



Appeal Decision

Site visit made on 4 September 2023

by C Rafferty LLB (Hons), Solicitor

an Inspector appointed by the Secretary of State

Decision date: 3rd October 2023

Appeal Ref: APP/M5450/W/23/3315137

16 Parkthorne Close, Harrow HA2 7BX

- 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 Mr Viral Patel against the decision of Harrow Council. The application Ref P/1314/22, dated 1 April 2022, was refused by notice dated 21 July 2022.
 - The development proposed is the change of use from residential dwelling (Use Class C3) to mixed use of dwelling (Use Class C3) and daycare nursery (Use Class E(f))
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on:
 - the living conditions of occupiers of neighbouring properties with particular regard to noise and disturbance;
 - highway safety; and
 - the character and appearance of the area.

Reasons

Living conditions

3. The site is a bungalow with rear outbuilding in the cul-de-sac of Parkthorne Close. The surrounding area is residential, with the site bounded by dwellings and gardens to either side and to the rear. The proposal relates to the change of use from residential dwelling to mixed use of dwelling and daycare nursery. The nursery would operate between 08:00 and 18:00 from Monday to Saturday, providing services for up to 9 children who would arrive at and leave the site at staggered times throughout the day.
4. I observed the outbuilding to be in use as a nursery during my visit, at which time all children were inside the building, with doors and windows closed. Limited noise from the activity inside the outbuilding was audible from the rear garden during this time, such that it was not of a level that was so out of place in the residential area as to cause undue disturbance to neighbours.
5. However, in addition to the potential for such noise levels to increase when doors and windows of the outbuilding are opened, I noted the presence of an external play area at the site. Due to its potential use by up to 9 children

throughout the day, this would be likely to result in significant noise and activity through playing, talking and shouting. Given the very close relationship of this area with neighbouring properties and rear gardens, this would give rise to unacceptable noise levels that would unduly impact the peace and quiet that occupiers can reasonably expect in this residential area.

6. Further noise and disturbance would arise from the vehicular and pedestrian comings and goings related to the picking up and dropping off of children. With the potential for up to 9 children at the centre, pick and drop off of whom would not be confined to certain times but staggered throughout the day, the proposal has the potential to result in a constant stream of comings and goings to and from the site. Taken together with the day to day activities and movements of the appellant, their family, and the employees of the daycare, this would create movements over and above the level expected in a residential area. This in turn would lead to unacceptable levels of noise and disturbance for the occupiers of neighbouring properties in terms of the revving of engines, slamming of car doors, manoeuvring of vehicles, general movement of people, and talking.
7. For the reasons given, the proposal would have a significant adverse effect on the living conditions of neighbouring occupiers with particular regard to noise and disturbance. As such, it would fail to comply with Policy D3(7) of the London Plan 2021 (the London Plan) and Policies DM1 and DM46 of the Harrow Council Development Management Policies July 2013 (the DMP) insofar as they seek to ensure that development delivers appropriate amenity, has regard to neighbouring occupiers and that community and educational facilities have no adverse impact on residential amenity.

Highway safety

8. The site is at a bend in the Parkthorne Close cul-de-sac, which is not wide enough to allow for parked cars on both sides of the road and remaining space for vehicles to pass. Double yellow lines are present on one side of the road in the immediate vicinity. I found the cul-de-sac area of Parkthorne Close to not be heavily parked during my visit, with most vehicles at these houses parked off-street. However, while only a snapshot in time, the straighter section of the street to the northeast of the site was notably more heavily parked.
9. The proposal would retain the front forecourt at the site, providing two off-street parking spaces, one of which would be used for drop off and collection at the nursery. Two parking spaces for nursery staff would exist to the side. However, while there would be staggered drop off and collection, there is nothing to guarantee that this would always be the case, such that it remains that numerous vehicles could likely be attending the site at the same time in connection with the proposal. Given that only one parking space is allocated for centre users, this would result in additional on-street parking in the area.
10. I note the Parking Survey and Transport Statement provided by the appellant, and the reference to the Lambeth Parking Survey Methodology. However, the survey area is extensive. For convenience, and to avoid children having a long journey to and from cars, those collecting and dropping off at the site would be very likely park as close to the nursery as possible. While temporary, this would result in regular periods throughout the day of increased on-street parking in the immediate vicinity of the site along Parkthorne Close.

11. Even acknowledging the likely low traffic speeds in the surrounds, such on-street parking in the vicinity of the property would unduly hinder vehicular and pedestrian flow, with multiple instances at the same time creating a significant obstruction in the street. This would increase collision risk and driver stress, particularly given the narrow nature of the surrounding roads, the position of the site at a bend in the cul-de-sac, and the existing levels of parking along the nearby straighter section of Parkthorne Close.
12. In addition, such parking could also restrict access to other residential properties in the street, further impacting on highway movements and reducing the free flow of drivers and pedestrians in the immediate area. Overall, the increased movements and potential levels of on-street parking associated with the proposal would therefore unduly affect the safe and efficient operation of the immediate highway network at Parkthorne Close.
13. For the reasons given, the proposal would have a significant adverse effect on highway safety. As such, it would fail to comply with Policy T4 of the London Plan and Policies DM1, DM42 and DM46 of the DMP insofar as they seek to ensure development does not prejudice highway safety, has regard to functionality including parking, and that community and educational facilities have no adverse impact on highway safety.

Character and appearance

14. The main parties agree that the external design of the proposal would not be out of place within the surrounding area. Based on my observations I have no reason to disagree. However, it remains that the nature of the proposal is such that it would introduce a non-residential use to an otherwise residential area.
15. As outlined above, this proposed change of use would result in a level of pedestrian and vehicular movements and noise and disturbance that would be out of character in a residential setting. Accordingly, the proposal would fail to respect or reflect the nature of the immediate area and would be decidedly out of character with the prevailing residential uses.
16. For the reasons given, the proposal would have a significant adverse impact on the character of the area. As such, it would fail to comply with Policies D3(7) and (11) of the London Plan, Policy DM1 of the DMP and Policy CS1.B of the Harrow Core Strategy February 2012 insofar as they seek to ensure development responds to the existing character, does not harm the character of suburban areas and has regard to the context provided by neighbouring buildings including the impact of the proposed use and activity on noise.

Other Matters

17. The proposal would provide a service to the local community by providing parents and guardians, including those that work full and part time, with day care and childminding for their children, and I note the support provided in this regard. This, together with the provision of employment, would be benefits of the proposal. However, given the limited scale of the proposal, this would carry little weight, which would not outweigh the harm identified above.

Conclusion

18. For the reasons given, the proposal would not accord with the development plan when taken as a whole. There are no material considerations that indicate the

appeal should be determined other than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

C Rafferty

INSPECTOR