



Appeal Decision

Site visit made on 2 March 2021

by C Osgathorp BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 March 2021

Appeal Ref: APP/E5900/W/20/3258904
558 Commercial Road, London E14 7JD

- 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 Akthar Hussain against the decision of the Council of the London Borough of Tower Hamlets.
 - The application Ref PA/20/00927, dated 5 May 2020, was refused by notice dated 1 July 2020.
 - The development proposed is creation of additional storey above existing building and change of use of first and part ground floors from A2 to provide 2 flats (Class C3) (1 x 2 bed, 1 x studio flat) with associated cycle parking, refuse storage and private amenity space.
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Decision

1. The appeal is allowed and planning permission is granted for creation of additional storey above existing building and change of use of first and part ground floors from A2 to provide 2 flats (Class C3) (1 x 2 bed, 1 x studio flat) with associated cycle parking, refuse storage and private amenity space at 558 Commercial Road, London E14 7JD in accordance with the terms of the application, Ref PA/20/00927, dated 5 May 2020, subject to the conditions set out in the attached Schedule.

Application for costs

2. An application for costs was made by Mr Akthar Hussain against the Council of the London Borough of Tower Hamlets. This application is the subject of a separate Decision.

Preliminary Matters

3. The description of proposed development in the heading above is taken from the appeal form, as it is a more accurate description than that used on the planning application form. My formal decision also reflects the description used on the appeal form.
4. The new London Plan 2021 (LP2021) was published on 2 March 2021. It replaces previous versions of the London Plan and can be given full weight. In terms of policies relevant to this appeal, there have been no material changes in LP2021 from those contained in the Intend to Publish (December 2019) and Publication (December 2020) versions of the plan. No party has been prejudiced by me proceeding with the appeal in light of this change in policy.

5. The appellant submitted revised drawing No. 190604 L 104 Rev A during the appeal. This shows the provision of a shower room for the proposed second floor flat. As this would not materially change the nature of the proposal, and therefore cause no prejudice to any party, I have taken the revised plan into consideration.

Main Issues

6. The main issues are:

- the effect of the proposed development on the vitality and viability of the Limehouse neighbourhood centre;
- whether the proposed development would provide acceptable living conditions for future occupiers of the proposed first floor flat; and,
- whether the proposed development would provide accessible cycle storage.

Reasons

Limehouse neighbourhood centre

7. The appeal site is located in the Limehouse neighbourhood centre, which provides a range of shops and services for the local area. The appeal property is a 2 storey commercial building with basement, located at the end of a terrace that includes ground floor commercial units. It has a shopfront that wraps around the front and side of the building.
8. The proposal would reduce the size of the existing commercial unit so it would be confined to the ground floor and basement of the premises. Whilst the Council has no objection to the change of use of the first floor, it is concerned that the reduction in size of the ground floor commercial unit, by virtue of the new entrance corridor and bin/cycle storage area for the proposed upper floor flats, would inhibit the functionality of the space to the extent that it would not be attractive to potential commercial occupiers. The Council comments that this would be harmful to the vitality and viability of the Limehouse neighbourhood centre.
9. The information before me indicates that the proposal would provide a commercial unit measuring around 38 square metres on the ground floor and 40 square metres in the basement. The proposed floor plans show an arrangement of desks and seating on the ground floor and basement. The basement would also provide a staff kitchen; W.C.; and storage area.
10. Having regard to the size of the retained commercial unit and the services/fittings that would be provided, I am satisfied that it would provide a functionable space that would be attractive for potential commercial occupiers. There is no substantive evidence before me to suggest otherwise. The proposal would retain the existing double-sided shopfront and therefore it would maintain an active frontage and commercial presence in the Limehouse neighbourhood centre.
11. For these reasons, I conclude that the proposed development would have no adverse effect on the vitality and viability of the Limehouse neighbourhood centre. The proposal would therefore accord with Policy S.TC1 of the Tower Hamlets Local Plan 2031: Managing Growth and Sharing the Benefits Adopted

January 2020 (the Local Plan), which, amongst other things, states that new development within neighbourhood centres must ensure sufficient provision of local shops and services to meet the day-to-day needs of local communities. It would also accord with Policy SD7 of the LP2021 which, amongst other things, states that development proposals should ensure that commercial space is appropriately located, and is fit for purpose, with at least basic fit-out and not compromised in terms of layout, street frontage, floor to ceiling height and servicing; and support the diversity of town centres by providing a range of commercial unit sizes.

Living conditions

12. Policy D.H3 of the Local Plan states that development is required to demonstrate that, as a minimum, it meets with the most up-to-date London Plan space and accessibility standards. Table 3.1 of the LP2021 sets out minimum gross internal floor area (GIA) and storage standards according to the number of bedrooms; number of bed spaces; and, number of storeys in new dwellings. The Council states that the proposed first floor flat would not meet the minimum internal space standard of 70 square metres for a 2 bedroom (3 person) 2 storey dwelling.
13. Whilst the proposed outdoor amenity space would be on a different level, the habitable living accommodation, including the bedrooms, living area, kitchen and W.C. would all be on one level. Consequently, I regard the proposed first floor flat as being a 2 bedroom (3 person) 1 storey dwelling. The minimum GIA standard for such a dwelling is 61 square metres. The proposed floor plans indicate that the GIA of the proposed first floor flat would be 63 square metres, which exceeds the minimum standard. I acknowledge that the internal staircase to the outdoor amenity space would slightly reduce the usable floor area of the dwelling, however the remaining space would still accord with the minimum standard. Occupiers would need to walk through the bedroom in order to access the outdoor space, however I consider that this layout would function adequately.
14. The size of the bedrooms would meet the respective minimum internal space standards for double and single bedrooms, as would the storage provision within the dwelling. The proposed floor plans show that the habitable areas could accommodate a typical arrangement of furniture, and so it would provide a comfortable space for day-to-day living activities. The windows serving these living spaces would provide adequate levels of light and outlook. Furthermore, the proposed outdoor amenity area would provide an adequately sized and useable space for future occupiers.
15. For the above reasons, I conclude that the proposed development would provide acceptable living conditions for future occupiers of the proposed first floor flat. The proposal would therefore accord with Policy D.H3 of the Local Plan and Policy D6 of the LP2021, which set out that housing development should be of high quality design and provide adequately-sized rooms with comfortable and functional layouts which are fit for purpose.

