
Appeal Decision

Site visit made on 22 October 2025

by K Lancaster BA (hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 October 2025

Appeal Ref: APP/N5660/W/25/3371165
149 Streatham High Road, London, SW16 6EG

- 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 Mubarak Kuniyil against the decision of the Council of the London Borough of Lambeth.
 - The application Ref is 25/01698/FUL.
 - The development proposed is change of use to accommodate Sui Generis (takeaway and Eat in) use and E(b) Sale of food and drink for consumption (mostly) on the premises, including installation of a flue to the rear.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the appeal site is a suitable location for the proposed development having regard to development plan policies relating to the promotion of healthy lifestyles.

Reasons

3. The appeal site comprises the ground floor unit within a two-storey, mid-terraced building. The surrounding area is characterised by mix of retail, hospitality and service uses, including takeaway and eat-in premises. It is a busy commercial area.
4. The proposal seeks to change the use of the premises from a café to a mixed-use comprising restaurant (Use Class E(b)) and takeaway (Sui Generis).
5. Policy ED8 of the Lambeth Local Plan 2020–2035 adopted September 2021 (the LP) seeks to manage the location of hot food takeaways in close proximity to schools in order to promote healthy lifestyle. Policy ED8(e) states that proposals for hot food takeaways will not be permitted within 400 metres of the boundary of a primary or secondary school.
6. Although the appellant states that there is no direct route or visibility between the primary school and the appeal site. The appeal site is nonetheless located within approximately 370 metres of St Leonard's Primary School. Therefore, there would be conflict with Policy ED8(e) of the LP.
7. I acknowledge that the appeal site is located in a mixed commercial area, which means that there are already a number of existing hot food takeaway premises selling similar food. I also acknowledge that due to the busy nature of the area, the

premises would be likely to attract a wide range of customers, not just school children. Nevertheless, it would contribute to increasing the concentration of these uses.

8. The appellant states that the hours of operation could be regulated and a condition used to control the use of certain promotions at school times. However, no details of the proposed opening hours have been provided. Furthermore, it is unclear whether a planning condition could be effective in controlling the menu and the types of offers that the premises may offer.
9. The proposed development would result in some economic benefits, providing employment, investment into an existing commercial unit and by supporting a vibrant town centre. However, these benefits would be limited as a result of the small-scale of the commercial use. Therefore, these benefits would not sufficiently outweigh the harm which would arise as a result of the conflict with Policy ED8 of the LP and in particular, the Council's desire to promote healthy lifestyles.

Other Matters

10. The appeal site is located within the Streatham High Road and Streatham Hill Conservation Area (the CA). The significance of the CA lies primarily in its rich historical, architectural, and cultural heritage. It reflects Streatham's evolution from a Roman settlement to a vibrant suburban hub, showcasing a diverse mix of architectural styles including Victorian, Edwardian, and Art Deco. As the proposal lies within the CA, I have had special regard to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
11. The only external works to the building would involve the installation of a flue to the rear of the building. Based on the evidence before me, including the limited scale of the development and the fact that the development would be located to the rear of the building and not visible within the street scene, I am satisfied that the proposal would have a neutral effect on, and therefore preserve, the character and appearance of the CA.

Conclusion

12. For these reasons, the proposal conflicts with the development plan as a whole, and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, the appeal is dismissed.

K Lancaster

INSPECTOR