

Appeal Decision

Site visit made on 2 July 2020

by Jameson Bridgwater DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 July 2020

Appeal Ref: APP/Y5420/W/20/3245145

5-6 Grand Parade, Green Lanes, London N4 1JX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Ozcan Kilic against the decision of the London Borough of Haringey.
 - The application Ref HGY/2019/2629, dated 23 September 2019, was refused by notice dated 18 November 2019.
 - The development is described as 'Change of use of no 5 Grand Parade from retail (A1) shop to restaurant (A3) use and merging with existing restaurant (A3) at no 6 Grand Parade. New shopfronts to both units and internally illuminated shop signs. Front retractable canopy. (No external changes to the rear)'.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The appellant amended their application during the planning application process, setting out that they sought to retain approximately 75 square metres of retail (A1) area to the front of the 5 Grand Parade (drawing GP-1411-PGR Rev V8). I have taken account of this amendment in reaching my decision.

Main issue

3. The main issue in the appeal is the effect of the proposed development on the vitality and viability of the Green Lanes Primary Shopping Centre.

Reasons

4. The proposal relates to a ground floor retail shop that would be incorporated into an adjoining restaurant thereby resulting in the change of use of No 5 Grand Parade from retail (A1) shop to restaurant (A3) use and merging with existing restaurant (A3) at No 6 Grand Parade. The proposal would retain an active frontage.
5. The property is located within the Green Lanes Primary Shopping Centre. It is also part of the primary frontage within the Centre. Policy DM42 of the Haringey Development Management DPD (2017) seeks to control changes of use from retail units except in specific circumstances. The policy is expressed as units rather than businesses.
6. Whilst there is some dispute between the main parties as to the exact ratio of retail to non-retail units within the relevant primary frontage, it is clear from

the evidence before me that that the appellant accepts¹ that the 35% threshold specified by Haringey Development Management DPD Policy DM42 has already been exceeded.

7. Notwithstanding this, the appellant has argued that the proposal would not result in a further loss of retail use within the Green Lanes Primary Shopping Centre, due to the retention of approximately 75 square metres of retail (A1) to the front of No 5 Grand Parade. Nevertheless, whilst I accept that the area has been clearly defined on the submitted plan, the retention and operation solely for retail use would be highly unlikely given the lack of physical separation within the combined layout for No 5 and No 6 Grand Parade. I am therefore not persuaded that the retail element of the proposal would be anything more than ancillary to the restaurant (A3) use. Consequently, the proposal would result in an increase in the concentration of non-retail uses which would harm the vitality and viability of the centre.
8. In reaching this decision I have considered if the retention and operation of the retail (A1) area could be reasonably controlled by way of a planning condition. However, in this site-specific context a condition limiting the area to the front of No 5 Grand Parade solely to retail use (A1) would be practically unenforceable. Therefore, it would fail to meet the 6 tests as set out in Paragraph 55 of the National Planning Policy Framework.
9. Having reached the conclusion above, the proposed development would cause material harm to the vitality and viability of the Green Lanes Shopping Centre and, as such, there would be a conflict with Policy SP10 of the Haringey Local Plan 2017, Policy DM42 of the Haringey Development Management DPD 2017 and Policies 2.15, 4.7 and 4.8 of the London Plan. These policies seek amongst other things to protect, sustain and enhance the vitality and viability of town centres, support a successful and diverse retail sector and take a proactive approach to planning for retail uses and related facilities and services.

Other considerations

10. The appellant within their final comments has referred to a number of other similar decisions made by the Council and cite these as setting a precedent for their case. However, I have limited information about their histories although they pre-date the adoption of the current Local Plan., As such, their contexts would differ to that of the scheme before me, and so they do not lead me to a different view in this case.
11. Local residents have referred to a number of additional matters including noise and disturbance but these concerns do not alter the main issue which has been identified as the basis for the determination of this appeal.

Conclusion

12. For the above reasons and having regard to all other matters I conclude that the appeal should be dismissed.

Jameson Bridgwater

INSPECTOR

¹ Appellant's appeal statement paragraph 6.8