



Appeal Decision

Site visit made on 5 April 2023

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 April 2023

Appeal Ref: APP/C5690/W/22/3304894

95 Rushey Green, Lewisham, London SE6 4AF

- 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 Merkur Slots UK Ltd against the Council of the London Borough of Lewisham.
 - The application Ref DC/22/125637, is dated 21 February 2022.
 - The development proposed is installation of shopfront.
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Decision

1. The appeal is allowed and planning permission is granted for installation of shopfront at 95 Rushey Green, Lewisham, London SE6 4AF in accordance with the terms of the application, Ref DC/22/125637, dated 21 February 2022, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 999-PR-02-REV 01; Site Location Plan; and Block Plan.

Preliminary Matters

2. I have dealt with 2 other appeals on this site relating to the change of use of the premises and advertisements. Those appeals are the subject of separate decisions.
3. There is a minor variation in the description of development between the planning application and appeal forms. I have taken the description from the planning application form as this represents the basis of the application.

Background and Main Issues

4. The appeal has been submitted on the basis of the failure of the Council to give notice within the prescribed period.
5. However, the Council has submitted an officer report which indicates that it would have granted planning permission had it been in a position to do so.

6. Nevertheless, on the basis of the planning considerations identified in the Council's officer report, the main issues in this appeal are the effect of the proposal on the:
- Character and appearance of the host property and the area; and
 - Living conditions of residents with regards to outlook.

Reasons

Character and Appearance

7. The appeal site is a vacant commercial premises located within Catford town centre, which contains a mixture of retail and other uses. The appeal site is a commercial premises which was constructed as part of a mixed-use redevelopment of the wider site. The frontage of the appeal property is boarded up, and the evidence suggests that the appeal premises has been vacant since it was constructed.
8. The proposal would involve the introduction of a simple modern shopfront to the premises. It would retain the low brick riser and would be constructed within the extant void in the frontage. This would represent an improvement in the currently unkempt façade of the premises and would complement the commercial nature of this area. On the same basis, the proposal would not harm the character, vitality or viability of this town centre area.
9. I therefore conclude that the proposal would not harm the character and appearance of the host property and the area. The proposal would therefore not conflict with the design requirements of Policy 15 of the Core Strategy 2011 and DM Policies 19 and 30 of the Development Management Local Plan 2014 (the DMLP). The proposal would also not conflict with the National Planning Policy Framework (the Framework) in respect of achieving well-designed places.

Living Conditions

10. There are residential properties in the vicinity of the site, including flats immediately above. However, the shopfront would not be obtrusive in views from these residential properties and would complement the mixed use nature of the site and the wider area.
11. I therefore conclude that the proposal would not harm the living conditions of nearby residents in respect of outlook. The proposal would therefore not conflict with the design and amenity requirements of Policy 15 of the Core Strategy and DM Policies 19 and 30 of the DMLP. The proposal would also not conflict with the Framework which seeks to provide a high standard of amenity for existing and future users of places.

Conclusion

12. For the reasons given above, I conclude that the appeal should be allowed.
13. In addition to the standard 3 year time limitation for commencement, a condition requiring the development to be carried out in accordance with the submitted plans is necessary to provide certainty.

14. The Council's suggested plans condition refers to a plan¹ which relates to a separate advertisement application at this site and is not relevant to this appeal relating to the shopfront. I have therefore not referred to this plan. I have also removed reference to the covering letter and planning statement as this is background information and sufficient detail is provided on the submitted plans.

David Cross

INSPECTOR

¹ 999-PR-03-REV 03