



Appeal Decision

Site visit made on 30 June 2020

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th July 2020

Appeal Ref: APP/H5390/W/19/3243875

6 Goldhawk Mews, London W12 8PA

- 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 C Fyans against the decision of the Council of the London Borough of Hammersmith & Fulham.
 - The application Ref 2018/02524/FUL, dated 26 July 2018, was refused by notice dated 4 July 2019.
 - The development proposed is conversion of existing offices at ground and first floor level (Class B1) into single family dwelling (Class C3).
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Decision

1. The appeal is dismissed.

Procedural Matters

2. As part of the appeal, revised plans were submitted. These alter the internal layout of the dwelling to show only one bedroom and a bathroom at first-floor level, and to provide internal cycle and refuse storage. Obscure glazing is also shown to the ground-floor fenestration at the front of the building. This was not previously indicated, and would alter the appearance of the building.
3. From the submitted information, I cannot be sure that the suggested internal refuse storage would not affect the living conditions of future occupiers, for example through odour. I also have some concerns that access for cycles to the suggested store would be difficult, limiting its practicality. Moreover, while the changes are relatively minor, I am mindful that the appeal process should not be used to evolve a scheme and it is important that what is considered by the Inspector is essentially what was considered by the Council, and on which interested people's views were sought. As well as altering the number of bedrooms, the changes would affect the appearance of the building which is located within the Coningham and Lime Grove Conservation Area (CA), albeit to a fairly limited degree. I cannot be certain that all parties have had an opportunity to comment on these changes, and in the interests of fairness, I have therefore determined the appeal on the basis of the drawings which were considered by the Council.

Main Issues

4. The main issues in this appeal are:
 - i) whether or not the proposal would result in an unacceptable loss of employment space;
 - ii) whether or not living conditions for occupiers of the dwelling would be

acceptable, with particular regard to the quantity and quality of internal space; and

iii) whether or not adequate refuse and cycle storage would be provided.

Reasons

Loss of Employment Space

5. The two-storey building on the appeal site is part of a terrace of 10 similarly designed buildings which are in a mix of residential and commercial uses, although the main parties disagree over whether 3 or 4 are residential. The appeal building is currently vacant, but there is no dispute between the parties that the last use as office accommodation represents an employment use which would be lost following the development.
6. Policy E1 of the Hammersmith & Fulham Local Plan 2018 (HFLP) supports the retention, enhancement and intensification of existing employment uses to provide for a range of enterprises. Under HFLP Policy E2, premises capable of providing continued accommodation for employment should be retained, unless one of 3 listed circumstances apply. These include where it can be evidenced that the property is no longer required for employment purposes. In such cases, Policy E2 guides that the suitability of the site for continued employment use; evidence of unsuccessful marketing over a period of at least 12 months; and ensuring a sufficient stock of premises and sites to meet needs for a range of employment uses in appropriate locations; will be considered amongst other factors. At paragraph 7.14, the HFLP further advises that marketing should generally be by at least 2 recognised commercial agents, and at a price similar to that pertaining in the local area for similar premises.
7. The appellant has provided an undated Marketing Report (MR), as well as copies of emails which provide some additional detail in response to queries raised by the Council. These indicate that the site was marketed between May 2017 and July 2018, but that interest was limited.
8. The marketing was undertaken by 2 commercial agents and exceeded the 12-month timeframe referred to within HFLP Policy E2. Although the Council suggests that the marketing cannot be described as 'unsuccessful' because the end of the marketing period coincided with the purchase of the property by the appellant, I note the unusual circumstances around the purchase as one of the vendors was related to the appellant. I also note the appellant's comment that the site was bought with the intention of converting it to a dwelling.
9. In any event, while the MR suggests that the initial asking price was justified, the example transactions quoted in support of this assertion relate to properties with either approval for change of use (1 and 4 Goldhawk Mews) or consent for residential development (57 Bayham Place). Accordingly, I can draw little direct comparison with the circumstances of the appeal site. I acknowledge that the asking price was later reduced, but from the limited information before me I am unable to ascertain with any confidence that the site was marketed at a price commensurate with market values for comparable office premises, either initially or subsequently.
10. Moreover, the MR refers to offers being received, including one above the reduced asking price once the property was under offer. Although the majority of interest was said to be from developers or investors rather than owner

occupiers, I have no further detail of the nature of the offers received, nor evidence that none would have resulted in continued employment use.

11. Marketing of the property re-commenced in July 2019, and details of the marketing activity are provided within a letter from the instructed commercial agents dated 12 December 2019. While this letter indicates little interest in the site, it is from a single agent and covers a period of less than 5 months. In addition, no information is provided to justify the asking prices given, and in the case of the freehold asking price I note that this is higher than under the initial marketing period. For these reasons, I find that the evidence of marketing is insufficient to reasonably demonstrate a lack of demand for the existing office space.
12. The appellant suggests that the building is not suitable for continued office use, with issues highlighted relating to poor street frontage visibility, a lack of parking, the age and split-level layout of the building with restricted footprint and natural light, works required to the building, and concerns regarding security at night. I also note similar concerns over the size and layout of the building as well as problems around managing deliveries to the site, which have been raised by a former occupier. However, there is little detail to support these assertions, and no substantive evidence has been provided to show that continued employment use would be unviable.
13. Furthermore, requirements would vary according to different business needs and I note that some of the other properties within the terrace which would be similarly affected by many of these constraints remain in employment use. I am not therefore satisfied that site-specific conditions indicate the building is unsuitable for continued employment use.
14. The site is located within a predominantly residential area rather than a town centre or designated employment area, but this does not prevent the site from making a contribution to the supply of employment land in the borough. The appellant's evidence refers to the availability of alternative office space within the locality. However, I have no detailed information on the size or nature of accommodation which may be available so as to allow comparison with the space on the appeal site and substantiate the suggested oversupply of similar premises. Even though the quantum of floorspace affected would be fairly small, the HFLP indicates that there is a large proportion of small to medium sized enterprises in the borough. The Council has also introduced an Article 4 direction to protect employment space from conversion to dwellings utilising permitted development rights. Given these factors, I am unable to conclude with confidence that the development would not be detrimental to the supply of premises suitable for a range of employment uses, with resulting harm to the local economy.
15. I recognise that HFLP Policy HO1 and the Housing Supplementary Planning Guidance to the London Plan - The Spatial Development Strategy for London Consolidated with Alterations Since 2011 (LP) support the use of surplus commercial space or buildings where there is no reasonable prospect of continued use to provide housing. Be that as it may, I am not satisfied from the evidence before me that the appeal site is clearly surplus to requirements, or that it should no longer be retained in employment use.
16. There is no compelling evidence before me to support the appellant's assertion that the proposed residential use is the most viable option for the use of the

