



Appeal Decision

Site visit made on 18 April 2017

by Beverley Wilders BA (Hons) PgDurp MRTPI

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

Decision date: 7 June 2017

Appeal Ref: APP/E5330/W/16/3165967

64 Charlton Church Lane, Charlton SE7 7AB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Peter Petrou against Royal Borough of Greenwich Council.
 - The application Ref 16/2266/F, is dated 11 July 2016.
 - The development proposed is change of use – sui generis, tattoo parlour to A1 retail. Minor external alterations to shop front including the fascia, glazing, pilasters and stall riser.
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Decision

1. The appeal is allowed and planning permission is granted for change of use – sui generis, tattoo parlour to A1 retail. Minor external alterations to shop front including the fascia, glazing, pilasters and stall riser at 64 Charlton Church Lane, Charlton SE7 7AB in accordance with the terms of the application, Ref 16/2266/F, dated 11 July 2016, 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: 160201/01A, 160201/02B, 160201/03, 160201/04, 160201/05, 160201/06A, 160201/07D and 160201/08A.
 - 3) The use hereby permitted shall only take place between the following hours: 0900 to 1800 Monday to Saturday and 1000 to 1700 on Sundays and Bank Holidays.
 - 4) Notwithstanding any details shown on the approved plans, prior to the approved use first commencing details of waste storage and collection from the site shall be submitted to and approved by the local planning authority. Waste storage and collection shall be in accordance with the approved details and retained thereafter.

Background and Main Issue

2. The Council did not issue a decision within the prescribed period or within an agreed extension of time period. The appellant exercised his right to appeal against the failure of the Council, as the local planning authority, to determine the application.

3. No Statement has been submitted by the Council but I have been provided with a copy of email correspondence dated 26 and 27 November 2016 between the appellant's agent and the Council officer. From the email correspondence it appears that the officer was minded to recommend approval of the application subject to a minor alteration to the proposed front elevation.
4. Having regard to the evidence submitted by both parties, I consider that the main issue is the effect of the proposal on the character and appearance of the area.

Reasons

5. The appeal site comprises a vacant ground floor commercial unit located centrally within a parade of other largely commercial units. The units are located within flat roofed ground floor projections set forward of the more traditional part of the buildings to the rear. The height of the shop fronts and fascias is staggered to reflect the topography of Charlton Church Lane with the height of the existing fascia at the appeal site being lower than that of the neighbouring unit at 62 Charlton Church Lane despite No 62 being at a lower level. This is out of keeping with the general pattern of the height of fascias within the parade. In addition unlike other units the existing fascia at the appeal site does not extend between the existing pilasters.
6. The proposal would increase the height of the stall riser, shopfront and fascia and would also increase the width of the fascia extending it between the existing pilasters. The height and width of the proposed fascia would be consistent with the majority of commercial units within the parade and would improve the appearance of the shop front. Though I note the Council officer's request to reduce the height and width of the proposed fascia, I do not consider that this is either justified or necessary.
7. A number of external alterations are also proposed to the rear of the host building. However these appear to be relatively minor and inconspicuous and I note that it does not appear that the Council were concerned about these alterations.
8. Taking the above matters into consideration, I conclude that the proposal would not adversely affect the character and appearance of the area. It therefore accords with policies 7.4 and 7.6 of the London Plan and policies DH1 and TC7 of the Royal Greenwich Local Plan: Core Strategy with Detailed Policies. These policies seek, amongst other things, high quality design taking account of existing townscapes and the enhancement of Local Centres and Neighbourhood Parades.

Other Matters

9. In reaching my decision I have had regard to the fact that it appears that the Council officer was also concerned that the proposed fascia may cause a hazard for users of the stairs located to the side of the existing shopfront. However the bottom of the proposed fascia would be higher than an existing horizontal concrete bar that extends across and above the stairs between the side of the shopfront and the existing pilaster. I am therefore satisfied that sufficient head height would remain for users of the stairs.

Conditions

10. I have had regard to the conditions suggested by the Council. I have imposed a condition specifying the relevant plans as this provides certainty. I have also imposed a condition specifying the opening hours of the proposed retail use. This is having regard to the appeal site location near to residential uses and in order to protect the living conditions of nearby occupiers. I have not imposed a condition restricting the hours of demolition and construction as I consider that this is not necessary given the relatively minor scale of the works proposed and having regard to the appeal site's position on a reasonably busy road and within a parade of commercial units. However notwithstanding the appellant's comments regarding the suggested condition regarding refuse collection, I have imposed a condition requiring details of waste storage and collection to be agreed by the Council. This is to ensure adequate facilities having regard to the nature of the site location and the existence of residential uses nearby.

Conclusion

11. For the above reasons and having regard to all matters raised, I conclude that the appeal should be allowed.

Beverley Wilders

INSPECTOR