The Planning Inspectorate

Appeal Decision

Site visit made on 23 September 2019

by Rachael Pipkin, BA (Hons), MPhil, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th November 2019

Appeal Ref: APP/T5150/W/19/3233224
19 Craven Park Road, London, NW10 8SE

- 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.
- The appeal is made by Mr K Lobo against the decision of the Council of the London Borough of Brent.
- The application Ref: 19/1790 dated 14 May 2019, was refused by notice dated 8 July 2019.
- The development proposed is use of rear part of shop (A1) as a residential unit (C3).

Decision

1. The appeal is allowed and prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 3, Class M of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO) for the use of the rear part of the shop (A1) as a residential unit (C3) at 19 Craven Park Road, London, NW10 8SE in accordance with the application Ref: 19/1790 made on 14 May 2019, and the details submitted with it including plan Nos: ELV/01, EXT/01 and PRO/01, pursuant to Article 3(1) and Schedule 2, Part 3, Class M, subject to the following condition:

   1) The dwelling hereby permitted shall not be occupied until cycle storage has been provided in accordance with details that have first been submitted to and approved in writing by the local planning authority. The development shall be carried out only in accordance with the approved details and retained thereafter.

Main Issue

2. The main issue is the effect of the change of use on the sustainability of the shopping area.

Reasons

3. Class M of the GPDO permits a change of use from a use falling within Class A1 (shops) to a use falling within Class C3 (dwelling/houses) and building operations reasonably necessary to convert the building to such a use subject to a range of criteria. One of those criterion, set out under Class M(1)(d)(ii) is whether it is undesirable for the building to change to a use falling within Class C3 (dwelling/houses) because of the impact of the change of use where the building is located within a key shopping area, on the sustainability of that shopping area.

4. The ground floor of 19 Craven Park Road (No 19) is a vacant retail unit within the primary shopping frontage in Harlesden Town Centre. It was previously used as a butcher's shop. The appellant has stated that its occupation has been sporadic since 2016. At the time of my site visit, I observed that most units along Craven Park road were occupied.

5. The proposed development would convert 20sqm of the rear storage area to create a one bedroom residential unit with some limited building works to subdivide the property. The existing shop unit would be retained with a reduced storage area, indicated to be 7.5sqm.

6. The proposed change of use would be for part of the rear of the shop and therefore the shopfront and a retail unit would be retained within the shopping frontage. The Council considers the reduced storage space available to the retained unit would impact on the future viability of the unit by reducing its flexibility and therefore its appeal to a wide variety of occupiers. However, whilst it is possible that a shop with limited storage could be less attractive to some potential users, I have no evidence to that effect. Given the nature of the shopping centre as a whole with a low vacancy rate, there is nothing before me to suggest that an occupant could not be found. Indeed, it may be that a smaller unit could be more appealing to occupants seeking a lower rent within the town centre.

7. Since the retail unit is to be retained, albeit with a reduction in storage, I conclude that the change of use would not have an adverse impact on the sustainability of the shopping area.

Conditions

8. I have considered the Council's suggested condition requiring the provision of details of cycle storage against the advice set out in paragraph 55 of the National Planning Policy Framework. I have imposed this in the interests of supporting increased cycling in accordance with the London Plan.

Conclusion

9. For the reasons set out above, I conclude the appeal should be allowed.

Rachael Pipkin

Inspector