



Appeal Decision

Site visit made on 17 October 2023

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 December 2023

Appeal Ref: APP/R5510/W/23/3313998

The Lounge Bar and Restaurant, Dawley Road, Hayes UB3 1EN

- 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 Mohamed Afzal against the decision of London Borough of Hillingdon.
 - The application Ref 10884/APP/2021/3590, dated 23 September 2021, was refused by notice dated 13 July 2022.
 - The development proposed is use of former public house premises (sui generis) into a place for worship/community centre (Class F.1/F.2), including ancillary residential accommodation on the first floor and demolition of outbuilding and side lean-to additions to create associated parking and landscaping.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020, amending the Town and Country Planning (Use Classes) Order 1987 have come into force. These amendments revoke the previous Class A4 (public house or drinking establishment) and Class D1 (leisure, assembly and institution) uses. The proposed development falls into new Class F.1 and F.2. Accordingly, I have taken the description of development from the appeal form as it reflects the amendments.

Main Issue

3. The main issue is the effect of the development upon the safe and efficient operation of the local highway network.

Reasons

4. Dawley Road is a busy road and is subject to a 30-mph speed limit and Traffic Restriction Orders (TROs). Whilst a run of dwellings extends along a section of the road near to the site, it sits in a pocket of industrial and commercial premises somewhat segregated from the nearby residential population. The railway line acts as a further physical and visual barrier separating the appeal site from nearby suburban housing.
5. The appeal site is a former public house with a car park accessed via an existing footway crossing. Whilst the Council advise that the use has already commenced it was evident, at the time of my visit, that the building was not open to the public. I visited on a Friday afternoon and observed a constant flow of traffic along the road in both directions including a significant number of large commercial and heavy goods vehicles.

6. There is a formal footpath extending along Dawley Road and a controlled pedestrian crossing approximately 110m to the north. Whilst cycling and walking to the site are options, Dawley Road and surrounding roads are very busy, and traffic dominated reducing their attractiveness as walking and cycling routes, particularly for the young and the elderly.
7. I acknowledge that the proposed development would serve the local community but nonetheless it is somewhat divorced from nearby dwellings and the worshipper catchment area. In addition, the site has a Public Transport Accessibility Level of 2 meaning that access to public transport is limited.
8. Accordingly, the majority of journeys to the site are likely to be car journeys. The appellant's Transport Assessment acknowledges that this is the case but contends that a large proportion of the trips would be formed of car sharing.
9. Whilst the previous public house would have attracted vehicle movements the proposed development would likely intensify vehicle movements due to prayers and classes taking place throughout the week and particularly on Fridays when up to 75 worshippers would be in attendance.
10. The submitted plans indicate that 25 parking spaces would be provided and a dedicated space for a minibus. The Council's parking standards for religious and community facilities are considered on a case-by-case basis indicating a degree of flexibility in their application, based on the individual circumstances of the case.
11. I acknowledge the appellant's suggestion that a minibus service would be provided and that worshippers would have to pre-book a place and car parking space online for Friday prayers. However, no details are before me nor any mechanism by which to secure such provision. Therefore, I can only attribute these matters very limited weight.
12. Consequently, I cannot be satisfied that the number of worshippers on a Friday would not exceed 75 or that the measures proposed including the provision of a minibus would reduce reliance on private vehicles. In my judgement the development would increase movements to and from the premises and result in significant parking demand on site and on surrounding roads, despite car sharing.
13. The appellant has suggested that parking would be managed by the operators of the facility or through a Parking Management Scheme. However, I have no substantive evidence demonstrating how management would be achieved or how this would be secured. I therefore give this limited weight as a means of mitigation.
14. The surrounding roads are subject to TROs and whilst some worshippers may be content to park further afield in the roads suggested by the appellant, it is more likely that they would park as close as possible particularly during the hours of darkness or during inclement weather. This would result in more instances of visitors looking to park in the immediate area hindering the safe and efficient operation of the highway network and increasing instances of inconsiderate parking including in the Road Rail Access Point (RRAP) opposite.
15. In addition, there would be instances of worshippers and attendees of classes being dropped off at the premises. Whilst some would pull into the car park to drop off visitors, not everyone would, and vehicles would likely drop off and

- pick up on Dawley Road or at the RRAP. This would result in inconsiderate and indiscriminate parking hindering the use of pavements and the road causing vehicles to manoeuvre close to oncoming traffic.
16. Parked and waiting vehicles would impede visibility and likely block the road around the building for vehicles and pedestrians which would result in conditions that would be detrimental to the efficient operation of the highway and harmful to both highway and pedestrian safety. In the case of vehicles parked in the RRAP this has the potential to have a negative implication for the wider transport network.
 17. In coming to my decision, I have paid regard to the submitted Travel Plan. However, based on the evidence before me and considering the limited public transport options and the unattractiveness of walking and cycling routes I am not satisfied that it would be effective in reducing car borne trips to the premises. As such, I give this limited weight.
 18. Whilst the Council has the powers to enforce TROs locally this is not justification to allow inappropriate development. With regard to the merits of the scheme and the guidance set out in the Planning Practice Guidance I am not satisfied that my concerns would be overcome through the imposition of conditions.
 19. I conclude that the development as proposed would adversely affect highway safety contrary to Policies DMT 1, DMT 2 and DMT 6 of the Hillingdon Local Plan: Part 2 – Development Management Policies (2020) and Policies T1, T4 and T6 of the London Plan (2021) which, amongst other things, require development proposals to address its transport impacts in a sustainable manner including in respect of parking and drop-off requirements and not to contribute to the deterioration of the safety of all road users and residents or increase road danger.
 20. It would also be contrary to Paragraph 111 of the National Planning Policy Framework which advises that development proposals should be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative effects on the road network would be severe.

Other Matters

21. I note that the proposed development would not adversely affect the living conditions of nearby occupiers in respect of noise, but this would not outweigh the harm that I have identified in relation to the main issue.
22. The premises would be used as a place of worship by people of the Islamic faith. It would also provide meeting space for children, the elderly and women. The protected characteristics of race, religion, age and gender are therefore engaged.
23. In this regard, allowing the appeal would provide a dedicated place of worship and a community facility for the local Muslim community and would advance equality of opportunity and foster good relations. I find that this carries substantial weight in favour of the proposal.

24. Article 9 of the Human Rights Act 1998 and the European Convention on Human Rights sets out that everyone has the right to freedom of religion and to manifest his religion or belief, in worship, teaching, practice and observance.
25. The development would provide a place of worship for the local Muslim population. However, there is no evidence that the local community would be prevented from practicing its religion should this proposal be dismissed. This could be undertaken in other nearby mosques including the Hayes Muslim Centre or Heathrow Central Mosque. I do not therefore find that a dismissal would violate the appellant's rights under Article 9. This therefore carries limited weight in favour of the scheme.
26. I note the appellant believed that Council officers would likely recommend approval of the planning application. However, informal discussions and advice given before an application is determined is given without prejudice and cannot pre-determine the final outcome of the application. My determination is, therefore, focused on the merits of the proposal before me.

Conclusion

27. For the reasons set out above the appeal does not succeed.

B Thandi

INSPECTOR