



Appeal Decision

Site visit made on 14 January 2020

by D Hilton-Brown BSc (Hons) CIEEM

an Inspector appointed by the Secretary of State

Decision date: 12 February 2020

Appeal Ref: APP/E5330/W/19/3240452

28 Plumstead Common Road, London SE18 3TN

- 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 Sara Rahimi-Ata against the decision of Royal Borough of Greenwich Council.
 - The application Ref 19/1872/F, dated 22 May 2019, was refused by notice dated 10 October 2019.
 - The development proposed is the demolition of existing extension and outbuildings. Erection of a single storey rear extension, to facilitate the change of use of the ground and first floor D1 Dental Practice to create 2 self-contained residential flats - Class C3.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are whether or not the development is acceptable with regard to the loss of: (i) a community facility, (ii) an employment generating site and also, the effect of the proposed development on the viability of the Herbert Road Local Centre.

Reasons

3. The appeal property is a 3 storey mid-terrace building, which was previously used as a dental clinic on the ground and first floors and has a single residential flat on the second and third floors. The dental practice has now been relocated to Herbert Road.
4. This building, along with the adjoining property at Number 26 Plumstead Common Road, is locally listed in the Royal Greenwich Local Heritage List (May 2019). They are recorded as Georgian buildings of Architectural and Historic Interest. However, from my site visit and the evidence before me, I would agree with the Council's assessment, that this development would cause little harm to the locally listed buildings.

Loss of community facility

5. The development would involve the change of the property from a community facility within class D1 use, into residential use, by converting the building into 2 self-contained flats. Policy CH(a) of the Royal Borough of Greenwich Local Plan, Core Strategy with Detailed Policies, adopted July 2014 (CS), requires that

development demonstrates that the property would no longer be suitable for use as a community facility before it can be redeveloped.

6. The lack of step free access has been referenced as a reason why the property would not provide a suitable community facility. I appreciate that there are limiting factors to adapting the building to provide step free access. However, I give this little weight as limited evidence has been submitted to demonstrate that all options to achieve alternative access into this property have been explored.
7. Internal configuration, restricted access and close proximity to residential dwellings, have all been presented as reasons why this appeal property would not be suitable as a community facility. I acknowledge that the proposal would not result in the shortfall of a dental practice. However, the CS, the Infrastructure Delivery Plan for Royal Greenwich, 2014 (IDP) and The London Plan, The Spatial Development Strategy for London, 2016 (The London Plan), all list a range of potential alternative social infrastructures. The appellant states that none of the community uses identified in these documents could be located in the appeal property. However, I am not persuaded by the evidence before me that all alternative uses have been comprehensively explored and that why, consequently, all D1 uses would be excluded from utilising the appeal premises.
8. The IDP is referenced by the appellant as not supporting the need for community facilities, due to limited growth and no significant short fall of community facilities in the area. However, this plan only provides an indication of growth through new development. It does not consider growth in this area due to natural population increases. Therefore, some growth would be expected, and this development would result in the loss of a site that presently has a social infrastructure use, while providing little justification for its loss.

Loss of Employment Generating Site

9. Policy EA(a) of the Core Strategy requires that marketing on a fair price and terms, for at least 2 years, is implemented to show that there is no realistic prospect of any form of employment arising on a previous employment site. Only once this has been demonstrated will a non-employment use be allowed.
10. The appeal property was marketed by the appellant from August 2012 until July 2013. During this time no viable offer was secured. However, this information is over 6 years old and was therefore not marketed under current market conditions. Furthermore, this time period is considerably less than that required by policy EA(a). Consequently, I give this little weight.
11. I am aware that the property was readvertised in October 2019. However, this is an insufficient period of time by which to gain a representation of the current market. Additionally, little further information has been provided in relation to this matter. The appellant states that it is unreasonable to commit to 2 years of marketing. However, I consider it is a reasonable length of time to satisfactorily gauge the level of interest in this type of facility. Furthermore, I must assess this development against Council policy and Policy EA(a) sets out this required timescale for marketing.

Retail function and viability

12. I acknowledge that the appeal property is not in retail use, the proposed development would not lead to the loss of an A1 retail unit and that the properties on either side are residential properties. However, the appeal building is situated within the Herbert Road Local Centre, as allocated within the Core Strategy. It was also evident from my site visit that the ground floor of the appeal property was not in residential use and previously was part of the commercial function of this Local Centre. This was apparent by the signage attached to the outside of the property.
13. The appellant undertook a visual survey (June 2019) of the buildings in the Local Centre, this established that there is a good presence of A1 class use and a low vacancy level of commercial properties. However, this does not alter the fact that a residential use of the appeal building's ground floor would provide little direct service to visiting members of the public. It would only be of benefit to the future residents living there. The proposed property would therefore do little to keep the shopping frontage active and viable as required by Policy TC(b) of the Core Strategy.
14. I acknowledge that there would be some limited additional footfall of future residents using the Local Centre, from the proposed flats. Nevertheless, I consider a community usage would generate greater footfall by visitors, users and staff of a community facility, this in turn would lead to enhancement of the vitality and viability of the Local Centre.
15. The appellant references the property's historical residential past as support for its return to residential use. However, I can give this limited weight as the property is presently in D1 use and has been for some years and therefore must be considered on this basis.
16. Therefore, the development is considered unacceptable due to the loss of the community facility (Use Class D1) and the loss of employment generating use (Use Class D1), and to the harm to the retail function and continued viability of the Herbert Road Local Centre. The proposal would fail to comply with policies 3.16 of the London Plan and CH(a), EA(a), TC7 and TC(b) of the Core Strategy. Together these require development to enhance Local Centres and directly serve visiting members of the public.

Other Matters

17. The development would deliver additional residential accommodation to the area, but this would be limited and at the expense of a community facility and loss of employment opportunities, which in turn would harm the viability of the Herbert Road Local Centre. Therefore, it does not outweigh the harm I have already identified.
18. Furthermore, I give little weight to the suggestion that the development would reduce anti-social behaviour by increased passive surveillance. The property fronts onto a busy road, opposite the crossroads regulated by traffic lights, which provides adequate surveillance due to cars slowing down and waiting at the junction.

Conclusion

19. The development would be contrary to the adopted development plan and there

are no material considerations, or other matters, indicating a decision otherwise than in accordance with it. For those reasons, I conclude that the appeal should be dismissed.

D Hilton-Brown

INSPECTOR