



Appeal Decision

Site visit made on 24 March 2025

by **N Armstrong BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 2nd May 2025

Appeal Ref: APP/Q5300/W/24/3355922

326 Green Lanes, Southgate, Enfield N13 5TW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Edmir Pecaku against the decision of the Council of the London Borough of Enfield.
 - The application Ref is 24/02226/FUL.
 - The development is described as "This application intends for the retrospective planning application for the rear seating area and the construction of a canopy at 326 Green Lanes, London, N13 5TW".
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the banner heading above is taken from the application form. However, the proposal could be accurately summarised as a retrospective application for rear seating area and the construction of a canopy. I have therefore dealt with the appeal on this basis.
3. I observed at the site visit that a rear seating area and canopy structure has been constructed on the rear elevation of the premises and this was in use. The signage to the front of the premises refers to a bar, restaurant and rear garden. It is clear from the plans and evidence that the development that has taken place is the use and structure referenced in the planning application. I noted that the external walls to the northern side and rear elevations featured grey coloured panelling with open, decorative latticework panels above. Despite what is shown on the submitted plans, the latticework panels were larger in height to the side elevation compared to the rear elevation. These open panels also feature roller shutters, which are not indicated on the plans, and I observed these being closed as a demonstration at my visit. Whilst what I saw has helped to inform my assessment, I have dealt with the appeal on the basis that planning permission is being sought for the development as set out in the application and the submitted plans.

Main Issue

4. The main issue is the effect of the development on the living conditions of nearby residents, with particular reference to noise and disturbance.

Reasons

5. The appeal site is located on Green Lanes, which is a busy main road characterised by a mix of commercial premises to its street frontage. These include shops, cafes, drinking establishments and hot food takeaways amongst

others. To the rear of the site, and along the length of other premises on Green Lanes, are residential properties and gardens on Hazlewood Grange and The Grove, which lie opposite a rear access road serving the commercial units. The rear lane also provides access to first floor residential units above the commercial premises, including above and to either side of the appeal site.

6. The seating area extends a considerable length from a brick offshoot to the rear of the property up to the rear access road and close to the gardens of residential properties on The Grove. The internal ground floor level is above the access road with steps down onto this from a rear door. The canopy has a metal frame that supports a metal louvred roof, which was closed at the time of my visit. There are no details of the external wall materials in the application, although the appellant's statement refers to brick infill walls and panels, with the open latticework panels above to allow natural light and air to flow into the structure. The development is described in the application as a canopy and the Council refers to the exposed nature of the seating area, although it is a more enclosed structure due to the wall panels and roof, albeit with features designed to be open.
7. I have no technical noise impact assessment before me in respect of the noise levels arising from the development or other background noise. However, I visited the appeal site on a pleasant, sunny afternoon when the premises and rear seating area were in use. Although this was for a limited time of the day and when the site was not busy with customers, noise from the site was clearly audible standing on the rear access road, including from music and activity of users and staff. Background noise from other uses and activity was also audible, including from extraction and air conditioning units. This background noise, as well as noise from the seating area, was also audible from a neighbouring residential garden to the rear of the appeal site on The Grove.
8. The rear seating area is a considerable size in relation to the pre-existing floor area of the premises and thus brings the use significantly closer to the residential properties and gardens to the rear. The appellant's statement notes that the plans indicate an additional 12 tables are added to the 5 tables in the main building, which significantly increases the capacity and use of the business. The application form indicates that the hours of use would operate between 9am to 11pm. The louvred roof and latticework panel designs could be expected to be open in better and warmer weather conditions than during my visit, which would also be likely to coincide with residents using their gardens and having windows and doors open. As a result, this significantly increases the potential for noise and disturbance from the development for residents in neighbouring properties, both above and to the rear of the site, including into the evening.
9. Fencing forms the rear boundary to the gardens of the properties immediately adjacent to the site. However, given its intentionally open design features, the proximity of the seating area is such that the sound from its users will inevitably carry into surrounding gardens. There will always be occasions where sound from neighbours and other development in the area will be audible, and this is not a wholly residential setting. However, the seating area as designed is likely to generate far more noise and disturbance from lively conversations and its general use.
10. The appellant refers to the metal louvred canopy being designed to absorb and block sound waves. They suggest this would significantly reduce noise pollution

from external sources, as well as mitigate the transmission of sound from inside the building, thereby reducing disturbance to surrounding residential properties. Reference is also made to “masking noise” from air conditioning and ventilation ducting and the use of sound dampening furniture. Despite the references by the appellant, I have no substantive evidence to clearly demonstrate the acoustic design qualities of the materials used for the external walls and roof of the structure, and if these satisfactorily mitigate noise emanating from the site.

11. The appellant also refers to implementing measures to reduce, manage and mitigate noise. These include management policies to restrict noise and limit loud conversations and music. I have no details of a noise management plan, although even if I did, I would not be able to establish whether or not it would be effective in the absence of technical evidence upon which such a plan would normally be based. The effectiveness of any agreed plan would also depend on the extent to which the appellant, and future operators of the premises, enforce its provisions. Even then, the unpredictability of customer behaviour makes it difficult to mitigate the adverse impacts.
12. Accordingly, I conclude that the appellant has failed to demonstrate that the development does not have a materially harmful effect on the living conditions of nearby residents, with particular reference to noise and disturbance, or that any such effects could be adequately controlled and mitigated. The development therefore conflicts with Policy D14 of The London Plan, The Spatial Development Strategy for Greater London (2021), Policies CP30 and CP32 of The Enfield Plan Core Strategy 2010-2025 and Policy DMD68 of the Improving Enfield Development Management Document (2014). Amongst other matters, these policies seek to reduce, manage and mitigate noise to improve health and quality of life, apply good acoustic design principles, ensure that noise pollution is minimised, to not permit development that generates an unacceptable level of noise, and deliver high quality design-led development having special regard to its context.

Other Matters

13. I have taken account of the appellant’s objectives, which include increasing the seating capacity, year-round outdoor seating, enhancing customer satisfaction, competing in the hospitality business, revitalising a neglected space and increasing sales. However, it has not been demonstrated that the development is the only way to achieve those objectives, and the stated benefits do not justify the harm I have identified.
14. The appellant has directed me to a development at 346 Green Lanes with an extension that has been permitted by the Council. A copy of a decision notice has been provided, although I do not have full details of that application and use before me. I note the extension is located to the rear of a coffee shop and brasserie, however, I do not have sufficient information to be able to draw any direct comparison that would weigh in favour of the appeal scheme. The presence of this and other commercial uses in the immediate area do not justify the harm that I have found from the appeal proposal.

Conclusion

15. The proposal conflicts with the development plan and material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above, I conclude that the appeal is dismissed.

N Armstrong

INSPECTOR