



Appeal Decisions

Site visit made on 12 June 2018

by Graham Dudley BA (Hons) Arch Dip Cons AA RIBA FRICS

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 15 August 2018

Appeal A: APP/Y5420/C/17/3187257 13-15 Grand Parade, London N4 1LA

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr I Karakas against an enforcement notice issued by the Council of the London Borough of Haringey.
 - The enforcement notice was issued on 13 September 2017.
 - The breach of planning control as alleged in the notice is the material change of use to a restaurant.
 - The requirement of the notice is to cease the use of the premises as a restaurant.
 - The period for compliance with the requirements is 3 months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a)&(g) of the Town and Country Planning Act 1990 as amended.
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Appeal B: APP/Y5420/C/17/3187258 13-15 Grand Parade, London N4 1LA

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr I Karakas against an enforcement notice issued by the Council of the London Borough of Haringey.
 - The enforcement notice was issued on 13 September 2017.
 - The breach of planning control as alleged in the notice is the unauthorised installation of a shopfront.
 - The requirements of the notice are 1) remove the unauthorised shopfront in its entirety; 2) make good any damage resulting from the compliance with the requirement of the notice and restore the relevant parts of the property to their condition before the development was commenced and carried out at the property and 3) remove all materials, debris, waste and equipment resulting from compliance with the other requirements of the notice from the property and its premises.
 - The period for compliance with the requirements is 1 month.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) & (g) of the Town and Country Planning Act 1990 as amended.
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Procedural Matters

1. At the site visit it was seen that the use of the building has changed to a furniture outlet. Appeal A relates to the change of use to A3 as alleged and I will deal with the appeal on that basis. It was apparent at the site visit that the situation has changed considerably, with the use of the building already reverted to A1 use and the shop front has been changed, at least to some extent, as the fascia now relates to the current use. Information has been provided to explain what the shop front looked like prior to this change in the form of photographs. As there had clearly been a change, a request for any

further information was sent to the parties. No information was received. The decision will therefore be based on the information provided and on the shop front as enforced against identified in the photographs, and not that currently provided.

Decisions

Appeal A

2. The appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Appeal B

3. The appeal succeeds on ground (a) and planning permission is granted for installation of a shopfront at 13-15 Grand Parade, London N4 1LA on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Reasons

Appeal A

Ground (a)

4. The development plan includes the London Plan [LP], Haringey Local Plan [HLP] and Haringey Council's Development Management DPD [DPD].
5. LP Policy 2.15 includes the need in planning decisions to sustain and enhance the vitality and viability of town centres. LP Policy 4.7 indicates that in taking planning decisions on proposed retail and town centre development, the principle that the scale of retail, commercial, culture and leisure development should be related to the size, role and function of a town centre and its catchment should be applied. LP Policy 4.8 promotes taking a proactive approach to planning for retail uses and related facilities and services and supports a successful and diverse retail sector and related facilities and services.
6. DPD Policy DM42 notes that within Primary Shopping Frontages of the Metropolitan and District Town Centres, as defined on the Haringey Policies Map, the use of ground floor units for appropriate town centre uses will be permitted where: a) The overall number of units in non-retail use (including extant planning permissions) will not exceed 35% across the entire frontage, unless it can be demonstrated the proposal will significantly enhance the vitality and viability of the centre; b) The continuity of the centre's retail frontage will be maintained, normally with no more than two adjoining units in non-retail use; and c) An active frontage is provided.
7. HLP Policy SP10 promotes the distribution of retail growth and aims to protect and enhance Haringey's town centres. HLP Policy SP11 notes that all new development should enhance and enrich Haringey's built environment and create places and buildings that are high quality, attractive, sustainable, safe and easy to use. It shall be of the highest standard of design that respects the local context and character.

8. DMP Policy DM8 requires shopfronts, including signs, to be designed to a high standard where replacement shopfronts should conserve original materials as far as possible.
9. To my mind to achieve the Council's planning aims as set out in these policies it is reasonable and necessary to control the types and position of uses within the centre and the guidance to achieve this, particularly as set out in DMP Policy DM42. Keeping a balance of uses ensures the vitality and viability of the centre. The Council notes that with the current use ratio the non-retail use considerably exceeds the 35% set out in policy. While I acknowledge that the use will make some contribution in terms of vitality and viability, the evidence does not suggest that it would significantly enhance the vitality and viability of the centre or meet the council's aim to maintain a reasonable mix of uses.
10. When calculating the units and percentage, units that have been merged together are considered as the number of units that they were merged from, so in this case, although used as one unit, it is merged from 3 units and is considered as 3 units.
11. Continuity of units is also an important consideration and normally no more than two adjoining units in non-retail use should occur. Even if some flexibility is considered in relation to this, the Council identifies that here there are a large number of non-retail units in a row, far exceeding this recommendation and clearly impacting on the aim for a balance of retail units. As note above there would be some contribution to vitality and viability from the use, but the frontage does not maintain a contiguous primary shopping frontage with a retail related function or directly encourage connected shopping trips with a lively active day time frontage.
12. I conclude that the current use exacerbates the concentration of non-retail uses and harms the vitality and viability of the centre.
13. The appeal fails on ground (a).

Ground (g)

14. I do not need to consider ground (g) as the use has already reverted to an A1 use.

Appeal B

Ground (a)

15. London Plan [LP] Policy 4.8 includes requiring managing clusters of uses having regard to their positive and negative impacts on the objectives, policies and priorities of the London Plan including a centre's broader vitality, viability and competitiveness; it should also offer a sense of place or local identity.
16. Development Management DPD [DM] Policy DM1 relates to delivering high quality design. All new development and changes of use must achieve a high standard of design and contribute to the distinctive character and amenity of the local area. The Council will support design-led development proposals which meet various criteria, including relating positively to neighbouring structures, new or old, to create a harmonious whole, make a positive contribution to a place, and improve the character and quality of an area.

17. DM Policy DM8 notes that shopfronts, including their signs, should be designed to a high standard and contribute to an attractive environment.
18. Haringey's Local Plan [LP] Strategic Policies SP11 notes that all new development should enhance and enrich the built environment and create spaces and buildings that are high quality and attractive. To achieve this all new development shall be of the highest standard of design that respects its local context.
19. The context of the area is that of a vibrant shopping centre with a diverse range of shops, many of them small units, with a considerable mix of style and materials in the formation of the shop fronts. There is no discernible pattern of shop front type or materials to be followed. There are a number of situations where units have been merged and the shopfront outside is consistent over the whole of the frontage. However I accept it is important to relate the frontage to the division of the building itself. To my mind the main consideration relates to the scale and materials of proposed shopfronts in relation to their neighbours and the building itself.
20. The shop front is in timber which is not an alien material, there being many other shop fronts formed of timber. The front itself has been attractively divided up with arched windows with a single horizontal transom and stall riser at the base. The front has reflected the original subdivision with a division between the two left hand units in the fascia and front and between the two right hand units with a division at fascia level. Attractive signage has been provided and this is located to reflect the sub-division of the three units. Overall the result is a well designed frontage that properly reflects the design quality of the area.
21. The previous shopfronts were of a much poorer quality with that in 2015 having roller shutters when closed and poor quality fascia signage and that of 2009 having large and very poor fascia signage. What has been provided is of a substantially higher quality, appropriate to the area.
22. I conclude that the shopfront is of the appropriate high quality design for the area and accords with LP Policy SP11, DM Policy DM1 and DM8. The appeal succeeds on ground (a) and I do not need to consider ground (g).

Graham Dudley

Inspector