



Appeal Decision

Site visit made on 26 September 2023

by C Carpenter BA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 November 2023

Appeal Ref: APP/T5150/W/23/3318666

Universal Pentecostal Church, 326 Preston Road, Harrow HA3 0QH

- 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 the Reverend V Rudran (Universal Pentecostal Church) against the decision of the Council of the London Borough of Brent.
 - The application Ref 22/2305, dated 14 June 2022, was refused by notice dated 16 September 2022.
 - The development proposed is to add a mezzanine floor above the current entrance level by adding two box dormers to either side of the existing roof.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant submitted a Transport Statement (TS) and Fire Safety Strategy with the appeal. These documents include additional information not considered by the Council as part of the original planning application. However, they do not fundamentally change the development proposal and the Council considered these documents in its appeal statement. Therefore, no parties would be prejudiced by me taking account of these documents in my decision.

Main Issues

3. Following submission of the appeal, the main parties have reached agreement on the issue of fire safety. On the evidence before me, I see no reason to disagree. Therefore, the main issues are:
 - i. The effect of the proposal on highway safety and levels of private car use.
 - ii. The effect of the proposal on the living conditions of neighbouring occupiers, with particular reference to outlook and noise.

Reasons

Highway safety and levels of private car use

4. The appellant's TS states the proposal would result in an increase in car journeys to approximately 96 at the busiest times on Sunday mornings. It suggests 45 of these cars could be parked in the church forecourt by double parking within the existing 25 marked spaces. This would result in overspill parking demand for approximately 51 vehicles.

5. I see no reason to disagree with the appellant's projected levels of car use and resulting parking demand. However, I am not persuaded on the evidence before me that double parking in the church forecourt to accommodate 45 cars could be achieved safely. This would require numerous car manoeuvres in a tight space, thereby risking the safety of pedestrians, cyclists and other car drivers in that space. There would be a likelihood of queueing to enter and leave the parking area at busy times, which would adversely affect the safety of the wider highway network. Double parking would also inhibit emergency vehicle access.
6. I acknowledge double parking is already taking place at busy times and there have been few complaints from residents about parking to date. I also accept the church would prioritise parking for the disabled and elderly. However, these factors are not sufficient to demonstrate that the anticipated level of double parking in the forecourt area would be safe.
7. With respect to accommodating overspill parking, there is limited quantified evidence before me of parking capacity within local streets. There is also little to substantiate the assertion that the nearby public carpark would have sufficient spare capacity. I therefore cannot be sure the projected level of overspill parking could be accommodated near to the appeal site without detriment to the safe functioning of the movement network.
8. The site is served by bus routes and a tube line and has a public transport access level of 3 or 'moderate'. Public transport may therefore provide an alternative to private car use for some users of the church and there may be other alternatives such as walking, cycling and further car sharing. However, there is limited information before me about where parishioners would be travelling from or the types of measure that would incentivise them to change transport mode. I therefore cannot be certain these alternatives would be sufficiently realistic to achieve a material reduction in the level of private car use, and associated parking demand, generated by the proposal.
9. Therefore, I am not persuaded on the evidence before me that a Travel Plan to incentivise use of alternative transport modes and reduce private car use would be effective. Consequently, a condition requiring a Travel Plan would not be precise enough to reduce levels of private car use or effectively mitigate the harm to highway safety I have found.
10. I have considered the appellant's argument that there are no current limits on the number of parishioners who could attend services by car, such that a Travel Plan to reduce car use, secured by condition, would be a benefit of the proposal. Whilst I acknowledge there is an existing use, there is no information before me to confirm whether there are limits imposed on the numbers of parishioners who could attend a service by car. In any event, I am required to consider the proposal in light of the up-to-date policy context, which seeks to avoid development that would have an unacceptable impact on highway safety. Furthermore, for the reasons given I am not persuaded a Travel Plan as proposed would be effective, so this argument is of little consequence.
11. For the above reasons, I conclude the proposal would have a harmful effect on highway safety and levels of private car use. This is contrary to Policies DMP1 and BT1 of the Brent Local Plan (BLP), which seek development that is satisfactory in terms of parking and manoeuvring and does not have an adverse impact on the movement network, prioritising sustainable travel over

private motor vehicle use. It is also contrary to paragraph 111 of the National Planning Policy Framework (the Framework), which states development should be refused on highways ground if there would be an unacceptable impact on highway safety; and where it promotes sustainable transport modes.

