
Appeal Decision

Site visit made on 28 March 2017

by Roy Merrett BSc(Hons) DipTP MRTPI

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

Decision date: 07 April 2017

Appeal Ref: APP/Y5420/W/17/3166428

Ground Floor, 287 High Road, London N22 8HU

- 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) (Amendment) Order 2016 (GPDO).
 - The appeal is made by Mr Taskin Izzet against the decision of the Council of the London Borough of Haringey.
 - The application Ref HGY/2016/3774, undated, was refused by a notice dated 22 December 2016.
 - The development proposed is described as prior approval for change of use of the ground floor from B1 (office) to C3 (dwellinghouse) use containing 5 studios, 1 x 1 bedroom and 1x 2 bedroom flats.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. For clarification I have taken the description of development given above from the Council's decision notice, as reflected on the appeal form.

Main Issues

3. The main issues are whether the proposal satisfies the requirements of the GPDO in terms of being permitted development for a change of use from office (Use Class B1(a)) to residential (Use Class C3) having particular regard to whether the appeal building can be considered to have a B1(a) use; whether it is situated within the curtilage of a listed building; and the transport and highway impacts of the development.

Reasons

Use of building

4. The appeal site comprises the ground floor area and external forecourt of a three storey building. The building incorporates residential use on the upper floors. However the upper floors of the building are entirely separate from the ground floor the subject of this appeal, and are reached by an independent access point. Accordingly, the appeal site forms a single planning unit.
 5. There is no dispute between the parties that the ground floor of the building has been used by the Police to provide a front counter service since 2010.
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From the information provided and my visit it is also apparent that the ground floor area provides a small amount of office accommodation, some of which is described as 'for other Police teams', and also cycle storage and locker room facilities.

6. The Council, as part of its supporting information has provided an extract from the Metropolitan Police website. This describes the appeal address as the Fishmongers Arms Front Counter, where the public may attend to report a non-emergency crime or incident. It appears to me, that the front counter service does not simply owe its existence to other office uses on the site, as an ancillary operation, but rather as a freestanding potential first port of call by the public for police services. I therefore conclude that the front counter service available to visiting members of the public would constitute a primary use of the appeal site. From the information before me it would appear that at least some of the ground floor office use identified on the drawings is associated with the front counter service. On that basis, such office use would, in my view, be ancillary to the front counter service and not the other way round.
7. It seems to me that, whilst the site might not provide the full range of services available from a larger police station, its availability as a place for the public to attend to report crime or an incident would, nevertheless, be a key similar characteristic of that use. There is no dispute between the parties that a police station would not fall into any of the classes specified by the Town and Country Planning (Use Classes) Order 1987 (as amended) and would therefore be regarded as a *sui generis* use.
8. The appellant, however, has referred to the fact that the National Land Use Database cites offices of local or central government as falling within the B1 use class. More specifically, he has referred to planning permissions granted for local government and passport related offices, each of which have incorporated front counter services and which he regards as falling within the B1(a) use class. The Council acknowledges that many B1(a) office buildings contain a front counter service element but that the scale of interaction with the public compared to back office functions would be a key factor in determining use class. Notwithstanding the interaction with visiting members of the public, I have not been provided with any information to persuade me that the scale and nature of development in the aforementioned examples is directly comparable to the appeal site or that the Council's position in this regard is incorrect.
9. The appellant has also drawn my attention to the relevant lease document for the building, which refers to the site being classified as B1 use. However, it is unclear how this conclusion was reached and the definitive use classification for planning purposes would not simply turn on this citation alone. Rather, it would require an assessment of the specific circumstances of the case. For the aforementioned reasons, I consider that it would be more correct to describe the front counter service as a *sui generis* rather than a typical B1(a) use.
10. It is possible that a proportion of the existing office use within the site is entirely unrelated to the front counter service. In this situation, the appeal site would have a mixed B1(a) and *sui generis* use. Either way, whether the appeal site has a mixed or entirely *sui generis* use, it would not, in its entirety, fall within the B1(a) use class and accordingly it would not be considered to have a

B1(a) use. I therefore conclude that the proposal would not satisfy the requirement of the GPDO with regard to being permitted development for a change to residential use.

Listed building curtilage

11. Paragraph O.1.(f) states that a change of use would not be permitted development where the building is a listed building, or is within the curtilage of a listed building. I note, in this regard, that a Grade II listed cattle trough lies within the boundary of the appeal site, adjacent to the highway and the eastern edge of the external forecourt. Given the scale and historic function of the cattle trough and that it is undisputed by the parties that the appeal building and forecourt area are not within the same ownership as the listed building, it seems to me unlikely that the appeal premises could be construed as falling within its curtilage. Thus the development proposed would not fail the relevant test for permitted development in this specific regard. Even if I am wrong on the curtilage point, that would not affect the outcome of this appeal.

Transport and Highway Impacts

12. Paragraph O.2.(1)(a) requires consideration of the transport and highways impacts of the development before determining whether prior approval is required. The proposal would provide seven car parking spaces within the external forecourt area of the site, which the Council considers to amount to over provision in an area with excellent public transport accessibility and which would contribute to transport congestion.
13. At the time of my visit, the forecourt area of the site was full with parked vehicles. There is no suggestion in the evidence before me that the existing parking is used other than in connection with the appeal premises. It is an existing arrangement and this is not a case where additional spaces would be provided in connection with the proposed use.
14. Accordingly, whilst also taking into consideration the relatively small number of vehicles involved, it seems to me that the net effect of the development proposed, in terms of additional parking demand and traffic congestion, would be negligible when compared to the current use of the site. I therefore conclude that the development would not result in material harm in terms of transport and highways impacts and would not, therefore, fail the relevant test for permitted development in this specific regard.

Conclusion

15. I have found that the proposal would not fail the specific tests for permitted development in terms of relevance to a listed building curtilage and transport and highways impacts. Notwithstanding this, because the appeal site is not in a B1(a) use in its entirety, it would not satisfy the requirement of the GPDO with regard to being permitted development for a change of use to residential.
16. For this reason, and having had regard to all other matters raised I conclude that the appeal should not be allowed.

Roy Merrett

INSPECTOR