
Appeal Decision

Site visit made on 22 May 2017

by Caroline Mulloy BSc (Hons) DipTP MRTPI

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

Decision date: 9 June 2017

Appeal Ref: APP/C5690/W/17/3170211
30 Hatcham Park Mews, London SE14 5PY

- 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 Mrs Camilla Winstanley-Smith against the decision of the Council of the London Borough of Lewisham.
 - The application Ref DC/16/096126, dated 5 April 2016, was refused by notice dated 25 August 2016.
 - The development proposed is the change of use of 30 Hatcham Park Mews, SE14 into a dwelling house (Use Class C3).
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have utilised the description of the proposal on the decision notice in the interests of brevity and as it is a more accurate reflection of the proposal.

Main Issues

3. The main issue in this case is whether the loss of employment floor space is justified.

Reasons

4. The appeal property is a three-storey end of terrace live/work unit located in Hatcham Park Mews, a terrace of 15/live work units. The site is situated within a mixed residential and commercial area. The units were granted permission subject to a condition restricting the occupancy of the live/work units to ensure that they are not disposed or sold individually but are sold as a complete unit. Permission was granted in the context of the surrounding B1 units within the Hatcham Park Mews.
 5. Policy 5 of the Council's Core Strategy 2011 seeks to protect the scattering of employment locations throughout the borough outside Strategic Industrial Locations, Local Employment Locations and Mixed Use Employment Locations. Criterion 3 states that other uses including retail, community and residential will be supported if it can be demonstrated that site specific conditions, including site accessibility, restrictions from adjacent land uses, building age, business viability, and viability of redevelopment show that the site should no longer be retained in employment use.
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6. The supporting text explains that the policy seeks to retain business premises housing creative industries and also the smaller, more scattered clusters of business premises associated with town centres and activity hub, to provide sustainable local services and vitality and variability to the local economy. I can see no inconsistency of the Policy with the National Planning Policy Framework (the Framework) which seeks to support sustainable economic growth and facilitate flexible working practices such as the integration of residential and commercial uses within the same unit.
7. Furthermore, the flexibility to allow other uses, subject to a demonstration that the site should no longer be retained in employment use, ensures that the Policy is consistent with paragraph 22 of the Framework which seeks to avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of the site being used for that purpose.
8. The property has a main pedestrian door to the left of the front elevation and double doors to the right to service the work element of the unit on the ground floor. The ground floor is now in use as an open plan kitchen/living room. The 1st floor accommodates a lounge/bedroom and a smaller bedroom and the 2nd floor incorporates a bedroom and a bathroom.
9. The property is not in employment use currently and the proposal would not, therefore, result in the loss of a specific employment use. However, it would result in the loss of employment floor space and would, therefore, be contrary to Policy 5 of the Core Strategy.
10. The appeal is supported by sales particulars from 2015, identifying the property as a residential dwelling with no reference to live/work status. The floor plans accompanying the application also show the property as fully in residential use. The Council has also been receiving Council Tax as a fully residential property since at least November 2015. This information supports the fact that the property is not in employment use at present which was confirmed at my site visit and also in the recent past from 2015. However, no evidence is provided to support the assertion that property has always been used solely for residential purposes or indeed that the site should no longer be retained in employment use.
11. As pointed out at paragraph 5.2 c of the appellant's statement, the site is very accessible in terms of public transport connections. Although the site is within a gated complex, this would not inhibit the use of the property for the creative sector for which it was originally intended or indeed other B1 uses. Consequently, site accessibility would not be a restriction on the employment use of the property. The property is within a generally mixed use residential/commercial area and hence there would be no restrictions on the employment use of the premises from adjacent land uses.
12. The building is in a good condition, suitable and indeed designed for small scale employment use. Importantly, there is no evidence before me that the property is no longer suitable or viable for employment use. Consequently, there is insufficient evidence before me to be satisfied that the criteria set out in criterion 3 of Policy 5 would be met and that the site should no longer be retained in employment use or to justify a departure from the development plan.

13. Attention has been drawn to the units within and surrounding the courtyard area of Hatcham Mews which have been converted to residential use under permitted development rights which was evident at the time of my site visit. It is also suggested the remainder of the units in the row of 15 live/work units have all been converted to residential use. However, no evidence has been submitted to support this assertion. Furthermore, in the absence of this evidence, even had the units been converted to residential use, I cannot be certain that they benefit from planning permission. This limits the weight which can be attached to these cases in my Decision.
14. The appellant contends that the proposal would contribute to meeting the Borough's housing needs. However, there would be no net increase in residential units as a result of the proposal as the existing unit currently provides residential accommodation. Although there would be a net increase in residential floor space this benefit would not outweigh the significant harm which I have identified in terms of the loss of employment floor space. Nor would it justify a departure from the development plan.
15. For the reasons stated above, I conclude that there is insufficient evidence before me that the loss of employment floor space is justified in this case. The proposal, therefore, conflicts with Policy 5 of the Core Strategy.

Other matters

16. As there would be no external alterations, I am satisfied that the proposal would preserve the character and appearance of Hatcham Conservation Area in accordance with the expectations of the Act¹.

Conclusion

17. For the reasons stated and taking all other considerations into account the appeal should be dismissed.

Caroline Mulloy

Inspector

¹ Planning (Listed Buildings and Conservation Areas) Act 1990