
Appeal Decision

Site visit made on 24 November 2020

by G Powys Jones MSc FRTPI

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

Decision date: 8th January 2021

Appeal Ref: APP/E5330/W/20/3251510

62 Charlton Church Lane, London SE7 7AB

- 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 Mrs Hannah Duong against the decision of the Council of the Royal Borough of Greenwich.
 - The application Ref 19/4338/PN2, dated 20 December 2019, was refused by notice dated 18 March 2020.
 - The development proposed is the change of use of ground floor from Retail (Class A1) to Residential (Class C3) 1bed-flat.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. Since it more precisely and accurately describes the proposal, I have adopted the description of the development used in the Council's decision notice in preference to that used in the original application form.
3. Schedule 2, Part 3, Class M of the GPDO¹ (the Order) requires the local planning authority to assess the change of use element of the proposed development against a number of criteria. The only criterion in contention relates to the impact of the proposed change of use on the sustainability of a key shopping area.
4. The term 'key' is not defined in the Order, the National Planning Policy Framework (NPPF) or in development plan policy. However, the premises falls within what is described as a neighbourhood parade under the terms of local policy². This policy, amongst other matters, provides that:

In neighbourhood parades and freestanding premises, the change of use of existing ground floor units within use class A1 will be refused unless the proposal would reinforce the function of the neighbourhood parade in serving the day to day needs of local residents.
5. The appellant, however, does not regard this part of the shopping centre as 'key', principally for the reasons set out at paragraph 5.16 of her Grounds of Appeal.

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

² Policy TC7 of Royal Greenwich Local Plan: Core Strategy with Detailed Policies (CS)

6. The Council disagrees for the reasons provided in the officer report on the application. They also point to a recent appeal³ for a similar proposal affecting a neighbouring property (No 60), wherein the Inspector considered this aspect thoroughly, at paragraphs 14-17 of her decision letter. I share my colleague's view, for the same reasons, that the site falls within a key shopping area for planning purposes.

Main issue

7. Having regard to the foregoing, the main issue is the effect of the proposal on a key shopping area.

Reasons

8. The neighbourhood parade stretches from the railway station up the hill, southwards along Charlton Church Lane to its junction with Nadine Street. Retail and other commercial uses are limited to the ground floor, with for the most part, residential above. The parade occupies parts of both frontages, and is interspersed with residential dwellings, as seen on the opposite side of the road from the appeal property.
9. The parade, Sainsbury's local supermarket apart, is characterised by modestly sized units in various uses including Class A1 (retail), A2 (financial and professional), A3 (restaurants and cafes) and A5 (hot food take-aways). In my experience, the parade and its mix seems fairly typical of such parades seen throughout suburban London and other parts of the country.
10. The appellant paints a bleak picture of the parade describing it as in a '*deteriorating state, despoiled, degraded, derelict and grossly under-utilized by residents*' as it, allegedly, no longer offers the basic services needed to support local residents. In this regard it is claimed that local residents are well served in retail terms by the Sainsbury's local supermarket and other readily accessible shopping centres.
11. The appellant claims that the parade's general condition, coupled with competition, has resulted in the appeal unit being vacant for over 12 months and that vacancy rates in the parade are high. It is considered that the loss of a single unit would not undermine local residents' ability to access shopping facilities.
12. Although I saw some evidence of lack of maintenance, I do not share the appellant's description of the parade's physical condition, which I consider exaggerated. Many of the units in the parade were shut and some shuttered at the time of my visit. However, my visit coincided with a period of lockdown due to the pandemic. Non-essential shops were thus shut, and I could not therefore rely on the snapshot obtained during my visit to judge the overall health of the parade.
13. However, the appellant has produced no empirical data to justify the assertion that vacancy rates are high. In this regard she contends that the Council's previous retail survey exercise is out-dated⁴, and that they should have produced another for this appeal. However, I would have reasonably expected

³ APP/E5330/W/19/3233229 dated 12 November 2019

⁴ This took place in 2017 and showed that 3 units were vacant

the appellant's assertions as to the current accuracy of the Council's survey to be supported by her own empirical evidence, but none has been produced.

14. I saw very little evidence of marketing, such as advertising boards, being displayed within the parade as a whole. Whilst the relative absence of advertising boards is not conclusive, in the absence of any other explanation it is probably indicative that vacancy rates in the parade may not be as high as the appellant suggests.
15. Moreover, although the property's ground floor appears to have vacant for some time, no concrete evidence has been provided as to the efforts made, if any, to market the property for a retail use. Accordingly, there is no firm evidence before me that the potential demand for the retail use of the unit has been tested.
16. The Inspector conducting the appeal in respect of No 60 noted that there is already some evidence of residential uses having replaced commercial uses in close proximity to the appeal property. These, to my mind, have had the effect of disrupting the retail frontage and reducing choice, making it less attractive to local residents as a shopping destination. A further change of use in the manner proposed would exacerbate the process by eroding the attractiveness and function of the parade as a whole, thus conflicting with the thrust of CS policy TC7.
17. I therefore conclude that the proposal would be unacceptable and inappropriate in the terms of the Order because it would have a harmful impact upon the sustainability of a key shopping area.

Other matters

18. The appellant and the Council have referred to other appeals in the parade, which the appellant described as precedents. The previous appeal⁵ in respect of the appellant's property was not dismissed for its effect on the retail functioning of the parade – that issue was not considered. As to the appeal in respect of No 66⁶ – that did not involve the loss of an A1 retail use. The appeal at No 64⁷ involved the change of a *sui generis* use to an A1 use, and was allowed. Thus the other appeals referred to, apart from that in respect of No 60, are clearly distinguishable, for different reasons, from that under consideration now.
19. All other matters raised in the representations have been taken into account, including the appellant's references to other CS policies and the NPPF, but no other matter is of such strength or significance as to outweigh the considerations that led me to my conclusions.
20. Accordingly, the appeal is dismissed.

G Powys Jones

INSPECTOR

⁵ APP/E5330/W/18/3214568

⁶ APP/E5330/W/14/3000281

⁷ APP/E5330/W/16/3165967