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## Appeal Decision

Site visit made on 20 October 2020

**by Andrew Walker MSc BSc(Hons) BA(Hons) BA PgDip MCIEH CEnvH**

**an Inspector appointed by the Secretary of State**

**Decision date: 30 November 2020**

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### **Appeal Ref: APP/Y5420/C/20/3249921**

### **5-6 Grand Parade, London N4 1JX**

- 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 Ozcan Kilic against an enforcement notice issued by the Council of the London Borough of Haringey.
  - The enforcement notice was issued on 27 February 2020.
  - The breach of planning control as alleged in the notice is without planning permission, the unauthorised installation of a shopfront.
  - The requirements of the notice are to remove the three internally illuminated vertical panels.
  - The period for compliance with the requirements is 1 month.
  - The appeal is proceeding on the grounds set out in section 174(2) (a), (f) and (g) of the Town and Country Planning Act 1990 as amended. As an appeal has been made under ground (a) a planning application is deemed to have been made under section 177(5) of the 1990 Act as amended.
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### **Decision**

1. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely the installation of a shopfront on land at 5-6 Grand Parade, London N4 1JX referred to in the notice, subject to the following condition:
  - 1) None of the three vertical panels are to be internally illuminated at any time.

### **Ground (a) and the deemed planning application**

#### *Main issue*

2. The main issue in this appeal is the effect of the development on the character and appearance of the area.

#### *Reasons*

3. The appeal site includes a Turkish restaurant<sup>1</sup> within the Green Lanes Town Centre Primary Shopping Frontage on a main thoroughfare characterised by commercial units lining the highway and dwellings above.
4. The appeal development includes three vertical panels, displaying what the appellant describes as an eastern pattern, installed upon the ground-floor commercial frontage. The panels appear to be well-aligned with each other and

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<sup>1</sup> Lawful use being as a restaurant for one unit, retail for the other

spaced apart broadly evenly, with the largely glazed elevations of the commercial units in-between. Juxtaposed with the significant glazing and fascia signage, the panels do not appear disproportionate in scale.

5. This arrangement and design is both pleasant and appropriate, with the eastern motif in keeping with the use and interior décor of the appeal site and character of the area which is heavily influenced by businesses offering Cypriot-Turkish cuisine. In this regard, I note a local example submitted by the appellant showing a similarly patterned panel. In all, in my view the panels contribute to an attractive environment within this context. Their considered alignment and spacing relates positively to the design of the shop frontage and neighbouring properties, and does not result in a cluttered appearance.
6. However, while the illumination of the panels would bring additional interest and activity to the frontage, this element of their design would in my judgement unbalance the relationship described above and cause the panels to become unduly prominent within their setting.
7. Further, the added illumination of the panels when taken together with light from the lawfully illuminated fascia signs and the frontage fenestration would in total create an impression of brightness that would cause visual in-balance in the streetscene and not be sensitive to the location, particularly given its mixed residential and commercial character.
8. In my judgement, these effects could not be sufficiently mitigated by a reduced level of internal illumination but rather an absence of it. I am not persuaded that the illumination of the panels would bring any material security benefits, as suggested by the appellant.
9. For all of the above reasons, the appeal development would cause no harm to the character and appearance of the area if permission is conditioned to ensure that the panels are not internally illuminated at any time. I therefore grant planning permission on this basis. As such, the development with this condition imposed is not in conflict with Policies 7.4 and 7.6 of the London Plan (2016), Policy SP11 of the Haringey Local Plan Strategic Policies 2013-2026 (2013) and Policies DM1 and DM8 of the Haringey Development Management Development Plan Document (2017) which together seek to protect the character and appearance of places.

## **Conclusion**

10. For the reasons given above I conclude that the appeal should succeed on ground (a) and planning permission will be granted subject to a condition. The enforcement notice is quashed. The appeal on grounds (f) and (g) does not therefore need to be considered.

*Andrew Walker*

INSPECTOR