



Appeal Decision

Site visit made on 1 July 2024

by L Clark BA(HONS) DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th August 2024

Appeal Ref: APP/Y5420/W/24/3338039

412 West Green Road, Tottenham, London N15 3PU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 3, Class M of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Mohamed Nourzai against the decision of the Council of the London Borough of Haringey.
 - The application Ref is HGY/2023/2923, dated 27 October 2023, was refused by notice dated 22 December 2023.
 - The development proposed is change of use of the existing launderette (Sui Generis Use) to 1no. 2 bedroom self-contained residential flat (Class C3).
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Decision

1. The appeal is dismissed.

Background and Main Issues

2. Schedule 2, Part 3, Class M of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) provides that development consisting of a change of use of a building from a launderette to a use falling within Class C3 (dwellinghouses) is permitted development, subject to a number of limitations and conditions set out under M.1 and M.2 of the GPDO.
3. The decision notice refers to conditions "Part M.2(d)(i) & (ii)" of Class M within the Town and Country Planning (General Permitted Development) (England) Order 2015. The Council's submission clarifies that these to refer to – (i) on adequate provision of services of the sort that may be provided by a building falling within Class A1 (shops) or, as the case may be, Class A2 (financial and professional services) of that Schedule, but only where there is a reasonable prospect of the building being used to provide such services, or (ii) where the building is located in a key shopping area, on the sustainability of that shopping area.
4. On 1 August 2021 the GPDO amended Part M.2(d)(i) and omitted Part M.2(d)(ii)¹. Part M.2(d)(i) now refers to "on adequate provision of services of the sort that may be provided by a building falling within article 3(6)(c) (launderette) of the Use Classes Order, but only where there is a reasonable prospect of the building being used to provide such services". Whilst the Council refer to outdated legislation, the appellant does not. As such I have considered the appeal based on the latest revised version of the GPDO.

¹ Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 2) Order 2021

5. The principle of development is established by the above legislation and as such, regard does not have to be had to the development plan as normally would be the case. I have taken account of Policies DM1, DM8 and DM43 of the Development Management DPD (2017) and the provisions of the National Planning Policy Framework (the Framework) insofar as they are a material consideration relevant to the main issue.
6. Taking the above into account, the main issues are, a) whether there is adequate provision of services of the sort that may be provided by a launderette, and whether or not there is a reasonable prospect of the building being used to provide such services, and b) the design or external appearance of the building.

Reasons

Adequate provision of launderette services

7. The appeal property (No 412) is a ground-floor commercial property located within a designated Local Shopping Centre (LSC). The LSC provides a range of services to support the local community. The Framework defines Town Centres as being an area defined on the local authority's policies map and includes, amongst other things, local centres.
8. The appellant has drawn my attention to four launderettes within an approximately 10 to 15-minute walk from the appeal site. Each example is located within a densely populated area. The closure of one launderette service would therefore likely increase the pressure on the others, thereby reducing the accessibility to the service. Furthermore, the removal of this service would increase the journey time for patrons with good mobility and take much longer for those with disabilities and/or reduced mobility.
9. This view is supported by the Framework which states that decisions should guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs.
10. On this basis, the development would likely lead to a situation where there would be inadequate provision of launderette services and would conflict with the requirements of paragraph M.2(d)(i) of the GPDO.

Reasonable prospect of the existing building being used as a launderette

11. The unit has been stripped of the majority of its assets and is in a poor state of repair, and all machines and dryers have been scrapped due to their age (40+ years). Whilst the existing unit has been vacant for some time, there is no clear evidence that the building is not fit for purpose and could not be used as a launderette. Whilst I sympathise with the appellant with regard to the high energy prices, these are not so specific to a launderette that it would prevent it from operating as such.
12. The appellant contends that the LSC comprises approximately 39 units of which approximately 5 (including the appeal site) appear vacant. My attention has been drawn to units 439, 440, 441, 447 and 459 West Green Road. Imagery taken from Google Street View has been submitted in support of their appeal and I have observed these units on site. Despite No 439 not displaying any signage and having curtains behind the clear-glazed shop frontage, and the imagery showing the security shutters pulled down to Nos 447 and 459, and

remained as such at the time of my site visit, I do not have sufficient evidence either way to substantiate the claim that these units are vacant. Furthermore, units Nos 440 and 441, were open at the time of my site visit. No 440 was operating as a tailors and alterations service, and No 441 was a hair and beauty salon.

13. Based on the evidence before me and observations on site, it would appear that whilst there may have been some level of vacancy in previous years, and even if unit Nos 439, 447 and 459 were vacant, there is nothing which suggests that the vacancy rate of the LSC is significantly high, or that any risks associated with the unit remaining vacant justify the potential harm that would be caused.
14. Furthermore, the surrender of the lease and proof that the appellant did not receive any rental income for No 412 do not prove there is no reasonable prospect that the existing building could be used as a launderette. As such, I conclude that conflict would occur with the requirements of paragraph M.2(d)(i) of the GPDO.

Design or external appearance

15. No 412 falls within a parade of commercial uses on a busy road in North London. The proposed development would replace the existing door with a window of similar design, materials and proportions as those on either side. The new ground-floor windows would face directly onto West Green Road.
16. There is currently a wide variety of frontages to commercial units on West Green Road, the removal of an active commercial unit from the West Green Road frontage would have a negative effect appearance of the LSC. In my view, the external appearance is not defined solely on the basis of simple aesthetics. Human activity and the way people interact with their environment are also important considerations.
17. Whilst it might be possible to convert commercial units along West Green Road to residential use without altering their appearance, such a change could still result in a negative impact on the essential character of the building within which it is experienced.
18. The application of opaque film and blinds similar to those at Nos 444, 446 and 462 would not provide adequate mitigation. These are also all in commercial use and are thus not comparable to the appeal proposal. Furthermore, whether or not No 459 has its security shutters closed permanently does not justify harmful development.
19. For the above reasons, I conclude that the external appearance of the building would conflict with the requirements of paragraph M.2(d)(i) of the GPDO.

Other Matters

20. The provisions of the GPDO do not specify evidence of marketing as a condition associated with the prior approval. As such, whilst I am conscious of the Council's reasoning behind its requirement, the lack of marketing is not determinative to the appeal before me.
21. Even though there was no dispute with regard to Part M.2 (a), (b) or (c) of the GPDO, and the development would facilitate the creation of a new residential

unit which would provide some moderate economic and social benefits, these do not justify approval of a scheme which is likely to result in harm to the provision of launderette services.

Conclusion

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

L Clark

INSPECTOR