



Appeal Decision

Site visit made on 1 March 2022

by D.R McCreery MA BA (Hons) MRTPI

An Inspector appointed by the Secretary of State

Decision date: 10 MARCH 2022

Appeal Ref: APP/L5240/W/21/3279144
96 Beulah Road, Thornton Heath CR7 8JF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under a development order.
 - The appeal is made by Mr D Neuman (Silverfield Estates) against the decision of the Council of the London Borough of Croydon.
 - The application Ref 21/02502/GPDO, dated 12 May 2021, was refused by notice dated 7 July 2021.
 - The development proposed is Use of existing launderette (Sui Generis) as a residential unit within use class C3.
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Decision

1. The appeal is allowed and prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 3, Class M of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) for use of existing launderette (Sui Generis) as a residential unit within use class C3 at 96 Beulah Road, Thornton Heath, CR7 8JF in accordance with the application Ref 21/02502/GPDO, dated 12 May 2021, and the details submitted with it and subject to conditions in the GPDO and the following:
 1. The development hereby permitted shall be carried out in accordance with the following plans: • Brth.96.EX & PR.FFP.01 Existing and proposed front floor plan • Brth.96.EX. BR.02 Existing block plan • Brth.96.FH.TP Location Plan • Brth.96.PR.BP.02 Proposed block plan • Brth.96.RFH.TP Proposed and existing elevations.
 2. Prior to commencement of work above slab level (excluding demolition) details (including samples where necessary) of the detailed design to be used for the front of the property shall be submitted to and approved in writing by the Local Planning Authority. The details shall include brickwork, render and window design and materials (including any obscured glazing). The development shall be carried out in accordance with the details approved prior to first occupation, unless otherwise agreed in writing with the Local Planning Authority.

Procedural Matters

2. Schedule 2, Part 3, Class M of the GPDO permits change from certain uses to dwellinghouses. Paragraph M(a)(i)(aa) identifies a laundrette as such a use for the purposes of the Class. For development to be permitted it must satisfy the limitations set out at paragraph M.1 and the conditions at M.2.
3. Compliance with the limitations at M.1 is not an issue in dispute between the Council and the Appellant. I do not have evidence that leads me to take a contrary view.
4. The condition at paragraph M.2(1) requires a developer to apply to the local planning authority for a determination as to whether the prior approval of the authority will be required in relation to a number of specified matters, set out at subparagraphs 'a to f'.
5. Paragraph W of Part 3 sets out the procedure for prior approvals. It requires the local planning authority to take into account any representations made to them as a result of consultation, and to have regard to the National Planning Policy Framework (the Framework), so far as relevant to the subject matter of the prior approval. I have considered the appeal on the same basis.
6. Policies in the Croydon Local Plan (Local Plan) are referenced in the Council's decision notice. For the avoidance of doubt, I have not decided this appeal expressly on the basis of the duty in s38(6) of the Planning and Compulsory Purchase Act 2004. I have noted the policies, insofar as they may assist with forming the planning judgment required in relation to the relevant prior approval matters.

Main Issue

7. The main issue is whether, or not, prior approval should be granted for the proposed development when regard is paid to the requirements of Part 20, Class A paragraph M.2 (1) (d) and (e) relating to :
 - Whether it is undesirable for the building to change use because of the impact of the change.
 - The design or external appearance of the building.

Reasons

Impact of the change of use

8. The site is included within the Beulah Road Local Centre (Local Centre) and is within the Main Retail Frontage as defined in the Local Plan. It is towards the edge of the centre, reflected in the mix of nearby uses, including retail, residential, and educational, some of which fall outside the Local Centre.

