

## Appeal Decision

Site visit made on 30 August 2016

**by Kevin Gleeson BA MCD MRTPI**

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

**Decision date: 21 October 2016**

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**Appeal Ref: APP/Q5300/W/15/3134504**

**South Point House, 321 Chase Road, Southgate, Enfield N14 6JT**

- 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 Brookway LP against the Council of the London Borough of Enfield.
  - The application Ref 15/01184/FUL, dated 15 March 2015, was refused by notice dated 18 June 2015.
  - The development proposed is four storey rear extension to existing building to create 1,125sq.m B1 office floorspace.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are:
  - a) whether the proposed development would preserve or enhance the character or appearance of the Southgate Circus Conservation Area, and its effect on the setting of Southgate Underground Station, the Station sign to the north of Southgate Station and Station Parade, all grade II\* listed buildings;
  - b) the effect of the proposed access arrangements on the safety of pedestrian and vehicular traffic within Nichols Close;
  - c) whether the proposed use makes adequate provision for servicing and parking;
  - d) the effect of the proposed development on the occupiers of neighbouring properties; and
  - e) whether or not the proposed office use is appropriate.

### Reasons

#### *Character and Appearance / Setting of Listed Buildings*

3. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 1990 Act) requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.
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4. The appeal site is within the Southgate Circus Conservation Area. The conservation area derives its character from the underground station and associated transport interchange and shopping parade. Most of the properties within the conservation area date from the 1930s onwards with the primary uses being transport, offices and retail. To the north of the station, the properties fronting Chase Side which form South Point House are identified as buildings having a negative impact on the conservation area.
5. Paragraph 132 of the National Planning Policy Framework (the Framework) states 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.
6. The appellant indicated that as the proposed development would be located to the rear of the site it would have no adverse impact on the character or appearance of the surrounding conservation area. However, the scale and massing of the proposed development, in reflecting the existing building which has a negative impact on the conservation area, would fail to preserve or enhance the character or appearance of the conservation area as a whole.
7. Consequently the proposed development would conflict with Policy CP31 of the Enfield Council Core Strategy, November 2010 which requires built development that impinges on heritage assets to have regard to their special character. The proposed development would fail to conserve and enhance the special interest, significance or setting of the conservation area contrary to Policy DMD44 of the Enfield Council Development Management Document (DMD), November 2014 and would fail to conserve and enhance the historic environment as required by the Framework.
8. Southgate Underground Station, the Station sign to the north of Southgate Station and Station Parade are all grade II\* listed buildings. Section 66 of the 1990 Act requires special regard to be had to the desirability of preserving a listed building or its setting. Paragraph 132 of the Framework also states that the significance of a designated heritage asset can be harmed or lost through development within its setting.
9. In the absence of a heritage statement the proposal fails to comply with Policy DMD44 of the DMD which requires all applications affecting heritage assets or their settings to include a heritage statement. Consequently it has not been demonstrated that the proposed development would not conflict with Policy CP31 of the Core Strategy which requires built development affecting heritage assets to be based on an understanding of context. It has also not been shown that the proposed development would conserve and enhance the special interest, significance or setting of the listed buildings and therefore would be contrary to Policy DMD44 in this regard.
10. Additionally, the requirement set out in paragraph 128 of the Framework to describe the significance of any heritage asset affected, including any contribution to their setting has not been met. The submission of a heritage statement for a neighbouring site does not provide an appropriate assessment to understand the potential impact of the proposal on the significance of the listed buildings. Asserting that as the proposed development would be located to the rear of the site it would have no adverse impact on the setting of the station fails to address the requirement of the Framework. Additionally, the series of viewpoints that were intended to demonstrate that the scheme would

not have an adverse impact upon longer views of the station do not assess the significance or setting of the heritage assets. Whether or not the Council should have requested a heritage statement or validated the application without one, the Framework makes clear the need for the significance and the contribution to the setting to be described.

#### *Access and Road Safety*

11. The existing access along Nichols Close has a kerb on the southern side adjacent to South Point House which in my view is of such limited width that it does not currently provide safe pedestrian access to the rear of the property. I also noted during my visit that Nichols Close, whilst a public highway acts as a service yard for properties on either side. It is proposed to extend the footpath link whilst retaining sufficient carriageway width to allow the two-way movement of vehicles into and out of Nichol Close. However, it has not been demonstrated that it would be possible to provide safe access for pedestrians whilst also providing the necessary carriageway width. In addition, based on my visit I find that the proposed access arrangements for pedestrians would give rise to potential conflict with vehicles accessing or exiting the underground car park or ground level parking in the vicinity of the site. There would also be obstructed visibility at the entrance to Nichols Close which could be a hazard for pedestrians.
12. I therefore find that the proposed access arrangements for pedestrians would give rise to safety concerns and therefore the proposals would be contrary to Policy DMD47 of the DMD which requires new development to be served by layouts which achieve a safe, convenient and fully accessible environment for pedestrians.

