
Appeal Decision

Site visit made on 15 March 2021

by Nicola Davies BA DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 April 2021

Appeal Ref: APP/Z5630/W/20/3263098

22 Bloomfield Road, Kingston Upon Thames KT1 2SE

- 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 Frank McCluskey against the decision of the Council of the Royal Borough of Kingston upon Thames.
 - The application Ref 20/01073/FUL, dated 27 April 2020, was refused by notice dated 7 July 2020.
 - The development proposed is change of use from a shop (Use Class A1) to a single dwelling house (Use Class C3).
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The London Plan 2021 has been published since the planning application was determined by the Council. Both main parties have had the opportunity to comment on any relevant implications for the appeal. I have had regard to the London Plan 2021 in reaching my decision.

Main Issues

3. The main issues in this case are: -
 - a) Whether the proposed development would be consistent with planning policies relating to the retention of existing retail and employment uses; and
 - b) The effect of the proposed development upon the character and appearance of the host property and the area and whether it would preserve or enhance the character or appearance of the Grove Crescent Conservation Area (the CA).

Reasons

Retail and employment

4. Policy DM17 of the Royal Borough of Kingston Upon Thames LDF Core Strategy 2012 (the Core Strategy) seeks to protect all employment land and premises and indicates that alternative uses will not be accepted unless it has been demonstrated by sound evidence and rigorous marketing over a number of years (up to two years) that there is no need for a range of employment uses.

Policy DM19 of the Core Strategy seeks to protect existing retail uses and resists their loss in Local Centres and outside designated centres.

5. The proposal would result in the loss of an existing retail premises and this brings the proposal into conflict with the aims of Policies DM17 and DM19 of the Core strategy.
6. It is explained that the business has experienced a drop in sales over the past ten years with a drop of 38% in the past four years. The opening of other convenience stores and students moving out of the local area are said to be factors contributing to this. It is also highlighted that since the pandemic lockdown there has been no increase in trade at the premises despite the other two convenience stores within the parade having been closed over this period. I have been directed to online spending statistics produced by the Office of National Statistics. Percentages for three selected months in 2020 are provided. It appears that the appellant may be suggesting that this demonstrates an increase in online spend but the evidence before me does not specifically say this. A summary of the past four years takings indicates a decrease in the enterprise's profits over this period. Whilst collectively these indicate a decline in trade, these factors do not clearly demonstrate the existing business to be unviable, or that an alternative retailer or employment use at the premises would not be commercially viable.
7. It is advised that the business has been marketed for sale between June 2015 and February 2020 with no offers received. However, I have not been provided with any detailed information that would establish the extent of this marketing or to what market/markets it was presented and whether or not the premises was presented at a competitive sale price. Therefore, it has not been demonstrated that the property has been appropriately and/or competitively marketed. Appropriate marketing could indicate the potential interest in the premises by an alternative retail operator or employment use. Although it has been highlighted that the upper floor accommodation is dated, it has not been explained how this might impact the sale of the property or the visibility of the existing business.
8. I have been advised that other retail premises have been granted change of use to residential in the Borough in the past five years. I have not been provided the details of those decisions, therefore I am not able to determine what similarity, if any, those proposals and decisions would have to that of the proposal before me.
9. I do not consider that it has been robustly demonstrated that there is no reasonable prospects for the premises having a future retail or alternative economic use. If the proposal were to go ahead, this would undermine the aim of Policies DM17 and DM19 of the Core Strategy that seek to protect existing retail and employment premises. Therefore, I conclude that the proposed development would not be consistent with these planning policies.

Character and appearance

10. The property is part of a small parade of retail premises with residential accommodation above. The commercial premises all have retail frontages with large glazed windows. Although being a short parade, as a group they are characterful and contribute to the pleasant appearance of the general

environment. The parade contributes to the area's architectural interest and this gives the CA significance.

11. The proposal would replace the existing large retail window with two sash windows of domestic size and appearance. A residential frontage would contrast with the other commercial frontages and would detract from the commercial appearance of this retail parade.
12. The premises forecourt would be enclosed by a wall topped with railings. This would represent an additional domestication to the appearance of the front of the property that would contrast with that of the premises within the parade. An amended plan has been provided in support of the appeal that removes the wall from the proposal and replaces it with a metal railing shown to enclose an external bin storage. Whilst this would reduce the extent of the enclosure of the forecourt, the creation of a residential style bin storage area at the front of the premises would domesticate the appearance of the property frontage.
13. Taken collectively, the domestic nature of the alterations to the ground floor frontage would be visually out of keeping with the character and appearance of this this parade. Furthermore, the alterations would diminish the visual contribution that the existing retail frontage makes to the parade and the present continuity of shopfronts. For these reasons the proposed development would be visually harmful. The parade is prominently visible in public views from Bloomfield Road. The visual harm arising from the development would be clearly visible to the passing public. Painting the frontage heritage green and retaining the mouldings and details of the shop front would not overcome the visual harm that I have identified or justify the proposed development.
14. Having regard to Section 16 of the National Planning Policy Framework (the Framework) when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Given the size and scale of the proposal affecting the CA as a whole, I consider there would be less than substantial harm to the character or appearance of the CA and the proposal would neither preserve or enhance it.
15. In accordance with paragraph 196 of the Framework I must weigh the harm against the public benefit of the proposal. The development would involve the internal reconfiguration of the existing building which currently includes a residential unit at first floor. There would still be one residential unit at the site if the proposal were implemented. Therefore, there would be no uplift in housing that might contribute to the supply of housing within the Borough. As such, there would be no clear public benefit arising from the proposal. I conclude that the proposed development would fail to accord with national policy that requires special attention to be given to the desirability of preserving or enhancing the character or appearance of a CA (Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990).
16. I have been provided with a copy of a letter from the Minister of Housing to the appellant that comments upon change of use permitted development rights under Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015. The letter also provides an internet link to where information relating to such rights can be accessed. However, no substantive information has been provided that might indicate the proposal

would constitute permitted development under Part 3, Schedule 2 of the 2015 Order. As such, this letter offers little support in favour of the proposal.

17. For these reasons, I conclude that the proposed development would have a harmful effect upon the character and appearance of the host property and the area and would not preserve or enhance the character or appearance of the CA. The proposal would, therefore, conflict with Policies 7.4 and 7.6 of the London Plan and Policies CS8, DM10 and DM12 of the Core Strategy. These policies seek, amongst other matters, to ensure that new development recognises distinctive local features and character and require development to relate well to its surroundings, be of a high standard of design, and show particular sensitivity to conservation areas.

Other matters

18. Some letters from individuals offering their support for the proposal have been submitted with the appeal, however these would not lead me to alter my above findings.
19. The Council cannot demonstrate a 5-year supply of land for the delivery of housing sites. However, as noted above, there would be no resulting uplift in housing at the site that might contribute to the supply of housing within the Borough.
20. The proposal would conflict with the development plan and there are no other considerations, including the Framework, that outweigh this conflict.

Conclusion

21. For those reasons outline above, I conclude that the appeal should be dismissed.

Nicola Davies

INSPECTOR