



Appeal Decision

Site visit made on 4 July 2022

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 August 2022

Appeal Ref: APP/E5330/W/21/3293189
271 Eltham High Street, Eltham SE9 1TY

- 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 Scott Bennet against the decision of Royal Borough of Greenwich Council.
 - The application Ref 21/2872/F, dated 30 July 2021, was refused by notice dated 8 November 2021.
 - The development proposed is described as “alterations and part conversion of the ground floor shop unit and construction of single storey part side infill and rear extensions to facilitate a 1-bed residential unit at the rear of property”.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the proposed development on viability, of the existing commercial unit at the appeal site and of Eltham Town Centre; and
 - Whether or not the proposed flat would provide acceptable living conditions for future occupiers, with particular regard to outlook and a sense of enclosure.

Reasons

Commercial viability

3. The appeal relates to the ground floor premises (including the basement) at No 271 Eltham High Street. The premises have most recently been used as a barber’s shop within Use Class E; I understand from the planning application and appeal material that it is intended that this use should be resumed, although at the time of my site visit the premises were empty because of building work taking place. The upper floors of the building, which do not fall within the scope of the appeal proposal, are in residential use. No 271 lies some 80m or so outside the eastern boundary of Eltham Town Centre, towards the centre of a terraced block of 14 similar properties (which I understand from the Council’s evidence to form the separate Southend Crescent neighbourhood parade).

4. The proposed development is the construction of a single-storey extension at the rear of the property, along with internal reconfiguration of the commercial unit (including bringing the basement back into use). This would facilitate the use of the rear part of the ground floor as a self-contained 1-bedroom flat, while the front part of the ground floor, as well as the reconfigured basement, would remain in commercial use.
5. The floor area of the original commercial unit was around 65m², with an additional storage area (described on the submitted plans as “refuse storage”, although this had been removed by the time of my site visit) of around 20m² accessed via the rear garden, making a total of around 85m². By the appellant’s calculation, the reconfigured unit would have a total floor area of around 70m², made up of 30m² on the ground floor and 40m² in the basement¹. The basement level would have very little natural light, only receiving some via the relocated stairwell towards the shopfront. I was not provided with measurements for the floor-to-ceiling height within the basement, but although it was more than tall enough for me to stand up comfortably, it nevertheless offered notably limited headroom.
6. The Council considers that the combination of the reduced size of the unit as a whole, its limited active shopfront, and the relatively low ceiling and lack of natural light within the basement, mean that the reconfigured premises would be undersized, poor quality, and commercially unattractive.
7. I agree that the limited headroom and natural light within the basement means that the unit is unlikely to be appropriate for the full range of commercial uses it might have been able to accommodate in its original state. For example, notwithstanding that the submitted drawings show barbers’ chairs within the reconfigured basement, based on what I saw it seems to me that the restricted ceiling height and the lack of daylight would make it relatively ill-suited to that purpose. However, I consider that the space would still be likely to be acceptable for use for office space, storage or similar ancillary purposes. Taken as a whole, it seems to me that the premises would still be more than capable of accommodating a varied range of appropriate commercial activities, albeit that this would potentially be a more limited range, and in a smaller unit, than was previously the case.
8. I note the Council’s concern that the “creation of an undersized commercial unit inappropriate for tenancy would likely have a detrimental impact on the successfulness of the Eltham Town Centre nearby”. I saw on my site visit that Eltham is a substantial centre which, although on the face of things may not be among the largest or busiest suburban centres in London, nevertheless contains a wide range of national retailers and other services along its linear High Street. Even if I were to accept the Council’s concerns about the size of the reconfigured unit and its suitability for a commercial tenant (which on balance, just, I do not for the reasons I have just given), there is no substantive evidence before me which explains why the reduction in size (or even, were it to come to it, the complete loss) of the commercial unit at the appeal site would be likely to have any harmful impact on the viability of the nearby town centre as a whole.

¹ The Council’s appeal statement strongly implied that it disputed this figure for the basement floorspace, but it did not put forward an alternative.

9. I conclude that the proposed development would not be harmful to the viability either of the commercial unit at the appeal site or to Eltham Town Centre. It therefore complies with Policies TC1, TC3, EA1, EA(a), and DH1 of the 2014 Royal Greenwich Local Plan: Core Strategy with Detailed Policies ("the RGLP"), and with Policies SD6 and E9 of the London Plan 2021. Among other things, these policies seek to support the hierarchy of town centres within Greenwich, encourage the effective use of land, and sustain employment and economic development.

Living conditions

10. The proposed residential unit would be at the rear of the ground floor. It would be accessed via a communal hall shared with the flats on the upper floors of the building. As well as the one double bedroom, the flat would have a large combined kitchen/diner/living room, a bathroom, and an additional room described on the submitted drawings as a study.
11. The bedroom would have a double French door opening onto the rear garden. However, this would be at the end of a narrow section of the bedroom (around 1.5m wide, by the Council's calculation), and would open onto an even narrower space between the boundary wall and the side wall of the kitchen/diner. The shape of the bedroom and the location of the door means that much of the bedroom would have no external outlook at all, while from those parts of the room where the door was visible, the view would be severely constrained by the walls on either side. As a consequence, there would be a considerable sense of enclosure within the room.
12. The French door in the bedroom faces approximately north, and it is therefore likely that the narrow external space would be in shade for much of the time. While I note that the Council considered that the two rooflights proposed for the bedroom would ensure that it received adequate daylight and sunlight, in my view this would not alleviate the poor living conditions which would arise from the poor outlook and sense of enclosure.
13. The Council's decision notice described the proposed flat as being "single aspect". That is not technically correct, as the proposed study would have a single south-facing French door. However, that would open onto a very enclosed space hemmed in between the flat and the rear wall (and WC window) of the commercial unit at the front of the building. That room too would therefore also have a poor outlook and a sense of enclosure which, if anything, would be far worse than those in the bedroom.
14. I accept that other aspects of the proposed flat would be acceptable. It would be reasonably generous in terms of the amount of living space it would offer, would have a good-sized rear garden. However, these positive factors do not outweigh the harm which the flat's poor outlook and oppressive sense of enclosure would cause.
15. The appellant drew my attention to the grant of planning permission for the change of use of part of the ground floor from an office to a 1-bedroom flat at No 275 Eltham High Street, very close to the appeal site. I note that that scheme pre-dates parts of the development plan, notable the London Plan 2021. While there are obviously locational and certain other similarities between the two sites, I have assessed this proposal on its own merits and found harm as described above.

16. I conclude that, because of the poor outlook and oppressive sense of enclosure in the bedroom and study, the proposed flat would provide poor living conditions for future occupiers. It would therefore conflict with Policies H5 and DH1 of the RGLP and with Policy D6 of the London Plan 2021. Among other things, these policies seek to ensure that development creates well-functioning places, and that new residential development provides a high-quality, comfortable and functional environment for occupiers.

Planning Balance and Conclusion

17. The proposed development would not be harmful to the continued viability either of the existing commercial unit or of Eltham Town Centre. However, it would not provide acceptable living conditions for future occupiers. I have had regard to the benefits of the scheme put forward by the appellant, notably that it would provide an additional residential unit in a location close to a wide range of shops, leisure activities and other services. However, these do not outweigh the harm which I have found.
18. The proposal would conflict with the development plan taken as a whole. There are no material considerations which indicate that the decision should be made other than in accordance with the development plan. For the reasons given above, the appeal is therefore dismissed.

M Cryan

Inspector