

**Delegated report – Source of delegation NH232 (Neighbourhoods and Housing) for applications and decisions that are non-committee items**

<b>Address:</b> 97 Stoke Newington Church Street, Hackney, London, N16 0UD			
<b>Date of Visit:</b> 12/08/2019 (IC)		<b>Reference No:</b> 2020/3040	
<b>Case Officer:</b> Louise Prew		<b>Ward:</b> Stoke Newington	
<b>Locally/Listed Building:</b> No		<b>Conservation Area:</b> Stoke Newington	
<b>Consultation Check:</b>		<b>Officer Initial:</b>	<b>Date:</b>
Yes	No	LP	05/10/2020
<b>Proposal:</b> Retention of rear structure and use of patio as additional restaurant space			
<b>Site Description:</b>			
The site is located on the corner of Stoke Newington Church St and Defoe Road. It contains a three storey building the ground floor of which is a commercial use with residential units above.			
It is located within Stoke Newington Conservation Area.			
<b>Development Constraints North:</b> Mixed use		<b>Development Constraints East:</b> Mixed use	
<b>Development Constraints South:</b> Mixed use		<b>Development Constraints West:</b> Mixed use	
<b>Photos of Site &amp; Surroundings:</b>			
 <p>12 Aug 2019 at 15:09:05</p>		 <p>12 Aug 2019 at 15:00:19</p>	



**History:**

2008/0642: Retention of existing shopfront, rear beer garden use and ventilation extract duct to the rear. Refused 12/05/2008

Appeal allowed in part: X/08/2079691 for the shopfront and the ventilation duct

2005/2893: Retention of existing shop front, retention of existing flue extension on rear elevation, use of rear garden as a beer garden. Withdrawn

2004/2115: Retrospective application for extension to existing rear flue use of rear garden as a beer garden and alterations to shop front. Withdrawn

2004/0545: Use of rear garden as a sitting out area/"beer garden" together with retention of shopfront and extension to rear flue. Refused 09/06/2004

**Enforcement history**

2019/0331/ENF: Commercial ground floor rear extension to provide rear garden dining area without pp.

**Neighbouring sites**

93 Stoke Newington Church St use of rear terrace allowed on appeal (APP/U5360/C/18/3215921).

**Neighbour Consultations/Responses:**

18 neighbours were consulted, a site notice was erected and a notice placed in the local newspaper; no responses have been received at the time of writing this report.

**Consultations (Internal):**

CUDS: No objection

**Consultations (External):**

Historic England: we do not consider that it is necessary for this application to be notified to Historic England

**Policy:**

<b>Development Plan</b>	<b>London Plan 2021</b>	HC1 Heritage conservation and growth D3 Optimising site capacity through the design led approach
	<b>Hackney A Place for Everyone Hackney Local Plan 2033</b>	LP1 Design Quality and Local Character LP2 Development and Amenity LP3 Designated heritage assets LP57 Waste

	(2020)	LP58 Improving the Environment - Pollution
<b>National Guidance</b>		National Planning Policy Framework 2021 Planning Policy Guidance
<p><b>Assessment and Reasons:</b></p> <p><b>Conservation and design</b></p> <p>There are a number of other rear extensions of various sizes and designs within the terrace within which the retention of the structure is assessed. The structure is located behind the building and a side wall and is not visible from the streetscene of Stoke Newington Church St or Defoe Road. The materials and the style of the structure mean it does appear overly dominant in relation to the main building.</p> <p>The council's conservation and design officers reviewed the proposal and had no objection to the scheme.</p> <p>The Council is under a duty under paragraph 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to "special attention should be paid to the desirability of preserving or enhancing the character or appearance of that area.". The development is considered to preserve the conservation area.</p> <p><b>Amenity issues</b></p> <p>The use of the rear of the property as a seating area appears to be lawful. An appeal in 2008 did not allow the use of the rear garden however there does not appear to have been an enforcement notice served since then. The use is therefore considered acceptable.</p> <p>The structure is located below the windows at upper floors and so does not result in a loss of light or outlook for these upper floor flats.</p> <p>The neighbouring building to the west has a large rear extension and this extension is not considered to have an adverse impact on this property.</p> <p>Similarly the tyre and repair shop to the rear is not adversely affected due to the location of the structure next to its flank wall.</p> <p><b>Waste and servicing</b></p> <p>The shops and businesses on Stoke Newington Church St benefit from daily waste collections. The proposal is not considered to affect the waste storage arrangements and servicing of the property.</p> <p><b>Other issues</b></p> <p>It is understood that there are concerns about the retention of the structure and the closing off of the space for the private use of the ground floor unit. Unfortunately, access to meters for other occupants of the site are not material planning considerations. These appear to be civil issues and would need to be addressed privately.</p> <p><b>Conclusion</b></p> <p>The development is acceptable.</p>		
<b>Recommendation:</b> Grant planning permission.		
	<b>Name / Signature</b>	<b>Date</b>
<b>Planning Officer</b>	Louise Prew	28/07/2021
<b>Team Leader</b>	Rob Brew	31/07/2021