Cycle storage

16. The proposed cycle storage would consist of an internal area at the rear of the ground floor behind the commercial unit. The proposed floor plans indicate that it would provide space for 4 bicycles on Sheffield stands. It would be accessed

through an internal corridor and positioned adjacent to a bin storage area. The information before me suggests that the cycle store would measure 2.2 metres by 2.7 metres, providing an area of around 6 square metres.

17. The number of proposed cycle parking spaces would meet the minimum standard set out in Table 10.2 of the LP2021. The internal storage area would provide a secure, lit and weatherproof facility for cycles. The route from the main entrance would be through a level internal corridor, which would be sufficiently wide to enable a cycle to be wheeled to the cycle store. I am satisfied that the cycle store would be large enough to provide satisfactory access and manoeuvring, however the use of the space could be improved through measures such as vertical racking. This could be addressed through the imposition of a planning condition to require details of the design of the cycle storage facility to be submitted to the Council for approval.
18. For these reasons, I conclude that the proposed development would provide accessible cycle storage. It would therefore accord with Policy S.TR1 of the Local Plan and Policy T5 of the LP2021, which seek to remove barriers to cycling and create a healthy environment in which people choose to cycle.

Other Matters

19. The appeal site is located in the York Square Conservation Area (the CA), and I have had regard to the statutory duty imposed by Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, which requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.
20. The proposed second floor extension would result in a modest increase in height, and it would be compatible with the height of the adjoining buildings in the terrace. The proposed second floor windows would align appropriately with the windows below, and the external walls would include brick detailing to reflect the existing elevations. The proposal would therefore be a sympathetic alteration to the existing building, and it would preserve the character and appearance of the CA.

Conditions

21. The Council has suggested 8 conditions which I have considered against the Framework and the advice in Planning Practice Guidance, amending where necessary in the interests of precision. I am satisfied that all of my conditions set out in the attached Schedule are necessary, relevant and reasonable to make the approved development acceptable.
22. In addition to the standard time limit condition, I have imposed a condition requiring the development to be carried out in accordance with the approved plans as this provides certainty.
23. A condition to require details of the proposed external materials of the development to be submitted to and approved by the Council is necessary to preserve the character and appearance of the CA. This is a pre-commencement condition in the interests of proper planning and to avoid any potentially abortive works.

24. Conditions to require details of the refuse, recycling and cycle storage provision to be submitted to the Council for approval are necessary to ensure that occupants would have appropriate access to these facilities.
25. Whilst the proposed construction works are relatively minor in extent, given the location of the appeal site close to a busy road junction I consider that a condition to require the submission of a Construction Management Plan for approval is necessary in the interests of highway safety. This is a pre-commencement condition because the carrying out of construction works without a prior agreed construction management plan could cause short-term harm to highway safety.
26. The appeal site is located in an accessible location close to Limehouse station, as well as bus stops and a range of shops and services. Cycle parking provision would also be available on the site for residents. Having regard to the accessible location of the site and the small-scale nature of the proposal, it would be unlikely to generate any significant car parking needs. Accordingly, the Council's suggested condition to restrict parking permit entitlement for occupiers would not be necessary to make the development acceptable in planning terms.

Conclusion

27. For the above reasons, I conclude that the appeal should be allowed.

C Osgathorp

INSPECTOR

Schedule of conditions

1. The development to which this permission relates shall be begun within a period of three years commencing on the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved drawings:-

190604 L 100; 190604 L 101; 190604 L 102; 190604 L 103; 190604 L 104 Rev A; 190604 L 105; 190604 L 106; and 190604 L 107.
3. No development shall commence until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
4. Prior to the occupation of the dwellings hereby approved, details of secure cycle storage for the development shall be submitted to and approved in writing by the Local Planning Authority and the cycle storage shall be provided in accordance with the approved details. The cycle storage shall be retained at all times thereafter.
5. Prior to the occupation of the dwellings hereby approved, details of refuse and recycling storage for the development shall be submitted to and approved in writing by the Local Planning Authority and the refuse and recycling storage shall be provided in accordance with the approved details. The refuse and recycling storage shall be retained at all times thereafter.
6. No development shall commence, including any works of demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. The approved Plan shall be adhered to throughout the construction period. The Plan shall provide for:
 - i. the parking of vehicles of site operatives and visitors;
 - ii. loading and unloading of plant and materials;
 - iii. storage of plant and materials used in constructing the development;
 - iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - v. measures to control the emission of dust and dirt during construction;
 - vi. a scheme for recycling/disposing of waste resulting from demolition and construction works.
 - vii. delivery, demolition and construction working hours.
 - viii. all non-road mobile machinery, used in connection with the construction of the development hereby approved, (NRMM) must meet the minimum emission requirements set out in the Mayor of London's Control of Dust and Emissions during Construction and Demolition, Supplementary Planning Guidance 2014.