

Appeal Decision

Site visit made on 14 August 2024

by C Skelly BA (Hons) MSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 October 2024

Appeal Ref: APP/Y5420/W/24/3340650

268 High Road, Wood Green, Haringey, London N22 8JX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) (the Act) against a refusal to grant planning permission.
 - The appeal is made by Mr M Osmaj against the decision of the Council of the London Borough of Haringey.
 - The application Ref is HGY/2023/2156.
 - The development proposed is retention of existing shop front with seating and proposed rear single storey extension.
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Decision

1. The appeal is dismissed insofar as it relates to the retention of the existing shop front with seating area.
2. The appeal is allowed insofar as it relates to the proposed rear single storey extension and planning permission is granted for a rear single storey extension at 268 High Road, Wood Green, Haringey, London N22 8JX in accordance with the terms of the application, Ref HGY/2023/2156, and the plans submitted with it, so far as relevant to that part of the development hereby permitted and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: HRG268/23/01, HRG268/23/02, HRG268/23/03, HRG268/23/04, HRG268/23/05, HRG268/23/06, HRG268/23/07, HRG268/23/08 and HRG268/23/09.
 - 3) The external materials of the development hereby permitted shall match those used in the existing building.

Preliminary Matters

3. The shop front with seating element of the proposal, which also includes a canopy, has been completed and I observed this to accord with the plans before me. I have considered the appeal on this basis.
4. The proposed rear single storey extension element for use as additional storage, is clearly severable both physically and functionally from the seating

area element. Therefore, under section 79(1)(b) of the Act, I have the power to issue a split decision on this case.

5. The Council has not found any harm in relation to the proposed rear single storey element and considers that it would comply with policy SP11 of the Haringey Local Plan (2017) (LP) and Policy DM1 of the Haringey Development Management Development Plan Document (2017) (DMDPD). There have been no objections raised in relation to this proposed element and I have no reason to disagree with this conclusion. I therefore consider that the rear single storey extension should be allowed subject to the standard time limit condition, a condition requiring development is carried out in accordance with the approved plans, in the interests of certainty and a materials condition in the interests of character and appearance.

Main Issues

6. The main issues are:

- The effect of the shopfront and seating area on the character and appearance of the host property and surrounding area; and
- The effect of the canopy and seating area on accessibility.

Reasons

Character and Appearance

7. The appeal property is located within a row of 6 retail units with residential use above, which front onto High Road. The unit is directly adjacent to another bar at No 266 of the same design. Both units share the same recessed element, glazed doors, glass balustrade and retractable canopy. Another commercial unit at the end of the terrace, used as a drinking/eating establishment also has a recessed covered seating area which wraps around the corner of the road with Canning Crescent and has a retractable canopy of the same height as the appeal site. On my site visit, two of the commercial premises had their shutters down, both of which were solid.
8. The changes to the appeal property have removed the traditional shop frontage and this is now recessed from the face of the main property and provides sheltered open-air seating for customers. A fully glazed centre opening sliding door has been inserted behind the seating area and a glass balustrade divides the seating from the main road, with access to one side. A roller shutter is fixed to the front of the original shopfront and when closed covers the outdoor seating area. Just behind the roller shutter are two large support poles.
9. Policy DM8 of the DMDPD requires that shopfronts, including their signs, security shutters and canopies to be designed to a high standard and contribute to an attractive environment. The policy seeks the retention of traditional shopfronts of distinctive character contributing to the visual, architectural or historic quality of the local townscape.
10. A number of the properties along the terrace have been altered and this has eroded its traditional appearance. The changes to these properties appear relatively recent and I do not have any information before me which suggests

that they have been unlawful. Nevertheless, the changes to the appeal property have added to the erosion of the traditional appearance of the retail terrace and shop front to the detriment of the character and appearance of the area.

11. Policy DM8 also says that security shutters should be open mesh and wherever possible be located internally. A roller shutter has been installed in the place of the previous shopfront and runs in front of the outdoor seating area and is of solid appearance, which is contrary to this policy which seeks to reduce visual clutter from the frontage of shops and adds harm to the character and appearance of the area.
12. A canopy has been installed to the front of the premises underneath its signage. Policy DM8 says that retractable shopfront canopies may be acceptable where they are of an appropriate design. The canopy is a plain black canvas material with no advertising and is similar in appearance to other units along the terrace and therefore this element of the proposal does not harm the character and appearance of the host property or surrounding area, albeit this does not alter my view on the overall harm set out above.
13. The appellant has suggested the use of a condition relating to material, however this would not address the harm I have identified in relation to the shop front and seating area element.
14. The changes to the shopfront and the installation of a solid roller shutter harm the character and appearance of the host property and surrounding area and therefore conflict with Policy SP11 of the LP and Policies DM1, DM3 and DM8 parts (a), (b), (d) and (e) of the DMDPD, which seek amongst other things to secure high standards of design which contribute to the distinctive character and amenity of the local area, retain traditional shopfronts and support open mesh security shutters located internally.

Accessibility

15. The arrangement of the new doorway and external balustrade means that customers must enter from the side entrance, through the seating area and then through the central opening of the glazed doors. I also noted that there is a small step which wheelchair users would also have to navigate in order to access the premises in addition to avoidance of the two supporting pole structures. This creates an awkward and uneven access arrangement for wheelchair users which fails to provide inclusivity and ease of access for all.
16. Policy DM8 of the DMDPD requires that shop canopies contribute to a safe environment and maintain sufficient clearance. The canopy is 2.2m height clearance from ground level, which is below the 2.4m required by the Highways Authority and therefore does not provide sufficient headroom clearance between the canopy and the floor level. The appellant has suggested that a condition would be accepted in relation to the size of the canopy, which would address this matter.
17. Although the size of the canopy could be controlled through an appropriate condition to address issues of height clearance, the arrangement of the seating area does not provide adequate provision for wheelchair use and is therefore contrary to Policy SP11 of the LP and Policies DM1 and DM8 part (c)

of the DMDPD and Policy D5 of the London Plan (2021), which seek amongst other things to ensure that new development is inclusive and allows for easy access by all members of the community.

Other Matters

18. Whilst the appellant puts forward that the seating area provides an economic boost to the business, such a benefit would not, in my view, outweigh the harms I have found.
19. Although it is not included as a reason for refusal in the Council's Decision Notice, the Officer report says that in the absence of any detailed information, the Council is of the view that the noise and activity in association with an open/external seating area and in the absence of any mitigation measures would be injurious to neighbouring residential amenity. I note that the appellant suggested that concerns could be addressed through a condition restricting the hours of use of the outdoor seating area. However, given that I am dismissing the appeal for other reasons I have not considered it necessary to consider this matter further.

Conclusion

20. The appeal proposal includes two different elements. I have concluded that the proposed rear single storey extension would not conflict with the development plan. However, I have concluded that the proposal for the retention of the shopfront and seating area would have a harmful effect on the character and appearance of the area and would not provide inclusive access, contrary to the relevant policies of the development plan.
21. Having had regard to the development plan as a whole and all other matters raised, I dismiss the appeal in respect of the retention of the shopfront and seating area. However, I allow the appeal in respect of the rear single storey extension.

C Skelly

INSPECTOR