
Appeal Decision

Site visit made on 6 February 2017

by G J Fort BA PGDip LLM MCD MRTPI

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

Decision date: 16 February 2017

Appeal Ref: APP/H5960/W/16/3163239
162 Franciscan Road, London SW17 8HH

- 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 John Martin against the decision of the Council of the London Borough of Wandsworth.
 - The application Ref 2016/5121, dated 30 August 2016, was refused by notice dated 25 October 2016.
 - The development proposed is alterations including new shopfront, erection of single-storey rear side/extension, first floor rear extension and creation of a roof terrace at first floor level in connection with a change of use of ground floor from commercial to residential to provide two number 2 bedroom flats (class C3).
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is the effect of the proposed development on the supply of family housing in the Borough.

Reasons

3. The appeal property is part of a terrace fronting Franciscan Road, which like some other properties within the terrace comprises a mix of residential and commercial uses. Two schools, one across the road from the appeal property, and another further down Franciscan Road towards Tooting town centre are within the environs of the appeal property. With the exception of these and the small-scale commercial units at ground floors dotted here and there within Franciscan Road's long terraces, residential uses are predominant. The appeal scheme seeks some external change and extension to secure a change of use of the appeal property from a mix of residential and commercial to provide two flats.
 4. Policy DMH2 of Wandsworth's Development Management Policies Document (adopted March 2016) (the DMPD) restricts conversion of dwellings of less than 150 SqM of existing habitable floorspace, unless the property is unsuitable for families. According to the Council the residential use at the appeal property comprises around 93 SqM, and this is a matter uncontested by the appellant.
 5. Paragraph 3.8 of the DMPD, gives further advice in determining whether or not a property is suitable for families, taking into account locational factors.
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Amongst other things properties may not be suitable for families if they are above shops, in town centres or along busy roads.

6. Due to the layout of the dwelling, only a limited proportion of it is directly above the modestly-sized commercial element of the appeal building. As a consequence, the potential for noise and disturbance arising from the commercial space sufficient to cause material harm to the residential occupants of the appeal building is limited. The dwelling is accessed from the front street and has accommodation at ground floor level, as well as at upper floors. The dwelling also benefits from a rear amenity space of modest, but adequate proportions, which is close to residential amenity spaces in its immediate surroundings. Surrounding uses are predominantly residential, and the site has very good access to schools. Thus, taking these matters together, I consider that the appeal dwelling's location above a shop would not in this instance render it unsuitable for family use.
7. Moreover, whilst there are some commercial uses in the environs of the appeal property, these are relatively dispersed and are of a scale and nature that sits comfortably with the residential uses in the area. Furthermore, it is apparent that a considerable number of former commercial units in the immediate surroundings of the appeal building have been converted to provide residential accommodation. Consequently, the appeal property is not in an area possessing the character of a town centre, and as a result the exception given in paragraph 3.8 of the DMPD would not be met.
8. At the time of my site visit, admittedly only a snapshot, traffic was light along Franciscan Road adjacent to the appeal property. There was pedestrian activity along the footway, but I did not observe the high levels of activity commensurate with a town centre location. Whilst I am mindful that these patterns may change over the course of the day, particularly at school opening and closing times, given the mix of uses within the environs of the appeal site I have no reason to conclude that the area would constitute a busy main road for the purposes of the exception in the DMPD. Moreover, I saw that, immediately adjacent to the appeal site the pavements on both sides of the street were wide, with the carriageway narrowed to facilitate crossing to the school. Taking these matters together, I consider that the appeal property's location in relation to Franciscan Road would not result in undue disturbance or highway safety concerns for its occupants that would militate against its use for family occupation.
9. My attention was drawn by the appellant to other properties that had been converted in the immediate area, Nos 158 and 160, however, both of these did not formerly comprise family-sized dwellings for the purposes of the DMPD. I saw that the garden is accessed through a room currently used as a bedroom, and that the main living area is at first floor and thus separated from the garden. Whilst this may be an unusual arrangement, and I note the appellant's comments regarding the potential inconvenience of internal alterations to address this matter, it is not in itself indicative that the appeal property could not offer a good quality quiet internal environment for all occupants, or is no longer suitable for family housing.
10. I note comments regarding the suitability for children and older people of the staircase and corridor to the second floor accommodation in the appeal property. However, these elements of the appeal property are by no means

unusual in a building of this age, are not extremely steep or narrow, and I consider that they would not be a factor that limited its suitability for family housing, given the availability of floorspace at other levels of the building.

11. I have had regard to the letting history of the appeal property and note that in the past families have appeared not to have occupied the dwelling. However, I have been supplied with no substantive evidence regarding the marketing of, or enquiries about the dwelling and as a result consider that this matter does not conclusively establish that the property is inherently unsuitable for family occupation.
12. The commercial element of the property is let on a reduced rent and may become vacant when the current tenancy comes to an end. However, it has not been demonstrated that the current proposal is the only way to ensure occupancy of that part of the building, and as a consequence this consideration does not weigh heavily in favour of the proposed development.

Conclusion

13. Thus for the reasons given above, the proposed development would cause a harmful effect to the supply of family housing in the Borough, which would clearly conflict with Policy DMH2 of the DMPD insofar as it seeks to restrict conversions of dwellings suitable for family housing. This conflict with the development plan is not outweighed by any other material considerations. Accordingly, for the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

G J Fort

INSPECTOR