



Appeal Decision

Site visit made on 21 November 2022

by Ben Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 December 2022

Appeal Ref: APP/Y5420/W/22/3299996

1 Midhurst Parade, Fortis Green, Hornsey, LONDON N10 3EJ

- 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 Tacgul Kilic against the decision of London Borough of Haringey.
 - The application Ref HGY/2021/2924, dated 20 September 2021, was refused by notice dated 8 December 2021.
 - The development proposed is the installation of new traditional shop blinds, external shutters, change of colour of the existing shop front structure, relocation of condensing units and waste storage with a proposed new metal fence and gate.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The site address within the application form is different to that displayed on the appeal form. The appellant has confirmed that the correct address is 1 Mindhurst Parade, this corresponds with the location of the site on the submitted site plan and the Council's decision notice, and I shall therefore use it to accurately describe the site address.
3. Planning permission¹ was given for the shop to undergo shopfront alterations (The first approved scheme) which has been partially implemented. However, the implemented works have partially departed from the approved plans inasmuch as the roller shutter box being installed external to the shop front, instead of its internally approved position. Planning permission² was also given for two mechanical condensers (The second approved scheme) on the rear elevation of the building.
4. The proposed development includes elements, such as shop blinds and a change of colour to the shopfront, that are considered acceptable to the Council. I see no reason to disagree with the Council's comments with respect to these elements. As such, I shall focus on those parts of the proposal in dispute relating to the external roller shutter, the relocation of the condensing units and waste storage and the fence and gate.

Main Issue

5. The main issue is whether the proposed development would preserve or enhance the character and appearance of the Muswell Hill Conservation Area.

¹ Planning Application Reference: HGY/2021/0093

² Planning Application Reference: HGY/2021/0092

Reasons

6. The appeal site is a retail unit at an end of a three-storey parade of units. The parade includes six units. The central two units have decorative curved glass frontages that lead into a central access to the residential flats above. These are identified in the Council's Character Appraisal³ as shopfronts of merit. The remaining four shopfronts have various designs, whilst retaining decorative pilasters and angled upper facias the shop fronts have been adapted over time, especially units 5 and 6. As such, unit 5 no longer has a stall riser and this, and unit 6, have large windows and deep secondary fascia signage that do not reflect the traditional design of the other shopfronts. These modern features erode the otherwise pleasant composition of the shopfronts to the detriment of the parade.
7. Units 1 and 2 have comparatively discrete signage and include stall risers and window forms that are traditional in style and form. Due to its largely intact historical form, the appeal site shopfront whilst not being designated a shopfront of merit in the Council's Appraisal, nonetheless makes a positive contribution to the character and appearance of the area.
8. The site is within the Muswell Hill Conservation Area (MHCA). The statutory requirements⁴ entail that special attention be paid to the desirability of preserving or enhancing the character and appearance of a conservation area. Furthermore, paragraph 193 of the National Planning Policy Framework (the Framework) requires great weight to be given to an asset's conservation when considering the impact of a proposal on its significance. The conservation area includes residential and commercial areas within a well-preserved example of an Edwardian suburb, and largely consists of traditional residential terraces and villas arranged around planned estates. The significance of the MHCA derives from its architectural and historical interest in a suburban setting.
9. The appeal site retains most of its original features and makes a positive contribution to the conservation area by virtue of its retained shopfront design, its proportions and retention of individual features.
10. The external roller shutter is enclosed in a white box, set above the transoms of the main glass panels. 'Existing' plans show that prior to the installation of the shutter boxes the shopfront was uncluttered and had distinctive transom windows above each glazed unit. These transom windows are an important part of the integrity of the shopfront. These create a pleasant rhythm and order of glazing panels throughout the shopfront and are now partially obscured by the shutter boxes.
11. The shutter boxes are relatively bulky features, that whilst painted white are dominant and overt within the shopfront. These add a discordant element to the shop unit that contributes visual clutter that detracts from the appearance of the shopfront in the streetscene. Although these would be partially hidden when the awnings are open, this alone would not materially reduce their visual harm. Other shopfronts within the parade have been subject to modern and unsympathetic alterations. However, there are limited details to illustrate when they were altered or whether the shopfronts gained planning permission. Therefore, these do not convey support for the proposed roller shutter boxes.

³ Muswell Hill Conservation Area Character Appraisal 2008

⁴ Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990

12. The proposed metal fence and gate would enclose the recessed area behind the building line of the shopfront and side boundary wall. Currently this recess provides a view of two ground floor windows with external security grills. These add limited interest to the side elevation of the building. The fence is proposed to be painted white, although an alternative colour could be subject to agreement by condition. Although blocking public views of the blank end wall of the shopfront and the windows, the fence would not obscure any materially significant features of the building.
13. The condensers and waste storage area would be located behind the proposed fence. The waste bin is not 'development' and its location is not therefore a matter for this appeal. The condenser units were previously approved, as part of the second approval, to be concealed to the rear of the site. The revised location would be screened from public view by the proposed fence having no impact on the appearance of the building from the streetscene.
14. Accordingly, although much of the proposed works would preserve the character and appearance of the MHCA, the installed external roller shutter boxes have a detrimental effect on the appearance of the shopfront and the building. This results in harm to the MHCA. In accordance with the Framework the harm would be 'less than substantial'. As such, by virtue of paragraph 202 of the Framework the harm should be balanced against any public benefits of the proposal.
15. The Appellant has identified that the proposed works would renew the shop front and would contribute positively to the area. It is also identified that the proposal would facilitate the rebranding of the unit, improve security, be more efficient and conceal the refuse collection point and condenser units. Furthermore, those elements of the proposal that I have found would preserve the character of the conservation area would weigh in favour of the proposal. Nevertheless, many of these gains would be private to the operator and would appear to be unnecessary for a simple rebranding exercise. I am also unconvinced that the external roller shutters are necessary for security, taking into account the approved internal roller shutters and existing grills located on the side windows. Consequently, the identified harm to the MHCA is not outweighed by any public benefits.
16. As such, the proposal would not preserve the character and appearance of the MHCA, in conflict with s72 of the Act. Consequently, the proposal would conflict with policies D4 and HC1 of the London Plan, policies SP0, SP11 and SP12 of the Haringey Local Plan (2017), policies DM1, DM8 and DM9 of the Haringey Development Management DPD (2017) and the MHCA Character Appraisal. These seek, among other matters, for development to conserve the historic significance of the Council's heritage assets and to locate security shutters internally wherever possible.

Other Matters

17. An interested party supports the scheme and the relocation of the condenser units, raising a concern that the approved location results in noise nuisance. I acknowledge the overall support given by the interested party, but this does not outweigh the harm I have identified.
18. The replacement rear door is a relatively stark addition, in comparison to previous images submitted in evidence of the door. However, a suitable revised

colour would enable this element to integrate well with the building and is a matter that could have been addressed by the imposition of a condition had I been minded to allow the appeal.

Conclusion

19. The proposal would harm the character and appearance of the area and would conflict with the development plan when taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should not succeed.

Ben Plenty

INSPECTOR