
Appeal Decision

Site visit made on 6 December 2016

by L Fleming BSc (Hons) MRTPI

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

Decision date: 28th December 2016

Appeal Ref: APP/H5390/W/16/3154224

355A 1st Floor North End Road, London SW6 1NW

- 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 Dr Amir Vahdat (NHS Dentist) against the decision of the Council of the London Borough of Hammersmith & Fulham.
 - The application Ref 2016/00416/FUL, dated 29 January 2016, was refused by notice dated 21 March 2016.
 - The development proposed is change of use from 2 bedroom first floor flat (Class use C3) to Dental Practice (Class use D1) and merge with existing dental practice on the lower and ground floor levels.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether any harm arising from the loss of permanent residential accommodation is outweighed by any benefits of the proposed development.

Reasons

3. The appeal premises are a dental practice occupying the ground floor and basement of an upper three storey building. The first and second floor of the building is residential accommodation. The appeal proposal would involve alterations and the change of use of a first floor flat to form part of the dental practice.
4. Policy DM A1 of the Hammersmith and Fulham Development Management Local Plan (2013) DMLP is consistent with the aims of Policy 3.14 of the London Plan¹ (LP). It states that the Council will seek to exceed the London Plan housing target and this will be achieved by among other things, resisting proposals which would result in a net loss of permanent residential accommodation as a result of redevelopment or change of use without replacement.
5. I acknowledge that NHS Dentist was established in 1999 and has grown since that time treating patients to a high standard, entirely on the NHS. I also note that the practice employs over 60 people and patients treated at the premises also use other local services nearby contributing to the vitality and vibrancy of the area. I have also considered that the additional space created by the

¹ The London Plan– The Spatial Development Strategy for London Consolidated with Alterations Since 2011 (2016)

appeal proposal would facilitate an improved environment for people working and being treated on the premises, including an improved reception and staff room together with parent facilities. I also acknowledge the expected growth in the local population and the resultant increased demand for dentistry some of which could be met by NHS Dentist.

6. However, there is no substantive evidence before me which demonstrates that alternative larger premises are not available nearby which are not in residential use. Furthermore, whilst I acknowledge the existing practice would be improved; there is no substantive evidence before me to indicate that the proposal would result in more patients being able to be treated at the premises and more people being employed by the business.
7. The development plan identifies a significant need for housing in the area and the appeal proposal would result in a loss of permanent residential accommodation, without replacement. On the basis of the evidence before me, I am not satisfied that the benefits of the development would outweigh the harm arising from the loss of a dwelling without replacement.
8. Thus overall I find the proposal is in conflict with the development plan, specifically, Policy 3.14 of the LP and Policy DM A1 of DMLP which seek to ensure the housing needs of the area are met.

Other Matters

9. The proposed development would be within the Sedlescombe Road Conservation Area. In accordance with the statutory duty imposed by section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990; I am required to have special regard to the effect of the development on the character or appearance of the area. The proposed development would not result in any significant alterations to the external appearance of the appeal building, thus it would have a neutral impact and therefore the character and appearance of the conservation area would be preserved.

Conclusion

10. For the reasons given and with regard to all other matters raised, I conclude that the appeal should be dismissed.

L Fleming

INSPECTOR