
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: 26 February 2020

Appeal Ref: APP/C5690/W/19/3239369

259 New Cross Road, Lewisham, London SE14 5UL

- 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 Tariq Mahmood against the decision of the Council of the London Borough of Lewisham.
 - The application Ref DC/19/111833, dated 22 April 2019, was refused by notice dated 14 June 2019.
 - The development proposed is the construction of customer seating area in front of the restaurant.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of customer seating area in front of the restaurant at 259 New Cross Road, Lewisham, London SE14 5UL in accordance with the terms of the application, Ref DC/19/111833, dated 22 April 2019, including the submitted plans and drawings (TM - 259 - 101 (Rev A); TM - 259 - 102 (Rev A)).

Procedural Matter

2. I have removed reference to the proposal being retrospective in the decision above as this is not required to describe the development proposed. However, I am aware and have observed on site that the seating area has already been completed and is in use.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the area, which includes the 'Hatcham Conservation Area'.

Reasons

4. To the front of the ground floor café, the appellant has developed a raised seating area with ramp for access. There is also a metal railing which encloses this area, with a canopy over. This appears to extend up to the public footpath.
5. I recognise that the site is within the Hatcham Conservation Area (CA), with the Telegraph Hill CA opposite the site. Hatcham CA derives its significance from the history of this area with many old buildings of importance. There is also the mix of residential areas and the busy commercial nature of New Cross Road within the CA boundaries.

6. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas in the exercise of planning functions. The National Planning Policy Framework also advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance.
7. The other ground floor commercial units in this row do not have a formal seating or similar facility to their frontage. However, I did note some other examples of seating areas to the front of establishments, although these are not typical of this area, with many similar cafes or food and drink establishments not having the space to the front of the units to provide an outdoor sitting area.
8. The unit at No 259 New Cross Road does have the space to provide the seating area without compromising the public footpath along this road. The seating area also covers a relatively modest area, which does not appear as unusual considering this is the frontage of a café. Furthermore, the raised area and enclosure are of a suitable design which does not detract from the character of the street.
9. This is a formal seating feature which is well defined in its area. In this regard, I consider that it does not result in a cluttered appearance within the street scene. It is also not a dominant feature within this busy high street area. Furthermore, I do not regard the raised seating area as resulting in a particular difficulty for those accessing the upper floor dwelling above the café.
10. Whilst the site and the seating area is within the CA, for the reasons given above this is not an intrusive feature and does not clutter the street scene. For these reasons, the significance of Hatcham CA is preserved. Furthermore, the development preserves the setting of the Telegraph Hill CA.
11. For these reasons, the development would not harm the character and appearance of the area and is in accordance with Policies 15 and 16 of the Core Strategy (2011), and Policies DM Policy 30, DM Policy 31 and DM Policy 36 of the Development Management Local Plan (2014). These policies seek to, amongst other things, secure high quality design, and conserve or enhance CAs as heritage assets.

Conditions

12. I have taken the suggested conditions from the Council into account. However, as the development has been completed it is not necessary to impose a three year time limit for the development to be started or to have a condition requiring it to be retained in accordance with the approved plans.

Conclusion

13. For the reasons set out above the appeal is allowed.

S. Rennie

INSPECTOR