
Appeal Decision

Site visit made on 12 December 2016

by D. M. Young BSc (Hons) MA MRTPI MIHE

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

Decision date: 04 January 2017

Appeal Ref: APP/T5150/W/16/3157473

First Floor Office, 472 High Road, Wembley HA9 7AY.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 3, Class O of the Town and Country Planning (General permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Ed Clayden (Nationwide Building Society) against the decision of the Council of the London Borough of Brent.
 - The application Ref 16/1113, dated 7 March 2016, was refused by notice dated 9 May 2016.
 - The development proposed is prior approval for a change of use of the first floor from office (Use class B1) into 2 self-contained flats (2 x 2 bed).
-

Decision

1. The appeal is allowed and approval is granted under the provisions of Schedule 2, Part 3, Class O of the Town and Country Planning (General permitted Development) (England) Order 2015 (as amended) for a change of use of the first floor from office (Use class B1) into 2 self-contained flats (2 x 2bed), at First Floor Office, 472 High Road, Wembley HA9 7AY in accordance with the details submitted.

Application for costs

2. An application for costs was made by Mr Ed Clayden against the Council of the London Borough of Brent. This application is the subject of a separate decision.

Preliminary Matters

3. I have taken the site address and description of development from the Council's Decision Notice as these are more accurate than the versions provided on the Application Form.
 4. There is no dispute between the main parties that the proposal falls within the scope of the General Permitted Development (GPDO) as the building was last used as an office immediately before 30th May 2013 or, if the building was not in use immediately before that date, when it was last in use.
 5. The provisions of the GPDO require the local planning authority to solely assess the impact of the proposed development in relation to; the transport and highway impacts of the development; contamination risks; flooding risks and noise. I have approached my determination of this appeal in the same manner.
-

Main Issue

6. This is whether the proposal satisfies the requirements of the GPDO with regard to being permitted development under paragraph O.2.

Reasons

7. The application relates to the first floor of an office building on the north side of High Road in Wembley. The ground floor unit is used for retail (A2), the first floor is used as an office (B1) and the second floor is used as two self-contained flats (C3).
8. Class O of the GPDO permits a change of use from Class B1 to Class C3 provided a number of criteria are met. The Council accept that the proposal would comply with the criteria set out in O.1 (a) – (g) and on the basis of the submissions before me I see no reason to take a contrary view.
9. The first reason given by the Council for refusing prior approval states that the various changes to the building are likely to require planning permission. However, such matters are clearly outside the scope of Class O which makes no reference to any associated need for external alterations as being a disqualifying circumstance.
10. In order to exercise the Class O permitted development rights, paragraph W of the same Part 3 of the GPDO specifies the procedure. W(2)(a) which requires a written description of the development, does not apply to Class O. Whilst W(2) (b) requires the submission of a plan indicating the site and showing the proposed development, it does not require that the plan should include any details of any building operations. Consequently, if the submitted plan does do so then they could not be approved under the prior approval process for Class O since Class O does not cover such operations. However that should not prevent consideration of both the principle of the change of use under Class O and of the other relevant matters such as transport impacts. It would remain open to the successful applicant for prior approval to make a separate application for planning permission for any external alterations that are necessary to implement the change of use.
11. The Council's second reason for refusal alleges that insufficient cycle parking would be provided and this is likely to result in increased parking in the vicinity. The "*National Planning Policy Framework*" in paragraph 32 advises that development should only be prevented or refused on transport grounds where the residual cumulative impacts are severe (my emphasis).
12. There is little doubt that the site benefits from excellent accessibility to public transport with bus stops and the underground station almost on the doorstep. The Council have not demonstrated that the development would lead to a greater demand for cycle or car parking than the current/previous B1 use. I am not therefore persuaded that the Council's request for 10 cycle parking spaces was reasonable or necessary.
13. Nonetheless, the appellant has committed to providing 10 secure cycle parking spaces in the rear service yard and plans have been submitted to this effect. Accordingly, I concur with the Council Development Control Officer's overarching comment that there are no '*significant transportation concerns*'.

14. Based on the foregoing, it is difficult to comprehend how the Council arrived at the view that the development would fail to promote sustainable modes of transport and would lead to additional traffic and car parking. I accept that the Council were concerned that the cycle parking would require planning permission. However, as I have already found such concerns fall outside the scope of the GDPO and therefore the Council's reasoning is erroneous. In any event, even if the Council's request for additional cycle parking was justified, W(13) allows the local planning authority to grant prior approval subject to conditions.

Conclusion

15. For the reasons set out above, I conclude that the appeal should be allowed and approval granted.

D. M. Young

Inspector