



Appeal Decision

Site visit made on 7 November 2023

by P Terceiro BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 December 2023

Appeal Ref: APP/E5900/W/23/3322353

565 Roman Road, London, Tower Hamlets E3 5EH

- 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 H Shah against the decision of the Council of the London Borough of Tower Hamlets.
 - The application Ref PA/23/00457, dated 2 March 2023, was refused by notice dated 27 April 2023.
 - The development proposed is the change of use of part ground floor and basement to form one-bedroom two-person flat together with private amenity space, cycle and refuse provision.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have used the description of development provided in the application form in the banner heading above. However, I have omitted the reference to the site address which is not in itself development.
3. At my site visit I observed that works have commenced on site and the unit has been sub-divided. For the avoidance of doubt, I have determined this appeal based on the plans which accompany the appeal.

Main Issue

4. The main issue is whether the proposal would affect the viability of the commercial unit and vitality of the Primary Frontage and Roman East District Centre.

Reasons

5. The appeal site is a ground floor commercial unit located in Roman Road, near the junction with Cardigan Road. The site lies within a Primary Frontage at the Roman East District Centre, as defined by the Tower Hamlets Local Plan 2031 (2020) (LP), where Policy S.TC1 supports development that contributes positively to the function, vitality and viability of these areas. Furthermore, this policy seeks to promote the District Centre as a vibrant hub containing a wide range of shops, services and employment.
6. The proposed conversion would significantly reduce the amount of commercial space provided on site and, consequently, the resulting unit would be notably smaller and narrow. The appellant contends that smaller units are less expensive and that the unit would be of a decent size that would contribute towards the diversity of choice, with trading space provided in the basement

and higher quality space retained at the shop front. However, I have not been provided with substantive evidence to demonstrate that the smaller unit would be suitable for occupation by a specialist retailer. As such, I cannot be clear that the proposal would make a positive contribution to the District Centre as a vibrant hub.

7. Policy D.TC2 sets out that any loss of floorspace within a Primary Frontage should be of a scale that will not materially alter the nature of the unit, its future viability and the function of the host shopping area. Despite reference to Class A1 uses, this policy is relevant in the context of Class E, insofar as its purpose is to prevent loss of floorspace that is principally used by visiting members of the public. The supporting text to this policy sets out a means of assessing whether existing floor space may attract future occupants by submitting information about the local market. However, I have not been provided with this information, including details on the type of occupants that similar units as the proposal attract. Consequently, it has not been demonstrated that the scheme would not harmfully impact on the viability of the commercial unit and vitality of the District Centre.
8. I appreciate that the property's forecourt could potentially be used in conjunction with the retail unit. However, such proposals are not before me and therefore I afford limited weight to this matter.
9. Overall, based on the evidence before me, the proposal would be detrimental to the viability of the commercial unit and vitality of the Primary Frontage and Roman East District Centre. It would be contrary to Policies S.TC1 and D.TC2 of the LP, which support development that contributes positively to the function, vitality and viability of these areas. Further, the proposal would not be in accordance with the Roman Road Bow Neighbourhood Plan 2022, where it seeks to promote Roman Road as a vibrant hub containing a wide range of shops and services.

Other Matters

10. The Roman Road Market Conservation Area (CA) is drafted around St Stephen's Road and Cardigan Road, with Roman Road setting the main street scene in the CA. The CA derives its significance from the lively street market along Roman Road, and the streetscape of varied ground floor shopfronts providing a colourful backdrop to the vibrant market scene. The land use character of the CA is a mixture of commercial and retail on ground floor with residential premises above. The proposal would not comprise any external alterations and the property's forecourt would be retained. As such, the proposal would preserve the character or appearance of the CA.
11. The proposal would meet the nationally described space standards and would provide good quality accommodation, including waste and cycle storage. The proposal would be respectful of the living conditions of the adjacent neighbours and it would not be harmful to the character of the area. However, the lack of harm is a neutral consideration of this appeal.
12. The proposal would intensify the use of the land to support an additional residential unit. However, given the harm it would cause to the viability of the unit and vitality of the District Centre, the proposal would fail to make the best use of this urban land.

Planning Balance

13. The appellant advises that the Council's housing delivery test results figure for 2021 is below 75%, which is not disputed by the Council. Therefore, the provisions of paragraph 11d) of the Framework should be applied.
14. Windfall sites contribute to meet identified housing needs and the proposal would deliver an additional flat in an accessible location within the District Centre with good access to local shops and services. It would support the Government's objective of significantly boosting the supply of homes. The proposal would re-use part of an existing building and the site is a small one, so the redevelopment could be delivered quickly. The proposal would be in addition to 2 self-contained flats and therefore liable to a contribution towards affordable housing. Taken together, these benefits attract moderate weight in favour of the proposal.
15. The adverse impacts of the proposal on the viability of the commercial unit and vitality of the Primary Frontage and Roman East District Centre attract substantial weight against the proposal. Therefore, the identified harm would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply.

Conclusion

16. Overall, I conclude that the proposal would conflict with the development plan as a whole and there are no material considerations of sufficient weight to indicate that a decision should be made otherwise than in accordance with it. Therefore, the appeal is dismissed.

P Terceiro

INSPECTOR