

Officer's Report

Application Number	HGY/2022/3867
Type	Full planning permission
Location	460, Lordship Lane, Tottenham, London, N17 7QY
Proposal	Single storey rear extension to include additional seating and smoking area to existing restaurant.
Case Officer	Kwaku Bossman-Gyamera
Valid Date	20/10/2022
Applicant	MR H AYDEMIR
Agent	Other - ARCHPL

RECOMMENDATION

Approve with Conditions

SUMMARY OF RECOMMENDATION

GRANT PERMISSION

PROPOSED DEVELOPMENT AND LOCATION DETAILS

Proposed development

This is an application for a single storey rear extension to include additional seating and smoking area to existing restaurant.

Site and Surroundings

The application relates to a two-storey end of terrace building the ground floor of which is occupied by a café with residential accommodation above. The café forms part of a shopping parade which is designated in Haringey's Development Management Plan as a Local Shopping Centre.

The boundary of the Tower Gardens Conservation Area runs through the rear garden of the property and the proposed extension would be located within the conservation area.

Relevant Planning and Enforcement history

The most recent planning history in relation to the site is as follows.

- HGY/2022/1959 REF 30/08/2022 - Single storey rear extension to include additional seating and smoking area to existing restaurant.
- HGY/2020/0732 GTD 10/04/2020 Single storey rear extension ancillary to existing café.
- HGY/2019/2556 REF 01/11/2019 Single storey rear extension and associated ancillary seating.

- HGY/2007/0758 GTD 06/06/2007 Conversion of rear garden to form a car park for two cars and crossover onto Turnant Road.
- HGY/2007/0228 REF 20/03/2007 Conversion of rear garden to form a car park for four cars and crossover onto Turnant Road.
- HGY/2006/0781 GTD 14/07/2006 Change of use of property from A2 to A3, (restaurant / cafe), provision of ductwork for extractor fan to side / rear elevation and installation of security shutters to front of premises.
- HGY/2006/0780 GTD 20/06/2006 Display of internally illuminated shop fascia sign.
- HGY/1989/0682 REF 20/10/1989 Erection of single storey side and rear extensions to existing betting shop, installation of new shopfront and erection of new external staircase to provide new access to 1st floor flat.

3.5 There is no enforcement planning history in relation to the site.

CONSULTATION RESPONSE

4.1 The responses below were received following consultation on the application:

Internal:

1) LBH Transportation Team: no objections to this application from the transportation perspective.

2) LBH Noise & Pollution: no comments

LOCAL REPRESENTATIONS

The application has been publicised by way of 1 site notice displayed in the vicinity of the site and 39 letters. No representations received from neighbours, local groups, in response to notification and publicity of the application.

MATERIAL PLANNING CONSIDERATIONS

The main planning considerations raised by the proposed development are:

1. Design and appearance;
2. Impact on the character and appearance of the conservation area;
3. Impact on neighbouring amenity;

Design and appearance

DPD Policy DM12 'Housing Design and Quality' states that extensions or alterations to residential buildings, including roof extensions will be required to be of a high, site specific,

and sensitive design quality, and respect and/ or complement the form, setting, period, architectural characteristics, detailing of the original building, including external features such as chimneys, and porches. High quality matching or complementary materials should be used appropriately and sensitively in relation to the context. DPD Policy DM1 'Delivering High Quality Design' requires development proposals to relate positively to their locality, while Local Plan (2017) Policy SP11 requires the highest standard of design that respects local context and character and historic significance, which is equally supported by London Plan (2021) Policy D6.

The extension is considered to be acceptable in terms of its design and materiality, its size and scale is acceptable and viewed to be consistent with Policies DM1 and DM9 of the Development Management 2017.

The extension would appear in keeping with the existing pattern of development and would not cause significant harm to the character and appearance of the conservation area and the wider locality.

Impact on the character and appearance of the conservation area

London Plan Policy HC1 seeks to ensure that development proposals affecting heritage assets and their settings, should conserve their significance. This policy applies to designated and non-designated heritage assets. Local Plan Policy SP12 and DPD Policy DM9 set out the Council's approach to the management, conservation and enhancement of the Borough's historic environment.

