
Appeal Decision

Site visit made on 17 October 2016

by Tim Wood BA(Hons) BTP MRTPI

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

Decision date: 03 November 2016

Appeal Ref: APP/K5600/W/16/3156851
2 Blenheim Crescent, London W11 1NN

- 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 and Mrs D Guinness against the decision of The Council of The Royal Borough of Kensington & Chelsea.
 - The application Ref PP/16/03106, dated 17 May 2016, was refused by notice dated 15 July 2016.
 - The development proposed is the change of use of the first and second floors to a live/work unit.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Council's second reason for refusal related to the absence of a means to secure the proposed development as 'parking permit free'. The appellants have submitted a completed planning obligation which appears to address the Council's concerns and the matter is not raised in the Council's submissions.

Main Issue

3. Taking account of the above, the main issue in this appeal is the effects of the loss of office floorspace associated with the proposal.

Reasons

4. Policy CF5 of the Council's Consolidated Local Plan 2015 (CLP) seeks to ensure the provision and protection of offices within the Borough. Specifically, Policy CF5 resists the loss of office floorspace in a town centre location, such as this. It allows for certain exceptions within town centres where the floorspace is to be replaced by retail, social/community use or by another town centre use ("not residential") where this allows the expansion of a neighbouring premises.
5. The first and second floor of the building has a separate access at the street level and is not linked internally with the ground floor retail use. The appellants indicate that the appeal site (ie the first and second floors) are used in connection with the retail use and that is what is intended by the appeal scheme. However, it is acknowledged by the appellants that the authorised use of the appeal site is as offices. From my observations, it is obvious that the entire second floor comprises residential use, being 2 bedrooms and a

bathroom. The first floor use is disputed by the Council and the appellants, with the Council considering that it reflects a predominantly residential use. Its appearance is somewhat ambiguous to me and I shall treat the appeal on the basis of the documentation as applied for.

6. It is common ground that the second floor would be lost from its authorised office use. Some elements of the first floor appear more conducive to residential use rather than commercial use and the apparent sharing of a kitchen and absence of a living room for the residential element further blurs matters. At the Council's calculation around 100 sqm of office floorspace would be lost and the appellant puts this at about 37 sqm.
7. The basis of Policy CF5 is that offices provide a valuable resource in town centres, maintaining a diversity of uses and contributing to a range of facilities within accessible locations. Even taking the lowest suggested figure put forward by the appellant, the proposal would result in the loss of office floorspace contrary to Policy CF5. The importance of offices to the local economy is reinforced by the Council's exemption to permitted development rights to change offices to residential uses. Furthermore, the Council submits evidence of a strong demand for offices locally, notwithstanding the identification of some vacant premises by the appellants.
8. I note that the appellant seeks to support the proposal in that a new residential unit will be created and also that the existing shop business has particular needs for space. I have taken account of these and other matters raised. However, they are of insufficient weight to set aside the harm that I have identified in relation to the loss of office space, contrary to Policy CF5. As a consequence, the appeal is dismissed.

S T Wood

INSPECTOR