
Appeal Decision

Site visit made on 1 October 2019

by Jonathan Price BA(Hons) DMS DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 October 2019

Appeal Ref: APP/E5900/W/19/3234593

451 Roman Road, London E3 5LX

- 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 Miss Bichngoc Bui against the decision of the Council of the London Borough of Tower Hamlets.
 - The application Ref PA/19/00406, received 20 February 2019, was refused by notice dated 17 June 2019.
 - The development proposed is the change of use of a retail shop into a nail bar – sui generis use.
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Decision

1. The appeal is allowed, and planning permission is granted for the change of use of a retail shop into a nail bar at 451 Roman Road, London E3 5LX in accordance with the terms of the application, Ref PA/19/00406, received 20 February 2019, subject to the following condition:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Nos 1 - 4.

Main Issue

2. The effect on the vitality and viability of the Roman Road East district centre.

Reasons

3. The change of use has taken place and the nail bar was in operation when I visited. It is within former shop premises forming part of a parade of commercial businesses. There are continuous ground floor commercial frontages along both sides of this main shopping street. Planning permission was refused by the Council on the grounds that the nail bar use would harm the role and function of the Roman Road East district centre through the loss of the former shop use.
4. Policy SP01 of the 2010 Core Strategy promotes the economic vibrancy of district centres, including by increasing retail uses. Policy DM1 of the Managing Development Document 2013 gives priority to protecting A1¹ uses. This is unless the level of A1 frontage has not fallen below 50%, the unit has been vacant for more than 12 months and robust marketing evidence shows no success in renting the premises as a shop, and the new use supports the function of the town centre shop, does not result in an over-concentration of non-A1 uses and supports the town centre mix and diversity.

¹ Class A1. Shops of the Town and Country Planning (Use Classes) Order 1987

5. Policy D.TC2 of the emerging Tower Hamlets Local Plan seeks development in primary frontages, such as in this case, that contribute to the activity and vitality of the town centre by achieving a minimum of 60% of ground floor units as A1.
6. Nail bars do not fall within the Class A1 definition of shops and hence are a *sui generis* use. However, hairdressers are classed as A1 and I consider nail bars to be a comparable use and equally appropriate in a shopping area. It is conceivable that an over-saturation of nail bars could harm the functioning of a shopping centre. However, I do not consider this to be the case here. I can find no harm from the use and, whilst I noted one other nail bar along Roman Road, would not consider there to be an over concentration. Because a nail bar is a *sui generis* use, the proposal would conflict with the terms of adopted and emerging development plan policy. However, the lack of harm is a material consideration that indicates to me that the appeal should be decided otherwise than in accordance with the development plan.

Conclusion

7. The nail bar contributes positively to the vitality and viability of the Roman Road East district centre and, on balance, I conclude that in this instance approval is justified. Consequently, I conclude that this appeal should be allowed.

Jonathan Price

INSPECTOR