



Appeal Decision

Site Visit made on 19 July 2021

by Chris Baxter BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 August 2021

Appeal Ref: APP/C5690/W/20/3259019

4 to 6 First, Second and Third Floors, Lee High Road, London SE13 5LQ

- 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 O of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Eurocent (Lee High Road) Ltd against the decision of London Borough of Lewisham.
 - The application Ref DC/20/116987, dated 8 June 2020, was refused by notice dated 28 July 2020.
 - The development proposed is change of use from office to residential to create 6no self-contained flats.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Since the submission of the appellant's appeal the revised National Planning Policy Framework (the Framework) was published and came into force on 20 July 2021. In light of this I have sought the views of the main parties in writing and comments received have been taken into consideration.

Main Issue

3. The main issue is whether the proposed development would comply with the conditions applicable to development permitted, having regard to Class O of Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO).

Reasons

4. There is no dispute that the proposal meets the requirements of paragraph O.1 of the GPDO and therefore that it constitutes permitted development under Class O subject to the prior approval of certain matters.
5. For permitted development under Class O, paragraph O.2 of the GPDO requires prior approval of several matters. The Council have not raised any concerns in relation to these matters with the exception of transport and highways impacts of the development.
6. Transport and highway matters should relate to the direct transport and highways impacts of the development, and not wider matters such as whether the location is accessible.
7. The proposal requires a minimum of six cycle parking spaces, a matter which is not disputed by the parties. Whilst the appellant indicates that secure cycle

storage can be accommodated in each unit, the submitted plans do not show detailed layouts of the units and where this cycle storage could be accommodated. The corridors and stairs leading to the units are narrow, with tight bends on the staircases as well as constricted landing areas. The transport method of cycling for future residents would not be an attractive option as there would be multiple obstacles for residents to get their cycles from the main door of the premises at ground floor level to each unit which are spread over the first, second and third floor of the building. I therefore find that in terms of cycling storage provision the proposal would have an adverse transport impact.

8. I note the circumstances of the site and that there is no option for a dedicated cycle storage area for example in a forecourt area. The site also has a PTAL score of 6b with excellent access to high quality public transport links/provision. However, cycling is a sustainable mode of transport which is an important method in this location and the lack of adequate cycle storage would have a harmful transport impact. The appellant has also indicated that cycle storage could be secured through a planning condition however, from the evidence before me I am not convinced that adequate cycle storage could be accommodated therefore a condition would not be appropriate.
9. The Council's first reason for refusal relates to a lack of a Unilateral Undertaking (UU) or a Section 106 agreement (S106) which secures the proposal as a car free development. A completed UU or S106 has not been submitted for my consideration.
10. The appellant has referred to a planning appeal¹ and subsequently suggested that a condition could be used instead of a UU or S106 in order to secure the development as car free. There is, however, little evidence with this appeal for me to consider the extent to which the proposal would be contrary to the development plan's requirements if it was not car free or what harm would be caused in terms of highway safety, increased parking stress or inconvenience to the wider neighbourhood from additional demand for parking in the locality if that were to occur. There is a lack of evidence before me to consider whether the development should be car free and subsequently whether a condition or an UU or S106 would be acceptable in planning terms. This matter however does not alter my findings above with regards to cycle storage.
11. I find that the proposal, in terms of cycling storage provision, would have a harmful impact on transport and highways in the area. Therefore, on this basis, the proposed development would not comply with the conditions of Class O of Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015.

Other Matters

12. I have had regard to the appellants statement of case including reference to a number of other prior approval schemes². Insufficient information has been provided on these schemes and I cannot be sure that they represent a direct parallel to the appeal scheme particularly with regards to internal layout arrangements of the units. In any case, I have determined this appeal on its own merits.

¹ Planning Inspectorate Reference Number: APP/N5090/W/19/3235349

² Local Planning Authority Reference Numbers: DC/18/105460; DC/18/107256; DC/20/116182; DC/17/100225

Conclusion

13. For the reasons set out above, I conclude that the appeal should be dismissed.

Chris Baxter

INSPECTOR