

Appeal Decision

Site visit made on 17 October 2013

by N McGurk BSc (Hons) MCD MBA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 13 November 2013

Appeal Ref: APP/X5210/A/13/2200845

9 Perrins Court, London, NW3 1QS

- 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 Savills (L&P) Ltd against the decision of the Council of the London Borough of Camden.
 - The application Ref 2012/6324/P, dated 23 November 2012, was refused by notice dated 30 January 2013.
 - The development proposed is change of use from Class A1 to a flexible use within Class A1 and A2 to provide replacement floorspace for established operator.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I note that the appellant requested a Hearing. I am satisfied that the appeal can be considered by written representations.

Main Issue

3. The main issue in this case is the effect of the development on the retail function of Hampstead Town Centre.

Reasons

4. The appeal site comprises the ground floor unit at No 9 Perrins Court. The retail unit, which is classified as A1, is currently vacant. Perrins Court is located in Hampstead Town Centre and designated as Core Retail Frontage.
5. The immediately adjacent unit to the appeal site, at No 7 Perrins Court, is occupied by the appellant's business operations and as such, is in use as an estate agent. The appellant states that the first floor of Nos 7 & and 9 Perrins Court provides space related to the business on the ground floor of No 7. The proposed development would provide a flexible A1 or A2 use and would allow for the appellant's business operations to utilise the appeal site.
6. The Council's Core Strategy¹ states that a key objective for Hampstead is to "focus shopping provision in the core of the town centre by managing the

¹ Camden Core Strategy 2010-2025 Local Development Framework (2010).

proportions of non-retail use.” The Council’s Planning Guidance 5² resists proposals for development which would result in less than 75% of premises in Core Frontages being in retail use.

7. The Council asserts that the retail provision along the relevant frontage would fall from 83% to 66.6%, were the proposed development to go ahead. The appellant, in support of its case, asserts that the ground floors of Nos 7 & 9 would be amalgamated, thus creating one unit – and thus, it considers that there would be no change to the proportion of units in retail use. However, the application and the plans for the proposed development relate to No 9 Perrins Court only and there are no detailed plans before me to substantiate this assertion.
8. Taking the above into account, I find that the proposed development would lead to a significant reduction in the proportion of the premises in this location being in retail use. I consider that this would be to the detriment of the predominant retail character of the area, which, I find, currently reflects its safeguarded retail function.
9. The appellant, in support of its case, considers that the proposal would bring a vacant site into use and contribute towards the vitality and viability of the Town Centre. However, there is no substantive evidence before me to demonstrate that the site has been widely marketed for retail use and that such a use would not be viable.
10. The appellant, also in support of its case, considers that the proposal is necessary to meet the requirements of an existing business, which, it considers, will be impacted by an application to change the use of the first floor of Nos 7-9. However, in this regard, I consider that something which may or may not happen in the future is not a factor which outweighs the harm I have found.
11. Consequently, I find that the proposed development would harm the retail function of this part of Hampstead Town Centre. It would be contrary to Core Strategy policy C7, Development Policies³ DP10 and DP12 and Planning Guidance 5, which together amongst other things, seek to protect the retail function of town centres. It would also be contrary to that part of the Framework which supports policies that make clear which uses will be permitted in which locations, and which support the promotion of town centres that provide a diverse retail offer.

Conclusion

12. For the reasons given above, the appeal does not succeed.

N McGurk

INSPECTOR

² Camden Planning Guidance 5: Town Centres, Retail and Employment (2011).

³ Camden Local Development Framework Development Policies (2010).
