



Appeal Decision

Site visit made on 17 May 2023

by K Savage BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 June 2023

Appeal Ref: APP/C5690/W/22/3310915

1 Honor Oak Park, Crofton Park, Lewisham, London SE23 1DX

- 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 S Bekaj against the decision of London Borough of Lewisham.
 - The application Ref DC/22/128345, dated 8 September 2022, was refused by notice dated 3 November 2022.
 - The development proposed was originally described as 'installation of a retractable roof and sliding glazed panels to the front of the premises.'
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The description of development above is as originally put forward on the application form. However, I have noted the more comprehensive description subsequently used on the decision notice and appeal form which more fully describes the proposed works, namely '*Extension and alterations to the front seating areas including the creation of a smoking area and installation of retractable roofs, decking panels, glazed panels and railings.*' I have considered the appeal on the basis of this revised description.

Main Issue

3. The effect of the proposal on the character and appearance of the area.

Reasons

4. The appeal relates to an existing café occupying a corner building at the junction of Honor Oak Park and Brockley Rise. There are raised timber decking outside both frontages providing outdoor seating. The decking is enclosed by low level timber fencing. There are retractable awnings above each seating area, the outer edges of which are connected to the timber fencing by soft plastic screens, creating a continuous barrier to the elements on the outer face of each external structure, with the sides remaining open.
5. The proposal seeks to extend the decking area to one frontage of the property and add retractable roofs and sliding glazed panels of a more permanent nature to the existing seating areas.
6. The evidence before me indicates that the decking was permitted retrospectively in 2005 and has become established as part of the streetscene. The planning status of the awnings and soft plastic screens is not clear, but the awnings are of a type commonly found on commercial premises and can be retracted. The plastic screens, though lacking any aesthetic qualities, appear as

minor, removable elements. The appellant and an interested party comment that the existing building is looking worn and out of date, however my view on site was that the structures, though showing signs of weathering, were not in a state of dilapidation that was detracting significantly from the appearance of the building.

7. The proposal seeks to modify the structures to both frontages. The plans indicate that the awnings would be replaced by retractable roofs set within rigid frames that would also contain sliding glazed panels down to the level of the decking on the Honor Oak Park side, and fixed metal railings above the retained timber fencing on the Brockley Rise side. The plans also indicate the decking area would be extended further along the Brockley Rise elevation with a solid, timber façade.
8. Through the roof panels are indicated to be retractable and the glazed panels openable, their setting within a fixed frame would create a significantly more permanent structure than the existing arrangement, which can be reduced to just the timber decking and low level timber fencing with the awnings retracted, such that the façades of the host building can still be seen. Instead, the proposed structures would form physically and visually dominant additions in a prominent location on the street corner that would permanently obscure the ground floor of the original building and upset the consistent building line of both street frontages.
9. Moreover, whereas the existing arrangement on each façade is consistent in design and lends some symmetry to the overall building when viewed from directly opposite, the proposal would create two markedly different façades, one with glazed panelling and the other with timber fencing and fixed metal railings. The use of several different materials in such a manner would appear disjointed and cluttered and would severely unbalance the overall appearance of the building.
10. In particular, the use of metal railings to the Brockley Rise side would be an uncharacteristic and highly incongruous form of enclosure for an outdoor seating area. Together with the additional timber panelling to the extended part of the decking, the overall structure would heavily enclose the seating area and would have an imposing, defensive appearance in stark contrast to the typically open nature of outdoor seating that is intended to facilitate a vibrant, active streetscene.
11. On the Honor Oak Park side, the glass panelling and retractable roof would have a contemporary appearance that would clash with the traditional architecture of the host building. Although the glass panelling when lowered may allow a more open seating area on this side, the framing structures and roof would still render the structure more enclosing and physically dominant than the existing arrangement.
12. In reaching a view, I noted the wider streetscene is varied in the design and quality of shop frontages. However, where other outdoor seating exists, it is of a typically light touch approach, with modest forms of low level enclosures, retractable canvas awnings and removable furniture. In these respects, the proposal would be markedly out of character with its surroundings due to the scale and permanence of the proposed structures.

13. For these reasons, I conclude that the proposal would fail to preserve the character and appearance of the area. This would conflict with Policies D3 of the London Plan 2021, Policy 15 of the Lewisham Core Strategy (June 2011), Policies DM19, DM30 and DM31 of the Development Management Local Plan (November 2014), Policy BE2 of the Crofton Park and Honor Oak Park Neighbourhood Plan (May 2022) and Paragraph 126 of the National Planning Policy Framework. Together, these policies require development to achieve high quality design that positively responds to local distinctiveness; that respects and/or complements the architectural characteristics and detailing of the original buildings, and shopfronts that reflect and improve the character and quality of their surroundings.

Other Matters

14. The Council raised concerns over the level of enclosure proposed to the structure on the Brockley Rise side, in light of its intended use as a smoking area. I am not furnished with detailed evidence of the requirements for smoking areas, either in planning terms or under other legislation. However, given my conclusions on the main issue above, this is not a decisive matter and it is not necessary to consider it further as it would not have a bearing on the outcome of the appeal.
15. The Council did not refuse permission in respect of the effect of the proposal on neighbours' living conditions or highway and pedestrian safety. However, the absence of harm in these matters means they are neutral considerations weighing neither for nor against the proposal.

Conclusion

16. For the reasons set out, therefore, I conclude that the appeal should be dismissed.

K. Savage

INSPECTOR