
Appeal Decision

Site visit made on 22 October 2022

by G Powys Jones MSc FRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 27th November 2020

Appeal Ref: APP/T5150/W/20/3253011
35 Willesden Lane, London NW6 7RF

- 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 (as amended).
 - The appeal is made by Mr Piak Si Chiok against the decision of the Council of the London Borough of Brent.
 - The application Ref 19/4335, dated 9 December 2019, was refused by notice dated 24 January 2020.
 - The development proposed is change of use from shop (Use Class A1) to residential dwelling (Use Class C3), replacement of shop front, removal of rear access stairs and replacement of door with window to first floor flat
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Decision

1. The appeal is dismissed.

Preliminary matters

2. Schedule 2, Part 3, Class M of the GPDO¹ requires the local planning authority to assess the change of use element of the proposed development against a number of criteria. It is common ground that the only matter in contention is the impact of the proposed change of use on the sustainability on what it considers a key shopping area.
3. The appellant does not regard this part of the shopping centre as 'key'. Rather, he describes it as a secondary shopping frontage, whereas the primary shopping frontage is located in nearby Kilburn High Road.
4. The Council does not disagree that this is a secondary shopping frontage, but it forms part of a designated Town Centre, whose function is governed and protected by development plan policy.
5. Having regard to the policy provisions referred to by the Council², I have no reason to disagree with its view that the property is contained within a key shopping area.

Main issue

6. The main issue is the effect of the proposal on a key shopping area.

¹ The Town and Country Planning (General Permitted Development) (England) Order 2015

² Policy DMP2 Brent Development Management Policies Development Plan Document (DMP)

Reasons

7. The ground floors of this part of Willesden Lane are comprised of a mixture of ground floor shops, and other uses such as takeaways and services, commonly found in secondary retail areas. The ground floor of the appeal property is in use as a hairdresser, and was open for business when I visited. The vast majority of the units along this part of the shopping area were in use, and whilst I saw evidence of vacancies, this was limited in extent.
8. The appeal unit is comprised within the uninterrupted retail and commercial ground floor southern frontage of Willesden Lane between its junctions with Kenilworth Road and Kingsley Road. This assumes significance in the context of development plan policy.
9. In this regard DMP Policy DMP2 supports strong centres. It states that unviable secondary frontage on the periphery of town centres will be acceptable for residential development. However, the accompanying explanatory text provides that frontage will be considered peripheral where it is outside of the primary frontage and its conversion would not result in residential development between frontage in main town centre use.
10. As explained previously, the proposal would involve the loss of an active retail unit³ within an uninterrupted retail frontage, and the appeal property does not occupy a peripheral location within a designated shopping frontage.
11. To my mind, the loss of this retail unit, which is still actively used, would considerably lessen the attractiveness and vitality of this part of the centre as a retail destination.
12. I therefore conclude that the proposal would be unacceptable within the terms of the GPDO because it would have a harmful impact upon the sustainability of a key shopping area.

Other matters

13. All other matters raised in the representations have been taken into account, but no other matter is of such strength or significance as to outweigh the considerations that led me to my conclusions.
14. Accordingly, the appeal is dismissed.

G Powys Jones

INSPECTOR

³ and thus an apparently viable shop