
Appeal Decision

Site visit made on 27 January 2020

by S. Rennie BSc (Hons), BA (Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 February 2020

Appeal Ref: APP/E5330/W/19/3238223

190 Shooters Hill Road, Blackheath, London SE3 8RP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Halil Husseyin against the decision of the Royal Borough of Greenwich.
 - The application Ref 19/1861/F, dated 21 May 2019, was refused by notice dated 5 August 2019.
 - The development proposed is the construction of a single storey rear extension for commercial use. Construction of steel staircase for first floor flat accessible from rear of site. Site to be used as A5 - Hot Food Takeaway. New extract ductwork to rear façade.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the development on the retail function of the neighbourhood shopping parade.

Reasons

3. The proposal would see the change of use of a bakery (understood to be A1 use) which is now closed, to an A5 takeaway. There are other aspects of the proposal, such as a rear extension, but there has been no objection from the Council to this aspect of the scheme.
4. As the proposal would result in the loss of an A1 retail unit policy TC7 (Local Centres and Neighbourhood Parades) of the Royal Greenwich Local Plan: Core Strategy with Detailed Policies (2014) (CS) is applicable. This policy requires that in Neighbourhood Parades, such as this one on Shooters Hill Road, the change of use away from A1 should be refused unless it would reinforce the function of the parade to serve the day to day needs of the local residents. Furthermore, policy TC(c) (Hot Food Takeaways) of the CS states that takeaway proposals should not result in excessive clustering or disproportionate levels of such use within centres or frontages.
5. As set out by the Council, there are 15 ground floor units along the Shooters Hill Neighbourhood Parade, of which 3 are used as A5 hot food takeaways. Another takeaway as proposed would result in 4 being in A5 use. This is clearly a high proportion of units to be all in A5 takeaway use, which means that the other mix of retail/commercial type uses would number just 11. Furthermore,

the proposal would result in three A5 units in a row, which I would regard as excessive clustering of A5 uses in the middle of the parade.

6. Another A5 use would result in the reduction of the retail function of the shopping parade when considered that this would be the fourth along this relatively short row of units. The parades value in serving the day to day needs of the neighbourhood would be diminished though the accumulation of A5 units and the loss of another A1 unit. As such, the proposal would be the loss of an A1 unit which would not reinforce the function of the parade, which already is served by 3 A5 units. Another A5 unit, to my mind, would result in a disproportionate amount of takeaway type units within this parade.
7. It might be that the appellant has plans for this proposed A5 business to serve different types of food from the other A5 units and therefore may be successful, but it would still be the loss of an A1 unit to provide a takeaway of some kind. Furthermore, the bakery may have failed as a business, but that does not mean that another A1 use in this location may not succeed either.
8. I recognise that the proposed takeaway would employ staff, but this is not likely to be significantly different from an A1 unit which would also provide some level of employment for staffing.
9. The bakery may have sold some hot food, but from the information before me, its primary function was as an A1 bakery which therefore differs from the scope and type of use of an A5 takeaway now proposed.
10. Considering all the above, the proposed A5 use would be harmful to the retail function of the neighbourhood shopping parade and its ability to serve the local residents. As such, the proposal is contrary to policies TC7 (Local Centres and Neighbourhood Parades) and TC(c) (Hot Food Takeaways) of the Royal Greenwich Local Plan: Core Strategy with Detailed Policies (2014).
11. However, I am not satisfied from the evidence before me that the proposal is in conflict with policy 4.7 of the London Plan.

Conclusion

12. For the reasons given above the appeal is dismissed.

S. Rennie

INSPECTOR