



Appeal Decision

Site visit made on 3 May 2022

by Thomas Hatfield BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 May 2022

Appeal Ref: APP/Y5420/W/21/3285470

The Faltering Fullback, 19 Perth Road, Hornsey, London, N4 3HB

- 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 Patrick Fitzsimons against the decision of the Council of the London Borough of Haringey.
 - The application Ref HGY/2021/2390, dated 21 July 2021, was refused by notice dated 15 October 2021.
 - The development proposed is described as "*alterations to the existing terrace and erection of a canopy to provide an extension to the area of outdoor space available to patrons (retrospective)*".
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - (a) The effect of the development on the living conditions of neighbouring occupiers with regard to noise and disturbance; and
 - (b) Whether the development preserves or enhances the character or appearance of the Stroud Green Conservation Area.

Reasons

Living conditions

3. The development comprises a raised outdoor seating area for use by patrons of the public house. This is positioned above a single storey element of the pub that adjoins No 17 Perth Road. The outdoor seating area is able to seat up to 40 people and is separated from the Perth Road frontage by a lightweight timber screen.
4. The pub is served by a large beer garden, which includes outdoor areas and terraces that were approved under previous planning consents. However, the consented areas of the beer garden are positioned away from the Perth Road frontage and are enclosed to a significant degree. They are also set at a significantly lower level than the current appeal proposal. Conversely, the development has introduced a large, elevated, outdoor seating area in close proximity to Perth Road. This faces onto a number of residential properties at first floor level and adjoins the flank wall of No 17 Perth Road. This arrangement is likely to result in significant disturbance from raised voices,

laughter, the clearing of tables, and other associated noise, in close proximity to neighbouring properties. This noise would be irregular in character and would vary in its level depending on the individuals/groups present, or the number of people seated on the terrace. Over prolonged periods, this type of noise is likely to be both intrusive and irritating. Moreover, the terrace is most likely to be in use during the evenings and at weekends, which are the same times at which residents are most likely to be at home.

5. Several neighbouring residents have objected in writing to the development and have referred to noise disturbance arising from it. The Council has also received significantly higher levels of complaints to its Environmental Health section since April 2021. Whilst it is asserted that many of these complaints relate to sporting events during the summer, others do not, and one refers specifically to noise emanating from the beer garden.
6. It has been suggested that a condition could be imposed that restricts the use of the terrace to before 10:00 PM. However, that would not prevent noise and disturbance at other times. In addition, the surrounding properties consist mainly of 3 storey houses that could reasonably be expected to be occupied by families. The use of the terrace into the evening could therefore disrupt younger children trying to sleep at this time, particularly if those windows were left open during warmer weather.
7. My attention has been drawn to the fact that the terrace has only expanded the floor area of the pub by around 21%. However, this area is still capable of accommodating up to 40 people, and its elevated position near to the road is likely to give rise to ongoing disturbance. Whilst it is asserted that the terrace allows for better management of customers within the premises, from the information before me, it is unclear why that is the case.
8. For the above reasons, I conclude that the development is harmful to the living conditions of neighbouring occupiers with regard to noise and disturbance. It is therefore contrary to Policy D14 of the London Plan (2021) and policy DM1 of the Haringey Development Management DPD (2017). These policies seek to ensure, amongst other things, that new development ensures a high standard of amenity and avoids significant adverse noise impacts.

Conservation area

9. The appeal site is within the Stroud Green Conservation Area, which encompasses an attractive Victorian suburb. Its significance stems from its large number of well-preserved buildings and spaces that reflect the historic development of the area as a suburb of London.
10. The appeal building consists of a historic public house on the corner of Ennis Road and Perth Road. It is largely surrounded by traditional Victorian terraced properties, built in London stock brick with attractive period detailing. The pub and the surrounding properties form part of a largely intact area of Victorian townscape that is characteristic of the wider conservation area, and clearly makes a positive contribution to it.
11. The pub was previously separated from the adjoining property at No 17 Perth Road by an open gap above ground floor level. The development has partially infilled this gap by introducing a raised terrace and canopy roof. However, the fencing that has been installed at first floor level, which is the most visible part

of the scheme, has a sympathetic appearance in my view. It is also supplemented by planting which complements the character of the building and provides screening to the canopy structure behind it. Whilst the canopy is partially visible from the street, it has a recessive appearance and is only visible from along a relatively short section of Perth Road. Given its height and recessed position, it also retains an appropriate degree of separation between the pub and No 17.

12. For the above reasons, I conclude that the development preserves the character and appearance of the Stroud Green Conservation Area. It is therefore in accordance with Policies D3 and HC1 of the London Plan (2021), Policies SP11 and SP12 of the Haringey Local Plan (2017), Policies DM1 and DM9 of the Haringey Development Management DPD (2017), and guidance in the Framework relating to designated heritage assets.

Conclusion

13. As set out above, I conclude that the development is harmful to the living conditions of neighbouring occupiers with regard to noise and disturbance. Whilst it preserves the character and appearance of the Stroud Green Conservation Area, and provides some economic benefits, that does not alter my view that the appeal should be dismissed.

Thomas Hatfield

INSPECTOR