



Appeal Decision

Site visit made on 23 October 2024

by R Bartlett PGDip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 December 2024

Appeal Ref: APP/E5330/W/24/3346764

14 Woolwich Road, Greenwich, SE10 0JU

- 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 Tanuj Uppal, of Greenwich Solicitors Ltd, against the decision of the Council of the Royal Borough of Greenwich.
 - The application Ref is 24/1230/F.
 - The development proposed is change of use of family dwelling (Use class C3) to self-contained residential unit across the ground, first floor and loft, and office use (use Class E) in the basement.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on i) the vitality and viability of the borough's town centres, and ii) the supply of housing in the borough.

Reasons

Vitality and viability of town centres

3. The National Planning Policy Framework (the Framework) defines offices as a main town centre use. It defines town centres as including district and local centres but excludes small parades of shops and non-designated out of centre developments comprising or including main town centre uses. Whilst the appeal site is located between a district centre and a neighbourhood parade, within approximately 100 metres of each, it sits within a row of residential properties and is not located within a defined town centre or any other designated employment site or commercial centre. The nursery business opposite the site is not a main town centre use.
4. I have been provided with very limited information regarding the appellant's solicitors practice or the need for a new office base to operate it from. I have not been advised how long the business has been established, where it currently operates from, if it is expanding or relocating, or why the additional or relocated office space needs to be accommodated into part of the appellant's home.
5. I am advised that clients rarely visit the office due to many appointments being undertaken by telephone or video conferencing, and that staff numbers have recently been reduced from six to five, all of whom are family relatives, two of whom live on site, and the remainder of whom frequently work from home. Notwithstanding this information, given that the submission of an

application indicates an acceptance that the scale and nature of the proposal would result in a material change of use, I must still treat the proposed office as a main town centre use.

6. Furthermore, the submitted plans illustrate a large office and separate meeting room both capable of accommodating at least six people, in addition to a reception area and waiting room. This suggests a need for such office facilities now or in the future. Although the staff being related to the occupiers of the dwelling may alleviate concerns relating to the effect of the development on those living in the mixed-use dwelling and office building, and current clients being local would reduce their need to travel, these things do not alter the fact that the office is a town centre use. Moreover, it would be unreasonable to restrict the use of the office or employees of the business to family members, to restrict customers to those living locally or to limit the number or frequency of customers visiting the site.
7. There is no evidence before me as to any search for suitable town centre premises, or of any other premises that have been considered or why they have been ruled out. In the absence of any sequential test evidence to demonstrate why the proposed office use could not be located in a town centre, where the reuse of vacant premises would assist in retaining and enhancing the vitality and viability of that centre, the proposal is contrary to Policies E1, SD6, SD7 and SD8 of the London Plan 2021 (the London Plan) and the Framework. These policies seek to ensure a town centre first approach and must be read as a whole. Whilst the development plan supports economic growth, and new office provision and offices for all different scale enterprises, it goes on to set out the locations in which these should be supported. The appeal proposal is not within a supported location.

Housing supply

8. Policy H(a) of the Royal Greenwich Local Plan: Core Strategy with Detailed Policies 2014 (the RGLP) lists the circumstances under which a change of use or redevelopment resulting in a net loss of housing will be supported. Policy H8 of the London Plan states that the loss of existing housing should be replaced by new housing at existing or higher densities with at least the equivalent level of overall floorspace.
9. The site currently comprises a three-bedroom house. It is proposed to relocate two bedrooms from the basement into the roof space, which would enable the basement to be utilised as office space by the appellant's solicitors' practice. A three-bedroom house would be retained above the basement office for occupation by the appellant's family.
10. The Technical housing standards – Nationally described space standard (NDSS) and Table 3.1 – Minimum internal space standards for new dwellings of the London Plan, relate only to new dwellings. Whilst new dwellings in this context includes new build, conversions and change of use, the case before me relates to an existing dwelling, only the basement of which is proposed to be changed to office use. There is no change from a non-residential use to create a new dwelling and as such neither the NDSS nor the London Plan internal space standards apply.
11. Notwithstanding that space standards do not apply and that there is nothing to prevent the existing rooms in the roof space from being used as bedrooms,

the submitted plans demonstrate that these rooms would comply with the space standards in terms of floor area and room widths. Whilst the maximum floor to ceiling height of the attic bedrooms shown on the sectional drawings submitted is just under 2.1 metres, and will be less below the hipped roof, I am advised that these bedrooms would only be occupied by children. Furthermore, the NDSS and London Plan only require ceiling heights of 2.3m and 2.5m to be present over 75% of the gross internal area. As such, I am satisfied that the part of the dwelling that is to be retained for residential use would be of appropriate quality and standard.

12. The policies referred to, which seek to protect existing housing, must be read as a whole. In this case, the partial change of use of the appeal property to office use would not result in a net loss of housing and therefore Policies H(a) of the RGLP and H8 of the London Plan are not relevant to the determination of the proposal. Whilst the supporting text to Policy H(a) of the RGLP refers to floorspace 'normally' having to be replaced, this vague statement is not part of the policy itself and given that I do not consider the policy to be relevant, nor is its supporting text.
13. I therefore conclude that the proposed development would not result in a net loss of housing and accordingly it would not have an adverse effect on the supply of housing in the area. The policies referred to are not relevant to the proposal and as such I find no conflict with them.

Other Matters

14. My attention has been drawn to three other appeal decisions. I do not have all the details relating to those cases, but it is apparent from reading those decisions that different circumstances applied. Two of the cases related to uses operated by a single employee offering one to one consultation, one of the cases did not relate to a main town centre use, and all of the cases were subject to different development plans and policies. As the decisions referred to are not comparable to the case before me, I afford them very little weight.
15. I acknowledge the benefits in terms of relocating the basement bedrooms to the upper floors, which would reduce the risk of danger to the occupiers of the property in the event of a flood. However, there is nothing to prevent the internal room layout of the dwelling from being altered, by for example relocating the bedrooms to upper floors and having home working office space and storage in the basement.

Conclusion

16. Although the proposal would not result in the loss of a dwelling, in the absence of a sequential test or other appropriate justification, the provision of a main town centre use within the appeal site would fail to accord with the development plan. There are no material considerations before me of sufficient weight to justify reaching a decision other than in accordance with the development plan. Consequently, the appeal is dismissed.

R Bartlett

INSPECTOR