



Officer Report

Application Number: HGY/2023/1720
Application Type: Full planning permission
Address: 19 Charter Court, Stroud Green Road, Hornsey, London, N4 3SG
Proposal: Installation of an ESP kitchen extraction system for the ground floor cafe at No 19 located on the rear wall up to the roof of the main building. (AMENDED SCHEME SEE REVISED PLAN)
Case Officer: Mercy Oruwari
Valid Date: 29/06/2023
Applicant: Mr Mehmet Kurucan
Agent: Mr Erdal Aslan

RECOMMENDATION

Approve with Conditions

1. SITE DESCRIPTION

The subject site is located at 19 Charter Court is located to the north east side of Stroud Green Road N4. The property is part of a group of 6 shops with purpose built flats on their upper floors. The shops are designed in such a way that its corner units are single storey lock up units whereas the subject unit is one of the 4 central units with an access gap which is fitted with a metal gate, a feature which is repeated on the other side of the block. The units in this parade all consist of some kind of class E uses. There is service road to the parade's frontage for the benefit of these units. The development is a four storey building with commercial on the ground floor and residential on the upper three floors.

The site is not included in any conservation area but the Stroud Green Conservation area adjoins with the site to its northern edge. The properties in this block fall outside the boundary of a designated Local Shopping Parade. The shop in question was previously a Hairdresser's but appeared to be vacant for sometime until approximately 2018 when it was being used as a café/cake shop. Although there was no formal permission for this both the hairdressers and a café would fall within the same use class E.

2. THE PROPOSAL

The proposal is for Installation of an ESP kitchen extraction system for the ground floor cafe at No 19 located on the rear wall up to the roof of the main building.

3. RELEVANT PLANNING AND ENFORCEMENT HISTORY

- HGY/2012/1817 - Change of use from A1 (beauty salon) to A5 (hot food takeaway) with installation of flue to rear. Refused

- OLD/1976/1277 – 3/2/76 Conversion of empty shop previously launderette to form housing action area office. Approved with conditions

4. CONSULTATION RESPONSES

Internal & External Consultees:

The following were consulted on the planning application:

1. LBH Noise and Nuisance Officer:

- The external outlet is in close proximity to the nearest sensitive receptors (balcony/amenity space of residential properties directly above).
- Has the termination of the flue at roof ridge height been considered.
- This is the best option so that residents are not impacted by the fumes and it also eliminates the need for the ESP element of the ducting.
- If this is not possible or practical the ESP should reduce the potential for nuisance odour from the kitchen extract.
- In addition, their plan indicates the terminal vent will not project from the wall but instead be covered by a grill, further reducing the potential for odour impacts.
- It was also noted that the fan motor is located within the premises and the plans to install further soundproofing between the commercial premises and flat above. Both measures should further limit the potential for disturbance.

Local amenity groups:

There were no representations from any local groups/societies.

Neighbour Consultation:

The number of representations received from neighbours in response to notification and publicity of the application were as follows:

No of individual responses: 2

Objecting: 2

Support: 0

The following issues were raised in representations and are addressed further on in this report or below:

- Concerns were raised regarding potential noise, vibration, and odour disturbances.

5. PLANNING CONSIDERATIONS

Design & appearance

Policy SP11 of the Strategic Plan and Policy DM1 of the Development Management DPD both aim to enhance the built environment through high quality design that respects local context and positive aspects of the area. Policy DM1 sets out that development should relate positively to its locality in terms of building height, form, scale, massing, building lines and architectural details and styles.

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 and 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.

The proposal includes the installation of an ESP extractor system in connection to the use of the premises as a café (Class E). The proposed duct was located at the rear of the unit on the ground floor level. It was proposed to be installed in a way that the duct would not project from the wall and would be enclosed with a metal grill to provide an air exit. There were concerns raised that the location of the external outlet pipe was in close proximity directly below the nearest sensitive receptors (being the residential properties). It was considered that this option was not the most suitable in mitigating the impact of the fumes from the premises.

This has been revised with the pipe being relocated by significantly increasing the length and fixing it to the rear of the building to terminate above the fourth floor roof (top floor flat) by approximately 1 metre. The proposed duct will be fixed approximately 2.4 metres away from the closet window. The location of the pipe means it will not block the sightline of any of the windows on the rear of the building. The duct would not be excessive in scale and would not be excessively prominent to detract from the visual amenities of the wider locality. The proposal is therefore acceptable with regards to design and character considerations.

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.

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 the amenity of neighbouring residents.

The residential units on the upper floor of the building have been considered with the proposed duct set away from the balconies and the windows of the most habitual rooms enough to have no significant visual impact for the flats. The duct is set 1 metre above the roof, which is some distance away from the windows and the ceiling of the top floor. This along with the installation of equipment and regular maintenance would mitigate any noise, vibration and/or odour disturbances. Any unacceptable levels of disturbance could be reported to the relevant noise and environment team.

Measures put in place as outlined in the specifications would ensure the desired rating level is met during the day and night at the most noise sensitive receptors. The LPA are satisfied that sufficient information has been provided and therefore the proposal for the installation of this plant would be acceptable subject to a condition.

Other considerations:

As the unit has been operating as a café since March 2018, which is evident in the images on google maps, the use class continues to fall under the new Class E. Therefore, the use class remains the same.

6. CONCLUSION

The proposed development is in general accordance with Policies DM1 and DM12 of the Development Management, Development Plan Document 2017, and policies SP11 of Haringey's Local Plan Strategic Policies 2017. The proposed development also accords with the relevant policies of the London Plan 2021 and the NPPF.

The proposal is considered acceptable in respect of its character, appearance and impact on the site and would not result in material harm to the residential amenity of neighbours. All other relevant policies and considerations, including equalities, have been taken into account. Planning permission should be granted/refused for the reasons set out above.

7. RECOMMENDATION

The application is recommended for approval subject to the following conditions.

Conditions:

- 1 The development to which this permission relates must be begun no later than three years from the date of this decision notice, failing which the permission shall be of no effect.

Reason: This condition is imposed by virtue of Section 91 of the Town and Country Planning Act 1990 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 rating level of sound emitted from the kitchen extraction equipment and associated plant hereby approved shall not exceed background sound levels by more than 5dB(A) between the hours of 0700 - 2300 (taken as a 15 minute LA90 at the nearest sound-sensitive premises) and shall not exceed the background sound level between 2300 - 0700 (taken as a 15 minute LA90 at the nearest/any sound-sensitive premises). All measurements shall be made in accordance with the methodology of BS4142 (2014) (Methods for rating and assessing industrial and commercial sound) and/or its subsequent amendments. Before the kitchen extraction equipment is used on the premises, it shall be enclosed with sound-insulating material and mounted in a way which will minimise transmission of structureborne sound and vibration in accordance with the scheme submitted. The noise-mitigation scheme shall be maintained for the life of the approved development and shall not be altered without the prior written approval of the local planning authority.

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 consistent with Policy DM1 of The Development Management DPD 2017.

Informatives:

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.

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.