



Appeal Decision

Site visit made on 8 April 2025

by G Bayliss BA (Hons) MA MA MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 23 April 2025

Appeal Ref: APP/A5840/W/24/3353371

6 Gibbon Road, Southwark, London SE15 2AS

- 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 Jag against the decision of the Council of the London Borough of Southwark.
 - The application Ref is 24/AP/1578.
 - The development is a single storey rear extension, alterations to front and rear elevations, alterations to existing shop ground floor internal layout and alteration to first floor flat internal layout.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In the banner heading above I have omitted the word 'retrospective' from the appellant's description as this is not an act of development. The evidence before me indicates that works have commenced but have not been completed. I have therefore mainly based my decision on the submitted drawings.
3. A revised 'Existing Elevations' drawing (Ref PL/06A) was submitted with the appellant's appeal statement to show the shopfront fascia sign retained. A revised fire statement also accompanies the appeal statement. As the proposed revisions would be relatively minor in nature, and the Council was able to comment on them, I am satisfied that the Council and interested parties would not be prejudiced by my consideration of these revisions. I have taken them into account in reaching my decision. As changes to the first floor of the rear elevation did not appear to be part of the Council's findings when it made its decision, I have limited my consideration to the single-storey rear extension only as expressed in Reason for Refusal No.2.

Main Issues

4. The main issues are:
 - The effect of the single storey rear extension and changes to the shopfront on the character and appearance of the host building and surrounding area;
 - Whether or not the changes to the ground floor frontage would unduly impact on the ability of the property to continue in a retail use, including having regard to the provision of an active retail frontage. Also, whether or not the scheme as a whole would in effect facilitate residential use, and if so, with the consequent consideration of the loss of retail space, living conditions of subsequent occupants and any affordable housing requirements; and

- The effect of the proposal on fire safety.

Reasons

Character and appearance

5. The property is a two storey, mid-terrace building which forms part of a small parade of mainly retail units located near to the junction with Evelina Road. Although some buildings in the parade have been subject to alteration, overall, they retain some shared features including their form and general appearance, including shopfront detailing. They read as a row of retail premises set within a mainly residential area and collectively contribute to the character of the area. The appeal building has been used as a post office with a residential use on the first floor but appears to have been empty for some time, with the ground floor last used for storage. The pre-existing plans show that the building had a large, glazed shopfront with corbelled fascia sign sharing similar details to some nearby properties. During my site visit I saw that the shopfront and fascia signage had been removed and the large opening infilled with brickwork, incorporating a window and doorway opening. This was similar to that shown in drawing Ref. PL/06A, although no fascia sign or joinery was in place.
6. To the rear elevation, a flat-roofed single storey extension has been added to the existing two storey rear projection, increasing its length and width. Its upper wall is increased in height to form an enclosure to a proposed roof terrace above. The extension would have wide glazed doors to the rear. The works carried out to the extension appeared to roughly correspond with the submitted drawing and an assessment of its visual effect was therefore possible.
7. The removal of the shopfront and replacement with increased walling and a door and window would give the building a much more domestic appearance. It would make a dramatic change to the legibility of the building in the streetscape. Even by retaining a retail sign above, the loss of the typically large area of glazing to display goods and attract customers, would result in the premises no longer looking like a shop. It would therefore harm the appearance of the building and erode the overall visual unity of the shop frontages that I have described above. These changes would not be sympathetic to the character of the area.
8. The appellant has commented that the door and window match those of No.2 and No.4 Gibbon Road. However, the Council comments that there is no planning history for No.4 and the windows in No.2 were in place before an Article 4 Direction was introduced which restricts such changes. I have little evidence to consider otherwise. The proposed window may reflect those on the first floor, but the shopfront is the main visual element of the building's character.
9. I saw on site that the ground floor rear extension could not be easily seen from Evelina Road as it was mainly screened by surrounding built development. From the rear track its overall scale and massing could be seen but it did not appear out of place, overly tall or overbearing in relation to the host building. When seen alongside the other outbuildings and lean-to additions, it merges into its context and has a relatively tucked away position. Although it would have a flat roof with raised parapet which increases its visual height, the ground floor addition did not jar with the form of the surrounding built context.

10. Whilst I find the ground floor rear extension to be acceptable, I have found harm arising from the works to the front elevation. As such, the proposal would harm the character and appearance of the host building and the surrounding area. The proposal would therefore conflict with Policies P13, P14 and P39 of the Southwark Plan (2022) (SP) which require development to respond positively to character and context, including works to shopfronts. It would also not meet the design expectations of the Framework.

