



Officer Report

Application Number:	HGY/2023/2184
Application Type:	Full planning permission
Address:	40a-44 Tottenham Lane, Hornsey, London, N8 7EA
Proposal:	Retrospective application for erection of a ground floor rear canopy, with proposed alterations to enclose the rear face of the canopy to create a single storey rear extension, alterations at rear ground floor level and amendment to an extraction flue (revised description).
Case Officer:	Roland Sheldon
Valid Date:	11/08/2023
Applicant:	Mr Isaac Loy
Agent:	Salman Yousaf

RECOMMENDATION

Approve with Conditions

1. SITE DESCRIPTION

The application site within the red line on the submitted location plan contains a two-storey gymnasium within nos. 44, 42 and 40a Tottenham Lane, in addition to an educational facility within no. 40 Tottenham Lane, N8. The surrounding uses are a mix of light commercial and residential uses, with two-storey residential properties to the immediate south on Gisburn Road. The site is not located within a conservation area.

2. THE PROPOSAL

The proposal as submitted was originally a retrospective application for the erection of a rear canopy to no. 40a, alterations at rear ground floor level and amendment to extraction flue. Amendments were received during the assessment of the planning application that saw the rear canopy have a largely glazed rear wall with single door access, effectively amending it to a single storey rear extension.

3. Relevant Planning and Enforcement History

40 Tottenham Lane, N8

OLD/1961/0981: Erection of 1st floor over existing o/s building to provide additional office accommodation – refused 01/02/1961

OLD/1978/1389: Use as builders office and general stores/yard – Approved 09/08/1978

HGY/2009/1051: Change of use from office to minicab office (sui generis) – Approved 07/08/2009

HGY/2023/2237: Consent to display an advertisement (retrospective application) – 11/08/2023

42 Tottenham Lane, N8

OLD/1990/1400: 6/3/89 Change of use from class B1 office use to class A2 Financial and Professional Services – Withdrawn 22/5/1990

38-42, Tottenham Lane, N8

OLD/1978/1386: 28/6/78 Use as builders office & general stores yard – Approved 09/08/1978

Hornsey Delivery Office, 44, Tottenham Lane, London, N8 7EA

HGY/2020/1726: Proposed change of use from sui generis (postal delivery office) to D2 (gym) use class – Approved 24/08/2020

Enforcement history:

42, Tottenham Lane, Hornsey, London, N8 7EA

ENF/2023/0215: Extraction Flue, Canopy Extension, Adverts – Ongoing

4. CONSULTATION RESPONSES

Internal & External Consultees

LBH: Noise & Pollution

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: 34

Objecting: 7

Support: 27

Neither: 0

The following issues were raised within neighbouring representations:

Support:

- Operation is an asset to community, offering fitness education and community hub
- Facility includes a children's education centre which provides support for youths, and has held charity events
- Facility (with café) will provide healthy foods lacking on Tottenham Lane
- Will create more job opportunities

Objections:

- Newly built canopy and open seating areas are immediately adjacent to the rear of neighbouring residential properties. The likelihood of increased noise from increased patrons outside and loss of privacy is a serious concern, particularly during evening
 - The café external area is so close to neighbouring properties that every word of conversations is already possible.
 - Newly installed extraction could lead to increased noise and odour disturbance
 - There has been noise disturbance experienced during the construction of the canopy, sometimes out of hours
 - Exhaust fan is visible from neighbouring property is ugly. Could be screened from view
 - The canopy and grease from extract ventilation system could be a fire hazard
- The issues raised above in the representations shall be addressed within the planning considerations of the report.

5. PLANNING CONSIDERATIONS

Background/ Context

Planning permission was originally granted for the change of use of the former postal delivery office to a gymnasium at no. 44 Tottenham Lane under planning reference HGY/2020/1726. Since this point, the gymnasium has opened, but has expanded to occupy the single storey no. 42 Tottenham Lane building, and no. 40a Tottenham Lane, which is currently occupied by an external seating area to the frontage section, and a covered seating area within a pre-existing single storey extension with a corrugated metal roof. Following on from this, a 6.3 metre depth rear canopy extension has been erected to the rear of this existing rear extension.

In addition to this, an extract duct has been erected on the roof of an existing single storey rear extension within no. 42 Tottenham Lane.

The canopy roof has a shallow pitch lean-to design, with an opaque roof panel design. The canopy is used to seat gym users using the ancillary café within the gymnasium which has opened within the floorspace of no. 42.

Following changes to the Use Classes Order in September 2020, a number of uses previously within separate use classes were brought under the heading of one larger use class called Use Class E, within which no planning permission would be required to change the use between the different uses within Class E.

These included a range of uses including retail, the sale of food and drink, financial/professional services, indoor sport/recreation, medical/health services, a creche/day nursery, office, and light industrial.

The use of nos. 42 and 40a Tottenham Lane were understood to previously have been within uses within Class E. Therefore, their use as part of the existing gym within no. 44 as ancillary café space is not considered to have required planning permission.

The proposal is therefore for retention of the rear canopy (with alterations to enclose the rear face of the canopy and create a rear extension), and the extraction duct on the roof of the extension within no. 42, with a proposed soundproof wooden board.

Design & appearance

Policy SP11 of the Haringey Local 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.

The canopy extension is of a relatively modest 2.45 metres height with visually light roof material of opaque roof panels. The proposed alterations would see the rear end of the canopy enclosed with a majority glazed wall with a single door. The canopy/extension as amended would be of an acceptable scale and design, and would be in keeping with the character and appearance of the locality.

