



Appeal Decision

Site visit made on 15 February 2021

by M Bale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 February 2021

Appeal Ref: APP/D1265/W/20/3260010

Rear of 31 Station Road, Swanage BH19 1AD

- 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 Mr R Hartle against the decision of Dorset Council.
 - The application Ref 6/2019/0615, dated 6 November 2019, was refused by notice dated 15 May 2020.
 - The development proposed is to convert store to residential unit.
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Decision

1. The appeal is allowed and planning permission is granted to convert store to residential unit at rear of 31 Station Road, Swanage BH19 1AD in accordance with the terms of the application, Ref 6/2019/0615, dated 6 November 2019, subject to the conditions in the attached schedule.
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, Block Plan; Plans as Proposed; 1460/2; 1460/4.(A).
 - 3) Prior to the first occupation of the dwelling, the development shall be completed to fully accord with the mitigation measures set out on page 2 of the Flood Risk Assessment accompanying the application.

Application for costs

2. An application for costs was made by Mr R Hartle against Dorset Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues are the effect of the development on the vitality and viability of Swanage Town Centre; and whether the proposal would afford adequate living conditions to future occupiers.

Reasons

Town Centre

4. The site is a currently vacant, two-storey building. It stands on the opposite side of a service lane to the rear of No.31 Station Road, connected to it via a bridge at first floor level. The Council's Policy Officer has confirmed that the

evidence indicates that, most recently, the building has been used as storage for local businesses operating out of other nearby premises. Therefore, while it has been previously described as ancillary to No.31 and may have been included within the site of an historic planning application, it does not appear to have supported retail uses at No.31 for some time.

5. It may well be that retail uses require an element of storage to support them. In this regard, I note that another Inspector in connection with an appeal at 10 Commercial Road found that the loss of storage space equated to a loss of retail use. However, in that case, it appears from the limited evidence before me that there was an ongoing connection between the retail use and floorspace in question. That is not the situation here, where the appeal building has been used in connection with businesses elsewhere.
6. While there is dispute between the Council and appellant as to the lawful use and whether the site should be considered as ancillary to the retail use at No.31, the evidence indicates that it is not essential to support retail activities at No.31. I understand that the businesses of previous occupiers of the appeal building may have encountered difficulties following the end of their tenancies. However, as the building was separate to their main premises, it was being used as convenient off-site storage. Therefore, whether or not the building should have been used in this way, and although ongoing use as such may offer a viable use for the building, there would not be a loss of retail use arising from the proposal.
7. The National Planning Policy Framework (Framework), at paragraph 85, indicates that decisions should support the role of town centres by taking a positive approach to their management. This should include promoting long-term vitality and viability and allowing a suitable mix of uses, including housing. While noting the specific implications for the previous tenants, there is no substantive evidence that there is an unmet need for storage facilities generally to support the vitality and viability of the town centre.
8. Policy RP of the Purbeck Local Plan Part 1 2012 (LP) sets out that the loss of uses within Class A of the Use Classes Order in town centres will only be permitted if 3 criteria are met. Whether or not those criteria are met, I have found that the proposal would not lead to a loss of retail uses. Given the lack of clear, ongoing, connection with the needs of No.31, therefore, I find that there would be no conflict with LP Policy RP and the proposal would not harm the vitality and viability of the town centre.

Living conditions

9. The Framework and National Design Guide encourage high levels of amenity, with a good standard of internal space that includes consideration of room sizes, sunlight and daylight. The proposed development would have small internal spaces. Outlook from the ground floor bedroom onto the narrow lane would be restricted by the lane's width, any parked cars would further impose on the internal environment, and bins and other stored items would not be particularly attractive. However, this is not a family dwelling and so this bedroom is unlikely to be heavily used during the day or as an active living space demanding a high quality outlook.
10. The upstairs accommodation would be given over to an open plan living space. Thus, the kitchen area would be connected to the main space and lit to some

extent by the windows within it. The space would be small, but would appear to be large enough to accommodate small seating and dining facilities. There is no substantive evidence that the kitchen area could not be designed to function effectively. The outlook from here would be partially across a rear ground floor flat roof of the buildings on the opposite side of the lane, the main part of the building fronting Station Road being further away. As such, the living space would not be completely enclosed, offended by nearby parked cars or stored items, and would provide adequate outlook and daylight.

11. There would be no external garden space available, but public open space, such as the beach, is very close by, as are numerous town centre facilities. I, therefore, find that the development would provide adequate living conditions for future residents and there would be no conflict with the aims of LP Policy D that seek to foster good design.

Other matters

12. Some concern has been raised about effects on the privacy of neighbouring residents. However, the Council found that there would be no harm in this regard and, having seen the relative window positions and with regard to the high density characteristics of the area, I have no reason to disagree with that assessment. There may be some inconvenience to neighbouring residents during building works, but these would be short-term and, therefore, of little weight in my decision.

Conditions

13. A plans condition is required in the interests of certainty. With regard to flood risks in the area, a condition is necessary to secure mitigation measures that have been considered appropriate by the Council.

Conclusion

14. With regard to the above, I conclude that the appeal should be allowed.

M Bale

INSPECTOR