
Appeal Decision

Site visit made on 13 October 2020

by R Satheesan BSc PGCert MSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 October 2020

Appeal Ref: APP/Y5420/C/20/3246329

Monaghan's Tavern, Ground Floor, 239 High Road, London N22 8HF

- 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 J Monaghan against an enforcement notice issued by the Council of the London Borough of Haringey.
 - The enforcement notice was issued on 8 January 2020.
 - The breach of planning control as alleged in the notice is without planning permission the installation of a raised timber decking and associated timber enclosure to the front elevation of the premises.
 - The requirements of the notice are:
 1. Remove the timber decking and associated timber enclosure in its entirety
 2. Remove from the land any debris resulting from carrying out step 1) above.
 - The period for compliance with the requirements is 1 month.
 - The appeal is proceeding on the grounds set out in section 174(2) (a) of the Town and Country Planning Act 1990 as amended. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Decision

1. The appeal is dismissed, the enforcement notice is upheld, and planning permission is refused on the application deemed to have been made under section 177.

Preliminary matters

2. During my site visit I observed that the premises is now called P J O Connors. However, there is no doubt that the parties understand what the Notice, and this appeal decision refers to.

Main Issue

3. The main issue is the effect of the development upon the character and appearance of the host building and the area.

Reasons

4. The appeal site relates to public house which occupies part of the ground floor corner of a 1960s Office building known as Ashley House Business Centre. The appeal site is located within a predominantly commercial area.
5. The evidence submitted indicates that prior to the recent additions of the raised timber decking and associated timber enclosure to the front of the building (the

subject of this appeal), the site had not been extended to the front of the property. In contrast, the current unauthorised development, extends the previously undeveloped space in front of the building. In addition, the timber decking and enclosure are not a characteristic feature of the surrounding street scene. As such, I consider that the unauthorised development represents a visually discordant and incongruous feature within the street scene.

6. I acknowledge that the unauthorised development is constructed from sustainable timber, occupies a relatively small proportion of the overall frontage of the appeal building, and is on privately owned land. Notwithstanding these positive aspects, the overall height, scale and design of the development is such that it forms a prominent feature which is at odds with the character and appearance of the area. As such, I consider that the development results in a harmful appearance on the host building and area generally.
7. I note that the development was installed to provide an outside smoking area for patrons. However, there would be alternative measures that could be explored to provide this, without causing harm to the character and appearance of the area. Indeed, the Council state that they would have no objection to the principle of an outside smoking area which is appropriately designed and sited.
8. Consequently, I conclude that the development causes harm to the character and appearance of the host building and the area, and therefore is contrary to Policies 7.4 and 7.6 of the London Plan (2016), Policy SP11 of the Haringey's Local Plan (2013), and Policies DM1 and DM8 of the Haringey Development Management Development Plan Document (2017). Amongst other things, these state that all developments shall be of the highest standard of design that respects its local context and character, make a positive contribution to a place, improving the character and quality of an area; and that proposals for on-street/forecourt dining should be composed solely of moveable furniture.
9. The appellant states that Policy DM8 has no relevance to this appeal since the premises does not serve food. However, planning permission goes with the land, and therefore the unauthorised development which provides an outside seating area for this commercial premises, has the potential for outside dining in future. Therefore, I agree with the Council that Policy DM8 is relevant.

Other Matters

10. Given the separation distance of the unauthorised development from the Trinity Gardens Conservation Area, I am satisfied that the development does not harm the setting of this conservation area.
11. Comments made by third parties in support of the unauthorised works have been taken into account but do not alter the conclusions reached in this decision.

Conclusion

12. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

R Satheesan

INSPECTOR