



Appeal Decision

Site visit made on 21 November 2023

by Ms Watson BA(Hons), MCD, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 January 2024

Appeal Ref: APP/C5690/C/22/3305988

62 Deptford High Street, London, SE8 4RT

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended. The appeal is made by Lascaux Ltd against an enforcement notice issued by London Borough of Lewisham.
 - The notice, numbered ENF/19/00345, was issued on 29 July 2022.
 - The breach of planning control as alleged in the notice is "Unauthorised installation of metal door to shop front in conservation area".
 - The requirements of the notice are to: 1. Remove the unauthorised metal door and revert back to the original shopfront which was in place before works were undertaken, 2. Make good all damage resulting from the compliance with the requirements of this notice, 3. Remove all materials, debris, waste and equipment resulting from compliance with the above requirements of this notice from the land.
 - The period for compliance with the requirements is 6 months.
 - The appeal is proceeding on the ground set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Decision

1. The appeal is dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the Town and Country Planning Act 1990 as amended.

Main Issue

2. The main issue is whether the shopfront preserves or enhances the character or appearance of the Deptford High Street and St Paul's Church Conservation Area.

Reasons

3. The conservation area is centred on Deptford High Street. It is characterised by narrow plots, a variety of building heights of between one and four storeys, a mixture of roof forms, and a contrast between frontages and rear elevations – the rear elevations revealing earlier origins. There are dozens of pre-1800 buildings which are now rare in London. There are also buildings and shopfronts dating from the first half of the 20th century. There is surviving architectural detail such as doorcases, cornices and plasterwork. The street patterns, narrow plot boundaries and surviving historic buildings are evidence of Deptford's past history of being a separate town from London. The area has a retail and market character containing small independent retailers and it has popular markets. The significance of the conservation area is derived from its

- age; its development as a town; its historic layout; its historic architecture; and its vibrant retail activity.
4. The Council has pointed out that, from a Google Streetview image from 2019, it can see that the previous shopfront had a defined door fenestration and stallrisers. The appellant has confirmed that the door was inserted into the left-hand side of the shopfront in 2019.
 5. The door is wide due to the matching side panel which is part of the door fitting. It has been fitted after removing the glazing and stallriser that were previously in place and it fills the width of the frontage between the central shop door and the pilaster. This makes the shopfront visually unbalanced. Furthermore, the removal of the glazing has resulted in an uninteresting blank space. The door fitting has an excessively rudimentary appearance. Overall, it is unattractive, reduces visual vibrancy and it is out of keeping with the character of the shopping frontage of the street. It is the same colour as the rest of the shopfront but this does not mitigate the harm.
 6. The appellant has pointed out that numerous other shopfronts have a doorway to provide secondary access. However, none of the doorways I saw were directly comparable in design or position to the appeal door and even if they were, they would not justify further harm.
 7. The appellant has also drawn my attention to a variety of shopfronts in the area and has pointed out that some units do not have shopfronts at all. I accept that some units do not have shopfronts and also that there is a wide variety of shopfronts. Some shopfronts in the vicinity are of poor design. Nevertheless, the Council's Deptford High Street and St Paul's Church Conservation Area Appraisal and Management Plan, 2019 (CAAMP) cites unsympathetic shopfront replacements and a lack of shopfronts as being detrimental to the area. I consider that the shopfront, as altered by the insertion of the door, is detrimental to the area and is contrary to the objectives contained within the CAAMP. The Council's efforts in respect of the conservation area would be undermined by granting planning permission for this additional harmful development.
 8. Furthermore, I have a statutory duty under S.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. The existence of the other shopfronts or lack of them does not justify development which further erodes the character and appearance of Deptford High Street.
 9. For the above reasons, the appeal shopfront harms the character and appearance of the area and the building itself. It fails to either preserve or enhance the character or appearance of the conservation area. Given that the shopfront affects only a small part of the conservation area, I consider that the harm to the significance of the conservation area to be less than substantial and at the lower end along the scale of less than substantial harm.
 10. Paragraph 205 of the National Planning Policy Framework advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss, or less than substantial harm to its significance.

The Framework advises that less than substantial harm must be weighed against the public benefits of the scheme.

11. I note the appellant's comments that the door allows two businesses to trade independently. I also note that the door allows access to the premises very early in the morning without opening up the whole unit. However, these claimed benefits of the scheme do not constitute public benefits sufficient to outweigh the less than substantial harm to the conservation area.
12. I conclude that the development harms the character and appearance of the area and the significance of the conservation area. Therefore, it conflicts with Policies 15 and 16 of the Lewisham Core Strategy 2011; Policies DM 19, DM 30 and DM 36 of the Lewisham Development Management Local Plan 2014 and London Plan Policies D1, D4 and HC1. In combination and amongst other matters, these policies seek to ensure high quality design; to protect heritage assets and the townscape; and to ensure that shopfront design makes a positive contribution to the streetscape. It is also contrary to the Lewisham Shopfront Design Guide Supplementary Planning Document which seeks to ensure good shopfront design.

Conclusion

13. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Siobhan Watson

INSPECTOR