



Appeal Decision

Site visit made on 5 February 2025

by T Gethin BA (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 February 2025

Appeal Ref: APP/N5660/W/24/3356076

463 - 465 Brixton Road, Lambeth, London SW9 8HH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Mohamed Fazlanie, Midas Ltd, against the decision of the Council of the London Borough of Lambeth.
 - The application Ref is 24/00851/FUL.
 - The development proposed is Enlargement of front ground floor windows and installation of central glazed shop entrance door.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. As the proposal is in a conservation area (CA), I have paid special attention to the desirability of preserving or enhancing the character or appearance of that area, as set out in section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the locally listed building and the Brixton CA.

Reasons

4. The appeal site contains a building with a well-balanced façade and high-quality design in a stripped classical style. Although the ground-floor frontage has a functional and defensive nature due to it being designed for use as a bank, it is embellished with detailed stonework and contains three well-proportioned arched windows between two historic double doors. The windows form part of the façade's notable architectural features.
5. The site sits within a row of striking 1930s-style retail buildings and the locality contains numerous other grand late 19th and early 20th century commercial development. Given the building's high-quality architecture and historic form, and that it is one of only two examples of functional, traditional bank architecture in the locality, the site positively contributes to the character and appearance of the surrounding area. This includes the Brixton CA which is significant for, amongst other aspects, its vibrant but historic centre which includes numerous imposing buildings. As identified in the submitted Design & Access and Heritage Statement, the building, designed by a local commercial architect, is also listed in the Council's local heritage list as a non-designated heritage asset due to its history, architecture and positive contribution to the CA.

6. The proposed lowering of the windows to the ground and the introduction of an entrance door in the middle opening would significantly alter the building's frontage to the detriment of its historic design and appearance. Whilst the façade would remain symmetrical and the enlarged openings would remain within the existing silhouette, the openings would appear out of proportion with the rest of the building and dominate its frontage and traditional double doors. Rather than suitably integrating with the building, the elongated openings would therefore read as insensitive features and significantly detract from the building's well-balanced façade and high-quality design.
7. Consequently, the proposed development would harm the character and appearance of the building significantly and the surrounding area. In coming to this view, I have taken into account that the development would retain a shopfront on the building and part of the granite plinth, and that some of the façade's other significant historic features – such as its arched window frames, materials and timber doors – would remain. The various changes to the building previously allowed and that other nearby units (including some of the historic shopfronts identified in the Council's Brixton CA Statement) have larger ground-floor windows, similar to those proposed, do also not lead me to a different conclusion.
8. For the above reasons, I conclude that the proposed development would harm the character and appearance of the locally listed building and the Brixton CA as a whole. I therefore find that it conflicts with Policies Q5, Q8, Q11, Q16, Q22 and Q23 of the Lambeth Local Plan 2020–2035 (LLP). Amongst other aspects, these resist poorly designed built form; seek to sustain local distinctiveness and retain shop fronts of historic and architectural quality; expect proposals to respond positively to the original architecture and fenestration of the host building and other locally distinct forms; support development that preserves or enhances the character or appearance of conservation areas; and expect proposals to preserve non-designated heritage assets.
9. In failing to preserve the character and appearance of the Brixton CA, I find that the appeal proposal would, in the words of the National Planning Policy Framework (Framework), result in less than substantial harm to the significance of a designated heritage asset. In such circumstances, the Framework requires that the less than substantial harm should be weighed against the public benefits.
10. The building's existing windows are positioned relatively high off the ground and this has, as per the submitted evidence, resulted in difficulties finding a new tenant for the ground-floor unit due to its limited presence on Brixton Road. Be that as it may, it is not vacant and my attention has been drawn to a former bank building which, whilst not being in Brixton, is in (leisure) use with its façade retained. In addition, although the appellant may wish to attract more prospective tenants who are interested in taking on the unit on more than a 'pepper-corn basis', the available evidence does not indicate that the existing façade makes the unit unusable and unviable. Whilst the existing fenestration is different to most other shopfronts in the area, the windows are also not above head height for the majority of people; and the building, although being less open and having a greater sense of solidity than others, does not present a blank, inactive frontage to the street.
11. It has been put to me that current economic circumstances are challenging and the UK's high streets have undergone fundamental changes since the Brixton CA Statement was prepared in 2012, and continue to deteriorate. It is also highly

unlikely that another financial business occupier would be found given the industry's move away from physical stores to online banking. Nevertheless, whilst the development may improve the retail facility in-line LLP Policy ED7, I have little substantive evidence that it is necessary to ensure the unit's continued long-term use and its contribution to employment opportunities or to secure the vitality and vibrancy of the Major Centre and shopping area. Although the appellant may wish for greater rental opportunities, the amount of rent the unaltered building may command neither changes this nor inevitably makes the unit – with its current historic façade – unviable and unoccupied. On this basis, it has also not been established that the development is needed to secure the optimum viable use of the heritage asset in support of its long-term conservation.

12. Lowering the openings would bring some more activity to the façade and a greater sense of openness to the ground floor. This would increase the unit's presence to passersby on the high street and enable the tenants to advertise and display their business activities to the public. As per the submitted evidence, this would also be likely to stimulate more interest from prospective tenants, including modern retail or leisure occupiers. Nevertheless, the public benefits stemming from these aspects would, for the reasons above, be limited.
13. In this instance, the public benefits arising from the proposed development do not outweigh the harm I have identified to the CA and the great weight given to the conservation of designated heritage assets. On a balanced judgement, taking account of the scale of the harm and the significance of the building, I find that the appeal proposal would also result in unacceptable and unjustified harm to the non-designated heritage asset.

Conclusion

14. The proposal conflicts with the development plan read as a whole and there are no material considerations which carry sufficient weight to warrant a decision otherwise than in accordance with it. The appeal is therefore dismissed.

T Gethin

INSPECTOR