

Officer Report

Application Number:	HGY/2023/0920
Application Type:	Full planning permission
Address:	405-407 Lordship Lane, London N17 6AG
Proposal:	Retention of external alterations to roof and single storey side extension together with associated alterations
Case Officer:	Kwaku Bossman-Gyamera
Valid Date:	30/03/2023
Applicant:	3 Mr. Okkes Alici
Agent:	Mr. Thomas Wessely

RECOMMENDATION

Refuse

1. PROPOSED DEVELOPMENT AND LOCATION DETAILS

Proposed development

1.1 This is an application for the retention of external alterations to roof and single storey side together with associated alterations.

Site and Surroundings

1.2 The application site is a three - storey mid - terrace property located on southern side of Lordship Lane, adjacent to the junction with Walpole Road. The ground floor of property consists of retail units within a parade of commercial units with residential accommodation above.

1.3 The site is not located within a conservation area and does not fall within the curtilage of a listed building. However, the property is designated as part of the Lordship Lane Roundway Local Shopping Centres.

Relevant Planning and Enforcement history

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

405-407 Lordship Lane

- HGY/2020/1559 – GTD 28/08/2020 Change of use and merging of no 405 and 407 Lordship Lane to bistro cafe (A3) use. Single storey side and rear extensions to no 405 and, new extraction flue to the rear and new shopfronts.

405 Lordship Lane

- OLD/1949/0355 GTD 14/09/1949 Continuation of use of ground floor and 1 room on the 1st floor for manufacture of Clothing.
- OLD/1950/0329 GTD 11/01/1950 Continuation of use of ground floor and 1 room on the 1st floor for manufacture of Clothing.
- OLD/1963/0416 GTD 26/03/1963 Installation of pre-cast building for storage purposes.
- OLD/1981/0775 GTD 07/09/1981 30/7/81 Conversion into 2 self-contained flats over shop.
- OLD/1983/0797 GTD 26/04/1983 Use of land adjacent to 405 Lordship Lane for the storage and sale of new and second-hand buildings materials and as a garden centre for retail sale and storage of garden equipment.

407 Lordship Lane

- HGY/2020/0658 GTD 23/04/2020 Change of use from use class D2 to restaurant and take away (use class A3/A5) and installation of associated extract system with ducting to rear elevation.
- HGY/2018/2684 GTD 08/10/2018 Retrospective planning permission for Change of Use from C3 (dwelling house) to C4 (Houses in multiple occupation).
- HGY/2018/0064 GTD 10/03/2017 Change of use from unlawful Snooker Hall (Use class D2) to part residential (Use class C3) and part retail (Use class A1).
- HGY/2004/0024 REF 22/01/2004 Change of use of ground and first floor from café (A3) to social club.
- HGY/1989/0963 REF 02/11/1989 Continuation of use as restaurant with variation of previous conditions to allow late opening on Fridays and Saturdays to 2.00 am.

1.5 There is Enforcement planning history in relation to the site.

- UNW/2022/00390 Enforcement investigation into unauthorised works dated 19/07/2022. Subsequently an-alleged breach of condition notice (Development not in accordance with planning decision HGY/2020/1559) was served.

2. Consultation response

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

Internal:

- 1) LBH Transportation Team: No objection but suggested some conditions to be imposed in relation to cycle storage provision, reinstatement of the existing vehicular crossover via s278 agreement.

2) LBH Environmental Health Team (Noise): no comments.

3. LOCAL REPRESENTATIONS

3.1 The application has been publicised by way of 111 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

4. MATERIAL PLANNING CONSIDERATIONS

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

1. Background.
2. Design and appearance.
3. Impact on neighbouring amenity.

Background

4.2 Permission is sought for the retention of external alterations to roof and single storey side together with associated alterations. As a result of the unauthorised works carried out this application is a retrospective application for the retention of existing built form in place of the original planning permission, reference HGY/2020/1559 – GTD 28/08/2020 (***Change of use and merging of no 405 and 407 Lordship Lane to bistro cafe (A3) use. Single storey side and rear extensions to no 405 and, new extraction flue to the rear and new shopfronts***).

4.3 The proposed development was not constructed in accordance with the approved plans (HGY/2020/1559), in particular conditions 3 (external materials) and condition 7 (non-openable roof).

Condition 3 states that:

“The external materials to be used for the proposed development shall match in colour, size, shape and texture those of the existing building.

Reason: In order to ensure a satisfactory appearance for the proposed development, to safeguard the visual amenity of neighbouring properties and the appearance of the locality consistent with Policy 7.6 of the London Plan 2016, Policy SP11 of the Haringey Local Plan 2013 and Policy DM1 of The Development Management DPD”. 2017.

Condition 7 states that:

“The roof of the extension hereby permitted shall be non-opening and shall not be fitted with any form of openable rooflight without the written approval of the Local Planning Authority.

Reason: In order to reduce the possibility of noise transmission to nearby residential properties in the interest of protecting residential amenity consistent with Policy DM1 of The Development Management DPD 2017”.

4.4 The current application under consideration has a roof detail which is mechanical, allowing it to either fully open or partially open by way of slats that can be rotated.

4.5 The existing side elevation the subject of this application is primarily glass windows, the top half opens. It should be made of bricks without any windows.

4.6 The front elevation is obscured, it should have windows and appear similar to the rest of the front elevation so there is a continuous rhythm to the shop fronts.

