



Appeal Decision

Site visit made on 11 February 2020

by **J Gibson BUEP MPIA**

an Inspector appointed by the Secretary of State

Decision date: 25 March 2020

Appeal Ref: APP/K5600/W/19/3239906 120 Talbot Road, London W11 1JR

- 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 Mr Manbir Nahal against the decision of the Royal Borough of Kensington and Chelsea Council.
 - The application Ref PP/19/04131, dated 11 June 2019, was refused by notice dated 9 August 2019.
 - The development proposed is a change of use at ground floor level from a laundrette (Use Class: Sui Generis) to a dentist/doctor surgery (Use Class: D1 Non-residential institution).
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council's decision refers to Policy CK1 of the Consolidated Local Plan (adopted 2015). On the 11 September 2019, the Consolidated Local Plan was replaced by the Kensington and Chelsea Local Plan (LP) (adopted September 2019). Both the Council and the appellant have confirmed that the policies most relevant to the determination of this appeal remain unchanged. I have accordingly based my decision on the policies contained in the newly adopted LP.
3. The Council have referred to a separate appeal decision relating to the appeal property, allowing the basement of the current laundrette unit to be converted to a residential flat¹. They suggest that this decision was granted on the basis that the ground floor would be retained as a laundrette and as such question the efficacy of that permission should this appeal be allowed. I do not consider this matter to be relevant to the appeal before me and as such has not informed my determination.

Main Issue

4. The main issue is whether the loss of the existing social and community use would be acceptable having regard to national and local planning policies.

Reasons

5. The appeal relates to a laundrette unit at the ground floor and basement levels of a terrace building located on the corner of Talbot Road and Powis Terrace.

¹ Appeal decision: APP/K5600/W/18/3202809

The appeal site is specifically defined as the ground floor unit only, with the basement being subject to a separate planning permission allowing it to be converted into a flat². The laundrette business which occupied the appeal site ceased operating as of November 2019 with the internal layout now in the process of being demolished/ripped out.

6. Policy CK1 of the Kensington and Chelsea LP sets out a sequential approach to determining whether changes of use from any particular social and community use are appropriate or not. Firstly, the policy prioritises protecting buildings that are or were last used as a social and community use to be reused for the same, similar or a related use. Subsequently, the policy then contemplates changes of use to a different social and community use, where it can be demonstrated that the resulting use would provide significant and greater benefit to the borough and its residents. Policy CK1 does not support the outright establishment of a new social and community use at the expense of another as suggested by the appellant.
7. Both the existing laundrette and the proposed dentist/doctor surgery are defined as social and community uses under the policy. However, I do not consider a dentist/doctor surgery to be the same, similar or a related use to a laundrette. Both uses serve different functions for the local community, and as such it must first be demonstrated that the existing laundrette use could not appropriately be protected, and then that the appeal proposal would provide significant and greater benefit to the borough and its residents than the laundrette.
8. The appellant acknowledges that the ground floor unit could be equipped with more modern laundrette equipment to continue operation without the basement area. Whilst the appellant states that to do so would not have been feasible for their business' prospects, it does not mean that another laundrette business could not justify the necessary establishment costs, and therefore have a reasonable prospect of continuing the laundrette use on the appeal site. I do not question the appellant's personal experience running a laundrette nor the general trends/challenges described in their viability report. Nevertheless, these representations lack detailed evidence demonstrating that there is no need within the local area for such services, nor that there is no demand within the market to take up the existing laundrette use.
9. The real estate agent letter submitted for consideration suggests that there is strong demand for a dentist/doctor surgery in the area and that a laundrette would not be practical. No meaningful market data was provided to substantiate this position, such as a defined period of advertising, list of enquiries received by the agent in relation to the appeal site and the current availability and distribution of laundrette and dentist/doctor surgery uses in the area. Whether outlined within a LP policy or not, it is necessary to supply some form of detailed analysis comparing the laundrette and dentist/doctor surgery uses so that a determination could be made as to whether one social and community use would provide greater benefit to another. Whilst I note the inherent benefit of providing a new dentist/doctors surgery the appellant has not adequately demonstrated the need for this use over a laundrette, which is also a necessary social and community facility to support modern urban living.

² Appeal decision: APP/K5600/W/18/3202809

10. It is therefore my view that there remains a reasonable prospect for the laundrette use to continue on the appeal site based on the evidence before me. I am also not satisfied that it has been adequately demonstrated that the proposed development would provide a significant and greater benefit to the community than the existing social and community use. It would therefore conflict with Policy CK1 of the Kensington and Chelsea LP which seeks amongst other things to protect social and community uses throughout the borough.

Other Matters

11. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention be given to the desirability of preserving or enhancing the character or appearance of the conservation area. The appeal site falls within the Colville Conservation Area (CA). Some of the key defining features of the CA includes the predominantly residential character of the area, with various small retail frontages and individual business units and community/cultural uses throughout, and the fairly consistent architectural style, age and scale throughout the area³.
12. I note that the current external appearance of the appeal site is rundown and in need of repair. Notwithstanding this, the appeal proposal does not include any alterations to the façade of the building, with the exception of a glazed panel adjacent to the entrance door which is to be removed. As such, external works to the façade of the building would either be carried out as part of the extant planning permission⁴ or as part of a separate application to be made to the Council. Given the minor nature of the external works described I am satisfied that the appeal proposal would have a neutral effect on the CA.

Conclusion

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

J Gibson

INSPECTOR

³ Colville Conservation Area Appraisal

⁴ Appeal decision: APP/K5600/W/18/3202809