Planning Inspectorate

Appeal Decision

Site visit made on 2 May 2025

by S Poole BA(Hons) DipArch MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 May 2025

Appeal Ref: APP/E5900/W/25/3359942
5/5a Sandy's Row and 16 Artillery Passage, Spitalfields, London E1 7HW

- 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 Romain Cohen, Pinnacle London Limited, against the decision of the Council of the London Borough of Tower Hamlets.
- The application Ref is PA/24/00537.
- The development proposed is the change of use and conversion of the second floor from Class E(g)(i) office use to a two bedroom self-contained (Class C3) residential unit.

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Romain Cohen of Pinnacle London Limited, against the Council of the London Borough of Tower Hamlets and this is the subject of a separate Decision.

Procedural Matters

3. The appeal is accompanied by an amended floor plan that adds arrangements for refuse and cycle storage within the proposed flat. As the Council has been afforded an opportunity to comment on these changes, and the changes are minor and internal, I am satisfied that it would not be prejudicial to any parties to determine the appeal on the basis of amended drawing 2024-01-02.

Main Issues

4. The main issues are:

   i) the effect of the proposal on the supply of office floorspace in the borough,

   ii) whether the proposal would make adequate provision for cycle storage,

   iii) whether the proposal would make adequate provision for waste management, and

   iv) the effect of the proposal on highway safety, with particular regard to servicing.

Reasons

5. The appeal premises occupy the second floor of 5a Sandy's Row, a 4-storey building with basement, comprising commercial space on the ground, first and second floors and residential space at basement and third floor levels. The upper floors and basement are accessed via a shared entrance lobby with a staircase and a lift.

6. The second floor accommodation comprises about 77sqm of refurbished, high quality office space with good access to natural light. The space is attractive and suitable for a range of small businesses. It is in a highly accessible location, close to shops, restaurants and bars, and is within the Artillery Passage Conservation Area which is notable for its narrow streets and tightly knit urban grain.

7. The proposal would comprise the conversion of the appeal premises into a 2-bedroom self-contained flat. I note that listed building consent has been granted for the internal alterations needed to create the dwelling.

Office Floorspace

8. The appeal premises are located within the tertiary area of the Central Activity Zone (CAZ) and within the City Fringe Sub Area. The former is a designated employment location. Policy S.EMP1(1) of the Tower Hamlets Local Plan 2031 (2020) (THLP) seeks to protect and enhance the role and function of these areas and maximise the provision of employment floorspace. In the tertiary area of the CAZ this policy notes that residential uses are supported as part of mixed use schemes although the proportion of residential floorspace should not exceed 50% of the total floorspace. Read in the context of the policy as a whole and the supporting text I consider this provision to be aimed at new build development, namely schemes leading to an uplift in employment floorspace supply. As such I accord it limited weight.

9. As the appeal premises are not within a Preferred Office Location, part 2 of THLP Policy D.EMP3 applies. This seeks to avoid the net loss of viable employment floorspace except where evidence of active marketing over a continuous period of at least 24 months at a reasonable market rent demonstrates an absence of demand for the floorspace or the site is genuinely unsuitable for continued employment use due to its condition. For the reasons outlined above the latter is very clearly not the case.

10. The information before me indicates that the premises have been marketed for more than 2 years using a range of approaches, although documentary evidence of the marketing is somewhat sparce. Evidence has been produced which indicates that the rent sought has been comparable to that sought for office space of similar size and quality in the area. However, the letting agents have noted that one key factor that reduces the attractiveness of the appeal premises to potential occupiers is the fact the street entrance is shared by both commercial and residential occupiers which creates safety and security concerns. This sub-optimal situation does not appear to be reflected in the level of rent sought.

11. Given the appeal premises are in a very accessible location and the high quality space provided I consider there to be a high likelihood that the office space could be let if marketed at a level that takes into account the shared access arrangement.

The policy requirement to market the premises at a reasonable rent has not been adequately demonstrated.

12. For these reasons I conclude that the proposal would have an unacceptable effect on the supply of office floorspace in the borough and is contrary to THLP Policy D.EMP3 and the broad aims of THLP Policy S.EMP1. There is also conflict with Policies SD4 and SD5 of the London Plan (2020) which, amongst other matters, state that the office function of the CAZ should be supported and residential or mixed-use development proposals should not lead to a net loss of office floorspace in any part of the CAZ unless there is no reasonable and demonstrable prospect of the site being used for offices.

Cycle Storage

13. The amended floor plan before me shows a pair of cycle hangers within the hallway of the proposed flat. This would provide secure and covered storage. However, cycle users would either need to carry their cycles up the staircase or use the small passenger lift and negotiate an awkward lobby space between the lift and the entrance to the flat. This arrangement, if physically feasible, would most likely discourage cycle use. As such it would be contrary to THLP Policy D.TR3, which prioritises sustainable approaches to parking and, in particular, prioritises space for cycle parking.

14. The appellant has referred to cycle-hire docking stations within 3 minutes walking distance of the appeal premises. In the absence of any information as to the precise location and nature of these facilities I accord them limited weight.

Waste Management and Servicing

15. The proposal would provide accommodation for 3 people. I am satisfied that sufficient space could be provided within the proposed flat to separate and store a week's worth of dry recyclables, organics and residual waste given the likely level of occupation. The proposal therefore accords with the aims of THLP Policy D.MW3.

Highway Safety

16. I find nothing to suggest that the day-to-day servicing needs of a 2-bedroom flat in this location would be materially greater than those resulting from the use of the premises as offices. Deliveries to a fully functioning office use within the appeal premises, and people coming and going, could potentially far exceed those resulting from the premises occupation by 3 people who may not be home during the day. As such I am satisfied that the proposal would not lead to an increase in the likelihood of highway safety issues in the locality. For this reason the proposal accords with THLP Policy D.TR4.

Conclusions

17. For the reasons set out under the first and second main issues, and having regard to all other matters raised, I conclude that the appeal should fail.

S Poole

INSPECTOR