



Officer Report

Application Number:	HGY/2024/2107
Application Type:	Full planning permission
Address:	783 High Road, Tottenham, London, N17 8AH
Proposal:	Retention of rear extension with permanent roof over installed retractable roof
Case Officer:	Roland Sheldon
Valid Date:	29/07/2024
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Applicant:	Tekle Tefay
Agent:	Mr. Courtney Dawson

RECOMMENDATION

Refuse

1. SITE DESCRIPTION

The application site comprises a three-storey, detached building containing a ground floor restaurant and bar, with residential use above, located on the High Road in Tottenham. The surrounding uses are a mix of commercial and residential, with the ground floor of premises comprising a mix of retail High Street related uses, and largely residential uses at upper floor level.

The site falls within the THRHC/ North Tottenham Conservation area and is in an Archaeological Priority area.

2. THE PROPOSAL

The proposed is for the retention of a rear extension.

3. RELEVANT PLANNING AND ENFORCEMENT HISTORY

Relevant planning enforcement history

ENF/2024/0377 – Change of Use to Shisha Lounge/ Bar/ Café - Investigation In progress.

Relevant planning history

HGY/2019/2374 - Advertisement consent for new shopfront signage comprising a new timber fascia with concealed LED illumination. Approved with Conditions.

HGY/2019/2373 – Repair and restoration works to the upper façade and ground floor of the front elevation comprising the following:

- the removal of cement render
- the repair, cleaning and re-rendering of the brickwork façade;

- the repair of the parapet cornice.

Approved with Conditions.

HGY/2016/2256 – Erection of single storey rear extension (brick construction). Refused.

HGY/1989/0227 – Erection of rear extension to provide additional restaurant area, toilets, food preparation area, erection of external staircase, and installation of new shopfront. Refused.

4. CONSULTATION RESPONSES

Internal & External Consultees

The following were consulted on the planning application:

- LBH Conservation Officer: No comments made.
- LBH Noise & Nuisance: The Noise Impact Assessment lacks details and further questions need to be asked how they will manage the breakout of noise disturbance. What would the roof be made of and how would it be fitted onto the open roof. They have stated that only 3 patrons would use the space, but the area is very large and previous visits have evidenced that the area has been used by over 50 people.
- Greater London Archaeology Advisory Service/ Historic England: No comments made.
- Tottenham CAAC: No comments made
- Tottenham Civic Society: No comments made

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: 7

Objecting: 7

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

- The high levels of noise that already disturbs neighbouring properties having an impact on sleep and mental health.
- The size of the extension.
- Antisocial behaviour such as loud music, patrons urinating, littering and use of the space until 8am.

The following concerns were also raised by Councillor Dogan:

The space will create significant noise and disturbance for neighbouring residents. Complaints from residents have already been received from residents about playing loud music from the business – midnight until early hours which shows the owner doesn't follow licensing regulations and guidelines.

5. PLANNING CONSIDERATIONS

1. Design and heritage
2. Impact on neighbouring amenity

Design and heritage

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.

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.

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.

The proposed single storey infill extension is 6.7m wide and 4.3m deep, and the extension directly abuts the boundary with the amenity space of the block of flats located on White Hart Lane. It has no windows. The revised scheme seeks to put a flat roof directly over the retractable roof of the extension. No details are provided of the materials for this roof extension, but correspondence with the agent suggests that the roof would consist of a thin layer of corrugated metal.

The proposed extension is acceptable with regards to design terms and given its rear courtyard setting, where there are already a number of utilitarian rear extensions in existence, and would preserve the character and appearance of the conservation area.

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 the amenity of neighbouring residents. Part C of the policy requires proposals to address issues of vibration, noise, fumes, odour, light pollution and microclimatic conditions likely to arise from the use and activities of the development.

