
Appeal Decision

Site visit made on 20 February 2024

by Gary Deane BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 April 2024

Appeal Ref: APP/M5450/W/23/3326247

22 Lawrence Crescent, Edgware, Harrow HA8 5PD

- 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 Shah against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/3886/22, dated 10 November 2022, was refused by notice dated 22 June 2023.
 - The development is a retrospective application for the proposed change of use from residential outbuilding to business storage use at land to the rear of 22 Lawrence Crescent.
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Decision

1. The appeal is dismissed.

Procedural matters

2. At the time of the site visit, the appeal outbuilding was in use as storage.
3. Since the appeal was lodged, a revised National Planning Policy Framework (the Framework) has been published. The Framework does not raise any new matters that are determinative to the outcome of this appeal.

Main issues

4. The main issues are the effect of the development on the character of the local area and on the living conditions of the occupiers of neighbouring properties with particular regard to potential noise and general disturbance.

Reasons

5. The outbuilding in question occupies the rearmost part of the long and narrow back garden of 22 Lawrence Crescent, which is a mid-terrace 2-storey dwelling within a predominantly residential area. The outbuilding extends across the full width of the plot and is of considerable depth. It is, therefore, a sizeable building with ample space within it to store numerous items.
6. The overall scale of the storage operation that could take place, and the level of activity associated with it, such as vehicle movements to and from the site, could therefore be significant. These characteristics set the use of the outbuilding clearly apart from that of a domestic outbuilding that is ancillary to a dwelling and typically found within a residential garden setting.

7. Along the rear of the site is a service lane, from which access to the outbuilding is taken. There are no significant residential frontages along this service lane, which also serves the commercial premises and flats above that front Mollinson Way. Nevertheless, the storage use is to the rear of No 22 with the back gardens of the adjacent dwellings close on either side. Consequently, users of these neighbouring gardens would be likely to hear noise from vehicle deliveries made to and collections from the site and possibly from within the outbuilding if the front roller shutter or back doors were to be left open.
8. The appellant has indicated that delivery and collection times would be limited to short periods and made only on certain days. However, it is possible that such activities might occur outside of these times or be more frequent than anticipated whatever the efforts of the appellant. Furthermore, the boundary treatment between the site and the adjacent gardens on each side would offer little by way of acoustic screening. Given that the storage use could attract a considerable number of vehicle movements at different times of the day, and noise might arise from loading, unloading, and moving items around inside the building, there is significant potential to cause undue noise and general disturbance to neighbouring occupiers.
9. On the main issues, I therefore conclude that the development causes significant harm to the character of the local area and the living conditions of occupiers of neighbouring properties. Accordingly, it is contrary to Policy D3 of The London Plan, Core Policy CS1.B of the Harrow Core Strategy and Policy DM1 of the Harrow Development Management Policies Document. These policies seek to ensure that development achieves a high standard of amenity and positively responds to the local context. It is also at odds with the Framework, which aims to ensure that development is sympathetic to local character and creates a high standard of amenity.
10. A good-sized rear garden remains with the outbuilding in place that is usable for typical day to day activities such as sitting out, drying clothes or children's play. The outbuilding is some distance from the rear of the appeal dwelling and those on either side of the site. No objection is raised on highway safety grounds or in relation to air and light pollution. I appreciate that the outbuilding also provides valuable storage space to support the appellant's business and that there are wider benefits to the local economy. However, there is no convincing evidence before me that the use could not successfully operate elsewhere if the appeal were to be dismissed. These considerations and the benefits identified by the appellant do not outweigh the significant harm that I have identified.

Conclusion

11. The proposed development would conflict with the development plan, as a whole. There are no material considerations, including those of the Framework, which indicate that the decision should be taken otherwise than in accordance with the development plan.
12. For the reasons set out above, and having regard to all other matters raised, I therefore conclude that the appeal should be dismissed.

Gary Deane

INSPECTOR