



Appeal Decision

Site visit made on 8 April 2025

by T Bennett BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 April 2025

Appeal Ref: APP/B5480/W/24/3353188

54 Corbets Tey Road, Upminster, Havering RM14 2AB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mrs Jessica Jones c/o ME Group International Plc against the decision of the Council of the London Borough of Havering.
 - The application Ref is P0539.23.
 - The development proposed is Installation of a modular self-service launderette facility and associated works (retrospective).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The development is retrospective. Following the Council's determination of the application, the appellant has submitted a Noise Impact Assessment. The appellant has also changed the location of the launderette from that shown on the submitted plans following a meeting with a neighbouring property owner. I observed on site that the location of the launderette was different to that on the submitted plans. No amended plans showing the revised location have been submitted. The appellant has also changed the operating hours from those detailed on the planning application form.
3. The Procedural Guide: Planning Appeals - England advises that if an appeal is made, the appeal process should not be used to evolve a scheme to overcome the local planning authorities reasons for refusal, and it is important that what is considered by the Inspector is essentially what was considered by the local planning authority and on which interested parties views were sought at the application stage. Revisions intended to overcome reasons for refusal should normally be tested through a fresh planning application.
4. The revisions in terms of operating hours, the location of the launderette and the submission of a Noise Impact Assessment directly addresses the reason for refusal. Collectively, and considering established case law, I consider the amendments amount to a substantial difference from that what was applied for. I cannot be certain that no parties would be prejudiced were I to take the amendments and additional information into account, causing unlawful procedural unfairness. Therefore, this appeal has been determined based on the plans and information submitted as part of the original application and upon which the Council's decision was made.

5. Since the determination of the application, a revised version of the National Planning Policy Framework (the Framework) was published on 12 December 2024. However, as the parts most relevant to the main issue in this appeal have not substantially changed, I have not gone back to the parties to seek further submissions. I consider no party has been prejudiced by this approach.

Main Issue

6. The effect of the self-service launderette on the living conditions of neighbouring occupiers at No 52 and 52a Corbets Tey Road having particular regard to noise and disturbance.

Reasons

7. The appeal site is a petrol forecourt and associated shop. To the north of the appeal site is a commercial parade with residential accommodation on the first floor. An entrance door to the residential accommodation at No 52 and 52a Corbets Tey Road (52 and 52a) is directly adjacent to the self-service launderette.
8. The self-service launderette comprises three machines, two for the washing and 1 for the drying of clothes. These are protected from the elements by a protective canopy. Based on the submitted plans, these would be sited in close proximity to the neighbouring residential accommodation.
9. The petrol forecourt and the associated comings and goings of vehicles will likely create some noise and disturbance for the residents at 52 and 52a, along with the commercial premises on the ground floor beneath the residential flats, and noise from the nearby main road. Therefore, I am not persuaded that noise specifically from vehicles stopping and starting would materially harm the nearby residents.
10. However, whilst I have no evidence to the contrary, I consider that noise from the road and 24-hour petrol station would likely reduce overnight compared to the daytime. The operational noise emanating from the washers and dryer of a 24-hour launderette could exacerbate noise levels further, particularly when more than one is in use and could be used at a time when neighbouring residents are trying to sleep. Moreover, given the nature of the facility and the time taken for a washing and/or drying cycle, it is likely that potential users could congregate and wait nearby. This is likely to cause noise and disturbance for nearby residents, even accounting for the lack of windows facing onto the petrol forecourt from the residential properties. In contrast, users of the petrol forecourt and associated shop are unlikely to wait outside for a prolonged period.
11. I note the appellant has suggested a reduction in the operating hours on site to between 7am and 11pm. As I have set out in the preliminary matters, I am basing my decision on the hours set out in the application form. Even if I were to consider a condition restricting the operating hours to those proposed, in the absence of a noise assessment and given the close proximity of the launderette to Nos 52 and 52a, I am not persuaded that such a condition would be sufficient to mitigate the harm to the living conditions of the neighbouring residents.
12. In conclusion, the noise and disturbance generated by users of the machines, together with noise generated by the machines is likely to have a harmful impact on the living conditions of neighbouring occupiers at Nos 52 and 52a, contrary to Policy 7 of the Havering Local Plan (2021). This, amongst other matters, seeks to

ensure proposals do not result in unacceptable levels of noise and disturbance for existing and future residents.

13. Policy 26 of the Havering Local Plan has also been cited on the decision notice. However, as this relates to urban design I have not found it to be determinative on the main issue.

Other Matters

14. I note that the launderette would not result in any highway safety concerns, would be an efficient use of land, and would provide a useful amenity to the local people and diversify the existing business operations, helping it to remain viable. However, I have no substantive evidence to suggest this is the only way in which the business could diversify. In any case, these matters do not outweigh the harm I have identified to the living conditions of neighbouring residents.
15. The design of the launderette would be appropriate for its setting within the petrol station forecourt and would not appear incongruous. However, this does outweigh the harm in respect of the main issue.
16. The appellant asserts that the proposal would represent sustainable development contributing to social, economic and environmental well-being. However, the harm I have identified would run contrary to the social objectives of the Framework. Therefore, it would not constitute sustainable development.
17. Rights of access are a private matter and do not form part of my consideration.
18. Interested parties have raised concerns regarding anti-social behaviour and groups of people congregating under the lit canopy. Whilst I am mindful of these concerns, I have not been provided with any substantive evidence, such as crime reference or police reports, which would suggest there is a persistent problem. Moreover, I see little difference between the lit canopy of the launderette and the lit canopy of the petrol forecourt, where people could already potentially congregate. Therefore, these concerns have carried limited weight in my decision-making.

Conclusion

19. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. The appeal is therefore dismissed.

T Bennett

INSPECTOR