



Appeal Decision

Site visit made on 10 May 2022

by A Price BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd June 2022

Appeal Ref: APP/N5090/W/22/3290079

58 Crewys Road, Cricklewood, London NW2 2AD

- 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 Mr R Graham of Habonim Dror against the decision of the Council of the London Borough of Barnet.
 - The application Ref 21/1114/S73, dated 1 March 2021, was refused by notice dated 9 July 2021.
 - The application sought planning permission for alterations to the front elevation including new entrance doors and windows and conversion of building into 4no. separate B1 units without complying with a condition attached to planning permission Ref C01032M/03, dated 3 June 2003.
 - The condition in dispute is No 2 which states that:
The use hereby permitted shall only be carried out between the following times: Units 56, 56A and 58 – 9am to 6pm Monday to Saturday; Unit 58A – 9am to 6pm Monday to Friday – 9am to 1pm Saturday. The use shall not be carried out at any time on Sundays or Public Holidays.
 - The reason given for the condition is:
To safeguard the amenities of the occupier of neighbouring residential properties.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal seeks to vary condition 2 attached to planning permission ref C01032M/03 to read as follows:

'The use hereby permitted shall only be carried out between the following times: Units 56 and 58 - 9am to 6pm Monday to Saturday, and 9am to 1pm Saturday and not at any times on Sundays or public holidays. Unit 58A - 8am to 10pm Monday to Friday, and 9am to 6pm Saturday and Sunday and not at all on public holidays.'

Main Issue

3. The main issue is the effect of the proposed variation of the condition on the living conditions of the occupants of neighbouring properties on Crewys Road and Llanvanor Road, with particular regard to noise and disturbance.

Reasons

4. The appeal site comprises a series of commercial buildings, set back from the road behind a forecourt car park. The proposed development specifically relates

to Unit 58A, which is accessed via Gabriel Mews. This vehicular access runs along the shared boundary of the site, directly adjoining 60 Crewys Road and a series of rear gardens to properties along Llanvanor Road.

5. Policy DM04 of the London Borough of Barnet: Local Plan (Development Management Policies) DPD (2012) explains that proposals to locate development that is likely to generate unacceptable noise levels close to noise sensitive uses will not normally be permitted. The proximity and use of the neighbouring residential properties, including No 60 and those on Llanvanor Road, where gardens back onto the site, is such that they form noise sensitive uses.
6. The extended use of Unit 58A into the evening and all day at weekends where this is not currently the case, would, in all likelihood, result in an increase in activity during these times. This would include the starting of car engines, manoeuvring and door slamming. Even where visitors and staff would not travel to the site by car, the activity associated with the use, including general comings and goings and conversation outside, would still likely increase during these times.
7. An increase in such activity would likely result in the creation of noise and disturbance in respect of neighbouring residential uses, and would take place late into the evening and during weekends, at times when nearby residents would typically expect peace and quiet. This is particularly the case here due to the predominantly residential nature of the street. The proposed development would be unneighbourly and would have an unacceptable impact upon the living conditions of neighbouring residential occupants in Crewys Road and Llanvanor Road.
8. I acknowledge the appellant's comments in respect of the use of the site falling within Use Class E, formally B1, and that this concerns a use which can be carried out in a residential area without detriment to its amenity. The appellant contends that it is not necessary or reasonable to restrict the use here. Irrespective of the planning use, the proposed development should not be at the cost of the living conditions of neighbouring residential occupants and I have identified clear harm above in this respect.
9. Consequently, I conclude that the proposed development would adversely affect the living conditions of neighbouring residential occupants, with particular regard to noise and disturbance. The proposed development would be contrary to the relevant provisions of Policies CS5 of the London Borough of Barnet: Local Plan (Core Strategy) Development Plan Document (2012), Policies DM01 and DM04 of the London Borough of Barnet: Local Plan (Development Management Policies) Development Plan Document (2012) and the Sustainable Design and Construction Supplementary Planning Document (2016). These policies, amongst other things, seek to protect the amenity of adjoining and noise sensitive uses.

Other Matters

10. I note the appellant's request that if I were to find the proposed hours to be unacceptable then I should vary the condition to extend the hours to times I find acceptable. However, to consider alternative opening hours would prejudice interested parties the opportunity to comment on them. I have

considered the appeal based on the proposal determined by the Council and the evidence before me.

11. I acknowledge the stated need for the extended hours, set out within the appellant's appeal statement, and that the proposed development relates to an educational youth charity. I appreciate the potential public benefits of this, particularly socially. However, such benefits would not outweigh the harm that I have identified above in respect of living conditions.
12. I also note the appellant's comments with regard to the lack of communication by the Council and the period of time taken to determine the application. However, this has had no bearing on my consideration of the planning merits of the proposal.

Conclusion

13. For the reasons above, having had regard to the development plan as a whole and to all other relevant material considerations, I conclude that the appeal should be dismissed.

A Price

INSPECTOR