
Appeal Decision

Site visit made on 13 June 2017

by David Walker MA MRTPI

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

Decision date: 18th July 2017

Appeal Ref: APP/G5180/W/17/3171742
51 High Street, Penge, London SE20 7HW

- 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 Order).
 - The appeal is made by Mr M Vashee against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/16/03935/AXRPA, dated 18 August 2016, was refused by notice dated 19 October 2016.
 - The development proposed is change of use from shop (Class A1) to residential unit (Class C3) with some internal alterations and demolition.
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Decision

1. The appeal is dismissed.

Applications for costs

2. Applications for costs were made by Mr M Vashee against the Council of the London Borough of Bromley, and by the Council of the London Borough of Bromley against Mr M Vashee. These applications are the subject of a separate Decision.

Main Issue

3. The main issue in the appeal is the effect of the proposed change of use on the adequate provision of services.

Reasons

4. The appeal building is centrally located within a block of other commercial premises. Neighbouring blocks also feature commercial uses on the ground floor and there were no other residential uses apparent in the vicinity at the time of my site inspection. While there are some limited numbers of vacant or closed premises there is no evidence that these are a long term problem affecting the area, rather than just short term fluctuations.
 5. The loss of the shop unit would significantly affect the character of the block by replacing a commercial frontage with a private domestic one. It would likely detract passers-by to the general detriment of activity leading to a harmful effect on the ability of other traders to attract and retain customers. There would be a corresponding harmful impact on the ability of this part of High Street to provide adequate services for the community.
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6. I acknowledge the correspondence from the current tenant and their stated intentions to terminate the lease. However, this limited evidence is insufficient to demonstrate the unsuitability of the premises to support another occupier when there are many other businesses trading in the area.
7. Correspondence from a local firm of surveyors shows that one interested party was unable to proceed, but there is little evidence of the extent of any marketing undertaken or any record of enquiries received. My attention has also been brought to other changes of use elsewhere, including along High Street, but I do not find parallels between the location of those premises and the position of the appeal site within a block with active shop frontages.
8. I conclude that it would be undesirable for the appeal building to change to a dwellinghouse because of the impact of the change in use on the adequate provision of services of the sort that may be provided by the appeal building. As there would appear to be a reasonable prospect of the appeal building being used to provide such services, the appeal for prior approval must fail. The proposal cannot therefore amount to being a permitted development under the terms of Schedule 2, Part 3, Class M of the Order.

Conclusion

9. For the reasons given above I conclude that the appeal should be dismissed.

David Walker

INSPECTOR