DPD Policy DM9 states that proposals affecting a designated or non-designated heritage asset will be assessed against the significance of the asset and its setting, and the impact of the proposals on that significance; setting out a range of issues which will be taken into account. In relation to extensions or alterations to residential buildings, including roof extensions, Policy DM9 requires proposals to be of a high, site specific, and sensitive design quality, which respect and/ or complement the form, setting, period, architectural characteristics, detailing of the original buildings, including external features such as chimneys, and porches. The policy also requires the use of high-quality matching or complementary materials, in order to be sensitive to context.

The main planning consideration in regard to this application is the impact of the development on the appearance of the property and whether the development would preserve or enhance the character of Tower Gardens Conservation Area.

Tower Gardens Estate is one of three Conservation Areas within the borough, which is covered by an Article 4 direction. This Article 4 direction has been in place since 1997 and removes the following permitted development rights:

"1) Enlargements improvements and alterations to the front of a house or any side facing a road. 2) Porches outside any front or side door. 3) A hardstanding for a vehicle in a garden. 4) Gates, walls, or other means of enclosure in front of the building or facing a highway. 5) Painting any exterior brickwork, rendering or pebble dashing at the front or side" (as set in Table 11.2 – Schedule of Article 4 Direction Areas in Haringey.)

Large rear gardens are a distinctive feature of the residential properties situated along Turant Road and generally throughout the Tower Gardens Conservation Area. However, this application does not relate to a property containing a residential dwellinghouse and the existing building located on the property fronts Lordship Lane and is not located within the Tower Gardens Conservation Area. The garden area of the property has been included within the Conservation Area and Article 4 direction areas but not the existing building on the property.

Subject to it being built in appropriately high quality materials, the proposed rear extension would have an acceptable design and appearance, complimenting the existing building's rear elevation, which is currently in poor condition and contributes little to the character and appearance of the conservation area.

The proposal contributes to the use and function of the seating area, and consequently supports the existing business premises, particularly the current economic conditions. The public benefit arising from the development is a material consideration of weight, and is considered to outweigh the limited harm arising from the development.

The proposal is considered to be a potential improvement on the current situation to the rear of the premises with the added benefit of screening the unsightly extensions to the rear of the neighbouring premises. The proposal is therefore considered to preserve and enhance the character and appearance of the Tower Gardens Conservation Area.

The extension is considered to be of a scale, form and appearance that sit appropriately within the context of the building and considered to allow the continued perception and understanding of the host building. The proposal is not therefore considered to result in significant harm to justify a reason for refusal on the grounds of design or visual amenity.

Impact on neighbouring amenity

London Plan Policy D6 outlines that design must not be detrimental to the amenity of surrounding housing, in specific stating that proposals should provide sufficient daylight and sunlight to surrounding housing that is appropriate for its context, while also minimising overshadowing. London Plan Policy D14 requires development proposals to reduce, manage and mitigate noise impacts.

DPD Policy DM1 'Delivering High Quality Design' states that development proposals must ensure a high standard of privacy and amenity for a development's users and neighbours. Specifically, proposals are required to provide appropriate sunlight, daylight and aspects to adjacent buildings and land, and to provide an appropriate amount of privacy to neighbouring properties to avoid overlooking and loss of privacy and detriment to amenity of neighbouring resident.

Given the orientation of these properties, the nature of the use of the ground floors and the presence of existing extensions on adjoining properties, the proposed extension would not result in a significant loss of light to neighbouring commercial properties.

The rear garden of a neighbouring residential property runs along the rear of the site. However, the proposed extension is set far enough from the garden's boundary for it not to impact in terms of loss of light or sense of enclosure on the amenities of that neighbour.

Notwithstanding, the above considerations, it is noted that there are residential properties adjoining or directly opposite the site, including family housing. The site is on the edge of local centre and is close to much quieter residential streets. The size of the proposed extension has been reduced in comparison to previous refusal.

It is recognised that concerns have been raised regarding the expansion of the café and the impact this is having on wider area. Of particular note, concerns have been raised regarding the impact on the residential streets to rear of the site.

