
Appeal Decision

Site visit made on 21 June 2017

by S J Lee BA(Hons) MA MRTPI

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

Decision date: 13th July 2017

Appeal Ref: APP/Q5300/W/17/3172854

71-73 Ordnance Road, Enfield, Middlesex EN3 6AG

- 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 M of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Giuseppe Dimaria against the decision of the Council of the London Borough of Enfield.
 - The application Ref 16/05324/PIA, dated 18 November 2016, was refused by notice dated 13 January 2017.
 - The development proposed is change of use from retail (A1) to 2 x 1 bed self-contained flats (C3).
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Decision

1. The appeal is allowed and approval is granted under the provisions of Schedule 2, Part 3, Class M of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the change of use from retail (A1) to 2 x 1 bed self-contained flats (C3) at 71-73 Ordnance Road, Enfield, Middlesex EN3 6AG in accordance with the terms of the application Ref 16/05324/PIA, dated 18 November 2016, subject to the standard conditions set out in paragraphs M.2.(3) and W(12)(a) of the GPDO.

Preliminary Matter

2. I have used the description of development from the Council's decision notice in the header and formal decision above as this provides the clearest and most accurate description of the proposal.

Main Issue

3. The main issue in this case is the effect of the development on the adequate provision of services and the sustainability of a key shopping area.

Reasons

4. The appeal relates to an end terrace property that forms part of a parade of small shops on the southern side of Ordnance Road which is located within a defined 'Large Local Centre' in the Enfield Development Management Document (DMD)(2014).
5. There is no dispute that the proposal complies with the limitations and requirements set out in Schedule 2, Part 3, Paragraph M.1.(a- g) of the GPDO. On the evidence before me, I see no reason to disagree with this assessment. Therefore, the development constitutes permitted development subject to

- meeting the conditions set out in paragraph M.2.(1)(a-e). The Council's officer report states that their only concern relates to the requirements of paragraph (d).
6. Paragraph (d) requires consideration of whether it would be undesirable for the building to change its use because of the resulting impact on (i) adequate provision of services of the sort that may be provided by a building within Class A1 (shops) or Class A2 (financial and professional services) of that Schedule, but only where there is a reasonable prospect of the building being used to provide such services and (ii) where the building is located in a key shopping area, on the sustainability of the shopping area.
 7. The Council has suggested that the development would result in the loss of retail frontage in conflict with Policy DMD28 of the Enfield Development Management Document (DMD) (2014). This policy seeks to ensure active frontages are retained at ground floor level. However, this is not an application to which S38(6) of the Planning and Compulsory Purchase Act 2004 applies. Consequently, although it is material that the Council wish to protect and improve the provision of day-to-day goods and services within local centres, prior approval is only required for the specific grounds set out in paragraph M.2.(1)(d) of the GPDO and not whether the proposal would comply with the specific terms of Policy DMD28. As such, this policy is not the determining factor in this case.
 8. In terms of whether adequate shopping provision would remain in the area, there are a number of other small convenience stores along Ordnance Road that would continue to be able to meet local needs. Of equal or even greater importance is the proximity of the long parade of shops and services that are available on nearby Hertford Road. This is only a short walking distance from the appeal site and appeared to provide a wide range of shops and services, including a nearby supermarket on the junction of Hertford Road and Ordnance Road.
 9. In this context, there is little evidence that the loss of this unit would have implications for the adequate provision of shops or financial or professional services within the local area. The development would not therefore be undesirable in terms of condition M.2.(1)(d)(i) of the GPDO. Having reached this conclusion, it is not necessary to consider whether there is a reasonable prospect of the building being used to provide A1 or A2 services.
 10. There is no definition of 'sustainability' in the GPDO. However, in normal usage, it would be reasonable to equate it to the ability of the area to continue to function as a key shopping area. I recognise that the development would mean the loss of an open and operating trader and thus there is likely to be some short term loss of trade. However, this would be unlikely to be sufficient to lead to a significant impact on the overall viability of the centre or its ability to meet local needs. Being vacant is not a requirement of the GPDO, nor does the loss of an operational unit automatically mean that the overall sustainability of the centre would be threatened. Some units were closed and shuttered at the time of my visit, but the majority were open and trading and there was no particular sign of an overall lack of vitality or viability.
 11. The unit in question is at one end of the parade and thus its conversion would not lead to any fragmentation or separation of important shop or service units. The integrity of the remaining parade would therefore be intact. Whilst the

junction between Ordnance Road and Rotherfield Road might provide a natural start/end to the parade, this in itself is not a compelling argument that loss of the unit would result in any material harm to the sustainability of the centre. As already noted, there are a range of other convenience operators in the parade as well as other services serving local needs within the centre that would be able to maintain its role and function within the local community.

12. For the reasons given above I therefore find that the development would not be harmful to the sustainability of the Ordnance Road Large Local Centre. Accordingly, the change of use would not be undesirable in the context of condition M.2.(1)(d)(ii) of the GPDO.
13. The Council raises no concerns in relation to Class M.2.(a-c) and I saw nothing to suggest I should come to a different conclusion. In terms of M.2.(e), the development would result in the loss of the shop front. However, in light of my findings above on the sustainability of the centre and the weight to be given to Policy DMD28 in these circumstances, this is not decisive. I do not consider the alterations proposed would lead to an undesirable effect.

Conditions and Conclusion

14. Taking all of the above into account, I am satisfied that the development meets the requirements of Class M. I therefore conclude that the appeal should be allowed and approval granted. In granting approval, the appellant should note that paragraph M.2.(3) of the GPDO requires the development to be completed within a period of three years from the date that prior approval is granted and that the building which has changed use can only be used as a dwellinghouse and for no other purpose, except to the extent that the other purpose is ancillary to the primary use as such a dwellinghouse. Paragraph W12(a) of the GPDO also requires that the development shall be carried out in accordance with the details approved. No other conditions have been suggested and I consider none are necessary.

S J Lee

INSPECTOR