site. Nevertheless, the development would make effective use of the site which is currently vacant. The proposed dwelling would add to the supply of housing and I recognise strong support within both the National Planning Policy Framework and the LP for the provision of additional housing. However, given the small scale of the development, the contribution to the overall supply of housing would be limited. In addition, the Framework also advises that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development, and from the information before me, the development would be contrary to these objectives. In this context, I find that the benefits of the development would not outweigh the harm to the supply of space for employment within the borough.

17. For these reasons, I conclude on this main issue that the loss of office space would result in unacceptable harm to provision of employment space, and the proposal would conflict with HFLP Policies E1 and E2.

Living Conditions

18. The annotations on the proposed plans show that the first-floor level of the dwelling would comprise 'Bedroom 1' and a 'Study', but the submitted application form and the Planning Statement & Flood Risk Assessment October 2018 both indicate that the dwelling would have 2 bedrooms. Given the layout, the development would be capable of occupation as a 2-bedroom dwelling and I have considered the appeal on this basis.
19. The Government's technical housing standards - nationally described space standards (NDSS) are carried through to Policy 3.5 of the LP and the Council's Planning Guidance Supplementary Planning Document 2018 (SPD) and indicate that a two-bedroom, 3 person dwelling should have a minimum gross internal floor area of 70sqm. The main parties suggest that the dwelling would have an area of either 57sqm or 58sqm. Even taking the appellant's higher figure, there would be a shortfall of 12sqm below the minimum area sought by the NDSS. Furthermore, sufficient space for storage within the dwelling in accordance with the NDSS has not been demonstrated, and the tightly drawn boundary of the site precludes outside storage.
20. The appellant suggests that approximately 85% of the total floor area would have a minimum ceiling height of at least 2.3m, exceeding the 75% demanded by the NDSS. Be that as it may, I saw that the sloping roof would constrain the extent of the usable area within the rooms proposed at first floor level to both the front and the rear of the building. I recognise that as a proposal for conversion, the development is constrained by the existing building. Nevertheless, while the sloping ceiling and resulting internal height of areas of the first floor would not in itself be determinative, it would compound the shortfall in overall floor area of the dwelling.
21. For these reasons, I conclude on this main issue that it has not been demonstrated that the development would provide acceptable living conditions for future occupiers. The proposal would also conflict with HFLP Policies HO4 and HO11 and LP Policy 3.5 as well as guidance within the Planning Guidance SPD which together seek high quality residential accommodation which meets the needs of occupiers.

Refuse and Cycle Storage

22. HFLP Policies T1 and T3 seek to encourage cycling and a modal shift away from private vehicles, and require provision of convenient, accessible, safe and secure cycle parking. Policies HO11 and CC7 of the HFLP additionally require convenient provision for waste and recycling storage, with further guidance on recommended storage capacities included within the Planning Guidance SPD.
23. The appeal site boundary does not include space outside of the building, and no provision is shown within the building to accommodate cycle storage or storage for refuse and recycling. Even if it were possible to accommodate storage within the building, this would further reduce the available internal floor area, exacerbating the shortfall in usable space for occupiers of the dwelling. Given this, I am not satisfied that provision of storage is a matter that could appropriately be deferred for later resolution by means of a planning condition.
24. I therefore conclude on this main issue that provision of adequate refuse and cycle storage to serve the development has not been demonstrated, and the proposal would conflict with HFLP Policies T1, T3, HO11 and CC7.

Other Matters

25. I have paid special attention to the desirability of preserving or enhancing the character or appearance of the Coningham and Lime Grove CA in accordance with section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The external appearance of the building would not be altered, and I am satisfied that the character and appearance of the CA would be preserved. However, this is a neutral factor and weighs neither for nor against the proposal.
26. The site is within a controlled parking zone where on-street parking is restricted between 0900 and 1700 Monday to Friday to permit-holders or by purchase of a ticket. No parking is provided within the appeal site. The site has a moderate Public Transport Accessibility Level rating of 3, and I note that the Council does not object to the lack of parking, subject to suggested planning conditions to restrict parking permits for future residents. However, as I am dismissing the appeal for other reasons, it is not necessary for me to further consider the need to restrict on-street parking nor the appropriate mechanism to secure this, as this would not alter the overall outcome of the appeal.

Conclusion

27. The proposal would conflict with the development plan when it is read as a whole, and there are no material considerations which indicate that a decision contrary to the development plan should be reached. I therefore conclude that the appeal should be dismissed.

J Bowyer

INSPECTOR