
Appeal Decision

Site visit made on 17 December 2019

by T J Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th January 2020

Appeal Ref: APP/E5900/W/19/3237574

21 Cressy Houses, Hannibal Road, London E1 3JE

- 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 Ms Fatima Velji against the decision of the Council of the London Borough of Tower Hamlets.
 - The application Ref PA/19/00196, dated 24 January 2019, was refused by notice dated 22 March 2019.
 - The development proposed is change of use of A1 retail into a residential unit (C3).
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issue is whether the change of use from retail to residential would have a detrimental impact on the ability of local people to access basic goods and services.

Reasons

3. In line with the requirements of part 1.b. of Policy DM2 of the Tower Hamlets Managing Development Document (2013) (THMDD) the evidence indicates that the premises have been vacant for in excess of 12 months and have been marketed for a length of time in excess of this period, although not continuously. The evidence, including the marketing information submitted alongside the appeal, suggests that marketing has been unsuccessful.
4. The same part of the policy also requires the unit to be marketed at an appropriate rent and for examples of three comparable shop unit rents within the vicinity to be provided. The evidence indicates that the unit has been marketed at rates ranging between £15,000 and £18,500 per annum. These rental figures equate to per square foot rates which are higher than any of the closest comparable rates identified within the marketing report. Although I accept it is not simple to draw comparison to this relatively unique unit, the rental income sought does appear comparatively high, particularly as many of the comparison units identified are on main roads where a higher rental figure could be expected.
5. The area is highly residential and densely populated. Although only a snap shot, at the time of my visit early on a weekday afternoon there were many people passing nearby and there did not appear to be an excess of vacant retail units in the nearby area. The evidence also indicates that there has been

- serious interest from prospective tenants to take on the unit, but that for varying reasons agreement has not been reached.
6. Part 1.a of Policy DM2 of the THMDD states that the loss of a local shop could only be supported if there were an alternative within 300m walking distance. There is no disagreement that the City Supermarket, on Mile End Road is located approximately 285m away. The evidence also indicates a further retail unit about to open at 132/134 Mile End Road 250m away. There are a range of other retail premises located at a slightly increased distance.
 7. Although the alternative facilities are located within the distance required by the policy, they are towards the maximum acceptable and accessing them would inevitably be more challenging, especially for those with mobility difficulties, therefore the proposal would have a detrimental impact on access to goods and services for some.
 8. Notwithstanding that there are alternative facilities within the walking distance required under Policy DM2 of the THMDD, the distances would be towards the upper end of those specified. The Policy has multiple requirements which serve the purpose of robustly protecting the provision of local shops within the Borough. Given my findings above, particularly in relation to the marketing evidence and the nature of the area, I cannot conclude, on the basis of the evidence that there is no viable prospect of a retail use at the premises.
 9. I acknowledge that the proposal would provide a new residential unit, although this benefit would be limited given the small scale of the proposal and would not outweigh the harm identified.
 10. The proposal would subsequently result in a detrimental impact on the ability of local people to access basic goods and services. It would therefore fail to accord with Policy DM2 of the THMDD and Policy SP01 of the Tower Hamlets Core Strategy (2010) which amongst other things seek to ensure the existing level of local shop provision is maintained as well as the creation of sustainable communities.

Other Matters

11. I note the changes that have taken place to the junction to the front of the appeal premises over recent times, but I do not consider that these have created any significant difficulty in accessing the premises, especially as a large degree of custom would likely be generated by those on foot. I also note concerns relating to the size of the premises and its constraints as part of a historic building, although many other businesses operate successfully from older premises of a limited size.

Conclusion

12. For the reasons given above, I conclude that the appeal should be dismissed.

TJ Burnham

INSPECTOR