
Appeal Decision

Site visit made on 16 May 2017

by Jason Whitfield BA (Hons) DipTP MRTPI

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

Decision date: 15th June 2016

Appeal Ref: APP/M5450/W/17/3168750

G.F. Office, 35 Pinner Road, Harrow, Middlesex HA1 4ES

- 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 Rev. Bismark Opoku-Sarpong, The Apostles' Continuation Church International UK against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/4688/16, dated 19 September 2016, was refused by notice dated 5 December 2016.
 - The development proposed is change of use of ground floor from office to D1 (place of worship).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal was submitted in the name of Rev Bismark, The Apostles' Continuation Church. However, subsequent correspondence indicates that the appeal should proceed in the name of Rev. Bismark Opoku-Sarpong, The Apostles' Continuation Church International UK in line with the original application. I have therefore dealt with the appeal on that basis.
3. The use of part of the ground floor of the building as a place of worship has commenced. I have therefore dealt with the appeal on the basis that planning permission is being sought for a development which has already occurred.

Main Issues

4. The main issues are:
 - the effect of the proposal on the provision of employment floor space in the area;
 - the effect of the proposal on the living conditions of neighbouring residents with particular regard to noise and disturbance; and,
 - the effect of the proposal on highway safety in the area.

Reasons

Employment

5. Policy DM31 of the Harrow Development Management Policies 2013 (DMP) states that the loss of business floor space to non-employment uses will only be permitted where it can be demonstrated that the site is no longer suitable
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and viable for its existing or an alternative business use and a suitable period of continuous marketing activity has been undertaken without success. DMP Policy DM46 goes on to state that proposals for the conversion of employment floor space to community uses will be considered having regard to: the principle of the loss of employment floor space in accordance with Policy DM31; the impact of the use upon on other legitimate uses within the building and neighbouring buildings; and the adequacy of parking and access arrangements.

6. Planning permission is sought to change the use of around 85m² of B1 floor space within the ground floor of 35 Pinner Road to a place of worship. The remainder of the building is currently in a mix of office and education use. The appellant indicates that the office space has been unused for three years and that it has been marketed since 2016 without success. However, I have been provided with no substantive evidence of any marketing carried out or indeed the extent of any interest received.
7. Moreover, whilst I note efforts to let the floor space are to augment the educational establishment's income and I also recognise that the office space has no outlook or street presence, there is no substantive evidence before me which demonstrates that the floor space is no longer suitable or viable for either the existing use or indeed any alternative employment uses. As a result, it has not been demonstrated that the office space is surplus to requirements.
8. I conclude, therefore, that the loss of the B1 floor space would have a detrimental effect on the provision of employment floor space in the area. Consequently, the proposal would conflict with DMP Policies DM31 and DM46, as well as Policy CS1 of the Harrow Core Strategy 2012 (CS) which states that the Borough's stock of business and industrial premises will be monitored and managed to meet economic needs.

Living Conditions

9. Policy 7.6B of the London Plan¹ states that harm should not be caused to the amenity of surrounding land and buildings, in particular, residential buildings. DMP Policy DM1 states that all change of use proposals must achieve a high standard of privacy and amenity. Proposals that would be detrimental to privacy and amenity of neighbouring occupiers will be resisted. DMP Policy DM46 states that proposals for the conversion of employment floor space to community use will be considered having regard to the impact of the use upon residential amenity.
10. The appeal site lies adjacent to an apartment block at 33 Pinner Road. Several of the properties within No 33 contain windows in the front elevation facing Pinner Road which are close to the forecourt of the appeal property.
11. Whilst the floor space in question is, internally, set back from the front of the building and there is a gap between the appeal property and No 33, that gap is nevertheless particularly narrow and limited in its extent. Moreover, it is likely the majority of people entering and exiting the building would do so from Pinner Road via the forecourt of the building. In addition, the appellant indicates that the forecourt parking is available to the Church on some days. The appellant indicates that congregations of around 30-40 people could be

¹ The London Plan: The Spatial Development Strategy for Greater London, Consolidated with Alterations since 2011, 2016

accommodated at any one time. Thus, there would significant pedestrian and vehicular movements in close proximity to habitable rooms within the flats at No 33.

12. Such movements would likely give rise to noise from raised voices outside the premises as well as brakes being applied, engines being revved and vehicles driven away. Moreover, if people are in cars or vans, doors would potentially be slammed shut. These sudden and intermittent types of noise would likely be audible above the continuous ambient levels and would sound intrusive within nearby dwellings.
13. Furthermore, the prayer room is served by windows on the flank wall of the building which could aid the external transmission of internal noise from music or talking. Indeed, it is indicated that Sunday services include singing and music for periods of around 20 minutes.
14. The appellant initially indicated that main worship service is held on Sundays from 10:45 hours until 01:00 hours. It is now indicated the Sunday worship service would be from "12:00am until 3:00pm". In addition, the last Friday of every month would host a night vigil between 09:00 and midnight. Associated pedestrian and vehicular movements, as well as internal sources of noise, would therefore likely occur at times when neighbours would have reasonable expectations for sufficient quiet to relax and sleep. As a consequence, I find the proposal would result in harmful levels of noise and disturbance for the occupiers of the flats within No 33.
15. The appeal site also lies adjacent to Belmont Hall, also a place of worship. The flank wall of the building closest to Belmont Hall contains windows which serve the floor space subject to this appeal. However, I note that the timing of the Sunday service would be rescheduled to ensure the service in Belmont Hall has finished. Thus, there would no significant disturbance to those within Belmont Hall.
16. Nevertheless, I conclude that the proposal would have a harmful effect on the living conditions of the occupiers of 33 Pinner Road with particular regard to noise and disturbance. That is the prevailing consideration. As such, the proposal would conflict with Policy 7.6B of the London Plan, as well as DMP Policies DM1 and DM46.

Highway Safety

17. The Council indicates that Pinner Road is of strategic importance. I was able to see from my site visit that it carries a regular flow of traffic. There are several parking spaces within the forecourt of the property. The appellant indicates that those spaces are available for use by the Church on Tuesdays, Fridays and Sundays.
18. Whilst I note the parking spaces to the front are not all independently accessible, there is no evidence before me that there is an existing on-street parking problem in the area that would be exacerbated by the access arrangements. Indeed, I was able to see that Pinner Road has parking restrictions along it in this location. In addition, it is indicated that parking is available for the property on Neptune Road to the rear. Whilst I recognise the road is un-adopted, there is no evidence before me that it would not be available for parking.

19. Moreover, there are bus stops close to the site on Pinner Road and Harrow-on-the-Hill rail station is within reasonable walking distance. Thus, people would have good opportunities to access the Church by modes of travel other than private car.
20. I conclude, therefore, on the evidence before me, that the proposal would not likely have a harmful effect on highway safety in the area. As a result, it would not conflict with DMP Policy DM42 which states that proposals that would result in inappropriate on-site parking provision and which prejudice highway safety will be resisted. It would also accord with DMP Policy DM46 insofar as it states that proposals for new community facilities will be supported where they are located in an area of good public transport accessibility and where there would be no adverse impact on highway safety.

Other Matters

21. I note that places of worship provide important community services and promote community values. However, such benefits would not outweigh the harm I have identified.

Conclusions

22. Whilst I have found the proposal would not have a harmful effect on highway safety, I have found harm to the provision of B1 floor space in the area and to the living conditions of neighbouring residents. Those are the prevailing considerations and the proposal would therefore conflict with the development plan as a whole.
23. For the reasons given above I conclude that the appeal should be dismissed.

Jason Whitfield

INSPECTOR