
Appeal Decision

Site visit made on 7 February 2017

by Caroline Mulloy BSc (Hons) DipTP MRTPI

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

Decision date: 15th February 2017

Appeal Ref: APP/U5930/W/16/3161378
336 High Road, Leytonstone E11 3HR

- 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 Michael Walsh against the decision of the Council of the London Borough of Waltham Forest.
 - The application Ref 161951, dated 16 June 2016, was refused by notice dated 9 September 2016.
 - The development proposed is change of use from Class C3 residential flat to Class A2 office at ground floor. Erection of new shop front (no alteration on upper floor flat).
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this case is whether the loss of a residential unit is justified.

Reasons

3. The appeal site is situated on the eastern side of High Road, Leytonstone and comprises of a three-storey building with residential use on all floors. It is part of a parade of five buildings which all appear to have been in uses as shops at ground floor level; however, three of the premises have now been converted to dwellings. Adjacent to the site to the south is a chemist whilst the property to the north is in residential use. Residential uses lie to the north of the site on the eastern side of High Road. Directly opposite the site is a public house and beyond this to the north a parade of shops.
 4. Policy CS2 of the Waltham Forest Local Plan Core Strategy (CS) 2012 seeks to facilitate sustainable housing growth by, amongst other things, maximising the number of quality homes in the Borough and resisting the unjustified net loss of residential accommodation. Paragraph 5.13 of the CS explains that the loss of housing in the Borough would worsen the Borough's housing shortfall and homes lost through redevelopment, change of use or conversion would further widen the gap between supply and demand.
 5. In accordance with Policy CS2 of the CS, Policy DM2 of the Development Management Policies (DMP) Local Plan 2013 seeks to protect existing housing. Proposals for the redevelopment, conversion or changes of use of land or buildings involving the net loss of residential accommodation will only be permitted in certain circumstances.
-

6. Criterion A of Policy DM2 of the DMP does not apply to the appeal proposal. Criterion B of the Policy requires that the existing accommodation will be adequately re-provided to an equivalent or greater size elsewhere. There is no evidence before me to indicate that re-provision is to be made elsewhere and hence this criterion is not met.
7. Criterion C applies where the residential use is no longer compatible with the surrounding environment and results in unsatisfactory living conditions. However, there is no evidence before me to demonstrate incompatibility with surrounding uses or unsatisfactory living conditions and hence this criterion is also not met.
8. Development may also be permitted where the overriding need for an alternative use can be demonstrated or is required to meet other land use objectives (criterion D). It is proposed to convert the existing ground floor flat to an A2 Office use with the office situated at the front and a new shop front would be installed. The rear of the office will accommodate a kitchenette, store and bathroom.
9. The appellant points to the suitability of the location for an office use in terms of accessibility to public transport and other services and facilities. However, no evidence is presented to demonstrate that there is an overriding need for the alternative office use or that it is required to meet other land use objectives and consequently criterion D has not been met.
10. An exception may also be made (criterion E) where redevelopment is necessary to ensure better quality homes and facilitate housing regeneration; however, no such case is made by the appellant.
11. Consequently, there is no evidence before me to demonstrate that the loss of the residential unit is justified or to warrant a departure from Policy DM2 in this case.
12. Whilst the proposal would provide some economic benefits together with the provision of a new shop front, this would not outweigh the public policy disadvantages of the loss of a unit of residential accommodation. Consequently, the proposal is contrary to Policy CS2 of the CS and DM2 of the DMP.

Conclusion

13. For the reasons stated and taking all other considerations into account the appeal is dismissed.

Caroline Mulloy

Inspector