#### *Servicing and Parking*

13. The proposed use would provide over 1,100sq.m of office accommodation. Nevertheless, the transport statement which accompanied the application does not assess the traffic generation arising from the proposed development or the additional servicing requirements for the property. Consequently it is difficult to assess the likely scale of activity and the effect of deliveries and servicing and resultant parking. Whilst some information has been provided about the transport effects of the proposed development this is insufficient to reach the conclusion that the proposed development would not have an adverse effect on the operation of existing users on the appeal site and within Nichols Close.
14. I therefore find that it has not been demonstrated that the proposed development would not be detrimental to the operations of the existing uses on site and neighbouring uses in the area. The proposed development would therefore be contrary to policies 24 and 25 of the Core Strategy which aim to ensure that development supports businesses, improves safety and reduces congestion and that the environment for pedestrians and cyclists is not adversely affected. In the absence of adequate proposals to meet operational needs including parking the proposals would be contrary to policies 45 and 47 of the DMD respectively and the absence of a transport assessment for a development of this scale is contrary to Policy 48 of the DMD. In failing to assess the effects of the proposed development on transport capacity the proposal would be contrary to Policy 6.3 of the London Plan. It has also not been demonstrated that the needs of cyclists and pedestrians have been taken into account contrary to policies 6.9 and 6.10 or that delivery and servicing

needs and resultant parking have been addressed as required by Policy 6.13 of the London Plan.

*The Effect on Neighbouring Occupiers*

15. The proposed development would provide an extension to the original office block of South Point House for which approval has been given for residential use. The Council has indicated that the proposed office development, by virtue of its siting adjoining the new residential development would have an adverse impact on the light reaching residents. However it has not been demonstrated that occupiers of the residential property would not receive adequate daylight or sunlight.
16. In terms of privacy, proposed windows in the south facing façade would be fitted with obscure glazing, primarily to prevent overlooking to the existing podium, but this would also prevent overlooking of those residential properties in the southern part of the existing block. In addition, as windows in the proposed office development would be at right angles to windows in the residential development, cladding is proposed along part of both the northern and southern facades in order to reduce the line of sight between existing and proposed blocks. On this basis I consider that there would be limited adverse impact on neighbouring residents in terms of privacy.
17. With regard to the outlook for occupiers of the residential units I consider that because of the siting, scale, height and proximity to the existing building the proposed development would be visually dominant and overbearing, leading to an unacceptable sense of enclosure particularly for residents on the lower floors of the residential building.
18. The proposed development would comprise reception, mezzanine and three upper storeys. It would be located approximately seven-and-a-half metres from 311 Chase Road which is two storeys although the lower storey is partially below ground. On this basis the proposed development would result in an outlook for occupiers of 311 Chase Road which would be visually dominant and overbearing. In addition the proposal would adversely affect the amount of daylight which occupiers of 311 Chase Road would receive. I consider that as a design studio natural light would be important and that the proposed development would have an adverse effect upon its operation.
19. With regard to 16 Chase Side, whilst the appellant's daylight assessment indicates that two windows would be marginally affected these are windows serving commercial uses and there is no reason in this situation why a limited loss of daylight would be harmful to occupiers of this property.
20. Consequently, by virtue of its siting, scale, height and proximity to the existing building the proposed development would be visually dominant and overbearing and therefore contrary to Policy CP30 of the Core Strategy in respect of the quality of the built environment and Policy DMD37 of the DMD which seeks to achieve high quality design. Additionally, I find conflict with Policies 7.4 and 7.6 of the London Plan which aim to ensure that development has regard to local character and does not cause unacceptable harm to the amenity of surrounding residential buildings. For the reasons given I do not find harm in respect of policies DMD10 of the DMD which aims to prevent development resulting in housing with inadequate daylight / sunlight or

privacy, or DMD25 in respect of harm to the residential amenities of local residents by way of loss of daylight or privacy.

### *The Proposed Use*

21. Policy CP19 of the Core Strategy supports the development of new premises where there is evidence of demand. The supporting text explains that Southgate is a main office location which can be promoted as a location for office provision. The reason for refusal focuses on demand having not been demonstrated in this case. However, the Core Strategy predates the Framework which places an emphasis on economic development and the promotion of the vitality and viability of town centres.
22. More recent local policy is provided by Policy DMD25 of the DMD which indicates that new office development will be permitted within Southgate. However the policy sets out a number of criteria which must be met in order to support town centre development. For the reasons already given the proposed development would fail the criteria requiring the proposed use to avoid harm to the character, appearance and amenity of the area and would have an adverse effect on road safety in the area and parking for servicing.
23. On the basis of the Core Strategy predating the Framework and the lack of conformity between the documents, in line with the advice in paragraph 215 of the Framework I attach limited weight to Policy CP19 in respect of the need to demonstrate office demand.
24. I also find that the conversion of South Point House from office to residential use utilising the prior approval process is not an indication of a lack of demand for office space and is not a reason for not supporting the proposed use on the appeal site.
25. The appellant also indicates that there is a perceived demand for office accommodation locally but I have no evidence to support this position and this has not been a factor in my consideration.
26. In addition to the conflict with Policy CP19 of the Core Strategy I find that the proposed use for offices would be contrary to Policy DMD25 of the DMD by virtue of the impacts of the proposed development.

### **Conclusion**

27. I have found that the proposed development would not result in neighbouring residential occupiers experiencing unacceptable living conditions in terms of daylight, sunlight or privacy. However, whilst this counts in favour of the proposal it does not outweigh the harms which I have identified in respect of the other main issues. For these reasons, and taking account of all other matters raised the appeal is dismissed.

*Kevin Gleeson*

INSPECTOR