
Appeal Decision

Site visit made on 16 July 2019

by William Walton BA MSc Dip Env Law LLM CPE BVC MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th October 2019

Appeal Ref: APP/E5900/W/19/3226598
29 Granby Street, London EC2 6DR

- 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 City Homes Properties Ltd against the decision of the London Borough of Tower Hamlets.
 - The application Ref PA/18/00478, dated 2 March 2018, was refused by notice dated 12 October 2018.
 - The development proposed is the change of use from B1(C) to C3 and addition of mansard roof extension.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use from B1(C) to C3 and the addition of a mansard roof at 29 Granby Street, London EC2 6DR in accordance with the terms of the application, Ref PA/18/00478, dated 2 March 2018, subject to the conditions set out in the Schedule to this decision.

Main Issues

2. The main issues in this appeal concern:
 - The loss of B1 employment space; and
 - The storage of waste bins.

Loss of B1 Employment Space

3. Policy DM15 of the Council's Managing Development Document (2013) (MDD) requires an applicant for change of use from B1 to demonstrate that the accessibility and location of the property render it unviable for continued employment use. As evidence the applicant is required to show that he / she has actively marketed the site for a period of around 12 months and to explain why the property is no longer capable of fulfilling an employment purpose.
4. The appellant instructed a firm of estate agents to market the property for letting as offices / light industrial sometime in 2016. The Council contends that the property was incorrectly described by the estate agent as falling within use class D1 (institutional) rather than its established class of B1. I have not been directed to any document evidencing this allegation, however. Indeed, the appellant's statement includes a copy of the property particulars

that identify the existing use as B1 as well as 2 photographs showing the property particulars in the window of the estate agent's premises. According to the schedule provided by the appellant's agents the property was viewed some 19 times between 4 October 2016 and 18 May 2018, a period of just over 19 months.

5. In an email to the Council 19 February 2018 the agent for the appellant cited 4 site specific reasons for the lack of commercial interest in the property: the absence of a disabled access; the restricted availability of on-street parking due to double yellow lines; the limited footfall due to the cul-de-sac location; and its location within a residential street. In addition, the appellant's agent also cites the absence of an open space within the property as being a limitation and, in his statement of case, the problems caused by economic uncertainties arising from Brexit.
6. I consider that it would be possible for the occupant to install access for the disabled. The lack of on-street parking, however, taken in combination with the very limited level of footfall generally associated with residential cul-de-sacs, means that it is unlikely to be a sought-after property for office or light industrial use.
7. During my visit I noted that whilst it was a short distance from the hustle and bustle of Whitechapel Road and Brick Lane, Granby Street was comparatively very quiet. Due to the lack of pedestrian and vehicular traffic the location did not strike me as being one where an office or light industrial unit would prosper.
8. Thus, I am satisfied that the appellant has actively sought to market the property for office / light industrial use over an extended period. I am also satisfied that, due its location, the property is no longer commercially attractive for B1 office / light industrial use. For these reasons, I find that the appellant has met the requirements of MDD Policy DM15.

Bin Storage Facilities

9. MDD Policy DM14(2) requires new development to demonstrate how it will provide appropriate storage facilities for residual waste and recycling as a component element in the reduction, reuse and recycling of waste.
10. The Council acknowledge that the development proposal includes provision for refuse storage within the proposed residential property. However, it contends that the appellant has failed to demonstrate how refuse bins will be stored outside of the property on a long-term basis.
11. During my visit to the area I noted that most of the other residential properties in Granby Street had one or more freestanding plastic bins stood on the pavement rather than enclosed within some form of purpose-built facility. I am not aware of whether my visit coincided with a refuse collection day and so I note that this use of the public pavement for bin storage and presentation might be a permanent state-of-affairs. Whilst I accept that this is not an ideal arrangement and can be unsightly, I do not consider it to constitute a basis for refusing the appeal. Therefore, I find that the proposal complies with MDD Policy DM14(2).

Conclusions and Conditions

12. For the reasons above I conclude that the appeal for the development proposal should be allowed.
13. The Council has suggested conditions which I have considered against the advice in the Planning Practice Guidance. In addition to the standard time limit condition I have imposed a condition that the development be carried out in accordance with the approved plans. This is in the interests of certainty. I have also imposed a condition requiring that the materials used for the development should match those of the existing building. This is in the interests of visual appearance.
14. However, I have not acceded to the Council's suggestion to impose a condition preventing implementation of the development until such time as the appellant has submitted and had approved in writing by the Council details of a refuse and recycling storage facility. I do not see how the appellant would be able to install such a facility since I have seen no documentation indicating that he controls land on which it could be constructed. I therefore find that such a condition would be unreasonable.

William Walton

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development shall begin no later than three years from the date of this decision. Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2) The development shall be carried out in accordance with the following plans: 325/PRO/100/01-03 PLANS; 325/PRO/100/04 SECTION AA; 325/PRO/100/05 SECTION BB; 325/PRO/100/06 ELEVATIONS; 325/EX/100/01-02 PLANS; 325/EX/100/03 SECTION AA; 325/EX/100/04 SECTION BB; and 325/PRO/100/05 ELEVATIONS.
- 3) The materials to be used for the external surfaces of the development hereby permitted shall match those of the existing building. All new works and works of making good to the retained fabric shall be finished to match the adjacent work with regards to material, colour, texture and profile except where otherwise stated on the approved drawings.