



Appeal Decision

Site visit made on 18 December 2019

by L Gilbert BA (Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 February 2020

Appeal Ref: APP/L5240/W/19/3237139

286 Lower Addiscombe Road, Croydon CR0 7AE

- 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 Ms Thi Thu Phuong Dao against the decision of the Council of the London Borough of Croydon.
 - The application Ref 19/00460/FUL, dated 31 January 2019, was refused by notice dated 14 March 2019.
 - The development proposed is change of use of commercial premises from A1 Shops to Sui Generis Nail & Beauty Salon.
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Decision

1. The appeal is dismissed.

Main Issue

2. The effect of the proposed change of use on the vitality and viability of the Secondary Retail Frontage and Primary Shopping Area.

Reasons

3. The appeal building is within a designated Secondary Retail Frontage, District Centre and Primary Shopping Area. The proposal involves the change of use of the ground floor of the building from A1 to Sui Generis Use Class (Nail and Beauty salon).
4. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires decisions to be made in accordance with the development plan unless material considerations indicate otherwise. As such, Policy DM4 of the Croydon Local Plan (2018) (CLP) seeks to ensure the vitality and viability of Croydon's Metropolitan Centre and to maintain and increase the borough's District and Local Centres. This is through not permitting new developments or changes of use which would result in a net loss of ground floor Class A uses within Main Retail Frontages, (unless it relates to the expansion of an existing community use).
5. The proposed nail and beauty salon would conflict with this policy as it would result in a net loss of ground floor Class A uses within a Main Retail Frontage and does not propose the expansion of an existing community facility. Notwithstanding this, the appellant has argued that their proposal could enhance the choice of services available and that the opening hours and nature of services offered, would be similar to some A1 uses. However, whilst I

accept there are some similarities, the proposal would still ultimately lead to the loss of an A1 ground floor unit within a within Secondary Retail Frontage. Furthermore, paragraph 5.33 of Policy DM4 would not be applicable in this specific circumstance as this solely relates to preventing the saturation of A5 uses within Main Retail Frontages, rather than the proposed Sui Generis use.

6. Therefore, after carefully considering all of the representations of the appellant, I do not consider that they would outweigh the harm identified nor do they provide an adequate justification for reducing the weight that should be given to Policy DM4 of the CLP. Accordingly, the proposed change of use would harm the vitality and viability of the Secondary Retail Frontage and Primary Shopping Area and therefore conflict with Policy DM4 of the CLP. In reaching this conclusion I have had regard to the National Planning Policy Framework. I acknowledge the proposed change of use would be consistent with the strands of sustainable development, however this would not override the harm I have identified.

Conclusion

7. Consequently, for the reasons set out above, I conclude that the appeal should be dismissed.

L Gilbert

INSPECTOR