
Appeal Decision

Site visit made on 12 November 2019

by Martin Small, BA (Hons), BPI, DipCM, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th December 2019

Appeal Ref: APP/H5960/W/19/3235434

Flat A, 97 Lavender Hill, London, SW11 5QL

- 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 Arvan Ltd. against the decision of the Council of the London Borough of Wandsworth.
 - The application Ref: 2019/1512 dated 5 April 2019, was refused by notice dated 21 June 2019.
 - The development proposed is described on the application form as the change of use from existing C3 dwelling/house to B1 Business for the purposes of creating a creative hub for use for small businesses involved in arts, crafts.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I saw at my site visit that the change of use has already taken place. I note that the application has been submitted retrospectively and I have dealt with the appeal on this basis.
3. I am aware that the Council has initiated enforcement action in respect of the change of use and that this is also the subject of an appeal. That appeal will be the subject of a separate decision.

Main Issues

4. The main issues are the effect of the development on i) the provision of housing in the Borough and ii) the living conditions of the occupiers of the adjoining residential units.

Reasons

The provision of housing

5. The appeal property mainly comprises the upper 3 floors of a 4-storey building at the end of a terrace, the ground floor of which is in commercial use. At the time of my site visit the property accommodated a number of small businesses but from the evidence before me, it formerly comprised a 3 / 4-bedroom flat.
6. Policy IS5 of the Wandsworth Local Plan Core Strategy (2016) (the WLPCS) seeks to achieve a mix of housing in the Borough. To support Policy IS5, Policy DMH1 of the Wandsworth Local Plan Development Management Policies Document (2016) (DMPD) seeks to protect the existing housing stock in the Borough by restricting the net loss of residential units to specific circumstances.
7. With regard to these circumstances, the development has not involved the combining of separate non family-sized flats to create a family-sized unit. The appeal property

has a separate access from within the Battersea Business Park which does not prejudice the effective use of the ground floor of the appeal building. Although the development has not resulted in the loss of smaller affordable housing units for larger family private market units it has not resulted in the upgrading of sub-standard residential accommodation. Accordingly, the exceptions to the general restriction on the net loss of residential units set out in Policy DMH1 do not apply to this development. This is acknowledged by the appellant.

8. The appellant contends that the development plan does not prioritise housing supply over economic development and refers to a requirement within Wandsworth's Development Plan to bring forward sufficient office, business and economic space to facilitate the continued growth of the socioeconomy within the Borough. Although these contentions are not directly rebutted by the Council, Policy DMH1 of the DMPD is clear in the approach to be taken to housing and the Council has provided for economic development through the Wandsworth Local Plan Employment and Industry Document (2018) (the EID). Whilst Policy DMTS14 of the DMPD supports the retention of B1a office space in town centres, the appeal property was not originally in office use and is not, from the evidence before me, within a designated town centre. Accordingly, I find little support for the development from Policy DMTS14.
9. Paragraph 1.2.55 of the London Plan Housing Supplementary Planning Guidance (the SPG) notes the importance of ensuring the retention of sufficient secondary and tertiary capacity above shops for small and start-up businesses. However, this is in relation to the conversion of such premises to flats. Furthermore, this document is guidance rather than policy. I therefore give paragraph 1.2.55 of the SPG little weight in the context of this appeal.
10. The appellant contends that there is a 'large demand and significantly large undersupply' of 'creative hubs' to accommodate creative industries within local plan terms. However, no evidence has been provided to demonstrate either such a demand or an undersupply. I therefore give this contention little weight. Even if this is the case, no mechanism has been put forward that would ensure, in the event that planning permission was granted for an unrestricted B1 use, that the premises would continue to be used for such 'creative industries'.
11. I accept that B1 uses have socio-economic benefits in providing employment opportunities as suggested by the appellant and so contribute to achieving 'sustainable development'. However, the National Planning Policy Framework (the Framework) makes it clear that achieving 'sustainable development' means that the planning system has three overarching objectives, which need to be pursued in mutually supportive ways. The social objective is to support strong, vibrant and healthy communities by, amongst other things, ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations. The loss of a dwelling is counter to this objective and so the development makes only a limited contribution to sustainable development in terms of the Framework.
12. I therefore conclude that the development has resulted in the loss of a dwelling and is thus contrary to Policy IS5 of the WLPCS and Policy DMH1 of the DMPD in this respect. It is also contrary to Policy 3.14 of The London Plan (2016)¹ which resists the loss of housing and to the Framework in respect of its objectives and policies for the supply of housing.

Living conditions

13. From the evidence before me, the upper floors of the neighbouring property are in residential use. The use of the appeal property by a number of independent businesses could generate a level of activity greater than would normally be expected in a residential property. However, the number of workers would be restricted by the

¹ The Spatial Development Strategy for London Consolidated with Alterations since 2011.

limited size of the creative spaces. The access to the premises is on the side away from the neighbouring flat so that an increase in the use of the access would not cause unacceptable disturbance to the occupiers of that flat.

14. B1 uses, by definition, are uses which can be carried out in any residential area without detriment to the amenity of that area by reason of, amongst other things, noise. From the evidence before me the change of use occurred in January 2019 and I have not been made aware of any complaints about noise or other disturbance from the occupiers of the adjoining flat. The Council has not provided any evidence that B1 uses operating next to residential properties in the vicinity of the appeal property or elsewhere in the Borough have caused disturbance.
15. I am not persuaded therefore that uses falling within the B1 Use Class are or would be significantly harmful to the living conditions of the occupiers of adjoining properties. I therefore conclude that the development does not conflict with Policy DMS1 of the DMPD which protects the living conditions of occupiers / users and nearby properties.

Other Matters

16. I observed at my site visit that the appeal property has a private external courtyard which is restricted in size and has a poor outlook over the Battersea Business Park. Access to the property is gained from within the Park, off the main vehicular access. These factors reduce the quality of the residential accommodation and weigh against its use as a dwelling. However, these matters are not so severe as to render the use of the appeal property as a dwelling unacceptable.

Conclusion

17. I have concluded above that the development is contrary to Policy IS5 of the WLPCS, Policy DMH1 of the DMPD, Policy 3.14 of The London Plan and the policies of the Framework relating to housing supply. I do not consider that the limited support for the development from Policy DMT14 of the DMPD or the London Plan Housing SPG, or the development's limited contribution to 'sustainable development' in socio-economic terms or the poor standard of external space and access are sufficient to outweigh the conflict with these policies. The lack of harm to the living conditions of the occupiers of the adjoining properties is a neutral factor that does not alter my overall conclusions.
18. Accordingly, for the reasons given above, the appeal is dismissed.

Martin Small

INSPECTOR