



---

# Appeal Decision

Site visit made on 10 November 2010

**by Mark Dakeyne BA (Hons) MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 25 November 2010**

---

**Appeal Ref: APP/Y5420/A/10/2133648**

**Ground Floor, 261 High Road, Tottenham, London N15 4RR**

- 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 Paddy Power PLC against the decision of the Council of the London Borough of Haringey.
  - The application Ref HGY/2010/1017, dated 26 May 2010, was refused by notice dated 28 July 2010.
  - The development proposed is the change of use from Use Class A1 to Use Class A2, proposed alterations to shop front, installation of four satellite dishes to flat roof, installation of air conditioning units to flat roof and associated works.
- 

## Application for costs

1. An application for costs was made by Paddy Power PLC against Council of the London Borough of Haringey. This application is the subject of a separate decision.

## Decision

2. I dismiss the appeal.

## Main Issues

3. I consider that the main issues are:
  - (1) the effect of the proposed change of use on the vitality and viability of the West Green Road/Seven Sisters Road District Shopping Centre; and,
  - (2) whether the installation of the satellite dishes and air conditioning units would preserve or enhance the character or appearance of the Tottenham High Road Conservation Area.

## Reasons

### *Vitality and Viability*

4. The appeal site occupies a prominent location on the corner of High Road and West Green Road but with the shop front facing High Road only. The majority of the shopping centre is linear and straddles West Green Road for a distance of about a third of a mile. However, there are also shorter retail frontages on both sides of High Road.
5. My impression from the mid-afternoon site visit was of a vibrant shopping centre with a multi-cultural mix of independent food and comparison shops, with some related service uses. The existing music store operating from the appeal site fits into this mix.

6. The proposed change of use would lead to the loss of a retail use in a key position within a primary frontage. The property serves as a gateway into the heart of the shopping centre at the eastern end of West Green Road, particularly for those who have been travelling on public transport. The shopping centre appears to be in good health judging from the low level of vacancies and the heavy footfall. The proposal to introduce a non-retail use is not necessary to respond to a vacancy at the appeal site or, based on my impressions, to arrest a general decline in the vitality and viability of the shopping centre.
7. *Planning Policy Statement 4: Planning For Sustainable Economic Growth* (PPS4) advises that a diverse range of uses should be supported in town centres. Betting shops, like other A2 uses, can contribute to the diversity of uses within a centre. However, there are already a range of uses within the centre, including a number of A2 uses and other betting shops. The proposal would not add to the diversity of uses in the shopping centre.
8. Moreover, PPS4 also encourages a range of comparison stores, including smaller shops, which can significantly enhance the character and vibrancy of an area. To my mind the existing retail use contributes more to the character and vibrancy of the area than would the proposal.
9. I conclude that the proposed change of use would cause unacceptable harm to the vitality and viability of the West Green Road/Seven Sisters Road District Shopping Centre. Based on the appellant's figures, the proposal would not conflict with the Council's requirement that the proportion of A1 units in the primary frontage should not fall below 65%, as set out in Policy TCR3 of the *Haringey Unitary Development Plan* (UDP) and the Council's *Supplementary Planning Guidance 11c – Town Centre Retail Thresholds*. Moreover, the proposal would not result in a significant break in the continuity of the retail frontage as there is a shop next door on High Road. However, I find that individually the proposal would have an adverse effect on the vitality, viability and predominantly retail function of the centre due to the loss of a retail use in a prominent location. Therefore, there would be conflict with Policies TCR1 and TCR3 of the UDP.
10. In arriving at my conclusion I have taken into account that the proposal would result in the use turning the corner and providing an active frontage on the return into West Green Road as this elevation is currently boarded up at ground floor level. However, this benefit does not outweigh the harm caused by the change of use. I also note the other appeal decisions referred to by the appellant which highlight the benefits of betting shops in certain circumstances. In the case of the other appeal in Tottenham High Road, I note that the premises were vacant and that permission had already been granted for both A2 and A3 uses<sup>1</sup>. I am not aware of the particular characteristics of the shopping centres subject to the appeal decisions from elsewhere in the country. I have determined the appeal proposal on its own merits.

### *Conservation Area*

11. The satellite dishes and air conditioning units would be sited on the return elevation facing northwards along High Road. However, their exact position is not clear from the drawings. Therefore, it was not possible for me to fully assess how they would impact on views within the Conservation Area. A

---

<sup>1</sup> Appeal Ref: APP/Y5420/A/10/2120224 dated 1 September 2010

condition could be imposed on any grant of planning permission to require precise details of the siting. However, I am not convinced that installation on the particular elevation could be achieved without harm to the appearance of the building in the Conservation Area. Therefore, the use of a condition to reserve details would not be appropriate.

12. I conclude that, based on the information before me, the installation of the satellite dishes and air conditioning units would not preserve the appearance of the Tottenham High Road Conservation Area. As such there would be conflict with Policies CSV1 and CSV5 of the UDP.

*Other Matters*

13. There is no evidence before me that the betting shop use would lead to noise, disturbance, anti-social behaviour or crime. The impact of gambling on vulnerable people is not a consideration which is material to a decision under the Planning Acts.

**Conclusion**

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

*Mark Dakeyne*

INSPECTOR