
Appeal Decision

Site visit made on 3 April 2019

by Euan FS Pearson BA(Hons) BTP FRGS MRICS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 September 2019

Appeal Ref: APP/E5330/W/19/3220554

86 Shawbrooke Road, Eltham, London SE9 6AH

- 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 Thileepan Nadarajah against the decision of the Council of the London Borough of Greenwich.
 - The application Ref 17/3319/F, dated 19 October 2017, was refused by notice dated 13 July 2018.
 - The development proposed is change of use to retail (Class A1).
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Decision

1. The appeal is allowed and planning permission is granted for change of use to retail (Class A1) at 86 Shawbrooke Road, Eltham, London SE9 6AH in accordance with the terms of the application, Ref 17/3319/F, dated 19 October 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: 003 Proposed Plans, 004 Proposed Elevations, and 005 Waste Bin Plans;

3) the premises shall only be open to customers between the following hours: 0700-2200 Monday-Saturday; and 0800-2100 on Sundays and Bank Holidays;

4) the materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Main Issues

2. The main issues are:

- the impact on the vitality and viability of nearby local centres; and
- the impact on the living conditions of local residents, in particular from noise and overlooking.

Reasons

3. The appeal property is a single storey, rectangular unit on a small site at the foot of the railway embankment, parallel to the rear garden boundaries of houses at 2-4 Edgeworth Road. The unit is glass fronted and set back from the kerb along Shawbrooke Road. The proposed development involves changing the use to retail, and creating an emergency exit opening in the south facing side wall.
4. I observed from my site visit that the nearest shopping parade is that at Westthorne Avenue about 300-400m away to the west, on foot. It appeared to me that all units (including A1 uses) in the parade were occupied, and that the largest was a co-operative supermarket/food store. I do not consider that the proposed retail unit, with a significantly smaller floor area of around 30-40 square metres, would cause significant harm to the vitality or viability of this larger parade.
5. The Council makes reference to the local centre at Well Hall. That is much further away, at least 1,000m. I note that that also contains a larger co-operative supermarket, amongst other retailers.
6. Therefore, I consider that the proposed development complies with Policy 2.15 of the London Plan 2016; and Policies TC(a) and TC7 of the Royal Greenwich Local Plan: Core Strategy with Detailed Policies 2014 (Local Plan) that, among other things, seek to prevent/control the change of use away from Class A1.
7. I noted on my site visit that there are fencing panels along the boundary with Nos 2 and 4. These prevent overlooking of the gardens from the appeal property. Therefore, I consider that no overlooking would arise with the creation of a new opening in the wall of the unit at ground floor level.
8. The Council is concerned that a shop at this location will attract groups of people, congregating and resulting in anti-social behaviour and noise. There is no evidence before me that that would be the case. The unit is not new and has clearly been used for some form of activity in the past. In any case, there are other legal remedies available to deal with noise nuisance and/or anti-social behaviour.
9. Therefore, I consider, that the proposed development would not significantly harm the living conditions of neighbouring occupiers or other local residents. As such, the proposal accords with Policy 7.6 of the London Plan and Policy DH(b) of the Local Plan. Amongst other things, these require development not to cause unacceptable harm to amenity of surrounding residential buildings.

Conditions

10. I have imposed conditions with regard to the commencement of the proposed development and the details of the approved plans, in the interests of certainty. I have also required that the materials match the existing dwelling, to ensure that the extension would be in keeping with the host dwelling and those neighbouring. I have imposed a condition limiting the hours of operation, to those suggested by the appellant, in the interests of amenity. This is on the basis that a licensed retailer is normally permitted to trade until 10pm. I have not imposed a condition covering waste storage as this is shown on approved drawing 005.

Conclusion

11. For the reasons given above, the appeal is allowed.

Euan FS Pearson

INSPECTOR