4.7 An enforcement notice has been served for the breach of conditions (UNW/2022/00390) for unauthorized works. The requirements of the Enforcement Notice are:

1. Modify the roof of the single storey side and rear extension so that it full accords with the approved drawings in condition 2; and is non-opening without any form of openable rooflight, to accord with condition 7.

2. Modify the external elevations (and if necessary, the internal layout) of the single storey side and rear extension to fully accord with the approved drawings in condition 2 and the external materials as per condition 3.

Design and appearance

4.8 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.

4.9 The application seeks to retain the existing extension as built in its entirety. The roof detail is of substantial size. Owing to the use of an openable roof, the extension as built has a rather squat profile. Additionally, the side and rear has been constructed of utilitarian external materials, consisting of a lightweight aluminium frame with clear glazing sheeting on the sides and roof. None of the above factors pay any meaningful regards to the architectural forms and external materials typical of traditional buildings in the surroundings area.

4.10 Other front, side and rear extensions of other commercial premises are prevalent along Lordship Lane. However, for the most part those extensions are of modest scale and

of a design and materials which integrated with their surroundings. Therefore, other extensions in the vicinity are not comparable with the existing extension in this application.

4.11 Despite the use of the lightweight materials (glass), the overall scale of the extension is such that it forms a prominent feature which is significantly at odds with the appearance of both the host property and the adjacent terrace. As such, it is considered that the proposal results in the appeal property having a harmful appearance on the composition and uniformity of the terrace.

4.12 It is noted that this unit already had an unusual relationship with the other units within this shopping parade due to the previously approved extension. However, the detrimental visual impact created by further excessive use glazing and openable roof element has result in an extension which is out of character, unsympathetic to the host building, wider shopping parade and therefore considered to be unacceptable.

4.13 Having regard to its materials of construction and profile, retention of the extension and associated alterations is still likely to cause the visual harm identified above. For similar reasons, the introduction planting along the side elevation to screen off cladding the glazing of the extension would not address the harm identified. As a result, none of the appellant's suggestions represent an obvious alternative to the requirements of the notice.

4.14 Taking all of the above factors into account, the existing extension as built fails to integrate satisfactorily with surrounding development and it appears as an awkward, obvious and alien addition to the premises in the street scene. Consequently, the extension causes unacceptable harm to the character and appearance of the area.

Impact on neighbouring amenity

4.15 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.

4.16 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.

4.17 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. This together with the nature of the structure proposed, with large retractable roof along its side to Walpole Road and along its rear elevation, raises concern about possible noise nuisance to neighbouring occupiers. The potential for noise nuisance is likely to be exacerbated by the inclusion of retractable roof onto Walpole Road. The applicant has agreed to maintain the existing opening hours imposed by condition on the planning permission for the existing restaurant

use, which stops at 11:00 pm Monday to Thursday and 12:00pm on Friday to Saturday every night. However, given the residential nature of the area and the size and type of extension proposed, these operating hours may still be too late. There would be the possibility or even expectation of younger children being present in housing nearby the site whose bedtimes would be well before 20:00.

4.18 The Council is supportive of new commercial development within its designated Local Shopping Centres, as set out in Policy DM41 & DM43 of Haringey's Development Management DPD (2017). The Council is also supportive of the nighttime economy which is also supported by the London Plan (2021). However, the nature of the development proposed, would be better suited in a larger cluster of such uses in Metropolitan or district centres where such noise issues are more readily accepted and where they are further from quieter residential areas. In this particular instance, the potential economic benefits of the proposed development do not overcome.

4.19 The existing extension by reason of its design, and use, would introduce a potentially significant noise nuisance into a residential area that would be detrimental to the amenities of local residents and the character and appearance of the area contrary to Policy of DM1 & DM23 of the Haringey's Development Management DPD (2017) and Policy SP11 of the Haringey's Local Plan (2017) and Policies D3 and D4 of the London Plan (2021).

Conclusion

4.20 The proposal is considered not acceptable and detracts from the character and appearance of the host building, detrimental to the amenities of the shopping parade and wider street scene by reason of dominance, siting and design and thereby conflicts with Policy SP11 of the adopted Haringey Council's Local Plan 2017, Policy DM1 of Haringey Council's Development Management DPD 2017, and Policy D4 of the London Plan 202.

4.21 The existing extension by reason of its retractable roof design and use, would introduce a potentially significant noise nuisance into a residential area that would be detrimental to the amenities of local residents, this has caused unacceptable harm to the character and appearance of the area, contrary to Policy of DM1 & DM23 of the Haringey's Development Management DPD and Policy D14 of the London Plan.

4.22 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.

5. 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.

6. RECOMMENDATION

REFUSE PERMISSION

Refusal Reasons:

The proposal is considered unacceptable and detracts from the character and appearance of the host building, detrimental to the amenities of the shopping parade and wider street scene by reason of dominance, siting and design and thereby conflicts with Policy SP11 of the adopted Haringey Council's Local Plan 2017, Policy DM1 of Haringey Council's Development Management DPD 2017, and Policy D4 of the London Plan 2021.

The existing extension, by reason of its retractable roof design and use, would introduce a potentially significant noise nuisance into a residential area that would be detrimental to the amenities of local residents, this has caused unacceptable harm to the character and appearance of the area, contrary to Policy of DM1 & DM23 of the Haringey's Development Management DPD and Policy D14 of the London Plan 2021.