

Appeal Decision

Site visit made on 1 March 2017

by R Barrett BSc (Hons) MSc Dip UD Dip Hist Cons MRTPI IHBC

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

Decision date: 12th April 2017

Appeal Ref: APP/X5990/W/16/3165441

9 Catherine Place, London SW1E 6DX

- 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 Andrew Bishop against the decision of City of Westminster Council.
 - The application Ref 16/06632/FULL, dated 13 July 2016, was refused by notice dated 28 September 2016.
 - The development proposed is 'change of use from B1 office to C3 residential dwelling'.
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Decision

1. The appeal is dismissed.

Main Issue

2. The effect of the appeal proposal on the supply of office space in the area.

Reasons

3. The appeal site includes a terraced property, currently in Class B1 office use. It is located within Westminster's Core Central Activities Zone (CCAZ). The appeal proposal would include the loss of office space within the CCAZ. It therefore falls for consideration under Westminster's City Plan Consolidated with Basement and Mixed Use Revisions (2016) (CP) Policy S20. That policy generally seeks to protect office floor space in the CCAZ. In assessing the acceptability of changes of use to residential, it seeks to ensure that the benefits of such proposals would outweigh the contribution made by the office floor space.
 4. The appeal building provides office accommodation for small businesses and adds to the diverse office stock in the locality, on which the Westminster CCAZ's success depends. Although small, it makes a valuable contribution towards retaining existing employment levels and meeting Westminster's employment and office floor space targets as set out in CP Policy S20. Although that policy does not specifically refer to small office space, its loss would negatively impact on the provision of office floor space in Westminster's CCAZ and works against achieving those targets. The Inspector in examining the CP, including Policy S20, noted that the CCAZ in Westminster is an international destination, and the office sector forms an important part of it. Any harm to it therefore, could negatively impact on its global competitiveness.
 5. The appellant suggests that the Council will achieve its targets for net additional job creation and refers to the Local Economic Assessment Version II:2014 (LEA). It also suggests that there is a surplus of available small office
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space in the area and refers to the REM Roberts report (dated 23 November 2016). However, the LEA also paints a picture of the loss of office floor space, low vacancy rates and rising office rents which could impact on the Council's ability to meet its employment targets. CP Policy S20 was recently examined and I do not have comparable substantive evidence before me to indicate that the trends identified, including the loss of office floor space, have changed since then.

6. On my site visit, I was able to assess the standard of accommodation that the appeal site provides. I accept that it is laid out over a number of floors, with a central staircase that divides the space and it lacks some of the modern facilities and flexibility sought by some occupiers. However, adaptation and upgrading could provide some improvements sought by potential occupiers. Whilst the appellant suggests that upgrading the appeal site would not be economically viable, I have no evidence to substantiate this. Whilst it may not be attractive to one occupier, I am not convinced that it would not be attractive to a number of occupiers, even though I note that serviced office operators catering for small rooms have diminished such demand.
7. The appeal proposal would provide a unit of accommodation, which would meet current space standards, be suitable for a family, provide a small garden at the rear and would be in a very accessible location. Due to this, it would contribute to the choice of dwellings in the area, would meet an identified need and help to address the loss of residential accommodation through conversion. Furthermore, I accept that the appeal site would be suitable for such a use as it was built as a town house. In this respect it would help meet the aims of CP Policy S14, which aims to optimise housing delivery. However, it would involve the loss of a unit of small office accommodation, in the CCAZ, which would be contrary to CP Policy S20. The benefits of the residential unit that would be created do not outweigh the harm that would result from that loss.
8. The appeal site is included in the Birdcage Walk Conservation Area. That Conservation Area includes a mix of uses, including residential and offices. As the proposed change of use would be consistent with that character, and no changes to the exterior of the building are before me, it would preserve its character and appearance. However, I have no compelling evidence before me to suggest that it would enhance that character and appearance and no significant benefit to the value of heritage assets or significant townscape improvements are before me.
9. Overall, I conclude that the appeal proposal would adversely affect the supply of office space in the area. It would therefore fail to accord with CP Policy S20.

Other Matters

10. I am aware that the Council granted planning permission for a similar proposal in July 2013¹. However, that permission was not implemented and has now expired. It was granted prior to the adoption of the CP which included CP Policy S20. These matters differentiate it from this appeal.

¹ 13/04256/FULL

Conclusion

11. For the above reasons, and taking all other matters raised into consideration, I conclude that the appeal should be dismissed.

R Barrett

INSPECTOR