



Appeal Decision

Site visit made on 6 October 2025

by N Unwin BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 November 2025

Appeal Ref: APP/X5210/W/25/3369817

59 Hemstal Road, Camden, London NW6 2AD

- 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 Bujar Haxhiu against the decision of the Council of the London Borough of Camden.
 - The application Ref is 2024/4616/P.
 - The development proposed is described as: conversion of ground floor shop (class A1) to a flat (class C3).
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposal on the supply of business premises;
 - whether the proposal would provide acceptable living conditions for future occupiers with specific regard to floor space; and
 - whether the proposal would adequately promote sustainable modes of transport.

Reasons

Supply of employment land

3. The appeal site forms the ground floor of a property adjoining Hemstal Road. The ground floor is of commercial use (Class E) but currently unoccupied. Policy E2 of the Camden Local Plan (2017) (Local Plan) resists development of business premises unless it is demonstrated the site or building is no longer suitable for its existing business use and that the possibility of retaining, reusing or redeveloping the site or building for similar or alternative type and size of business use has been fully explored over an appropriate period of time.
4. The appellant contends that they have tried to rent the shop for 2 years but have been unsuccessful and that there is limited demand for retail use at this location. They go on to say that the property has been marketed by local agents and advertised online, but no viable tenants have come forward. Nonetheless, there is little evidence before me demonstrating the period of time the appeal site has been vacant for or details of the alleged marketing of the commercial unit. As such, the

appellant has failed to demonstrate that the appeal site is no longer suitable for commercial use.

5. The appellant refers to Policy TC1 of the Local Plan, however this relates to new retail provision rather than existing. This policy therefore has limited relevance in the determination of this appeal.
6. Whilst I acknowledge there are residential properties within the area, I observed a number of commercial premises, notably the neighbouring ground floor unit which appeared to be in commercial use at the time of my site visit. As such, the existing commercial use is not out of keeping with the character of the area.
7. For the above reasons, the appeal development would result in the loss of a business premises. The proposal would therefore conflict with the relevant provisions of Policy E2 of the Local Plan which resists development of business premises unless it is demonstrated the site or building is no longer suitable for its existing business use.

Living conditions

8. The proposal would form a one bedroom dwelling with shower room at ground floor level. The application form states that the existing floor area of the appeal property is approximately 30.6 square metres. Policy H6 of the Local Plan expects all self-contained homes to meet the nationally described space standards.
9. The Technical housing standards – nationally described space standard (2015) gives the minimum gross internal floor area for a one bedroom single storey dwelling with a shower room of 37 square metres with 1 square metre built in storage. The gross internal floor area of the proposal would therefore be well below the above minimum standard, creating unacceptable living conditions for future occupiers.
10. The appellant suggests that minor shortfalls in gross internal floor area have been accepted where the quality of design and natural light is sufficient, nonetheless I have not been presented with any evidence of this. In any event, the existence of any such planning permissions would not justify the above identified harm. Further I do not consider the proposed shortfall would be minor.
11. As such, the proposal would create unacceptable living conditions for future occupiers with specific regard to floor space. It would therefore conflict with the relevant provisions of Policies D1 and H6 of the Local Plan. When read together, these policies require development to provide a high standard of accommodation and to meet the nationally described space standards.

Sustainable transport

12. The application site is within a controlled parking zone (CPZ), which is indicative of a level of parking stress within the area. I also noted on my site visit there were low levels of off-street parking along this section of Hemstal Road at that specific time.
13. Whilst the appeal site has good public transport accessibility levels, future occupiers may still choose to utilise private cars for day-to-day transport requirements. This would exacerbate the level of parking stress in the area and encourage travel by private car which has a detrimental impact on air quality, personal health, well-being, and the environment.

14. Policy T2 of the Local Plan requires all new development to be car free, and to this end, accompanied by a legal agreement to ensure future occupants cannot obtain on-street parking permits. Therefore, a planning obligation would be required to prevent the proposed dwellings from being occupied by individuals that hold a parking permit.
15. Policy T1 of the Local Plan requires development to provide for accessible and secure cycle parking facilities. The proposal does not include any cycle parking with the Council requiring a financial contribution towards the provision of 1 space in a bike hanger to be provided within the vicinity of the site. A planning obligation would be required to secure such a contribution.
16. Whilst the appellant contends that they are willing to enter into a legal agreement to secure car-free status and cycle parking contributions, no such agreements are before me. In the absence of completed planning obligations to secure the development as car free a financial contribution towards off site cycle parking, I have no mechanism for securing these. Therefore, the proposal fails to comply with the requirements of Policy T1, T2, and DM1 of the Local Plan which require development to provide accessible and secure cycle parking facilities, and to be car free.

Other Matters

17. The appellant refers to 55, 63, and 65 Hemstal Road being converted into flats. I am unaware of the circumstances and whether they benefit from planning permission. Further, their presence does not outweigh the above identified harm.
18. The applicant contends that the proposal would involve minimal external alterations, use matching materials, would not affect the living conditions of neighbouring occupiers, the character of the street scene, or highway safety. However, the lack of such harms is a neutral factor and would not weigh in favour of the proposal.
19. The proposal would contribute a single residential unit to the existing housing stock. Nevertheless, given the scale of the proposal this would carry limited weight and not outweigh the above identified harm.

Conclusion

20. For the reasons given above the appeal should be dismissed.

N Unwin

INSPECTOR