The extract duct is of a relatively modest scale, running horizontally above the roof of the existing single storey rear extension which with the proposed wooden board enclosure, would be 0.7 metres height above the roof of the extension, with a length of 4.2 metres.

The canopy is not overtly visually prominent when viewed from the rear gardens of adjacent residential properties and is not considered to result in an unacceptable impact on the character and appearance of the host building or wider locality. The application of the wooden board enclosure will further soften its appearance.

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.

Policy D14 outlines that in order to reduce, manage and mitigate noise, proposals should avoid significant adverse noise impacts on health and quality of life.

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 rear canopy/extension is not of an excessive height or scale so as to result in an unacceptable loss of light, outlook or visually overbearing impact on adjacent neighbouring residential occupants within Gisburn Road.

There have been complaints received with regards to the existing use of the canopy and open-seating area for patrons leading to noise and general disturbance by residential occupants within the adjacent properties on Gisburn Road.

In order to mitigate these concerns, revised plans have been received that see the canopy area enclosed with a rear wall, largely treated with fixed glazing and a single door. As per Officers request, the plans have been annotated to indicate that the remaining rear courtyard will not be used by patrons. The enclosure of this area should serve to reduce levels of noise disturbance resulting from the area being used for seating to an acceptable degree. It is acknowledged that the door being opened could give rise to some noise disturbance, but it was considered necessary for its inclusion for fire safety and ventilation purposes.

The original grant of consent for the gym under planning reference HGY/2020/1726 was subject to the following hours of use:

06:30-22:00 Monday to Friday

08:00-21:00 Saturdays, Sundays, and Bank Holidays.

In order to control matters, a restrictive condition shall be imposed that restricts the hours of use of the extension to the between 07:00 - 19:00 Mon-Sun including bank holidays. A further condition can be imposed that the remaining rear courtyard area beyond the extent of the canopy/extension is not used by patrons/users of the gym and ancillary café.

The extract duct is located over 8 metres away from the nearest habitable window of a residential property, the ground floor rear window of no. 5 Gisburn Road. The duct is fitted with a flanged silencer and an acoustic enclosure is proposed to be fitted to surround the vent. It is considered that given the distance of the vent from neighbouring residential properties, the addition of the

silencer and with the proposed enclosure, provided that the extract system is adequately maintained, the system would not result in an unacceptable impact with regards to noise, fume and odour disturbance.

A condition will be applied that the noise levels resulting from the extract system shall at all times remain 5dB(A) below background levels when measured at the nearest residential window or other noise sensitive receptor.

In addition, the condition will require that the plant/ equipment shall be serviced regularly in accordance with the manufacturer's instructions and as necessary to ensure that the requirements of the condition are maintained. If at any time the plant is determined by the local planning authority to be failing to comply with this condition, it shall be switched off upon written instruction from the local planning authority and not used again until it is able to comply.

The applicant will also be advised to liaise with the Planning Enforcement Team to negotiate a timescale to implement the approved works. The Planning Enforcement Team still has powers at their disposal to serve a Planning Enforcement Notice and take enforcement action in due course if the works are not carried out within an agreed timescale as approved.

6. CONCLUSION

Subject to compliance with conditions, the proposed development would be acceptable with regards to design, character and amenity considerations, in accordance with relevant policies within Haringey's Local Plan Strategic Policies 2017 and DPD 2017. The proposed development also accords with the relevant policies of the London Plan 2021 and the NPPF.

Planning permission should be granted for the reasons set out above.

7. RECOMMENDATION

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

Conditions:

- 1 Within 3 months of the date of this planning consent, the works as shown in the approved plans and details, including the enclosure of the canopy to create a rear extension, and enclosure of the extract duct, shall be carried out in their entirety unless otherwise agreed in writing with the Local Planning Authority. The extract equipment shall thereafter be maintained in accordance with the manufacturer's instructions and operated at all times when cooking is being carried out unless otherwise agreed in writing with the Local Planning Authority.

Reason: To protect the amenity of neighbouring residences, in accordance with policies D6 and D14 of the London Plan 2021, and policy DM1 of the Haringey Development Management DPD 2017.

- 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.

The use of the extension of the ancillary gymnasium café hereby approved by

3 customers shall be limited to the following hours of operation:

07:00-19:00 Monday to Sunday, and Bank Holidays

Reason: In the interest of protecting the amenities of neighbouring residential occupants, in accordance with policy D14 of the London Plan (2021) and policy D1 of the Haringey Development Management DPD (2017).

4 The area to the rear of the extension hereby approved shall not be used by customers of the café or other users of the gym.

Reason: In order to protect the amenities of nearby residential occupiers consistent with Policy D14 of the London Plan 2021 and Policy DM1 of The Development Management DPD 2017.

5 The noise level from plant/equipment shall at all times remain 5dB(A) below background levels when measured from the nearest nearby residential window or other noise sensitive receptor.

The plant/equipment shall be serviced regularly in accordance with the manufacturer's instructions and as necessary to ensure that the requirements of the condition are maintained. If at any time the plant is determined by the local planning authority to be failing to comply with this condition, it shall be switched off upon written instruction from the local planning authority and not used again until it is able to comply.

Reason: In order to protect the amenities of nearby residential occupiers consistent with Policy D14 of the London Plan 2021 and 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: 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: Notwithstanding condition 1, the applicant is advised to liaise with the Council Planning Enforcement Team with immediate effect to negotiate a timescale to carry out the works to remedy the breach of planning legislation. Failure to carry out the works as approved within the agreed timescale may result in the issue of a planning enforcement notice and enforcement action being taken by the Local Planning Authority.