



Appeal Decision

Site visit made on 29 September 2022

by A Hickey MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 October 2022

Appeal Ref: APP/N5090/W/22/3295246

118 Station Road, Hendon, London NW4 3SN

- 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 David Kuelsheimer against the decision of the Council of the London Borough of Barnet.
 - The application Ref 22/0343/RCU, dated 24 January 2022, was refused by notice dated 2 March 2022.
 - The development proposed is change of use of ground floor from a doctors surgery to residential dwelling (ground floor flat).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Work on the change of use began in January 2018 and was completed by March 2018. It is undisputed that the application is retrospective, and I am satisfied that the development carried out is the same as that applied for.

Main Issue

3. The main issue is the effect of the development on the provision of community facilities in the area.

Reasons

4. Policy DM13 of Barnet's Development Management Policies (DMP) part a: states that the loss of community facilities will only be considered acceptable in two exceptional circumstances. The exceptions are 'either or', with the requirement being to fulfil one of the exceptions. The first exception is that a new community use of equivalent quality or quantity is provided on the site or on a suitable alternative location. The second exception is that no continued demand for the community use exists and that the site has also been marketed effectively for such a use.
5. Regarding exception (i.) of Policy DM13, a new doctor's surgery or other similar community facility is not proposed. As noted within the appellant's evidence, a number of doctors surgeries are located within the surrounding area. These are, I observed, within no more than around ten minutes' walk from the appeal site. However, no substantive information is presented about the capacity of these surgeries to meet potential demand in the locality. Furthermore, no substantive evidence is provided to demonstrate that an alternative community use of equivalent quality or quantity has been explored. And it is not decisively

shown that the appeal building could not be used for an alternative community use.

6. In failing to provide equivalent new community use on the site or at a suitable alternative location, in place of that which would be lost, the proposal would not satisfy the first exception test under DMP Policy DM13.
7. The site is located in a residential area, and the relatively small ground floor level and narrow access may well limit potential numbers and range of users of the premises. Nonetheless, in the absence of substantive evidence of local demand and capacity for doctor's surgery facilities, or effective marketing of the site for continued community use, the appeal proposal fails to satisfy the second exception test under DMP Policy DM13.
8. Therefore, I conclude that the proposal would fail to satisfy the exception tests under DMP Policy DM13, and would result in an unacceptable loss of a community facility in conflict with Policy DM13. Also, the loss of a community facility would be contrary to paragraph 93 of the National Planning Policy Framework.

Other Matters

9. The proposal would contribute to local housing supply in the form of one flat, with associated socio-economic benefits to the area. The benefit would be limited by the scale of development, and would not outweigh the identified harm to provision of community facilities in the area.
10. I appreciate that the site has historically been occupied as a dwelling house. However, an intervening community use has subsequently been approved and implemented. Furthermore, it is not decisively shown that a valued community use could not operate from the appeal building, sufficient to constitute efficient use of the site.

Conclusion

11. The proposal would be contrary to the development plan and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal is dismissed.

A Hickey

INSPECTOR