
Appeal Decision

Site visit made on 23 May 2017

by Beverley Wilders BA (Hons) PgDurp MRTPI

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

Decision date: 23 June 2017

Appeal Ref: APP/C5690/W/16/3157879
Rear of 97 St Asaph Road, London SE4 2DZ

- 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 G Hicks against the decision of the Council of the London Borough of Lewisham.
 - The application Ref DC/16/096328, dated 20 April 2016, was refused by notice dated 12 August 2016.
 - The development is described as the change of use from live/work unit to C3 Use Class.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The planning application form states that at the time that the application was made, the change of use had not occurred. However at the time of my visit the change of use appeared to have already taken place with the three rooms marked as offices on the existing lower ground floor plan being in use as bedrooms as shown on the proposed plans.

Main Issue

3. The main issue is the effect of the loss of the employment use on the vitality and variability of the local economy.

Reasons

4. The appeal site comprises a traditional two storey building located at the rear of 97 Asaph Road in a predominantly residential area. It appears that the building was previously a warehouse and in April 2015 the Council granted planning permission for the alteration and conversion of the existing B1/B8 commercial unit to a live/work unit comprising a 3 bedroom flat at lower ground floor level and a B1 workspace at upper ground floor level (Ref DC/15/91175). I have not been provided with a copy of the approved plans but note that the existing plans submitted do not seem to correspond with the description of development of the live/work unit. Nevertheless both main parties appear to agree that the lawful use of the host building is as a live/work unit.
5. Core Strategy Policy 5 of the Lewisham Local Development Framework Core Strategy (CS) relates to 'other employment locations' and states that the Council will protect the scattering of employment locations throughout the

borough outside Strategic Industrial Locations, Local Employment Locations and Mixed Use Employment Locations. It further 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 or redevelopment show that the site should no longer be retained in employment use.

6. As an existing employment use the appeal site appears to fall within the definition of an 'other employment location' and this appears to be accepted by the appellant. Whilst the appellant states that the offices within the building were under used and not performing to their capacity I have seen no substantive evidence to demonstrate that this was indeed the case or that the consented commercial use of the site was or would be impractical, incompatible with surrounding residential uses and be out of character with the surrounding area including the Telegraph Hill Conservation Area (CA). In the absence of this, the development is contrary to Core Strategy Policy 5 of the CS which seeks to protect the vitality and variability of the local economy.
7. In reaching my decision I note that the appeal site appears to have good access to a range of services and facilities including public transport. I also acknowledge that it appears from the appellant's statement that the Council's policies support the residential re-use of underperforming employment spaces. However for the reasons stated I am not satisfied that the appellant has demonstrated that this was the case with the commercial use at the appeal site. The appeal scheme would not result in an additional dwelling having regard to the fact that the lawful use of the site includes a residential element albeit it would be likely to provide accommodation more suitable to families. Finally I have seen no evidence to suggest that the building would fall into disrepair should permission be refused.
8. Taking the above matters into consideration, I conclude that the development would result in a loss of employment use and would be contrary to Core Strategy Policy 5 of the CS. In the absence of any substantive evidence to demonstrate the unsuitability of the site for employment use, the loss of employment use would be likely to be harmful to the vitality and variability of the local economy.

Other Matters

9. As the appeal site is located in a Conservation Area, I have a statutory duty to consider the impact of the development on the CA. In determining the application the Council noted that with the exception of two new rooflights, no external changes were proposed to the building. The Council was satisfied that the development would preserve the character and appearance of the CA and I have no reason to disagree with the Council on this issue.

Conclusion

10. For the above reasons and having regard to all matters raised, I conclude that the appeal should be dismissed.

Beverley Wilders

INSPECTOR