9. Paragraph 86 of the Framework calls for a positive approach to town centre growth, management and adaptation. At 86(a) there is consideration of giving definition to a network and hierarchy of town centres in order to promote long term vitality and viability. Housing is included amongst the suitable mix of uses that could be allowed for.
10. The proposal would result in the loss of a commercial frontage. However, there is no evidence to support the Council's assertion that conversion to residential use would harm the vitality and viability of the Local Centre. This is not a matter that can be regarded as self-evident from physical observation of the area or the position of the site within it.
11. The inclusion of the site within the Local Centre in the Local Plan provides some evidence that specific consideration is required where a change of use is proposed. However, that in itself does not automatically lead to a conclusion that the proposal is undesirable as a matter of principle without deeper justification that, in this case, is absent.
12. This is particularly the case when considering the wider context of paragraph 86(a) of the Framework which calls for a more dynamic response to changes in town centres than protection on principle.
13. In relation to the specific desirability of retaining the laundrette use, the Council have provided no evidence of a negative impact resulting on wider provision, or of there being a reasonable prospect of the building continuing to be used to provide such services were that to be desirable.
14. I have considered the interaction with Policy DM4.2 of the Local Plan, which principally manages Class A uses in such locations. The proposal would result in a change from one type of non-Class A retail use to another. As such, the policy assumption that proposals would be refused under 'all other uses' in DM4.2 would apply.
15. It is unclear from the evidence how such a policy outcome would be desirable or serve a useful planning purpose, including supporting the aims of the Framework in relation to ensuring the vitality of town centres. As such, whilst I have paid regard to Policy DM4.2, any conflict arising from the proposal is not demonstrated to result in material harm.
16. For the reasons set out, the evidence does not demonstrate that it would be undesirable for the building to change use because of the impact of the change. As such, there would be no conflict when regard is paid to the Framework, including national policy set out in Chapter 7 on ensuring the vitality of town centres.

Design or external appearance of the building

17. As discussed above, the immediate surroundings include a mixture of uses, which is reflective of the site's position towards the edge of the Local Centre. Consistent with the mix, either side of the site there is a shopfront and a frontage of more residential appearance.

18. As a consequence, the immediate surroundings have a more mixed character than that experienced closer to the area around the Parchmore Road junction, which has a more intensive commercial focus.
19. Within this context, there is more limited rhythm to the street scene at ground floor level in terms of shopfront presence. As such, the proposal would not disrupt a significant pattern of consistency that contributes to the appearance of the building as seen within the wider street scene.
20. The Council have provided no commentary relating to the detailed design of the proposed frontage, which comprises a large, glazed area with a plinth below. As the drawings show little of the detail, it is necessary in this instance to require submission of further details to ensure that the design is appropriate in the context of the building and avoids repeating some of the bland and unimaginative shopfront infills evident on neighbouring properties.
21. For the reasons set out, subject to conditions, the proposal would be acceptable when regard is paid to the design or external appearance of the building. As such, there would be no conflict when regard is paid to the Framework, including national policy set out in Chapter 12 on achieving well designed places.

Other Matters

22. My attention is drawn to two appeals on the same road¹. I have paid regard to these, whilst also deciding the present appeal on its own merits and on the basis of the evidence provided.

Conclusion

23. For the reasons given above, I conclude that the appeal should be allowed, and prior approval should be granted.

Conditions

24. Paragraph M.2 to Schedule 2, Part 3, of the GPDO permits development subject to a number of conditions. This includes conditions relating to:
 - Completion of the development within a 3-year period.
 - Use only as a dwellinghouse within the meaning given in Class C3 of the GPDO and for no other purpose.
25. I will consider further conditions by reference to the numbering in the attached schedule. In considering further conditions I have paid regard to the list suggested by the Council. These conditions apply in addition to those set out in the relevant part of the GPDO.

¹ APP/L5240/W/16/3162311 and APP/L5240/W/16/3162303

26. Condition (1) is necessary in the interests of certainty. Condition (2) is necessary to secure a satisfactory standard of design. It differs to the Council's suggest condition in order to provide additional oversight of detailed design for the reasons set out above.
27. The Council also suggested a condition relating to refuse and bicycle storage facilities. These details are adequately shown on the submitted drawings. There is also a lack of justification on how the suggested condition would satisfy the prior approval matters. As such, I have not imposed this condition.

D.R. McCreery

INSPECTOR