



Appeal Decisions

Site visit made on 20 January 2026

by **M. P. Howell BA (Hons) Dip TP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 16 February 2026

Appeal A Ref: APP/C5690/C/24/3355454

Land at 51 Sydenham Road, London, SE26 5EX

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mr Mohammed Rahmat against an enforcement notice issued by the Council of the London Borough of Lewisham.
- The notice was issued on 15 October 2024.
- The breach of planning control as alleged in the notice is without planning permission, alterations to the front of the property (a replacement shop front).
- The requirements of the notice are to:
 - (1) Remove the current shop front; and
 - (2) Reinstall the previous shop front (complete with stallriser) as shown in the elevation drawing in Image 1 (attached to this Notice) and
 - (3) Remove all materials, debris, waste, and equipment resulting from compliance with Steps (1) and (2) of this notice from the land.
- The period for compliance with the requirements is : 6 (six) months after the notice takes effect.
- The appeal is proceeding on the ground set out in section 174(2)(g) of the Town and Country Planning Act 1990 (as amended).

Summary Decision: The appeal is allowed, and the enforcement notice is varied.

Appeal B Ref: APP/C5690/Z/24/3355522

Ground Floor Unit, 51 Sydenham Road, Lewisham, London SE26 5EX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant full planning permission.
- The appeal is made by Mr S Mohammed against the decision of the Council of the London Borough of Lewisham.
- The application Ref is DC/24/137167.
- The development proposed is installation of a new shopfront.

Summary Decision: The appeal is dismissed.

Preliminary Matters

1. The description of the proposal set out in the original Application Form and Appeal Form indicate that the application for the installation of the new shopfront is retrospective. However, this does not need to be set out in the description of the proposal. As such, I have removed the unnecessary words- 'retrospective planning application for' from the description of the proposal in Appeal B, and this is reflected in the banner heading above.
2. The section 174 appeal (Appeal A) is concerned with the operational development alleged in the Enforcement Notice (Notice) which consists of alterations to the front of the property resulting in a replacement shopfront. There is no ground (a) appeal with Appeal A, but the drawing reference, AD/24/SYD51/RPL02 submitted with Appeal B, is consistent with what I observed on site. As such, I am satisfied that there are no significant differences between what has been carried out on site and what is shown on the drawings included with Appeal B.

3. During the course of the appeal, the government published a consultation National Planning Policy Framework, which sets out changes to the existing National Planning Policy Framework 2024 (the Framework), along with other changes to the planning system and accompanied by a Written Ministerial Statement. As the proposed reforms are in draft and may be subject to change before the final document is published, I have given them only very limited weight at this stage. Having regard to the determining issues of this appeal, it has not therefore been necessary to consult the parties on the changes and, in reaching my decision, I have had regard to the existing Framework.
4. Since the original decision, the Lewisham Local Plan 2020-2040 was adopted by the Council in July 2025 (Local Plan). This replaces the Lewisham Core Strategy 2011, and the Lewisham Development Management Local Plan 2014 documents and their policies., such that the policies cited on the Notice and the reasons for refusal on the decision notice are no longer part of the development plan and have no weight. Therefore, the main parties were given time to provide observations on the changes to the Local Plan, and I have considered the relevant replacement policies highlighted.

Appeal B- Section 78

5. The **main issue** in this appeal is the effect of the development on the character and appearance of the area, including the preservation or enhancement of Sydenham Thorpes Conservation Area (Conservation Area).

Reasons

6. This appeal site relates to the ground floor of a four-storey mid-terrace property, located on the northern side of Sydenham Road within the Conservation Area, close to a junction with Queensthorpe Road. I have a statutory duty under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of the area.
7. The significance of the Conservation Area is derived from the architectural and historic interest of the Thorpes Estate, an Edwardian residential development consisting of six roads laid out between 1901 and 1914 to the rear of Sydenham Road. In 2007, the Conservation Area was extended to include the parade of shops lining Sydenham Road to the south. As this part of Sydenham Road was a more recent extension to the Conservation Area, the Sydenham Thorpes Conservation Area Character Appraisal does not detail the appeal site and Sydenham Road.
8. However, the buildings included are purposely built commercial terraces of three storeys plus attics, constructed in red brick with stone dressings, and some feature decorative curved Dutch gables on the upper floors. As with the residential properties in the adjoining estate, the special character is created by the strong cohesiveness and uniformity of the buildings. The appeal site and the terrace block where it is situated form a historic commercial street scene, and the upper floors largely maintain a cohesive character in terms of historical architectural features, materials, and finishes.
9. The ground floor has been subjected to various changes, and there is a significant variety in terms of the appearance of the shopfront and signage in the locality, detracting from the more traditional features on the upper floors. Nevertheless, the historical pilasters on either side of the shopfronts have been maintained, together with stallrisers and the more traditional framing of the shopfront, even if undertaken with more modern materials. The retention of the pilasters, stallrisers and the framed

design of the shopfront helps to provide consistency on Sydenham Road, which adds significance to the Conservation Area.

