
Appeal Decision

Site visit made on 15 October 2013

by P Willows BA DipUED MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 25 October 2013

Appeal Ref: APP/Y5420/C/13/2200654

69 Myddleton Road, London N22 8LZ

- 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 Nicholas Ioannou against an enforcement notice issued by the Council of the London Borough of Haringey.
 - The Council's reference is UNW/2013/00279.
 - The notice was issued on 6 June 2013.
 - The breach of planning control as alleged in the notice is the installation of external roller shutters and a new shop frontage to the ground floor front elevation.
 - The requirements of the notice are to remove the external roller shutters and associated housing. Remove the new shop frontage and reinstate the previous timber shop frontage.
 - The period for compliance with the requirements is one (1) month.
 - The appeal is proceeding on the grounds set out in section 174(2) (a) and (g) of the Town and Country Planning Act 1990 as amended.
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Decision

1. The enforcement notice is corrected by the deletion of the words 'reinstate the previous timber shop frontage' within Section 5 and their replacement with 'install a shop front of the same design, materials and appearance as the shop front that was previously in place'. Subject to this correction 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 notice

2. The enforcement notice includes a requirement to 'reinstate the previous timber shop frontage'. However, I have no indication that the previous shop front has been retained such that it could be re-installed. Indeed, it seems highly unlikely that it will have been. Rather, it appears that the Council's intention must be for a shop front of the same design and appearance to be installed. Since I have no indication that either party interprets the wording in the notice as a literal reference to the actual previous shop front (indeed it is evident from the appellant's comments on the ground (g) appeal that it has not been interpreted in this way), I am satisfied that the notice can be corrected to clarify this requirement without causing injustice to either party.

The appeal on ground (a)

3. The main issue is whether the development preserves or enhances the character or appearance of the Bowes Park Conservation Area.
4. The appeal property is a shop within a short parade. It is situated within the commercial area formed along Myddleton Road, which lies within the Bowes Park Conservation Area. The Conservation Area is a Victorian suburb. The Council's *Bowes Park Conservation Area Character Assessment and Policy Statement* supplementary planning guidance (SPG3.3) recognises the shops on Myddleton Road as a key element of the Conservation Area. In my view the shop fronts have a profound effect on the character and appearance of these properties. I saw during my site visit that, although many of the shop fronts are inappropriate in their design and materials, others are satisfactory and complement the buildings.
5. The shop front that has been installed features large expanses of glazing within a metal frame. These features give it an overtly modern appearance, wholly at odds with the character of the building. The roller shutter, which has a metal finish, adds to the modern, metallic appearance of the shop front when it is lowered. Although the shutter is perforated, the holes are small and do not allow any significant view of the front of the shop when the shutter is lowered. Overall, therefore, the design and materials of the shop front and roller shutter are unsatisfactory and detract markedly from the character and appearance of the building. Furthermore, the shop front is highly prominent and has a significant effect on the street scene.
6. The information before me regarding the previous shop front is very limited. The appellant says that it was in a run down condition and did not have a timber frame. Yet both the Council and the Bowes Park Community Association indicate that it was of timber. Photographs of the previous shop front being removed provided by the Community Association do not establish what the materials were, but nevertheless indicate a shop front of a more traditional appearance, with less glazing than the shop front that has now been formed.
7. I have no evidence to support the appellant's contention that the shop front was in poor condition but, even if it was, that would not justify replacing it with a frontage of an unsatisfactory design. The appellant also says that the property had unsightly roller shutters previously, which were not fit for purpose, but I have no other details of these and cannot compare them with the shutter now installed.
8. I have taken account of the mix of shop fronts on Myddleton Road. This includes the similar shop fronts to one side of the appeal unit, which are part of the same concern. Nevertheless, the area as a whole and the appeal building itself retain much of their original character and, as a result, the unsympathetic works that have been carried out cause significant visual harm.
9. For these reasons I conclude that the unauthorised shop front and roller shutter harm the character and appearance of the Conservation Area. This places the development at odds with Policies SP11 and SP12 of the Haringey Local Plan 2013, which deal with design and conservation respectively, and with Policy CSV5 of the Haringey Unitary Development Plan, which is concerned with alterations and extensions in conservation areas. There is conflict too with the aims of SPG 3.3 and with the Council's supplementary planning

guidance documents *Design Guidance* (SPG 1a), *Conservation and Archaeology* (SPG 2) and *Shopfronts, Signage and Security* (SPG 6a).

10. For these reasons the appeal on ground (a) fails.

The appeal on ground (g)

11. The appellant seeks a period of 6 months to allow a design for the replacement shop front to be agreed. However, the Council has not suggested that there is a need to agree a new design; the notice simply seeks a reversion to the previous frontage. Should the Council decide that further discussion of the design would be desirable, it is open to it to extend the period for compliance with the notice under the provisions of section 173A(1)(b) of the Act. It is important that the breach of planning control is addressed without unnecessary delay and I see no reason to allow any longer period in the absence of a clear justification to do so.

12. For these reasons, the appeal on ground (g) fails.

Peter Willows

INSPECTOR