
Appeal Decision

Site visit made on 13 March 2018

by R Norman BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th April 2018

Appeal Ref: APP/N0410/W/17/3179302

62 Eastfield Road, Burnham SL1 7PF

- 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 Dhariwal against the decision of South Bucks District Council.
 - The application Ref 17/00231/FUL, dated 8 February 2017, was refused by notice dated 5 April 2017.
 - The development proposed is the change of use from A1 shop to C3 single dwelling house.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use from A1 shop to C3 single dwelling house at 62 Eastfield Road, Burnham SL1 7PF in accordance with the terms of the application, Ref 17/00231/FUL, dated 8 February 2017, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Numbers 1149/01; 1149/02; 1149/03; 1149/04 and 1149/05.
 - 3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extensions or alterations to the dwellinghouse shall be carried out nor shall any outbuildings be erected within the curtilage of the dwellinghouse.

Main Issues

2. The main issues are:
 - The effect of the development on the vitality of the area through the loss of an A1 retail unit;
 - Whether the development would provide suitable living conditions for future occupiers in terms of the provision of outdoor space; and
 - The effect of the development on the character and appearance of the area.

Reasons

The vitality of the area and loss of the A1 retail unit

3. The appeal site is located on Eastfield Road which comprises a mix of ground floor retail units and residential dwellings. The appeal site comprises a general shop at ground floor and an associated flat at first floor. Adjacent to the site is a retail unit which is in use as a nail salon and further along Eastfield Road is a pet food shop. The remainder of the immediate surroundings are residential with the exception of a public house located on the corner of Eastfield Road and Hitcham Road.
4. The proposed development would convert the existing shop at ground floor to residential resulting a 4-bed dwelling. Policy S3 of the South Bucks District Local Plan Written Statement (1999) (the Local Plan) defines a neighbourhood shopping area as comprising two or more shops. The appeal site and the adjoining nail salon form a group of two shops and therefore fall within this definition.
5. In the area however, there are a number of existing retail facilities available. The closest to the appeal site are a row of shops at the opposite end of Eastfield Road, close to the junction with Lent Rise Road. These provide a variety of facilities, which include a post office and general store. The location of these shops is close to the appeal site and within a very reasonable walking distance and I have given this considerable weight in my consideration of the proposal. Directly beyond the row of shops is an Esso Garage on the junction of Stomp Road and Lent Rise Road which also provides similar facilities to the existing shop. Again, this is within a reasonably short walking distance from the appeal site.
6. In the wider area, there are two large supermarkets nearby, comprising a Sainsbury's on Lake End Road and a Tesco off Bath Road. Whilst these are slightly further away from the appeal site, and are more likely to rely on the use of a car or bus, they are still reasonably close and would provide facilities and services to the same catchment area as the appeal premises.
7. There are a large number of retail facilities available, many of which provide direct competition to the appeal business, which would be within a reasonable distance for anyone who would use the existing facilities at the appeal site. As such, it would not be onerous for people to use the nearby alternative facilities with ease.
8. Although, specific details of the viability of the business and any marketing of the premises have not been provided, it is reasonable to take the view that as a result of the two large supermarkets, and the number of other shops in the immediate area, that there may be issues maintaining a suitable level of custom. Furthermore, the shop is located within a predominantly residential part of Eastfield Road. As such, the use of the building as a dwelling would not be out of keeping with the surroundings.
9. Whilst the proposed development would not comply wholly with Policy S3 of the Local Plan in terms of protecting and strengthening the vitality and viability of the neighbourhood shopping area, I have given considerable weight to the presence of the nearby facilities in proximity to the appeal site which outweigh the policy conflict in this instance.

Living conditions of future occupiers

10. The existing rear amenity space consists of an area of hardstanding. The existing building has been extended over time resulting in a single storey element projecting into the rear outdoor space. Furthermore, an outbuilding is sited along the rear boundary.
11. Whilst the amount of outdoor space is reasonably limited and smaller than the gardens of the surrounding properties, it would still provide adequate space for domestic items such as a table and chairs and a washing line. The size of the rear outdoor space would therefore not be so restricted as to result in harm to the living conditions of the occupiers of the property and would not result in a dwelling that would be incongruous and out of keeping in terms of density. However, any additional development may restrict the level of space to an unacceptable level and therefore, as suggested by the Council, a condition restricting permitted development rights is necessary to protect the living conditions of the occupiers.
12. The proposal therefore complies with Policies EP3 and H9 of the Local Plan. These policies seek to ensure that development does not adversely affect amenities and includes provision for usable amenity space.

Character and appearance

13. The proposed conversion would involve external alterations to the existing building. The alterations to the front elevation would involve the removal of the shop front, signage and windows and their replacement with two new windows. This would give the building the appearance of a dwelling rather than a shop.
14. The proposed works to the front elevation would result in a dwelling that would reflect the existing character and appearance of surrounding dwellings. There is some variety in the overall designs of the existing dwellings and as such, the proposed alterations would not result in a development which would be out of keeping with, or harmful to, the visual character of the area. Although the alterations to the front elevation would result in the loss of a shopfront within a neighbourhood shopping area no harm would arise as a result of this given the predominance of residential properties surrounding the site.
15. The proposal therefore complies with Policies EP3 and H9 of the Local Plan which seek to ensure that development is compatible with the character of the area and surrounding properties.

Conditions

16. In addition to the standard time limit condition, I have imposed a condition listing the approved plans as this provides certainty. The Council have requested a condition restricting the permitted development rights for the property. PD rights should only be removed in exceptional circumstances, however given the limited size of the rear garden space I consider the inclusion of this condition to be reasonable.

Conclusion

17. For the reasons given above I conclude that the appeal should be allowed.

R Norman

INSPECTOR