
Appeal Decision

Site visit made on 17 July 2019

by Patrick Hanna MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th July 2019

Appeal Ref: APP/X5990/W/19/3227390

6 Ivor Place, London NW1 6BY

- 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 Elegance Launderette against the decision of City of Westminster Council.
 - The application Ref 18/10533/FULL, dated 13 December 2018, was refused by notice dated 6 February 2019.
 - The development proposed is for use of the ground floor and basement as offices (Class B1), replacement shopfront and associated alterations.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. I consider the description of development given by the Council on its decision letter to be more precise than that shown on the planning application form and I have therefore used it in my decision.

Main Issue

3. The main issue is the effect of the proposal on local service provision, with particular regard to availability and convenience to persons in the locality.

Reasons

4. The appeal site comprises the ground and basement floors of a three storey end of terrace building. The launderette use and the commercial premises opposite together form a small informal neighbourhood centre, within a wider area that is largely residential in character. At the time of my site visit the premises was vacant, with no clear evidence of use as a launderette.
5. The Council's objection to the proposal is the loss of the sui generis launderette use. This use is considered to be a particularly important service in this location outside of a larger commercial centre; such uses can limit car trips, encourage walking and make city life more practical and attractive. Saved Policy SS 8 of the City of Westminster Unitary Development Plan offers definitive and specific protection to the launderette use. Despite dating from 2007 and being negatively phrased, the policy has a considerable degree of consistency with the key relevant policies of the National Planning Policy Framework (paragraph 92), which require that planning policies and decisions should plan positively

for the provision and use of community facilities and other local services to enhance the sustainability of communities and residential environments. In applying saved Policy SS 8, the change of use from a launderette will only be permitted in the case of a long term vacancy; in doing so the proximity of alternative facilities will also be taken into account.

6. In terms of availability, the appellants have confirmed that the launderette closed down in January 2019. Notwithstanding the lack of agreement between the parties about a policy definition for 'long term vacancy', the period from closure of the premises until submission of this appeal is four months. In my view, this period is not sufficient to meet any reasonable definition of 'long term' and, furthermore, the objective of such a policy test is to ensure that every reasonable opportunity is given to explore retention before a protected facility is lost. Whilst the submitted marketing report shows unsuccessful attempts to reinvigorate the launderette use before closure of the facility, the marketing period of 6 months is, again, not a sufficiently long duration to justify permanent loss of the launderette use at this stage.
7. The Building Survey and Works Cost Plan indicates the extent of works required to the building along with costs of new machinery. Certainly, at the time of my site visit all machinery had been removed and the internal fit-out stripped back to structural level. Also submitted are comments relating to declining patronage, as well as profit and loss figures which indicate losses over the past four years. Together, this evidence clearly demonstrates that investment would be required to re-establish the launderette as an operational business. However, other than reference to a pay-back time of at least 5 years, I see no substantive evidence that investment could not represent a viable business plan in future years. The lack of objections does not demonstrate a lack of demand, indeed the number of other facilities across the locality suggests that there is demand, albeit that that demand is likely to be competitive, and notwithstanding the premises' small footprint. Furthermore, the continuation of a launderette use, with active frontage, would contribute to reinvigorating the attractiveness and vibrancy of this small local neighbourhood centre.
8. Taken together, these reasons lead me to the conclusion that insufficient time has yet passed from closure of the launderette to have satisfactorily demonstrated that permanent loss of the sui generis launderette use is justified. Accordingly, I find that such a loss would cause harm to local service provision, with particular regard to availability.
9. A number of nearby alternative facilities have been identified by the appellant. Whilst many of these are laundry drop-off services that differ from the user-operated service specific to a launderette, they nevertheless offer a variation on the same service (setting aside dry cleaning services), namely the washing and drying of clothes. As such, it is appropriate to consider these as alternative facilities, as described in the policy application of saved Policy SS 8. Nevertheless, it appears from the evidence submitted that proximity of other facilities nearby is not necessarily a determining factor in the likely viability or otherwise of launderette businesses, as four appear to co-exist within very close proximity of each other along Crawford Street/Paddington Street. In my mind, the 5-10 minute walk from the appeal site to alternative facilities, whilst not excessive, cannot be described as convenient for the residents, visitors or businesses within the immediate neighbourhood, due to the bulky and awkward nature of carrying laundry. Furthermore, the degree of competition from mobile

app operators has not been evidenced such that I can attach significant weight to this issue. Overall, in terms of convenience to persons within the locality, the proximity of alternative facilities is not, in my mind, of sufficient weight to overcome the harm I have found above.

10. I have considered the economic and employment benefits that may arise from the proposed use as an office, against the national and local policies referred to, but do not find those benefits to be of sufficient weight to overcome the harm found above. Furthermore, any future role as a retail unit is not a matter for consideration in this appeal. In arriving at my conclusions, I have also considered the planning history of the site and other developments in the area, but limited information is provided. In any case, I must assess the application before me on its merits and, as such, I give these cases little weight.
11. Change of use of the building, which is Grade II listed, has been cited as the best outcome for its future, due to water damage caused by the launderette use. However, the works required to remedy any damage can be satisfactorily addressed through like-for-like repairs or through the listed building consent process, as may be appropriate. Furthermore, there is no reason why a launderette use would in itself cause long term water penetration to occur.
12. The appellant has made reference to permitted development rights, both existing and proposed (since submission of the appeal, the Town and Country Planning (Permitted Development, Advertisement and Compensation Amendments) (England) Regulations 2019 has come into force). However, this is not a matter for me to determine in the context of an appeal made under section 78 of the Town and Country Planning Act 1990. Notwithstanding that no Article 4 Directive has been promoted by the Council, protection of the launderette use class is achieved by saved Policy SS 8.
13. As such, taking all of the above matters into account, I conclude that, on the basis of the evidence before me, the permanent loss of the sui-generis use as a launderette would, at this time, cause harm to local service provision, with particular regard to availability and to the convenience of persons within the locality, contrary to saved Policy SS 8 of the City of Westminster Unitary Development Plan 2007.

Other Matters

14. The appeal site is part of a Grade II listed building located within the Dorset Square Conservation Area. The effect of the development on these statutory designations is not raised as a matter of concern to the Council, indeed listed building consent has been granted for replacement shopfront and associated external and internal alterations. I conclude that the proposal would preserve the character and appearance of the listed building and conservation area.

Conclusion

15. For the reasons given above I conclude that the appeal should be dismissed.

Patrick Hanna

INSPECTOR