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## Appeal Decision

Site visit made on 5 February 2021

by **D Cramond** BSc MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 01 March 2021

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### **Appeal A - Ref: APP/C5690/W/20/3253832** **15A-17 Perry Vale, Forest Hill, London, SE23 2NE**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Birjesh Thakker (JK Banquet) against the decision of the Council of the London Borough of Lewisham.
  - The application Ref DC/20/115784, dated 7 February 2020, was refused by notice dated 16 April 2020.
  - The development proposed is a new shopfront.
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### **Appeal B - Ref: APP/C5690/H/20/3253504** **15A-17 Perry Vale, Forest Hill, London, SE23 2NE**

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
  - The appeal is made by Mr Birjesh Thakker, JK Banquet against the decision of the Council of the London Borough of Lewisham.
  - The application Ref DC/20/115785, dated 7 February 2020, was refused by notice dated 17 April 2020.
  - The proposal is to display a non-illuminated fascia sign.
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## Decisions

### Appeal A

1. The appeal is allowed and planning permission is granted for a new shopfront at 15A-17 Perry Vale, Forest Hill, London, SE23 2NE in accordance with the terms of the application, Ref DC/20/115785, dated 7 February 2020, subject to the following condition:
    1. The development hereby permitted shall be carried out in accordance with the following approved plan: AME/PP/69/07B with its referenced semi-transparent membrane being applied to all framework within six months of the date of this decision and retained thereafter. For the avoidance of doubt the application of brick stickers or glazing changes, notwithstanding that both are indicted as proposed future changes on the cited plan, are not a pre-requisite of this condition and decision.
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### Appeal B

2. The appeal is allowed and express consent is granted to display a non-illuminated fascia sign as applied for. The consent is for ten years from the date of this decision and is subject to the five standard conditions set out in the Regulations.

### **Preliminary Matter**

3. The works for both appeal proposals have largely been completed; this does not alter my approach to determining the merits of the proposal.

### **Main Issues**

4. The main issue for Appeal A is the effect of the proposal on the character and appearance of the host property and the locality and for Appeal B it is the effect of the proposal on amenity of the area.

### **Reasons**

5. The appeal proposals relate to a shopfront and side entrance area to rear facilities which are located on the typical projected retail element of a three storey building. The property is in a secondary retail stretch at Forest Hill running at right angles off the area's main through route. There is a variety of retail and service based commercial premises on both sides of Perry Vale and the scene is typical of an unremarkable non-prime area. The shopfronts and fascia signage are in many cases far from traditional, in differing states of condition, and at times uninspiring. Fronts vary considerably, often reflecting the uses, for example the subtle deli, the functional general store, the bright open take away.

### Appeal A

6. The shopfront the subject of this appeal does draw the eye in this scene. In its present state it is gold in reflective, almost mirrorlike, finish and has a large glass to frame and stall riser ratio. The Council considers the design to be inappropriate and the materials to be incongruous and of poor quality and that the overall result is a shopfront which is harmful to the character and appearance of the subject building, shopping parade, and wider district centre.
7. I am aware that the works are not complete as a membrane is to be applied which would reduce the degree of shine. In terms of the membrane, I have more confidence than the Council that this can be done to be effective and without looking second rate. A simple toning down a little of the finish would make the frontage less garish. This is not a Conservation Area. I do readily take the Appellant's points that it is good to see investment in this parade and that not everyone shares the same taste. Approaches to businesses vary and I recognise a gold finish to many would represent prosperity and success and in its own right to a degree act as signage for the business. As I note above other premises do not have uniform frontages, they are chosen for and by the business operators. A wish to stand out to a degree is not an ambition which should always be denied unless manifest wider harm is caused to character and appearance attributes or the economic well-being of an area. In my opinion these negatives do not arise here.

8. In terms of proportions, glazing patterns, base materials used, framing relative to the footway, and the doorway system I find nothing offensive or inherently of poor design or quality. With the modification as proposed I am content that the appeal scheme will preserve immediate and wider character and appearance. The scheme will sit comfortably with the host building and add further visual interest, life and aesthetic appeal to the locality.
9. Policy 7.4 'Local character' and Policy 7.6 'Architecture' of the London Plan (March 2016); Policy 15 'High quality design for Lewisham' of the Core Strategy (June 2011); DM Policy 19 'Shopfronts, signs and hoardings', DM Policy 30 'Urban design and local character', DM Policy 31 'Alterations and extensions to existing buildings including residential extensions' of the Development Management Local Plan (November 2014) are relevant to this case. Taken together, and amongst other matters, these policies seek to protect the appearance and character of buildings and neighbourhoods. I conclude that the appeal proposal would run contrary to these policies. I note the guidance within the Shopfront Design Guide Supplementary Planning Document (March 2006) and its objective of securing well designed and appropriate shopfronts and I see no conflict with that aim. In any event the document cannot be expected to cover every eventuality and it is reasonable on occasion for guidance to be treated with flexibility.
10. In terms of conditions the work has largely been completed and so no commencement condition is required. There is also no need to restate all the submitted plans to 'retain' the frontage as is, because change would require permission. However, one plan is key – AME/PP/69/07B – because it refers to the application of the semi-transparent membrane to tone down the reflect gold coloured framing. In the interests of visual amenity I shall apply a condition accordingly with direct appropriate reference to the membrane. The plan also refers to applying brick stickers at the lowest level and may also imply changed glazing. Notwithstanding the terms of the plan I do not see either of these alterations as necessary to allow the development.

#### Appeal B

11. The Council's Decision Notice refers to development plan policies. The Regulations require that decisions be made only in interests of amenity and public safety. Therefore development plan policies alone cannot be decisive, but I have taken them into account as a material consideration. In this instance the Council raises no concerns with regard to public safety.
12. The Council is concerned that the fascia sign's design, size and siting, makes it over dominant and out of scale with the building and overall harmful to the character and appearance of the host property and the surrounding street scene. In my assessment the layout and typeface is simple and unfussy, not overly subtle but not beyond some examples found locally. The lettering is not out of sync with the reasonable dimensions of the fascia and both the lettering and fascia are positioned on the building at the height and length and depth one would expect and see along this stretch. There is no illumination. I would not criticise a golden reflective finish for lettering; it seems to me reasonable to allow the Appellant's choice of fascia lettering on this varied and unremarkable secondary shopping frontage.

13. Given the immediate and wider context I conclude that the fascia sign is suitable for this position in amenity terms and that standard controlling conditions are all that is required in this instance.

**Overall conclusions**

14. For the reasons given above I conclude that:

- the Appeal A proposal would not have unacceptable effects on the character and appearance of the host property and the locality; and
- the Appeal B proposal would not have unacceptable effects on the amenity of the area.

15. Accordingly, the appeals are allowed.

*D Cramond*

INSPECTOR