4 of the London Plan the proposal would be contrary to saved UDP Policy GD3 on design and Policies C30 and C31 of the Enfield Core Strategy relating to the quality of the built environment and the built heritage. It would also fail to accord with the National Planning Policy Framework (the Framework) at paragraphs 61 and 134 relating to design and conserving the historic environment.

Other Matters

17. I note that the Council raise no concerns in respect of all other matters relating to the proposed development, including the principle of the redevelopment of the site for retail floorspace and residential accommodation, highway safety and neighbouring amenity.
18. The appellant has submitted a signed and dated Unilateral Undertaking in respect of the provision of affordable housing, and financial contributions towards education, a Traffic Regulation Order Fee and a Travel Plan Monitoring Fee. Were I to have allowed the appeal, the Undertaking would have satisfied the three tests that need to be met, namely the necessity to make the development acceptable in planning terms; to be directly related to the development; and, to be fairly and reasonably related in scale and kind to it. It therefore satisfies Paragraph 204 of the Framework and Regulation 122 of the Community Infrastructure Levy Regulations.
19. Notwithstanding the acceptability of other aspects of the proposals and the submission of the Undertaking, these do not outweigh the harm that I have identified above.

Reasons

20. For the reasons given above and having had regard to all relevant matters, the appeal is dismissed.

P N Jarratt

Inspector