

Officer Report

Application Number:	HGY/2023/2658
Application Type:	Full planning permission
Address:	Shop, 3 Salisbury Road, Wood Green, London, N22 6NL
Proposal:	Erection of a single storey rear conservatory with fixed shut windows and surrounding 1.8m high boundary brick wall. (AMENDED DESCRIPTION)
Case Officer:	Daniel Boama
Valid Date:	04/10/2023
Applicant:	Mr Mariglen Kapinova
Agent:	Mrs Valeriya Gribova

RECOMMENDATION

Refuse

Proposed development

This is an application for the erection of a full width conservatory in the rear garden. It would comprise a 1.88m high boundary block wall surrounding a 3m high glass conservatory. The roof would be a glass roof that would have the shape of a crown roof, which would be 0.9m in height, so the height of the overall conservatory would be 3.9m. The windows of the glass conservatory would be fixed shut, which would reduce the transfer of noise. The conservatory would provide extra room for a seating area. The existing toilet facilities in the rear garden will not be replaced. There is an existing extraction flue at the rear of the property.

Site and Surroundings

The subject site is a ground floor commercial unit that is being used as a restaurant, within a two-storey mixed-use property whereby the first floor is a flat. It has a rear garden which would be the site of the conservatory. The site is not in a conservation area nor is it within the curtilage of a listed building. The site is in the Lordship Lane West Local Shopping Centre, which covers no.1 to 25 Salisbury Road. It is within walking distance to Wood Green Underground train station to the west via A109/Lordship Lane.

Relevant Planning and Enforcement history

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

OLD/1989/1725 | REF 06/3/1989 Conversion into 2 self-contained units comprising 1x1 bed & 1x2 bed maisonettes.

CONSULTATION RESPONSE

No responses were received following consultation on the application:

LOCAL REPRESENTATIONS

The application has been publicised by way of 7 letters. The number of representations received from neighbours, local groups, etc in response to notification and publicity of the application were as follows:

No of individual responses: 0

MATERIAL PLANNING CONSIDERATIONS

The main planning considerations raised by the proposed development are:

1. Design and appearance;
2. Impact on neighbouring amenity; and
3. Noise Impact.

Design and appearance

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 D3.

The height of the conservatory would measure at a height of 3.9m and would cover the whole rear garden, which would be an overdevelopment of the site, and does not respond well to the existing character of the area. It is not subordinate and proportionate to the main building, and so it would not make a positive contribution to the place.

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 residents. This policy also states that the Council will support proposals that address issues of vibration, noise, fumes, odour, light pollution and microclimatic conditions likely to arise from the use and activities of the development.

The conservatory being glass in material is a normal feature. However, due to its proposed use and proximity to neighbouring residential properties, it would have a detrimental impact on their amenity, caused by light pollution from the increased activity as a result of the attraction of persons to the site, and because it is glass material that allows light to pass through. This would have an impact on neighbours especially when in use during the evening times or during seasons in the year when there is a lack of natural light. Therefore, the proposal is not considered to be acceptable.

Noise Impact

A noise assessment was not provided for the proposal. Although the site is within a local parade, this local parade only covers 13 properties between no.1 to 25. The noise impact that the proposal will have on the surrounding area is a concern because the majority of the surrounding area is predominantly residential in character, and the rear boundary of the site shares its boundary with a rear garden pertaining to a dwellinghouse.

The site is in an area that does not generate enough footfall to attract customers like a primary shopping area such Wood Green High Street and the nearby parade on Lordship Lane to the north, because the street is not busy with cars and to the character of the area, and so the introduction of an outdoor eating area would generate noise that would harm the surrounding residential area including the neighbour to the rear, whereas the noise in a commercial area would not stand out in a noisy commercial town centre. The lack of information provided to assess the noise impact is inadequate. Overall, the proposal would be injurious to the amenity at present enjoyed by adjacent residents by reason of smell, noise and general disturbance.

Conclusion

The proposal is considered not acceptable in terms of design and appearance, the impact on neighbouring amenity, and noise impact.

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

CIL APPLICABLE

N/A

RECOMMENDATION

REFUSE PERMISSION

Refusal Reasons:

The proposed development represents overdevelopment in relation to the area of the site and the properties in the locality contrary to Policy D3 of the London Plan 2021 and supporting guidance, Policy SP11 of the Haringey Local Plan 2017, Policy DM1 of The Development Management DPD 2017 by reason of excessive site coverage and massing thereby causing demonstrable harm.

The proposed development would be injurious to the amenity at present enjoyed by adjacent residents by reason of smell, noise and general disturbance contrary to Policy D14 of the London Plan 2021, Policy SP11 of the Haringey Local Plan 2017 and Policy DM1 of The Development Management DPD 2017.

The proposed development by reason of the inclusion of incongruous architectural features and increased activity as a result of the attraction of persons to the site, would be detrimental to the amenities of adjacent residential properties in the locality. As such, this development is contrary to Policy DM1 of The Development Management DPD 2017 and Policies SP0 and SP11 of the Haringey Local Plan 2017 and, is , inconsistent with guidance in the National Planning Policy Framework.

Informatives:

In dealing with this application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our pre-application advice service and published development plan, comprising the London Plan 2021, the Haringey Local Plan 2017 along with relevant SPD/SPG documents, in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably.