

Appeal Decision

Site visit made on 3 May 2017

by Roy Merrett BSc(Hons) DipTP MRTPI

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

Decision date: 26 May 2017

Appeal Ref: APP/R5510/W/16/3168106

30 New Broadway, Uxbridge Road, Hillingdon, London UB10 0LL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under a development order.
 - The appeal is made by Mr Karnail Brar against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 27047/APP/2016/3255, dated 29 August 2016, was refused by notice dated 25 October 2016.
 - The development proposed is change of use from a shop (Use Class A1) to 1 x 2 bedroom flat (Use Class C3).
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Decision

1. The appeal is allowed and approval granted under the provisions of Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2016 (GPDO) for the application for confirmation that prior approval is not required for change of use from a shop (Use Class A1) to 1 x 2 bedroom flat (Use Class C3) at 30 New Broadway, Uxbridge Road, Hillingdon, London UB10 0LL in accordance with the details submitted pursuant to Schedule 2, Part 3, Class M of the GPDO subject to the conditions below.

Application for costs

2. An application for costs was made by Mr Karnail Brar against the Council of the London Borough of Hillingdon. This application is the subject of a separate Decision.

Procedural Matters

3. The Council has confirmed that prior approval of transport and highways impacts; contamination and flood risk in relation to the building and the design and external appearance of the building are not necessary.
4. I have taken the description of development from the Council's decision notice, undisputed by the appellant.

Main Issue

5. The main issue is whether the proposal satisfies the requirements of the GPDO in terms of being permitted development for a change of use from a shop (Use Class A1) to residential (Use Class C3) having particular regard to the effect of
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the development on the sustainability of the Hillingdon Heath Local Centre (HHLC) and adequate provision of services therein.

Reasons

6. The appeal site is located along a busy dual carriageway within the HHLC and is part of a mixed use area which includes retail and residential units.
7. The basis of the Council's decision is that the appeal site falls within the Core Shopping Area of the HHLC and that, as such, a change of use from retail would be unacceptable in principle having regard to the provisions of Saved Policy S9 of the Hillingdon Local Plan Part Two - Saved Unitary Development Plan Policies 2012 (UDP). Policy S9 states that in the Local Centres the Council will only grant planning permission for change of use from shops outside the Core Areas. The Council also stated, at the time of its decision, that the retail use of the appeal site was in operation and as such there was a reasonable prospect of this use continuing.
8. The appellant's evidence includes drawing number 7D, an extract from the UDP. This drawing unequivocally demonstrates that the appeal site is situated to the north-west of and outside the Core Shopping Area of the HHLC. This has not been disputed in any of the Council's appeal submissions, despite forming the basis of its decision. I therefore conclude that the proposal would not conflict with Policy S9 in principle.
9. From my visit, which took place in the early afternoon, it was apparent that the HHLC comprised of a variety of shops and services. Whilst a small number of the units appeared to be closed, many were open and trading, giving the impression of a busy and vibrant centre. I have not been provided with any evidence to suggest that the proposed loss of the retail unit, a convenience store which no longer appears to be operational, would result in harm to the overall sustainability of the shopping area or the adequate provision of shopping services. Indeed it was apparent that there are a number alternative convenience outlets in very close proximity to the site. These include a unit located only a few metres away within the same terraced block and similar provision at nearby petrol filling stations all of which would continue to be easily accessible to nearby residents.
10. I therefore conclude that the proposal would not result in harm to the sustainability of the HHLC and adequate provision of shops therein. Accordingly the proposal would conform with Policies S6, S9 and S10 of the UDP insofar as they seek to safeguard the amenities of shopping areas.

Conditions

11. I have considered the provision in paragraph W of the GPDO which states that prior approval may be granted subject to conditions reasonably related to the subject matter of the prior approval.
12. I shall impose conditions setting a timescale for completion of the development and requiring it to be carried out in accordance with the approved plans to ensure that the development complies with the requirements of Schedule 2, Part 3, Class M, paragraph M.2(3) and paragraph W of the GPDO.

Conclusion

13. For the above reasons, and having had regard to all other matters raised, I conclude that the appeal should be allowed.

Roy Merrett

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall be completed within a period of three years from the date of this prior approval.
- 2) The development to which the approval relates shall be carried out in accordance with the following approved plans and specifications:-
2016/09/S01; 2016/09/P01.