Living conditions of neighbouring occupiers

12. Supplementary Planning Document 1 Brent Design Guide 2018 (SPD1) states that, where proposed development adjoins private garden areas, its height should normally be set below a line of 45 degrees at the garden edge, measured from a height of two metres.
13. The height of the proposed dormer opposite the rear of some of the houses in The Avenue would exceed this 45-degree line. However, the dormer would be lower than the height of the trees along the houses' rear boundary with the church. Even if some of these trees lose their leaves in the winter, their height and dense branches would lessen the visual impact of the proposal. The rear gardens provide sufficient separation between the houses and the church for outside activities to take place away from the boundary. In addition, the outlook from the gardens and rear windows would remain open to either side of the church, so would not be enclosed by the development.
14. I am not persuaded on the evidence before me that the second dormer would exceed the 45-degree line for the houses along Oxenpark Avenue. In any case, the gardens of these houses are longer and further from the church building than those in The Avenue. They are also mostly positioned at an oblique angle to the church, so the change in outlook would be more limited for the occupants of Oxenpark Avenue than for those in The Avenue. This would be despite Oxenpark Avenue's slightly lower level relative to the church.
15. Both dormers would be subordinate to the ridgeline of the church's existing pitched roof and set back from the existing outriggers, so they would not dominate the appearance of the building. The design of the new windows would complement that of the existing ones and would add visual interest, thereby reducing the perception of mass. Use of consistent materials between the dormers and the main roof would further reduce the visual impact of the additions and could be secured by condition were the appeal to be allowed.
16. Taking all this together, I find the dormers would not be visually dominant or overbearing or create an undue sense of enclosure, so there would be no material harm to the outlook of neighbouring occupiers.
17. The proposed development would increase the capacity of the church, which would potentially increase noise levels emanating from the building during larger gatherings. However, these are infrequent and neither the church opening times, nor the timing or frequency of the larger gatherings are proposed to change. These times could be controlled via condition, were the appeal to be allowed. In addition, details of noise mitigation measures could be agreed and secured by condition. Therefore, I find the likely increase in noise to neighbouring occupiers, once mitigation measures are put in place and adhered to, would be limited and thus acceptable.
18. For the above reasons, I conclude the proposal would not have a harmful effect on the living conditions of neighbouring occupiers, with particular reference to outlook and noise. Accordingly, I find no conflict with Policy DMP1 of the BLP,

which seeks development that provides high levels of external amenity and does not unacceptably increase exposure to noise. I also find no conflict with SPD1; or with the Framework where it seeks a high standard of amenity for existing users and requires development to mitigate and reduce to a minimum potential adverse impacts resulting from noise.

Other Matters

19. The proposed improvement to internal space in the church would have a modest social benefit for users of the building, but this would not outweigh the harm to highway safety I have found.
20. The Council is satisfied with the principle of increasing the capacity of the church, the design and scale of the dormers, their effect on the living conditions of neighbouring occupiers with respect to light and privacy, and in relation to trees and flood risk. I see no reason to disagree with these conclusions. Nevertheless, consistency with the development plan in these respects is a neutral factor.

Conclusion

21. I have found the proposal would not have a harmful effect on the living conditions of neighbouring occupiers, with particular reference to outlook and noise. However, the harm I have found to highway safety is determinative.
22. Consequently, the proposal conflicts with the development plan, read as a whole. No other material considerations, including the Framework, have been shown to indicate that a decision should be taken otherwise than in accordance with it. Therefore, the appeal is dismissed.

C Carpenter

INSPECTOR