10. The previous shop front at the appeal site retained a small stallriser and the pilasters but had been altered from its original design. The previous shopfront included an aluminium and glass framed shopfront with a central doorway, a fanlight above the door, as well as transom bars above the main windows on either side. Despite the changes, the retention of the pilasters and stallriser together the framing and transom lights are elements that connect it to historic shopfront design, which contributes to the historical shopfront design features present on Sydenham Road.
11. Paragraph 212 of the Framework advises that when considering the impact of a development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
12. Policy QD11 of the Local Plan indicates that new shopfronts must be designed to a high standard and should not impact on local character. When retaining, refurbishing or replacing shopfronts, the development must preserve architectural and historic character, use high-quality materials and colours that are sensitive to local character. Development must be of a proportion, scale and quality that responds to the character of the host building. Criterion (I) of the policy sets out that for shopfronts in Conservation Areas, original historic shopfront windows and framework features should be retained or restored, where appropriate.
13. The Shopfront Design Guide Supplementary Planning Document (Shopfront SPD) acknowledges that modern materials such as plastics and aluminium can find their place in contemporary designs, but it firmly notes that these materials typically fall short in historic contexts, especially within conservation areas. Furthermore, that new shopfronts should resonate with the style of the building they occupy, reinforcing or, at the very least, maintaining the character of the conservation area.
14. The shopfront development subject of this appeal replaced the previous shopfront with a frameless, fully glazed design. The shopfront retains a small stall riser and pilasters. Still, the display window is taller in proportion and lacks the framing of the previous shopfront, which emphasised the fanlight above the door and mullion bars on either side. The contemporary approach, resulting in a larger window display and devoid of any visible framework or traditional materials, compromises the architectural integrity that local policies aim to uphold. Being largely made of glass with visible metal fixings above the door, its design diverges from the more traditional framed design and materials. This modern intervention disrupts the consistently framed shopfront design largely present in the immediate street scene and does not seek to introduce historical features or materials characteristic of the Conservation Area.
15. Accordingly, the development fails to meet the high standards required for shopfronts in conservation areas, neither preserving nor enhancing the character of this heritage asset. Although it is acknowledged that the previous iteration was not an original shopfront, the changes made still result in harm to the significance of the Conservation Area, which is less than substantial. Paragraph 215 of the Framework is applicable in these instances and indicates that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

16. The appellant has not set out any public benefits, but I note the shopfront has been constructed well, and the updating of an old shopfront is considered a positive. However, these public benefits of the scheme are limited and do not outweigh the less than substantial harm to the Conservation Area. When coming to this conclusion, I am giving significant weight and importance to paying special attention to the desirability of preserving or enhancing the character or appearance of the heritage asset.
17. The development, therefore, harms the character and appearance of the building and the wider street scene, which does not preserve nor enhance the significance of the Conservation Area. As such, it is contrary to Policies QD11, HE1 and HE2 of the Local Plan; Policies HC1 and D3 of the London Plan and the Shopfront SPD, which collectively seek to ensure new development responds to local character, is sensitive to the local context and conserves or enhances the significance of heritage assets. The development is also contrary to the Framework, which, amongst other things, seeks high standards of design that would conserve and enhance the historic environment.

Appeal B on Ground (g)

18. An appeal on this ground is that the period specified in the notice falls short of what should reasonably be allowed. The Notice specifies a compliance period of 6 months starting from the date the notice takes effect. The appellants wish to extend the period of compliance by 3 months, resulting in a total of 9 months to comply with the requirements.
19. The appellant has indicated that the proposed works to comply with the Notice are not inconsequential. It is indicated that there is a general shortage in the availability of skilled labour and extremely short lead in times would make appointing a suitable contractor difficult. Furthermore, complications over party wall notices having to be served as well as potential inclement weather over winter months, it is considered that a nine month period would be a more reasonable period for compliance.
20. I appreciate that the appellant has not provided any corroboratory evidence in respect of the availability of skilled labour and party wall issues. Nonetheless, having regard to the impact the works could have on the business, together with the need for the removal of a shopfront and its reinstatement (my emphasis) to comply with the Notice, I am satisfied that skilled labour would be required.
21. In light of the requirements needing to ensure the replacement shopfront accords with the previous condition, I consider that a period of time more than 6 months can be justified. However, given that the appellant's claims in respect of the shortage of skilled labour in this field as well as time required for a party wall have not been substantiated by corroborating evidence, I consider an 8 month period to remove the existing shopfront and replace it would be sufficient. This time frame would strike an appropriate balance between having to minimise the harm identified to the Conservation Area and the appellant's need to find a contractor, serve the appropriate Notices and conduct the work.
22. I have had regard to the appeal decisions highlighted by the Council¹ when making this decision. However, the appeals highlighted are not comparable in respect to the development being enforced against and the requirements of the Notice. Three of the appeals related to extensions or buildings to be demolished. The appeals highlighted

¹ Appeal references 3316322, 3307774, 3295018, 3307774, 3316322

that involve shopfronts only required the removal of a roller shutter or the shopfront for compliance, with no requirement to reinstate. As such, I have considered this ground (g) appeal on its own merits.

Conclusions on Appeals A and B

23. In regard to Appeal A, I conclude that the period for compliance with the Notice falls short of what is reasonable. I shall vary the enforcement notice prior to upholding it. The appeal on ground (g) succeeds to that extent.
24. For the reasons given above, Appeal B should be dismissed.

Formal Decisions

Appeal A Ref: APP/C5690/C/24/3355454

25. It is directed that the Notice is varied by:

In paragraph 6, Time for Compliance, deleting the number and word '6 (six)' and substitution with the number and word '8 (eight).'

26. Subject to the variation, the enforcement notice is upheld.

Appeal B Ref: APP/C5690/Z/24/3355522

27. The appeal is dismissed.

M. P. Howell

INSPECTOR