In support of the planning application, a Noise Impact Assessment has been provided dated July 2024. The statement sets out that it is proposed for the property to be used as a bar but that it is vacant. However, it is understood that since this point, the premises has been occupied by a bar operator with the premises called 'Stadium Lounge'. The proposed trading hours of the premises are Monday-Sunday 08:30am - 00:30am. With regards to eating and drinking, the statement indicates that the number of patrons occupying the area within the extension would be restricted to 6. However, the area is large and can accommodate more patrons, and has been designed to do so, with sofas surrounding the internal perimeter of the extension and tables/chairs having been installed as observed during previous planning enforcement site visits to the premises.

In addition to this, the Haringey Noise and Nuisance Officer has visited the premises at points where there were over 50 people in this space. It therefore is considered unrealistic to conclude that only 6 patrons would occupy this space at any given time. The nearest noise receptor to the site is no. 9-33 White Hart Lane which is a block of flats located to the immediate rear of the site.

There are rear facing windows within this block of flats that are less than 4 metres from this rear extension, which is considered close.

The Noise Impact Assessment has been carried out on the assumption that the roof is always closed, but this is prior to the application of the corrugated roof being applied above the existing retractable roof. No assessment has been made of the acoustic qualities of this material, but it would not be considered to be the most acoustically insulating material.

Baseline sound monitoring was undertaken between Monday 19 June and Tuesday 20 June 2023 at approximately 11:00 and concluded at approximately 12:00 on the Tuesday. Equipment was installed on the first floor of no. 783 High Road, on a pole, 5 metres above ground and 16 metres from the rear façade of the building. This was considered to be good position for representation of the background noise climate of the nearest noise sensitive receptors of flats above at 783 High Road, just above the property. The retractable roof has been presumed to remain closed for the purposes of the assessment.

The noise assessment indicates that predicted noise levels would be 5db below the existing ambient noise level 'without entertainment noise', presumably meaning music, which whilst not played within the rear extension is also likely to be audible from the extension given it is linked to the rest of the ground floor of the premise in which music would be played, and therefore should have been included in the assessment.

The report is also considered to be flawed in placing the equipment in this location on the basis of identifying the nearest noise sensitive receptor as flats above on 783 High Road in relation to this development, when the report later highlights that most noise sensitive receptors will be located at first floor level at no. 9 White Hart Lane, the block of flats immediately to the rear of the site, which looks to have windows that are within approximately 3-4 metres of the extension.

The report is also undertaken on the basis that only 6 patrons will ever be in the rear extension at any given time, which is unrealistic given the nature of events taking place there during match days or event days the stadium, which attract large numbers of people in a manner in which it would be hard to control congregation. This is also considered to be unlikely on the basis of previous findings by the Noise Officer, who has observed up to 50 people using this area during previous visits to the premises.

The retractable roof element of the proposal has been removed since the original submission, and therefore issues with regards to privacy loss for neighbouring residential occupants have been addressed. In regard to daylight and sunlight, the proposal complies with the criteria of the guidance therefore will not result in any unreasonable overlooking impact on neighbouring occupiers.

However, on the basis of the above, the noise impact assessment is not considered to have accurately measured, the likely impact on the nearest noise receptors to the site which are the adjacent residential rear windows within the block of flats to the rear of the site, and the retention of the extension to be used by patrons would give rise to unacceptable noise and general disturbance, to the detriment of the amenities of neighbouring residential occupants.

The development is therefore contrary to policy D14 of the London Plan 2021, and policy DM1 of the Haringey Development Management DPD 2017.

6. CONCLUSION

The development gives rise to an unacceptable impact on the amenity conditions of neighbouring residents.

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 Planning Enforcement Team have been notified of this recommendation.

7. RECOMMENDATION

The application is recommended for refusal for the following reasons:

Refusal Reasons:

The retention of the rear extension for use by patrons of the premises would give rise to unacceptable noise and general disturbance to be encountered by adjacent residential occupiers, contrary to policy D14 of the London Plan 2021, and policy DM1 of the Haringey Development Management DPD 2017.