Vitality of retail area and whether a residential use

11. The appeal site is located within the Nunhead Local Town Centre and is part of a Protected Shopping Frontage. SP Policy P35 requires, amongst other things, the retention of retail floorspace or replacement with an alternative use that provides a service to the public. This policy seeks to protect shops and other services near to residential neighbourhoods which are typically local parades and clusters of shops accessible by walking or cycling. SP Policy 37 relates to Protected Shopping Frontages (PSF) requiring that development must provide active ground floor uses to serve the public that would not harm the vitality and viability of the shopping frontage. It seeks to ensure that the quality and variety of these premises must not be eroded to protect accessible, retail facilities for the local community.
12. The appeal site is within a well-established, PSF which is recognisable as a parade of shops with an active frontage. It is close to busy roads and public transport and appears to have a relatively high pedestrian footfall. The Council comments that it monitors vacancy rates and in recent years the parade has been regarded as a relatively healthy shopping frontage. I did note on site, however, that a number had shutters drawn, but it was not clear to me which had ceased trading.
13. Shopfronts such as these in the row represent an open, active frontage which adds interest, life and vitality to the street and public realm. Internal uses are normally clearly visible from the outside which draws customers in. Whilst a reduction in retail floor space is not indicated by this proposal, the removal of the large shopfront and replacement with a more domestic façade would most likely affect the suitability of the property to continue as a retail unit. Despite the retention of a fascia sign above, the legibility of the premises would be eroded, and it would not be clear whether it was a shop or dwelling. Therefore, despite the intention to retain the retail unit, the changes mean that it would be unlikely to be attractive to tenants as they would not be able to clearly display their business activities. I have already commented above on Nos.2 and 4 Gibbon Road and have concluded that they are not typically representative of retail units in this parade. The development would, therefore, harm the potential of the building to remain as a retail unit. Furthermore, given the relatively small parade of shops, the loss of just one unit would have a disproportionate impact on the health and vacancy rate of the overall frontage. It would incrementally erode the concentration of retail activity in this area, threatening the viability of this relatively small parade, the vitality and vibrancy of the PSF and the Local Town Centre as a whole.
14. Although the evidence indicates that this retail unit has been closed for some time and was in a general state of disrepair, it is not clear to me why it remained underused. There is also little to suggest why the physical changes to the shopfront, which would appear to make it less attractive for retail use, were desirable or necessary.

15. I therefore find that the proposed changes to the ground floor frontage would unduly impact on the ability of the property to continue in a retail use, including having regard to the provision of an active retail frontage. The development would conflict with SP Policies P35, P37 and P39. It would also conflict with Policy SD6 of the London plan (2021) which seeks to preserve and enhance the local function of town centres. The Framework also highlights importance of promoting the long-term viability of town centres.
16. The Council has expressed concern that there is a likelihood of the ground floor unit becoming a dwelling, particularly as the building's proposed layout and features could effectively enable a change of use. Although the appellant has not applied for this change of use, looking at all the evidence, potentially it could be more suited to residential occupation. In this case, notwithstanding the loss of the retail use, the Council considers that a dwelling would represent poor quality accommodation, and there would be a need for an affordable housing contribution. Although this matter is not before me, I share the Council's concern that the scheme could in effect facilitate residential use. Therefore, if indeed this is the intention, then such a change of use would require a separate planning application to consider all relevant matters.

Fire safety

17. Policy D12(A) of the London Plan requires development proposals ensure the safety of all building users and should be designed to incorporate appropriate features to reduce the risk to occupants in the event of a fire. It lists several criteria to ensure fire safety. Although the Council has commented that Fire Statements should be produced by a suitably qualified, independent professional, this requirement appears only to relate to major developments.
18. The revised fire statement (Rev A) considers both the first floor residential element and the ground floor retail unit. The Council has noted the revised fire statement but has not commented in any detail on its adequacy. The statement appears to comply with the criteria in Policy D12A and I have little reason to doubt its acceptability. In any event this policy comments that matters of fire safety compliance is covered by Part B of the Building Regulations. Therefore, I find that the proposal would not have a harmful effect on fire safety, and it would accord with Policy D12 of the London Plan.

Conclusion

19. Although I have found that the proposal would have no harmful effect in relation to fire safety, this is a neutral matter weighing neither for nor against the development. I have, however, found harm to the character and appearance of the area and to the ability of the property to remain in retail use which would harm the vitality of a retail area. Therefore, the proposal would conflict with the development plan, when read as a whole. Material considerations, including the Framework, do not indicate that a decision should be made other than in accordance with the development plan. Having considered all other matters raised I therefore conclude that the appeal should be dismissed.

G Bayliss

INSPECTOR