



Appeal Decision

Site visit made on 24 March 2025

by **J Hills MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 04 April 2025

Appeal Ref: APP/C5690/W/24/3352250

96 Verdant Lane, Lewisham, London SE6 1LF

- 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 Jaspreet Nazran against the decision of the Council of the London Borough of Lewisham.
 - The application Ref is 24/136352.
 - The development proposed is ground floor side extension to commercial unit.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Following the Authority's notice of decision, the National Planning Policy Framework (the Framework) was revised on 12 December 2024. Having regard to the matters that are most relevant to this appeal, there have been few substantive changes albeit that the numbering of paragraphs has changed. Hence, I am satisfied that no one will be prejudiced by the changes to the national policy context.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

4. The appeal site comprises an end terrace property in mixed use with commercial at ground floor and residential above, much like many of those adjoining it. Here, the ground floor commercial unit closely follows the architectural form of the property's front and side elevations. It is positioned on a street corner where buildings tend to be set back from the pavement, creating an open and spacious layout. Even though on private land, having had regard to a previous appeal here¹, this sense of openness allows for a good degree of visibility that is welcoming for all road users navigating through the area to reach shops, services and bus stops.
5. As part of a car wash facility, there is an existing lightweight structure of limited quality and design that abuts a brick wall fronting Sandhurst Road. It is set well back from the busier Verdant Lane, which reduces its overall prominence. While some of the materials used in the proposed extension would markedly improve upon those found on this building that would be replaced, it would significantly

¹ APP/C5690/W/24/3352250

increase built form along Sandhurst Lane to the corner of Verdant Lane. This increased scale of development would have the effect of harmfully eroding the aforementioned qualities of the open street layout pattern.

6. The proposed fascia design would follow that of the existing commercial unit, though the overall height of the development would increase. Although this would be marginally greater than the existing car wash building, using some matching brickwork, it would nevertheless result in a disproportionately tall and rather prominent feature abutting the pavement and wrapping around the end of the terrace. The cumulative amount of new build would appear bulky and incongruous. Moreover, this increase in height would partially extend above the characterful side windows to the rear of the host property, which would not be a complementary feature.
7. The appellant says that the extension would result in a comparable shopfront to that of the existing, though its projection beyond the corner of the host property would unbalance this well-defined terrace. It would create an unusual adjunct to the street frontage that would appear out of place, conflicting with *context* and *identity* characteristics promoted in the National Design Guide. Moreover, the scheme would not result in the creation of a place that would add to the overall quality of the area, as promoted within paragraphs 131 and 135 of the Framework.
8. My attention has been drawn to the Council's Alterations and Extensions Supplementary Planning Document (SPD). The appellant says it is not relevant to this appeal as it specifically refers to residential development. The SPD does note though that *the guidance addresses many types of houses, roofs and buildings*. It adds that *there will always be schemes which fall outside the context this document. In those instances a reasonable and pragmatic approach will be taken*. While the SPD certainly focuses on residential schemes, the appeal building is partly a residential property. Informal advice set out in the SPD amplifies policies contained in Lewisham's Local Plan and is therefore not irrelevant. It represents a material consideration that can be afforded at least some modest weight. Nevertheless, it does not have the force of policy and this particular appeal outcome does not turn on its contents.
9. Be that as it may, for the reasons given, I conclude that the proposal would have a harmful effect on the character and appearance of the area. As such, there would be conflict with policies 30 and 31 of the Lewisham local development framework (LDF) Development Management Local Plan, Policy 15 of the LDF Core Strategy, and London Plan Policy D3. Collectively in this respect, these policies seek to promote high quality design that is sensitive to local context by delivering buildings and spaces that positively respond to local distinctiveness through their layout, scale, appearance and shape, with due regard to building types, complementing form and proportions, showing how the scheme relates to the scale and alignment of the existing street including its building frontages, delivering welcoming pedestrian routes to local facilities and the public transport network.

Other Matter

10. The Council is concerned that there are discrepancies in the plans in respect of the proposed side entrance door. Had I been otherwise minded to allow the appeal, and if necessary, this matter could have been addressed by way of an appropriately worded condition.

Other Considerations

11. The appellant claims the proposal would represent sustainable development. In terms of the economic and social arms of sustainability, there would be some modest benefits associated with the provision of a larger and more formalised commercial space in a location with good access to services and facilities. The economic benefits would arise both during the construction phase and thereafter in the local community through additional spend, which weighs moderately in favour of the proposal.

Conclusion

12. Section 38(6) of the Planning and Compulsory Purchase Act 2004 says development should be in accordance with the development plan 'unless material considerations indicate otherwise', and this is reaffirmed in the Framework.
13. I have found that the development would conflict with the development plan in that it would harmfully affect the character and appearance of the area. Furthermore, even when considered cumulatively, the weight given to the other considerations would not outweigh the identified harm. Accordingly, other considerations do not therefore indicate that permission should be granted contrary to the development plan. Therefore, the appeal is dismissed.

J Hills

INSPECTOR