
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: 4 November 2016

Appeal Ref: APP/H5960/W/16/3150360

148 Penwith Road, Wandsworth, London SW18 4QB

- 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 Ridan Realty against the decision of the Council of the London Borough of Wandsworth.
 - The application Ref 2015/4513, dated 3 August 2015, was refused by notice dated 1 April 2016.
 - The development proposed is conversion of upper floors, extension of 2nd floor and erection of 3rd floor to accommodate 9 residential units.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:
 - The effects of the proposal on the Locally Significant Industrial Area (LSIA)
 - Whether adequate provision for disabled parking exists

Reasons

The effects of the proposal on the Locally Significant Industrial Area (LSIA)

3. The appeal relates to parts of this 3 storey commercial building that is located within the Thornsett Road LSIA. The relevant part of the building is used for a variety of purposes which include a gas engineers training facility, offices for a music school, and some units have been granted residential use under the prior approval procedure.
4. Policy PL 6 of the Core Strategy (CS) and Policy PL 7 identify, amongst other things, the LSIA's and states that the Strategic Industrial Locations and the LSIA's comprise "*the strategic reservoir of industrial land in the borough*". The supporting text recognises the importance of LSIA's and refers to low vacancy rates within them. Policy DMI1 of the Development Management Policies (DMP) states that within LSIA's the loss of existing B1(c), B2 and B8 floorspace will be resisted and that other uses are considered unacceptable, with the exception of small scale uses which cater for the local needs of people working in the area. The supporting text confirms that Wandsworth is identified in the London Plan as falling within the restricted category for the transfer of

industrial land and so the Council seeks to protect such land from non-industrial purposes.

5. The Council refer to the existing use of part of the building for gas engineers' training, stating that it falls within use class D1, which is not specifically protected by the above policies. However, it is stated that the use will be most likely to involve the process of fitting gas installations and appliances which is similar to an industrial process and, in support of their position, the Council add that the permission for that use specifically restricted it to a training centre and concludes that the existing use makes a positive contribution to training needs and the wider provision of industrial and utilities infrastructure in the area.
6. The appellant points out that the appeal site does not contain any uses protected by Policy DMI1 and the approved use for residential units (granted under the prior approval procedure) confirms the acceptability of more residential use. I have taken careful account of the various uses of the appeal site, to its surroundings and the intentions of the policies set out above. Whilst it is clear that the appeal site does not contain any of the 'B' uses referred to in Policy DMI1, some of the uses that do exist can be considered to contribute to employment and industry. In a wider sense, therefore the existing uses of, at least part of, the site can be seen as contributing to the reservoir of industrial land in the borough wherein they could be drawn upon to meet the demand for such land, whilst still making some contribution at the present time, although outside the 'B' uses.
7. Policy PL5 of the CS relates to the provision of new homes and identifies areas where such development may be directed to. The supporting text identifies that *"it is important that new housing is not provided at the expense of employment land needed to support the prosperous, local economy in Wandsworth"*. Policy DMS 1 of the DMP sets out general principles for development and states that proposals should take into account the operational needs of existing businesses. Policy DMH 4 of the DMP relates to residential development and states, amongst other things, that a satisfactory environment for housing is provided and the supporting text confirms the Council's view that LSIA's are not suitable for residential accommodation. The appellant refers to the existing uses in the area and to the use of insulation as a means of protecting residents against unacceptable noise.
8. Whilst there are residential uses close to the site I note that these are outside the LSIA and those that have been approved within the appeal building have been the subject of a specific procedure whereby the range of issues to be considered is restricted. I have also noted the other uses around the appeal site and noted that a number include B2 uses. I have also taken account of the possibility of future changes within the LSIA which are acknowledged as a reservoir for industrial uses and so where the change in industrial activity by the coming and going of individual enterprises will be expected. In this context I have concerns that the commercial uses that are present and those that could be expected in a LSIA would give rise to activity that is not compatible with the high quality of residential environment that is to be expected. This is not something that would be entirely or satisfactorily addressed by the use of insulation or any other means that I am aware of. In addition, the imposition of residential occupiers into an industrial area would give rise to an understandable expectation of some degree of freedom from disturbance. In my view there is a real possibility that this would give rise to restrictions on

existing or future industrial occupiers that would unreasonably fetter their operation and so compromise the function of the LSIA. I do not consider that this could be overcome by mitigation of some means.

9. I have taken account of the approval for residential units under the prior approval procedure in so much as this may represent a fall-back position or represent some form of justification for allowing more residential uses. The appeal proposal would bring about a greater number of units and residents than the prior approval scheme and so, as I envisage harm arising, it would be greater as a result of the appeal scheme and so I am justified in coming to the conclusions that I have. In addition, I do not find the presence of other flats which I consider would not be in an acceptable residential environment as a good reason to allow more.
10. Therefore, in relation to this issue, I consider that future occupiers of residential flats here would not be provided with a suitable residential environment. In addition, it is likely that their presence and expectation of freedom from disturbance would unduly restrict existing or future firms from operating which would have an unacceptable effect on the LSIA as a whole. The fact that the existing building appears to make some contribution to the industrial needs of the borough in the wider sense, adds to my concerns.

Disabled Parking

11. Policy DMT 2 of the DMP requires a minimum number of spaces to be provided in accordance with the London Plan. None is provided within the proposal and the appellant refers to a disabled parking space 55m from the rear of the building and the other parking space closer to hand, also at the rear. The London Plan and the various SPG documents advise that designated wheelchair accessible dwellings should have a car parking space and that 10% of new homes should be wheelchair accessible or easily adaptable. The appellant accepts that one unit (0.9) would need to be wheelchair accessible or easily adaptable and so states that less than 1 space would need to be provided. Whilst seeming to accept that the logical requirement for 1 unit, ie rounding up 0.9 to 1, should be wheelchair accessible, they then state that less than 1 space would be required. It seems to me that the same logic should apply and if a requirement for 1 unit is accepted then the requirement for 1 accessible parking space follows.
12. I do not consider that a space at a distance of 55m can be judged to be convenient for use by such a resident. In addition, the spaces which are closer to the appeal site could be used by a wheelchair user (if they are a blue badge holder). However, the restrictions imposed by the size and disposition of a regular parking space would mean that it would be difficult/impossible for a wheelchair user to use. Furthermore, the availability of such a space could not be certain. As a consequence, the proposal is contrary to Policy DMT 2.

Conclusions

13. I have concluded that the proposal would result in residential units being located within an area that would not provide a suitable residential environment. Furthermore, the presence of residents would be likely to have the effect of imposing restrictions on existing and future commercial operators and would compromise the LSIA. In addition, the proposal would remove the site from the reservoir of commercial uses for which the LSIA is designated.

The proposal fails to make suitable provision for disabled parking, which cannot conveniently and with certainty take place within the close locality of the site. I have taken account of all other matters raised in the representation but I find nothing which outweighs my findings. Therefore, the appeal is dismissed.

S T Wood

INSPECTOR