

Officer's Report

Application Number	HGY/2022/3835
Type	Full planning permission
Location	773 Restaurant, High Road, Tottenham, London, N17 8AH
Proposal	Erection of a retractable standalone pergola in connection with the outside use of the rear garden by patrons
Case Officer	Kwaku Bossman-Gyamera
Valid Date	19/10/2022
Applicant	Mrs G. BILENSOY
Agent	Mr Alperen Turk

RECOMMENDATION

Approve with Conditions

3. PROPOSED DEVELOPMENT AND LOCATION DETAILS

Proposed development

3.1 Planning permission is sought for a standalone partially retractable pergola at the rear garden. The structure is freestanding and is not physically attached to the building.

3.2 The pergola measures to a depth of 7.2m and overall width of 8.7m. The pergola measures to an overall height of 3.0m to the eaves rising to 4.0m to ridge and is constructed of timber framing with a plastic corrugated sheeting placed on the roof.

3.3 The purposes of the development is to provide covered existing seating in connection with the existing restaurant.

3.4 The agent/applicant has provided a management plan which explains the nature of use of the pergola and the seating within the rear garden area of the existing restaurant. It also provides details of the proposed operating hours for the proposed pergola and seating within the garden area including the impact on the surrounding/adjoining area.

Site and Surroundings

3.5 The application site is three storey mid-terrace property situated on the along the north - western side of the High Road, close to the junction with White Hart Lane. The buildings within this conservation area are primarily terraced three and four – storey structures of Edwardian period. The ground floor units comprise a mix of uses typical of a local shopping area.

3.6 The application site is located within the commercial area of THRHC/NORTH Conservation Area. The building is not listed.

Relevant Planning and Enforcement history

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

- HGY/2020/2575 - Reinstatement of shopfront pilasters with new timber fascia,

Shopfront signage to suit original proportions with concealed LED illumination – Granted
14/12/2020

- HGY/2020/2572 - Repair and restoration works to the upper facade and ground floor of the front and side elevations of 773 High Road. Reinstatement of a new timber shopfront, timber stall riser and timber entrance door to shopfront. Installation of new tiled mural on side elevation – Granted 22/02/2021.

- HGY/1990/1540 GTD 05/02/1991 Installation of new shopfront.

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

4. CONSULTATION RESPONSE

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

Internal:

1) LBH Conservation Officer: no comments

5. LOCAL REPRESENTATIONS

5.1 The application has been publicised by way of 1 site notice displayed in the vicinity of the site and 14 letters. The number of representations received from neighbours, local groups, in response to notification and publicity of the application were as follows:

No of individual responses: 2

Objecting: 0

Supporting: 2

6 MATERIAL PLANNING CONSIDERATIONS

6.1 The main planning considerations raised by the proposed development are:

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

Principle of development

6.2 The proposed pergola to the rear garden area would be constructed to provide a formal outside seating area for the established restaurant. This area surrounding the application site has a long – established use as outside seating in connection with many café, restaurants, bars use – as result of Tottenham Football stadium.

6.3 While recognised that the garden area/use has formalised and defined the seating area would remain as ancillary to the established restaurant. The proposed structure is considered to support the established use of the restaurant, providing an additional facility for the commercial enterprise. The structure would 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. The development is therefore considered acceptable in principle, subject to all other material considerations as discussed in greater detail below.

Design and appearance

6.4 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.

6.5 The pergolas consist of free-standing structures located within the rear garden of the commercial premises in a conservation area, which are constructed of oak timbers. The structure is open-sided, extending to an overall height of 4m over a dedicated seating area.

6.6 The pergola structures are lightweight in form, with the open nature of the development allowing views through to the principal building. While it is recognised that these are located to the rear garden in a conservation area, and does not therefore impact upon any views of the area, the lightweight form, which allows views through the structure, is considered to reduce its visual presence. In addition, the contrasting material provides a clear break between the historic building fronting the highways and the new structure to rear, enabling the development to be interpreted as a modern evolution of the building and its setting. For these reasons, the structure is not considered to over-dominate the host building, and are considered to sit appropriately within the context.

6.7 The structure extending over the breadth of the outside seating area, and given the lightweight nature of the structure, is not considered to be of such dominance to be significantly harmful. It is not therefore considered that a reason for refusal on the grounds of scale could be justified.

6.8 Officers has noted that concerns regarding the light fixtures and heating elements. The installation of small scale heating elements and lighting fixtures would not normally fall within the definition of "development" for which planning permission would be required in their own right. The heating and lighting is though affixed to the pergola and no plans or details have been submitted indicating the number of lighting and heating fixtures. It is considered reasonable to restrict the addition of further external lighting and heating without the prior submission of a planning application, and to control the operating hours of the lighting and heating to match the opening hours of the related café. This approach would minimise the potential for harm to the amenities of the locality.

