



Appeal Decision

Site visit made on 3 July 2024

by K Lancaster BA (hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th July 2024

Appeal Ref: APP/E5900/W/23/3332451

12 Follett Street, London E14 6LX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr T Shah on behalf of Taj Solicitors Ltd against the decision of the Council of the London Borough of Tower Hamlets.
 - The application Ref is PA/23/00481.
 - The development proposed is Use of the property as residential accommodation and associated office (use class sui generis).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Based on the evidence before me and my own observations at my site visit, the use of premises as part office, part residential accommodation has already commenced. However, the proposed plans show a different configuration of internal accommodation, I have therefore determined the appeal on this basis.
3. Prior to submission of this application, which is seeking a permanent change of use, planning permission¹ was granted for the use of the property as part office, part residential accommodation on a temporary basis. I understand these approvals were granted for a limited time period to enable the business to move into larger, permanent commercial premises on East India Dock Road. I have had regard to the planning history of the site in determining this appeal.
4. Since the determination of this application, the Government published a revised National Planning Policy Framework (the Framework) on 19 December 2023 and updated it on 20 December 2023. Those parts of the Framework most relevant to this appeal have not been amended. As a result, I have not sought further submissions on the revised Framework, and I am satisfied that no party's interests have been prejudiced by taking this approach.

Main Issue

5. The main issue is the effect of the proposal on the supply of housing within the Borough, having regard to development plan policy.

Reasons

6. The appeal site, 12 Follett Street, comprises a three storey, terraced property, which has previously been in use as a 2-bedroom dwelling. It is currently in use

¹ Application Refs: PA/16/02786 and PA/20/00586

as office accommodation for the appellant's solicitor practice, which is located on East India Dock Road, occupying a wide frontage. It is clear from visiting these premises and the appeal site that they are fully utilising all of the available space that they have. The relationship between the main premises and the appeal site is detached, albeit access is possible via a shared courtyard, and a short walk between the two. Nevertheless, it is physically, if not functionally separate.

7. East India Dock Road is a busy commercial centre, with a range of retail, service, and other uses present. The appeal site is located to the rear of this busy road, which has a distinctly different character, surrounded by predominantly residential properties. There were no commercial uses nearby on Follett Street, although I acknowledge that there are many within the wider area.
8. As outlined above, in recent years, the property has been in use as a mixed use comprising, part solicitors' office and part residential accommodation. The most recent temporary consent expired in March 2023, at which time the use of the property was to revert back to a single dwelling. However, approval is now being sought for the change of use on a permanent basis.
9. The proposed plans indicate that the first floor would become the living accommodation, albeit it would not be self-contained, with the second floor of the property providing the office accommodation. The ground floor would be used for storage and the shared entrance.
10. Policy S.H1 of the Tower Hamlets Local Plan 2031: Managing Growth and Sharing Benefits, adopted January 2020 (THLP) states that the Council will secure the delivery of at least 58,965 new homes across the borough, including by ensuring development does not undermine the supply of self-contained housing, in particular family homes and by resisting development that would result in a net loss of residential floorspace or family units.
11. The proposal would involve the creation of a mixed-use, thereby resulting in the permanent loss of residential floorspace. It would also result in the loss of self-contained accommodation by virtue of the proposed relationship of the proposed living accommodation to the business use.
12. The appeal property forms part of a relatively recently constructed block of similarly design designed dwellings, which if reverted back to its original use, would provide approximately 75m² of dual aspect accommodation with two good sized bedrooms and a small balcony at the top floor. Whilst the appellant alleges that the 2-bedroom dwelling provides sub-standard living accommodation, there is no substantive evidence to support this claim. Consequently, I therefore find that the proposal would result in the loss of self-contained, residential floorspace, contrary to Policy S.H1 of the THLP.
13. Policy D.EMP2 of the THLP states that the development of employment and residential use in the same self-contained unit (i.e., live-work and work-live) will not be supported. The supporting text to the policy indicates a lack of evidence to support the need for live-work accommodation.
14. As outlined above, the proposal would involve the creation of a mixed use with both office and residential accommodation provided within the same building, neither use would be self-contained. Whilst I understand that the residential

use of the building in recent years has been by a member of staff, the relationship between the office use, including the comings and goings of employees, would not afford any future occupant any privacy, particularly as facilities would be shared. Furthermore, I have not been presented with any substantive evidence to demonstrate a need for this type of accommodation, which is contrary to Policy D.EMP2.

15. I accept that there would be some benefits associated with the proposal, including, but not limited to, supporting growth of an existing business, generating employment and support for the local community. However, whilst I note these benefits, these do not outweigh the conflict with the development plan and the need to boost housing supply and to prevent the loss of self-contained housing.
16. I have also had regard to the appellant's statement regarding the availability of commercial floorspace close to their existing offices. However, whilst I understand the appellant's preference to extend into adjacent premises, which no longer appears to be available, I have not been presented with any substantive evidence that there are no other suitable commercial premises available.
17. Consequently, whilst I am sympathetic to the appellant's business needs, which include a desire to expand within their existing location, this need does not outweigh the conflict with Policy S.H1 of the THLP which seeks to boost the supply of housing and prevent the loss of residential uses through change of use. I also find that it has not been demonstrated that there is an evidenced need to the development proposed and it would therefore also be contrary to Policy D.EMP2 of the THLP, which states that development of employment and residential use in the same self-contained unit will not be supported.

Conclusion

18. For the reasons given, the proposal would not accord with the development plan when taken as a whole. There are no material considerations of sufficient weight that indicate the appeal should be determined other than in accordance with the development plan. The appeal is therefore dismissed.

K Lancaster

INSPECTOR