
Appeal Decision

Site visit made on 18 October 2022

by R Satheesan BSc PGCert MSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 October 2022

Appeal Ref: APP/Y5420/C/21/3289862
68 Park Road, London N8 8SX

- 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 Alper Oztaskin against an enforcement notice issued by the Council of the London Borough of Haringey.
 - The enforcement notice was issued on 12 November 2021.
 - The breach of planning control as alleged in the notice is without planning permission; the erection of a fixed canopy including fixed posts and its supporting fixtures to the front of the shop and wooden cladding.
 - The requirements of the notice are:
 1. Remove the canopy and associated fixtures including the supporting posts in its entirety;
 2. Remove the cladding in its entirety;
 3. Remove from the land any debris resulting from carrying out steps 1) and 2).
 - The period for compliance with the requirements is 2 months.
 - The appeal is proceeding on the grounds set out in section 174(2) (a) and (c) 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, and the enforcement notice is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

The Appeal on Ground (c)

2. This ground of appeal is that the development enforced against did not constitute a breach of planning control. The burden of providing relevant facts in this appeal rests with the appellant, and the test of the evidence is the balance of probability.
3. No evidence has been submitted under this ground of appeal to explain why the development does not constitute a breach of planning control. The appellant states that the planning application right has been taken from them. However, the planning merits of the appeal development will be considered under the appeal on ground (a) below.
4. No clear evidence has been submitted to demonstrate that the appeal development constitutes permitted development. Planning permission is therefore required for the canopy, posts, and wood cladding at the front of the shop and there is none in place.

5. Therefore, on the balance of probability and based on all the evidence before me, the development does not constitute permitted development by virtue of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO). Therefore, planning permission is required for the development, and there is none in place. There has therefore been a breach of planning control and the appellant has not discharged the onus on him to demonstrate otherwise.
6. Accordingly, the appeal fails on ground (c).

The Appeal on Ground (a) and the Deemed Planning Application

Preliminary Matters

7. The Council state that reference to the Muswell Hill Conservation Area under section 4 of the Notice (reasons for taking enforcement action) is incorrect and instead should refer to the Crouch End Conservation Area (CA). This is confirmed by the Crouch End Conservation Area Map. I have therefore determined the appeal on this basis.

Main Issue

8. The main issue is whether the development preserves or enhances the character or appearance of the CA.

Reasons

9. The appeal relates to a ground floor commercial unit within a three storey end of terrace property, situated within the CA.
10. The significance of the CA largely derives from its rich architectural and historic interest. The site is located within the suburban Crouch End Town Centre (CETC), which forms the retail, commercial and social core of the CA, and includes the Broadway, Tottenham Lane and contains the former Hornsey Town Hall and a range of small shops, businesses, and restaurants. The existing buildings within the CA have a very distinctive and broadly consistent late Victorian and early Edwardian character and appearance, interrupted by a few later infill buildings. The CETC predominantly comprises terraces with commercial businesses on the ground floor and either residential or commercial accommodation above.
11. The CA Character Appraisal, 2010, explains that No 68 Park Road, forms part of a C19 terrace of three storey yellow brick properties with eaves, slate roofs with prominent chimney stacks and terracotta pots. The upper floors retain their timber vertical sliding sashes and have cambered blue brick arches with red brick keystones, string-course at second floor sill level and eaves cornice. The CA Character Appraisal also highlights that this group makes a positive contribution to the CA.
12. I note that the appellant designed the front of the store with bamboo to provide a natural look to their shop which sells fresh fruit and vegetables. Nevertheless, the current bamboo canopy, timber post and timber cladding, is at odds with the more traditional materials found elsewhere in the CA. Owing to its poor quality design and materials, the development represents a visually discordant and incongruous feature within the street scene, which is harmful to

the character and appearance of the terrace, and the area generally. As such, it fails to preserve or enhance the character or appearance of the CA.

13. In support of their appeal the appellant has referred to other structures and alterations to shopfronts nearby including No 11 Park Road and 6 Priory Road. However, the Council have confirmed the metal framed canopy at No 11 does not benefit from any planning permission, and I also observed that that particular structure had been removed at the time of my site visit. With regard to the canopy structure at 6 Priory Road the Council state that this structure is immune from enforcement action, having existed for more than four years. Furthermore, I consider that that structure is detrimental to the street scene and therefore does not lend support for the current appeal development.
14. The appellant highlights that the appeal development projects no further forward than the outside seating area at the nearby public house. However, it is the design and materials of the canopy, posts and cladding which is particularly discordant, rather than its position on the forecourt.
15. The harm that I have identified above would be 'less than substantial' in the context of paragraph 202 of the National Planning Policy Framework, 2021 (the Framework). Accordingly, this should be weighed against the public benefits of the development. I acknowledge that the development benefits the appellant's business by the provision of an additional weatherproof area for the display and sale of goods on the forecourt, and that this adds to the vibrancy of the shopping area. However, these modest benefits are insufficient, in my view, to outweigh the harm I have identified to the CA and to which I afford considerable importance and weight. Furthermore, I also consider that there are alternative design options that could be explored which do not harm the character and appearance of the building and CA.
16. I therefore conclude that the development fails to preserve or enhance the character or appearance of the CA as a whole. As a result, it conflicts with policies SP11 and SP12 of Haringey's Local Plan (2017), policies DM1 and DM9 of Haringey's Development Management DPD (2017) and policy HC1 of the London Plan (2021). Amongst other things, these require development that conserves and enhances the significance of a heritage asset, to be of the highest standard of design, that contributes to the distinctive character and amenity of the local area. It also fails to accord with the Framework which seeks to conserve and enhance the historic environment.

Conclusion on Ground (a) and the Deemed Planning Application

17. For the reasons given and with regard to all other matters raised, I conclude that the appeal on ground (a) should fail, and the deemed planning application should be refused.

Conclusion

18. 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