6.9 The proposed pergola structure is considered to be of a scale, form and appearance that sits appropriately within the context of the building, with the lightweight nature of the structures considered to allow the continued perception and understanding of the host building. The development 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 the character and appearance of the conservation area

6.10 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.

6.11 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.

6.12 The proposed materials are high quality and appropriate for its context. The proposed pergola is light weight and not highly visible from public view. In addition, it is a structure that would be considered typical and appropriate in a garden. The proposals preserve the character and appearance of the conservation area.

Impact on neighbouring amenity

6.13 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.

6.14 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.

6.15 In regard to privacy, the introduction of formal seating areas within the garden including beneath the pergola will potentially increase the use of the garden and change perceptions of privacy and overlooking. However, planning cannot control noise and use of a private garden space. The use gardens are as seating area would not results in a degree of overlooking into neighbouring gardens, given the ground floor commercial nature of the parade. There has been no change to the garden levels as part of this scheme. There are high boundary fence/wall separating the property from its neighbour which helps to reduce overlooking at present and the proposed pergola would help to reduce views. Taking the existing situation into account and the fact that the garden levels have not changed, there will be no material loss of privacy for neighbouring occupiers.

6.16 In regard to daylight and sunlight, the proposal complies with the criteria of the guidance therefore will not result in any unreasonable impact on neighbouring occupiers.

6.17 While the proposal is likely to increased patronage at the restaurant and increased the activity within this area, the development relates specifically to the pergola within the rear garden. This area has historically been used as outside seating space in association with the existing use, with the structure 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 above previous capability.

6.18 The development relates solely to the operational development comprising the erection of the pergola with seating, with no change of use taking place. The land to which the pergola is located have historically been used as ancillary to the operation of the subject building, and would continue to remain in such use. The development is not therefore considered to result in an increase in noise, activity or disturbance that would justify a reason for refusal. However, a condition would be imposed to ensure the operating hours within the rear garden is controlled, in order to minimise the potential impact on the adjoining residential properties.

Conclusion

6.19 The proposal is considered on balance acceptable. The development would support the established use of the restaurant, providing an additional facility for the commercial enterprise. The 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.

6.20 While the pergola does introduce a further level of domesticity to the former utilitarian building, it is recognised that the setting and understanding of the designated heritage asset has been impacted by modern interventions within the setting. It is therefore considered that the harm arising is modest, to the rear of the property and not visible from public view with the public and economic benefits resulting from the development considered to outweigh this limited harm.

6.21 The structure would be used as ancillary to the host building, and extend over an existing outdoor seating area historically used by existing and previous enterprises. It is not therefore considered that the development results in further intensification of use, or would result in greater noise and disturbance than existing. The development as constructed is therefore considered to accord with all relevant local and national planning policies.

6.22 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

8. RECOMMENDATION

GRANT PERMISSION subject to conditions

Registered No. HGY/2022/0092

Applicant's drawing no. (s) 001; 002; 003; 004; 005; 006; 007; Design & Access Statement dated 12/10/22; Management Plan (Spur Restaurant) 21.12.2022

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 approved plans comprise drawing nos: 001; 002; 003; 004; 005; 006; 007; Design & Access Statement dated 12/10/22; Management Plan (Spur Restaurant) 21.12.2022

The development shall be completed in accordance with the approved plans except where conditions attached to this planning permission indicate otherwise or where alternative details have been subsequently approved following an application for a non-material amendment.

Reason: In order to ensure the development is carried out in accordance with the approved details and in the interests of amenity.

- 3 The Rear Garden shall only be used between the hours of 11:00 hours and 21:00 hours Mondays to Sundays and Bank Holidays.

Reason: To ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their properties.

- 4 External lighting Prior to installation of the development hereby permitted, Details of external lighting shall have been submitted to and approved in writing by the Local Planning Authority. The external lighting shall be installed in accordance with the approved details and thereby retained as such unless a variation is subsequently submitted to and approved in writing by the Local Planning Authority. The approved external lighting shall only operate between the hours of 11:00 and 21:00 and at no other time (on any day).

Reason: In the interests of the amenities of the locality and in accordance with Policy DM1 of the adopted DPD (2017).

- 5 At no time shall any amplified speech or music be generated in association with the relevant external part of the site that can cause noise and disturbance to adjacent residential properties.

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 Policy DM1 of The Development Management DPD 2017.