



Appeal Decision

Site visit made on 27 November 2024

by R Curnow MA(TCP), BSC(Hons), CMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 January 2025

Appeal Ref: APP/Y5420/C/23/3317320

5 The Broadway, Hornsey, London N8 8DU

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended). The appeal is made by Dr. Laith Abbas of Treehouse Dental against an enforcement notice issued by the Council of the London Borough of Haringey ('the Notice').
 - The notice was issued on 6 February 2023.
 - The breach of planning control as alleged in the notice is Without planning permission the installation of a shopfront.
 - The requirements of the notice are: 1. Remove the shopfront in its entirety. 2. Reinstate the shopfront to its condition prior to the carrying out of the unauthorised development. 3. Remove from the land any debris arising from carrying out Step 1, above.
 - The period for compliance with the requirements is 3 months.
 - The appeal is proceeding on the ground set out in section 174(2)(a) of the Town and Country Planning Act 1990 (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 at 5 The Broadway, Hornsey, London N8 8DU as shown on the plan attached to the notice.

Main Issue

2. The main issue is the effect of the development on the character and appearance of the Crouch End Conservation Area.

Reasons

3. The appeal has been lodged on Ground (a) only, which is to say that planning permission should be granted for the development that is the subject of the Notice.
4. The Broadway is at the heart of the Crouch End Conservation Area ('CECA') and forms a part of the suburban town centre that has a wide range of retail, administrative and service uses. The CECA covers a wide area; its commercial area has a busy and often quite noisy character whilst the surrounding residential streets within it are far quieter.
5. The CECA is a designated heritage asset and, under the terms of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area ('the statutory test'). This test is mirrored in the terms of Policy HC1 of the London Plan 2021

('LP'), Policy SP12 of the Haringey's Local Plan Strategic Policies 2017 ('HLP') and Policy DM9 of the Development Management Development Plan Document 2017 ('DPD').

6. The Broadway is a busy commercial street, with a range of retail, service and administrative properties running roughly north-south at the centre of Crouch End. 5 The Broadway ('No 5') lies close to its southern end, and is one of four similar properties that form a constituent part of a longer terrace. Each has three storeys, with a commercial business at ground level and two floors of accommodation above. That at second floor level is set into the properties' roof space with feature gables facing the road. They match one another in terms of window openings and materials. At ground level, whilst the designs of their shopfronts differ, they are of a uniform width and each has a deep fascia above.
7. Adjoining them, to their south, is a corner property that has four storeys, with a ground floor commercial unit and accommodation over. Adjoining them, to their north, is a terrace of five three-storey properties that are of a similar scale to the four properties that includes No 5. Again, each has a ground floor commercial unit with accommodation over. Beyond them, to the north, is a modern development with commercial units at street level and three floors of residential accommodation above. Whilst its windows and commercial frontages mirror that of the older parts of The Broadway to the south, it is a markedly different form of development.
8. The opposite side of The Broadway close to No 5 is quite different. It is dominated by Hornsey Town Hall with its feature clock tower, which is set back from the road behind an area of public open space. The town hall is flanked by three storey properties, all of which appear to date to the 1930s. The commercial properties to the north of the open space, towards Crouch End's iconic clock tower, follow the theme of commercial premises at ground floor and accommodation above. They are, however, mostly of a more flamboyant design than those around the appeal site.
9. Overall, there are similarities in the properties across the commercial centre of Crouch End, in that they have ground floor commercial units with several floors of accommodation above. However, there is a good deal of variety and quality in their design and form, including in their shopfronts. Overall, the townscape across the CECA is of a high quality and The Broadway makes a positive contribution to it.
10. The evidence shows that No 5 was empty for at least two years, following the closure of a bank that previously operated from it. Its shopfront was framed by the same stallriser, two similar flanking pilasters, though these had slightly more detailing, and had the same deep fascia above. It differed mainly through a recessed entrance at its southern end, and that most of the frontage consisted of a large pane of glass with a transom and mullions creating three separate panes at a higher level. The timber work in the shopfront was slender, with some decoration. The large pane had two cash machines set into it, though when the bank closed this was replaced with a large acrylic sheet.
11. The principal alterations that have been made to the shopfront are that the recessed door has been replaced with one flush with the main frontage and the single pane has been divided into 6 panes. The upper part of the window remains much the same as before, divided into three following the line of the

head of the door frame. The timber used to sub-divide the shopfront differs from that which was there previously. It is square in profile, thicker and without decoration. There are also some minor differences in the new pilasters.

12. The Council does not object to the principle of the flush door. Its Statement of Case says that this may be acceptable, but only as part of a more appropriate shopfront. I, too, find the door arrangement to be acceptable. However, I find this to be the case when assessed in the context of the shopfront that has been installed.
13. Given that there is no overriding theme to the shopfronts in the commercial centre of the CECA, and their variety of designs, I find that this one sits comfortably in the street scene. Whilst it lacks some of the detailing of its predecessor, it is not harmful to the building, nor the wider CECA. There are a number of shopfronts with similar sub-division in the centre. In the circumstances, I find that the Council's case for reinstalling a large single pane has not, to my mind, been substantiated.
14. The Council has supplied the text from a section of the Crouch End Conservation Area Appraisal ('CECAA') that states that a "few replacement shopfronts detract from the overall quality of their frontages because they have: inappropriately proportioned fascias (too wide, too deep or covering original features); inappropriate signage on the fascias (internally illuminated boxes, over sized lettering and signboards); a visual clutter of advertisements; prominent shopfront security (externally fixed roller shutters); fixed plastic canopies".
15. None of these is the case with the frontage at No 5. Its fascia is of a depth that is uniform with the other three properties of this group in the terrace and, from the 'before and after' photographs in the parties' cases, this appears to be the same, or as close as makes no difference, as that which previously existed and the Council wishes to see returned. The form and number of advertisements on the shopfront is very similar to those which was there previously. This, too, is the case with the security alarm box and camera that have been installed. There are no external shutters, nor are there fixed plastic canopies. Although, it appears that the previous advertisements were not illuminated, the illuminated advertisements that have been installed would require consent¹ and thus the Council has control of this. I take the Council's point that the CECAA guidance is not exhaustive. However, I find that the shopfront that has been installed does accord with its terms.
16. I have taken into account the shopfronts on the various properties that the parties refer to in their submissions, as well as the support given to the scheme by the Crouch End Traders, in reaching my decision.
17. For the reasoning I give, above, the shopfront that has been installed at No 5 does not cause harm to the area's character and appearance; rather, it has a neutral effect on this. As such it passes the statutory test and accords with the terms of LP Policy HC1, HLP Policy SP12 and DMD Policy DM9. It has a quality of design that is appropriate to both the host building and the wider area and, therefore, accords with DPD Policy DM1 and HLP Policy SP11. It is a shopfront

¹ By reason of the terms of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007

of an appropriate quality of design that contributes to a safe and attractive environment that accords with DPD Policy DM8.

18. It is not contrary to the terms of LP Policy D1, as this is a policy that requires planning authorities to undertake assessments of area's characteristics when preparing development plans. It is not a policy that requires an applicant or appellant to undertake a certain course of action.
19. The Council has not proposed any conditions be attached to the planning permission. In the circumstances, as the development has been completed, I find that there is no need to attach any to the grant of permission.

Conclusion

20. For the reasons given above, I conclude that the appeal succeeds on ground (a). I shall grant planning permission for the development as described in the notice.

R Curnow

INSPECTOR