



Appeal Decision

Site visit made on 20 October 2021

by C Rafferty LLB (Hons), Solicitor

an Inspector appointed by the Secretary of State

Decision date: 29th November 2021

Appeal Ref: APP/H5960/W/21/3275788

83 – 85 Putney High Street, London SW15 1SR

- 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 Sraa Holdings Ltd and Central City Properties Ltd against the decision of Wandsworth Council.
 - The application Ref 2020/0112, dated 10 January 2020, was refused by notice dated 26 November 2020.
 - The development proposed is described as the 'change of use from A1 to C3 to the rear of 83 and 85 Putney High Street. The rear of the A1 unit is currently unused ancillary space. The application also seeks to extend out at the rear, and increase in height to allow for a 2 storey 2 bedroom residential house'
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Government published on 20 July 2021 a revised version of the National Planning Policy Framework. The parties have been provided with a further opportunity to make submissions in respect of the publication. In this respect, I am mindful that neither the appellant nor the Council have made any further submissions regarding the revised Framework. However, in light of this re-consultation, I am satisfied that any references made to the revised Framework within this decision would not be unreasonable to the parties.
3. The Council's decision notice refers to policies of the London Plan 2016. The London Plan 2021 has now been adopted. As appeals must be determined in accordance with the policies in force at the time the decision is made the policies of the London Plan 2021 have been used in this decision. Parties have had the opportunity to comment on the updated position and these comments have been considered, where received.

Main Issues

4. The main issues are the effect of the development on: the vitality and viability of the Putney Town Centre; and the living conditions of future occupiers with particular regard to light, outlook and the provision of external amenity space.

Reasons

Vitality and Viability

5. The appeal site comprises two four-storey buildings at 83 and 85 Putney High Street with retail units at ground floor and residential dwellings above. It is

located within the Putney Town Centre, designated as a 'Core Frontage', and sits among an array of other commercial premises at street level.

6. The proposal seeks to convert the rear of the units to C3 use, retaining a reduced A1 use fronting the street. Policy DMTS3 of the Wandsworth Local Plan Development Management Policies Document, March 2016 (the DMPD) states that applications involving ground floor units in identified core shopping frontages will only be permitted in certain circumstances.
7. The proposal meets some elements of this policy. The Council has not disputed that a minimum of 70% of units would remain in A1 use, the proposal would retain a shopfront, and it would not result in 3 adjoining non-retail uses. However, Policy DMTS3 also requires that the proposed use be an appropriate A class use complementary to the primary shopping function.
8. A residential use at this site would therefore be contrary to a specific requirement of Policy DMTS3. Furthermore, the supporting text recognises ground floor residential use as inappropriate in a town centre location as it does not contribute to the vitality of the area. As such, loss of ground floor A1 space for residential use as proposed would be harmful to the viability and vitality of the town centre, in conflict with Policy DMTS3.
9. It is further recognised that the COVID pandemic has had a major impact upon retail activity and the future for town centre retailing is far from certain. Policy E9 of the London Plan 2021 acknowledges such restructuring of retail, and refers to the consolidation of surplus space. In this sense the appellant points to vacant units in the area and country, and has provided evidence that current tenants do not require the entire unit for A1 use. While future tenants may not have the same needs, I do not consider that the reduction in retail space would necessarily limit the number of potential occupiers. It could provide opportunities for smaller retailers, with space for expansion.
10. Nevertheless, Policy E9 also states proposals should bring forward additional comparison goods retailing in town centres, and should manage clusters of retail with regard to their impact on town centre viability. The proposal would replace comparison goods floorspace in a cluster of retail units with a residential use that is in conflict with Policy DMTS3, as it would fail to contribute to the vitality of the area. As such, the proposal would harm the vitality and viability of the town centre and in this sense fail to comply with Policy E9.
11. For the reasons given above, I find that overall the proposal would harm the vitality and viability of the Putney Town Centre. As such, it would be contrary to Policy DMTS3 of the DMPD, Policy E9 of the London Plan 2021 and the Framework, which together seek to ensure the vitality of town centres.

Living Conditions

12. The proposal would provide 8.1m² of external amenity space, which the appellant states complies with the requirements of the Housing Quality and Standards SPD by the Greater London Authority. However, the Council's requirements are set out in Policy DMH7 of the DMPD which would require the proposal to provide 10m² external amenity space. The failure of the proposal to meet this is indicative of the substandard nature of the space proposed.

13. It would be restricted to a small area at the rear, the size of which would limit its useful function. The constrained dimensions, while a modest shortfall, would be unlikely to comfortably support the range of uses expected such as sitting out and drying washing. This amenity space would therefore be both cramped and impractical in the context of the associated dwelling. While the appellant has referred to the communal courtyard at Token Yard, this does not negate the requirement for adequate private amenity space to be provided.
14. The only windows would be on the north and east elevations of the proposal. At ground floor level these would serve the combined kitchen, living and dining space looking towards the amenity space provided, and at first floor level these would serve the bedrooms, looking in the same direction.
15. Due to the set back of the façade to create a terrace, the windows are not directly on the boundary. While the parties are in dispute as to the precise distance between the windows and this boundary, it remains in close proximity. As such, the primary view from the ground floor would be towards the high wall. Combined with the modest nature of the terrace this would create an unacceptable sense of enclosure, substantially affecting future residents' enjoyment of the habitable ground floor room.
16. A daylight and sunlight assessment was submitted by the appellant, but the Council has not had the opportunity to comment on this. In any event it demonstrates that the combined living, dining and kitchen space would not meet the minimum average daylight factor recommended by the BRE without amendments to the scheme. I must assess the proposal on the plans before me and before the Council at the time it made its decision. As such the appellant has failed to demonstrate that the proposal would provide adequate light levels for future occupiers.
17. For the reasons given above I find that the development would have a significant adverse effect on the living conditions of future occupiers, with regard to the provision of outdoor amenity space, outlook and light. As such, it would fail to accord with Policies DMS1 and DMH4 of the DMPD, which together seek to ensure adequate living conditions.

Other Matters

18. The appellant has referred to examples of development in the surrounding area which have converted retail space into residential accommodation, including those which have resulted in living conditions similar to the proposal. However, overall limited information on these schemes, their comparability to the proposal and the circumstances under which they were granted planning permission have been provided. In any event, each case should be assessed on its own merits and site specific circumstances, and general reference to development nearby carries limited weight.
19. Reference has also been made to policies in the emerging Wandsworth Local Plan promoting and supporting mixed use development and recognising the changing nature of high streets. However, due to the early stages of the emerging local plan, this attracts limited weight.
20. It has been raised that the proposal would add to the supply of local housing, which would help the Council meet its targets in this regard. However, the weight I

attach to this is limited due to the small scale of development and the modest contribution it would make.

Planning Balance and Conclusion

21. Given the limited weight afforded to the other matters above, when taken together they do not outweigh the harm identified to the vitality and viability of the Putney Town Centre and to the living conditions of future occupiers.
22. For the reasons given, the proposal would not accord with the development plan when taken as a whole. There are no material considerations that indicate the appeal should be determined other than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

C Rafferty

INSPECTOR