



Appeal Decision

Site visit made on 21 February 2022

by Eleni Randle BSc (hons) MSc FRICS FAAV MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th March 2022

Appeal Ref: APP/H5960/W/21/3281825

93 Mitcham Road, London, SW17 9PD

- 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 Okkes Toprak against the decision of London Borough of Wandsworth Council.
 - The application Ref 2021/1641 dated 7 April 2021, was refused by notice dated 10 June 2021.
 - The development proposed is retention of front extension.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. At the time of my visit to the appeal site the development had already been carried out and the site is the subject of an enforcement notice dated 19 July 2021.
3. The appellant has submitted revised plans as part of this appeal. I have, on this occasion, taken these into account for the reasons outlined within the main body of this decision notice. I am satisfied that no parties would be prejudiced by acceptance of the submitted revisions within this appeal.

Main Issue

4. The main issue is the impact of the proposal upon the character of shopfronts on the parade.

Reasons

5. The appeal site is a ground floor commercial unit within a two-storey mid-terrace property. The commercial unit occupies the ground floor of two buildings and the upper floors are noted as being in residential use. The original proposal, whilst described as a front extension, is for the avoidance of doubt actually a canopy structure with metal support posts, fabric awning and plastic sheeting by the roof. The proposal is of notable size being proposed at 2.35m from the front elevation, 11m wide and between 2.45m and 2.72m high. It is its permanence (i.e. lack of retraction mechanism) which results in its description as a front extension.
6. The appellant's statement of case does not actually attempt to justify the refused proposal within the context of the refusal reason stated by the Council. The appellant's approach has been to submit revised plans during this appeal, as noted in procedural matters above, most notably drawing no. 21.23.05 and

drawing no. 21.23.06. The appellant's submission notes that the adjustments proposed remove the existing steel posts supporting the canopy and would support the proposed canopy via a wall mounted supporting mechanism. It is asserted that removal of the steel posts matches the appearance of the shop front with the surrounding retail units. I note the revision also removes the retractable awning off the proposed canopy when comparing the two sets of proposed side elevations.

7. Given that the proposal is still for a canopy, of the same dimensions, and that the proposed changes are essentially concerned with how the proposal is attached to the appeal site I have on this occasion taken the revised drawings into account in the determination of this appeal. The Council have had the opportunity to comment upon the proposed revisions and given the nature of the objection received (as outlined in Other Matters) I am satisfied that no parties would be prejudiced by acceptance of the submitted revisions within this appeal on this occasion.
8. The removal of the supporting posts and side panels would, I find, result in a reduced visual impact compared to the original proposals. At the time of my site visit I noted that other shops, within the same row as the appeal site, do benefit from similar style canopies but it is key that these other canopies appear to be retractable fabric awnings which allow for the canopy to be removed when the business is closed which removes their visual impact. Their ability to be retracted results in them appearing less dominate and less permanent within the shopfronts on the parade.
9. I note that the proposed floor plans show no fruit and vegetables on the front paving overnight but the appeal proposal would be supported on support ties and would be fixed in place permanently with no retraction mechanism. This would give a more solid and visually heavier appearance than the retracting awnings by comparison. I find that this would be of notable contrast within the row particularly when other businesses are closed and the awnings are retracted. This is exacerbated by the fact that the appeal site was previously separate ground floor commercial units, now merged, resulting in a substantial extension across the equivalent of two frontages.
10. Furthermore, as noted by the Council, I find there are no other examples of extensions of this nature¹ within Mitcham Road which further supports it as an uncharacteristic feature of the area. The proposal, in both the originally submitted and amended formats, I find to result in a visually intrusive addition which will not relate well to the host building and would fail to integrate with the surroundings. This would result in an unacceptable impact upon the character of the area including the shopfronts on the parade within which the appeal site stands.
11. It has not been demonstrated why the same benefits could not be achieved, for example, by a retractable awning which could be retracted when the business is closed as noted within the Council's delegated report. I have no evidence as to potential economic benefits of the development which could outweigh the visual harm to the appearance of the host building or the shop parade which I have found.

¹ The Council's report confirms that those at 83 and 85 Mitcham Road were constructed without planning permission and are currently subject to enforcement investigations. I have no further information as to the legality of these examples before me as part of this appeal.

12. The proposal would be contrary to Wandsworth Local Plan Core Strategy 2016 Policy IS3 which requires layout, form and design to contribute positively to the local environment and reinforce local character, Wandsworth Local Plan Development Management Policies Document Policy 2016 (DM) Policy DMS1 which requires that scale, massing and appearance of a development contributes to local spatial character and DM Policy DMTS9 which requires design to be related to the scale, proportion and appearance of the building and respect the character of the location.
13. The proposal would also be contrary to the guidance within the Shopfronts Supplementary Planning Guidance 1988 which states that the enclosure of private forecourts by means of canopies, awnings and railings may be acceptable but when they are sensitively designed and respect the character and style of the building and its surroundings.

Other Matters

14. Comments in support of the proposal at appeal stage are noted, however, a lack of objection is a neutral consideration. Reference to other “single storey structures” is made, however, no further details have been provided and in any case each case must be considered on its own merits. I have noted other structures within paragraph 9, footnote 1, as appropriate.
15. I note an objection relating to light, shade, dust and noise but the Council have not raised any refusal reason on such grounds and I have no evidence before me to conclude differently on such matters. Safety during works to the property is not a matter to fall within the scope of this appeal given that it is covered by Environmental Health legislation.

Conclusion

16. For the reasons outlined above, and taking account all other matters raised, I conclude that the appeal should be dismissed.

Eleni Randle

INSPECTOR