While the proposal would increase activity at the café and within this area, the development relates specifically to the construction of an extension to rear for additional seating and smoking area within the immediate area surrounding the building. This area has historically been used as outside storage area in association with the café use, with the structures considered to form an ancillary part of this use. It is not therefore considered that the development subject of the application would result in an intensification of use of the site.

The development relates solely to the operational development comprising the erection of an extension to be used as additional seating and smoking area to existing restaurant, with no change of use taking place. The land to which the proposed extension is located have historically been used as ancillary to the operation of the subject building, and would continue to remain in such use.

The existing restaurant café has permission to operate between the hours of 7am – 8pm Monday to Friday and 9am – 8pm hours on Saturday, and not at all on Sundays, or Bank Holiday. It should be therefore be noted that application seeks to retain the existing operating hours which would provide additional space and smoking area.

The proposed rear extension would be an ancillary and its use in terms of hours of use is controlled and managed by the existing opening hours. Within these hours the noise level would be kept within acceptable levels. The development is not therefore considered to result in an increase in noise, activity or disturbance that would justify a reason for refusal.

Conclusion

The development would continue to support the established use of the café, providing an additional facility for the commercial enterprise. The proposed structures contribute to the continued vitality and vibrancy of the business, while increasing the offer to customers and users. The development is therefore considered to result in economic, social, and wider public benefits. While recognised that the setting and understanding of the designated heritage asset has been impacted by the proposed extension within the setting. It is therefore considered that the harm arising is modest, with the public and economic benefits resulting from the development considered to outweigh this limited harm.

The proposed extension would be used as ancillary to the host building, and extending over with additional seating area. It is not therefore considered that the development results in further intensification of use, or would result in greater noise and disturbance than existing use provided that the existing opening hours is retained.

All other relevant policies and considerations, including equalities, have been taken into account. Planning permission should be granted for the reasons set out above. The details of the decision are set out in the RECOMMENDATION

CIL APPLICABLE

The increase in internal floor area would not exceed 100 sq. m. and therefore the proposal is not liable for the Mayoral or Haringey's CIL charge.

RECOMMENDATION

GRANT PERMISSION

Conditions:

- 1 The development hereby authorised must be begun not later than the expiration of 3 years from the date of this permission, failing which the permission shall be of no effect.

Reason: This condition is imposed by virtue of the provisions of the Planning & Compulsory Purchase Act 2004 and to prevent the accumulation of unimplemented planning permissions.

- 2 The development hereby permitted shall be carried out in complete accordance with the approved plans and drawings listed in this decision notice, other than where those details are altered pursuant to the conditions of this planning permission.

Reason: For the avoidance of doubt and in the interests of proper planning.

- 3 The use of the extension hereby permitted shall not be operated before 0700 or after 2000 hours on Monday to Friday and before 0900 or after 2000 hours on Saturdays, and not at all on Sundays, or Bank Holidays.

Reason: This permission is given to facilitate the beneficial use of the premises whilst ensuring that the amenities of adjacent residential properties are not diminished

- 4 At no time shall any amplified speech or music generated from the site be audible within the adjoining residential premises.

Reason: To prevent loss of amenity to neighbouring residential premises due to noise generated from the premises in accordance with Policy D14 of the London Plan 2021 and Policies DM1 and DM23 of The Development Management DPD 2017

Informatives:

- **INFORMATIVE: Land Ownership**
The applicant is advised that this planning permission does not convey the right to enter onto or build on land not within his ownership.
- **INFORMATIVE: Party Wall Act**
The applicant's attention is drawn to the Party Wall Act 1996 which sets out requirements for notice to be given to relevant adjoining owners of intended works on a shared wall, on a boundary or if excavations are to be carried out near a neighbouring building.
- **INFORMATIVE: Hours of Construction Work**
The applicant is advised that under the Control of Pollution Act 1974, construction work which will be audible at the site boundary will be restricted to the following hours:-
8.00am - 6.00pm Monday to Friday
8.00am - 1.00pm Saturday
and not at all on Sundays and Bank Holidays.