



Appeal Decision

Site visit made on 24 January 2024

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th February 2024

Appeal Ref: APP/C5690/W/23/3330721

302 Brockley Road, Crofton Park, Lewisham, London SE4 2RA

- 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 Ganoush Lebanese Grill Ltd against the decision of the London Borough of Lewisham.
 - The application Ref DC/23/131974, dated 20 June 2023, was refused by notice dated 17 August 2023.
 - The development proposed is a canopy to existing front area of restaurant.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of the proposal from the planning application form. However, I have removed the words 'retention of' as they are not a description of development. I saw for myself that the development is already in situ and therefore I have assessed the appeal on the basis that planning permission is being sought retrospectively.
3. Following submission of the appeal, the revised National Planning Policy Framework (the Framework) was published on 19 December 2023 and updated on 20 December 2023. The parts of the Framework most relevant to the appeal have not substantively changed from the previous version. Consequently, this update to national policy does not fundamentally alter the main parties' cases or prejudice their position at appeal, and it is not necessary to seek further comments.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

5. Brockley Road is characterised by a mix of mainly commercial and residential uses. The appeal site sits within a three-storey building. Within this building there is a parade of commercial units at street level with residential units above. The commercial units have forecourts. Other than some low-level boundary features, these forecourts are generally devoid of tall vertical features. From what I observed of this and other commercial parades on Brockley Road, where front projecting canopies exist, they are generally of modest depth, of a retractable design and are not fixed to the ground. Overall,

there is a pleasant degree of order and consistency to the scale and form of development within the street frontage on Brockley Road.

6. The Lewisham Shopfront Design Guide Supplementary Planning Document (2006) (SPD) confirms that the design and material of canopies is an important element in the character of shopfronts. It confirms that canvas canopies are usually appropriate but must be capable of being retracted and should not cover architectural details.
7. However, the canopy subject of this appeal is not of a design which reflects the guidance in the SPD. Its crude form and composition of materials, together with its substantial projection forward of the parade of commercial units appears significantly at odds with the open forecourts and more modest scale of canopies generally seen in the area.
8. The appellant contends that the canopy affords customers of the restaurant protection from the rain across the entire forecourt and that its removal would have negative consequences for their business. Whether or not that be the case, this does not justify poor design which detracts from the general order and consistency of the street.
9. I conclude, the development has a harmful effect on the character and appearance of the area. In that regard, it conflicts with the design and character requirements of Policy 15 (High quality design for Lewisham) of the Lewisham Core Strategy Development Plan Document (2011) and Policies DMP30 (Urban design and local character) and DMP31 (Alterations and extensions to existing buildings including residential extensions) of the Lewisham Development Management Local Plan (2014).

Conclusion

10. The development has a harmful effect on the character and appearance of the area. The development therefore conflicts with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. The appeal is therefore dismissed.

M Russell

INSPECTOR