



Appeal Decision

Site visit made on 1 July 2025

by **F Rafiq BSc (Hons) MCD MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 31 July 2025

Appeal Ref: APP/C5690/W/25/3361853

273 Brownhill Road, Lewisham, London SE6 1AE

- 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 O David against the decision of the Council of the London Borough of Lewisham.
 - The application Ref is DC/24/137166.
 - The development proposed is the change of use to a take away and eat in from use class E and installation of an extractor flue on the rear elevation.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposed development would result in the over-concentration of takeaways and the effect on the vitality and viability of the local parade.

Reasons

3. The appeal property comprises of a mid-terrace unit situated in a short parade of properties that contains retail and commercial uses at ground floor level. A church is located opposite the site, with the wider area being predominantly residential.
4. Policy E9 of The London Plan sets out that the over-concentration of hot food takeaway uses should be carefully managed. The Council's Development Management Local Plan at DM Policy 18 (Local Plan) states, amongst other matters, that the number of hot food take-away shops in Local Parades of nineteen units or less should not exceed one hot food take-away shop.
5. The appeal property is not within a Major, District or Local Centre where Local Plan DM Policy 18 identifies different percentage thresholds where the Council will consider granting permission for new hot food take-away shops. It is however within a Local Parade which is defined by the Local Plan as a group of at least four contiguous shops, and as such, part 2 b. of Local Plan DM Policy 18 is relevant. As there are already two existing hot food take-away shops on this parade, a third, as is proposed, would result in half the units being in such a use.
6. There is an existing convenience store within this parade, as well as another nearby. Despite this, and the proximity of the appeal site to Catford Centre, the proposal would erode the number of retail units in this parade. This would harm the vitality of this shopping area and be contrary to part 2 d. of Local Plan DM Policy 18.

7. The proposal would maintain the shop frontage and the opening hours would reflect other uses in the parade, with a number of full time employment opportunities being created. These factors would not overcome the harm I have identified from the proposed use, which would result in the unacceptable concentration of hot food take-away uses.
8. I conclude that the proposal would result in the over-concentration of takeaways and would undermine the vitality and viability of the local parade. As such, it would conflict with Local Plan DM Policy 18 and Policy E9 of The London Plan, which seek, amongst other matters, a successful, competitive and diverse retail sector and to manage the over-concentration of hot food takeaway uses.

Other Matters

9. The proposal would not give rise to concerns on its proximity to schools and would be acceptable in relation to the effect on neighbouring occupiers living conditions, visual amenity, transport and waste storage and collection arrangements. These are however neutral matters and are not ones which weigh in its favour.

Conclusion

10. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above, I conclude that the appeal should be dismissed.

F Rafiq

INSPECTOR