
Appeal Decision

Site visit made on 2 October 2019

by Roy Curnow MA BSC(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 October 2019

Appeal Ref: APP/M5450/W/19/3232258
390 Kenton Road, Harrow HA3 9HB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by A Bhanderi against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/0916/19, dated 27 February 2019 was refused by notice dated 1 May 2019.
 - The application sought planning permission for change of use from offices to education, religious and cultural centre (class D1) with single storey and 3 storey extensions without complying with a condition attached to planning permission Ref EAST/227/99/FUL, dated 14 December 2000.
 - The condition in dispute is No 9 which states that: The entrance to the site and the building from Kenton Road shall be kept closed at all times except for emergencies and access shall be obtained only from the proposed new entrance at the rear of the building.
 - The reason given for the condition is: In the interests of highway safety.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issue is the effect that the removal of the condition would have on highway safety.

Reasons

3. The site lies on the north side of the very busy A4006, Kenton Road. The road has two lanes of traffic in either direction. The site consists of part of a three-storey building facing the A4006, which is used for educational and social purposes and is identified as a 'Community School' on the scheme's Site Plan. Behind this, and linked to it, are a temple and its associated parking areas. There is a mixture of commercial and residential uses along Kenton Road in the vicinity of the appeal site.
4. The uses on the site were given permission in 2000 and amongst the conditions attached to the permission was that which forms the subject of this appeal, which precludes access to the development via the double door facing onto Kenton Road. Although I was not given a copy of the Officer's report into the original application, the Council informs me that this explains that the disputed condition was to prevent children being dropped off and picked up on Kenton

Road. As this has not been challenged, I take it to be the case. Therefore, I read the Council's concern to include this as well as the potential for visitors to the temple using the access from Kenton Road.

5. In front of the three-storey building is a service road linked at either end to Kenton Road and reportedly used on an 'in and out' basis. A small number of cars were parked there at the time of my visit. Although this service road does not seem to be heavily used presently, this is likely to be because of the restriction on accessing the site from this door.
6. The Community School has a large number of classrooms set over two floors in the three-storey building. From this, and in the absence of detailed evidence in the appellant's submissions, it is likely that a substantial number of students can attend the Community School.
7. Allowing the use of the entrance for students and visitors to the Community School would be likely to result in a large increase in the use of the service road. From my experience, a significant number of drivers would use this to drop off and pick up students, negating their need to drive along Westfield Lane and the relatively long walk from there to the classrooms. Given the limited space in the service road, where the appellant only controls three parking spaces, vehicles entering the site would be likely to lead to traffic backing up onto Kenton Road. This could have the effect of interfering with the access/egress to a petrol filling station a very short distance to the west, as well as impeding the footway in front of the site.
8. There are double yellow lines on Kenton Road that are designed to preclude parking on the carriageway. Although enforced under other legislation, it is most likely that drivers waiting to enter the service road would use the opportunity afforded by the queuing traffic to stop on the carriageway to drop off and pick up students without leaving Kenton Road. I am not persuaded by the argument that all vehicle based trips to the school would continue to be via the main entrance.
9. All these factors would have an adverse effect on highway safety on this very busy road. Although classroom users would be likely to stay at the school for long periods, in common with most other schools these adverse effects would be intensely felt at the beginning and end of the school day. The former would coincide with a time that the road is very busy with commuter traffic. Although other nearby uses might use entrances onto Kenton Road, the timing and intensity of traffic generated by a school is fundamentally different to these uses.
10. Given the ease of access to the temple from Westfield Lane, the parking facilities there, and that most of its users would want to use its main entrance, I do not find that the lifting of the condition would lead to a significant number of visitors to the temple using the Kenton Road access.
11. I understand that the use of the access onto Kenton Road would be attractive to people arriving by bus, using the nearby bus stops, or on foot. However, I do not have sufficient information in terms of numbers that access the building in these ways to give this significant weight in my assessment. In any event, there would seem to be no way to restrict the use of the access to those

arriving in these ways, in the light of Government guidance¹. This is not a matter that could be addressed through signage and best practice. Similarly, I have not been provided with sufficient evidence to show that the proposed use of the access would equate to that which would be generated by other uses that the building might be put to. Although the use of the Kenton Road door might result in a small reduction in pedestrians using the shared access at the rear of the property, via Westfield Lane, this would not outweigh the harm that I have identified.

12. In the light of the above, I find that condition 9 attached to planning permission reference EAST/227/99/FUL continues to be necessary for reasons of highway safety. The proposal would therefore be contrary to the terms of Policy DM1 of the Harrow Council Development Management Policies, July 2013, (DMP) that requires, amongst other things a safe means of access to be provided, and that part of DMP Policy DM42 which seeks to avoid proposals that would be prejudicial to safety and traffic flow. As the access could be used to service the appeal site, the proposal would also be contrary to DMP Policy DM44 that requires proposals to maintain or improve the safety and flow of traffic on the public highway.
13. The Council cited two policies from the London Plan, 2013, in its decision – Policies 6.13 and 7.6. However, as they relate to parking provision and architecture, respectively, I do not find them to be relevant to this appeal.

Other Matters

14. That all other conditions attached to the 2000 permission would be complied with, that the proposal would not result in an increase in parking pressure and that there would be no ill-effects with regards to refuse and landscape features are not sufficient to outweigh the harm that I have identified.

Conclusion

15. For the above reasoning, and having taken all other matters into consideration, I conclude that the appeal should be dismissed.

Roy Curnow

INSPECTOR

¹ Paragraph 55 – National Planning Policy Framework