



Appeal Decision

Site visit made on 24 February 2025

by **T Bennett BA(Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 12 March 2025

Appeal Ref: APP/M5450/W/24/3352924

666 Kenton House, Kenton Road, Harrow HA3 9QN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by St Panteleimon Greek Orthodox Church against the decision of the Council of the London Borough of Harrow.
 - The application Ref is P/2110/23.
 - The development proposed is Change of use from Class E(c)(i) (Financial Services) to C1 (hotel/guest house) to provide guest rooms associated with the international religious visitors to the adjacent church.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Since the determination of the application, a revised version of the National Planning Policy Framework (the Framework) was published on 12 December 2024. However, as the parts most relevant to the main issue in this appeal have not substantially changed, I have not gone back to the parties to seek further submissions. I consider no party has been prejudiced by this approach.

Main Issues

3. The main issues are:
 - whether sufficient information has been presented to demonstrate that the loss of office space can be justified;
 - whether the proposed change of use would accord with the sequential test for hotel accommodation; and
 - whether the proposed development would provide acceptable accommodation for future guests with regard to its layout.

Reasons

Loss of office space

4. The appeal site is not within a town centre; however, it is located approximately 300 metres from Kingsbury Town Centre. I therefore consider it an edge of centre site.
5. Policy DM32 of the Development Management Policies Local Plan (2013) (DMP) relates to office development. Part A of the policy relates to proposals for new

office floorspace within town centres, whilst part B relates to redevelopment or change of use proposals located in town centres and the Northolt Road business use area, and part C refers to circumstances where existing floorspace exceeds 1,000 square metres. Part D relates to offices outside of town centres, as such it is this part of the policy that is of relevance in this appeal. Outside of town centres, part D of Policy DM32 allows for the change of use of offices where the building has been vacant for 12 months and there is genuine evidence that all opportunities to re-let the accommodation have been fully explored, including evidence of suitable marketing over a 12 month period.

6. The application was submitted in July 2023 where the application form states that the building was vacant. I observed on my site inspection that the building was vacant. Based on my observations and information before me I have no reason to doubt that the building has been vacant for in excess of 12 months.
7. A marketing assessment was submitted as part of the application. This details that the office lease ended in March 2022 and that to find a replacement tenant, marketing activity took place with a local estate agent a year prior with advertising taking place on the estate agent's website and via a marketing brochure. It explains that between March 2022 and March 2023 marketing for the office lease continued. Feedback from viewings included that the office space was too large and not in the right location. A photograph has been submitted showing an advertisement board at the front of the site. I observed this board on my site visit.
8. However, aside from the advertisement board, the submitted marketing evidence is very limited and does not provide detailed evidence of the website and brochure marketing activity referred to in the marketing assessment. Further, information on the numbers of viewings and interested parties over the marketing period is absent and so is information and analysis on the rent being asked when compared to similar premises in the local area. Therefore, as it currently stands, I do not consider that I have sufficient genuine evidence before me, as required by part D of Policy DM32, to be satisfied that all opportunities to re-let the accommodation have been fully explored. The onus is on the appellant and not the Council to provide this information.
9. The appellant asserts that since the Covid pandemic, 65% of offices have been left redundant. However, this appears to be a general statement, and whilst I accept Covid did disrupt working patterns, there is limited compelling evidence before me to indicate the local office market has significantly declined. As such, this does not alter my findings.
10. On this main issue, I conclude that insufficient information has been submitted to demonstrate that the loss of office space would be justified. Accordingly, the proposal would be contrary to the expectations of Policy DM32 of the DMP.

Sequential test

11. The appellant states that the hotel would be used by visitors to the adjacent Greek Orthodox Church. However, restricting the use to just those visitors would be difficult to achieve and a condition to this effect would not, to my mind, be enforceable. As such, even though the appellant's intention is for the hotel to be used by church visitors, I have assessed this main issue on the basis that the use would be that of a conventional hotel, available for use by the general public.

12. Policy DM34 of the DMP outlines that new hotel development should be located sequentially in order of preference, beginning with i) town centres, then ii) edge of centre, and lastly iii) areas with a high public transport accessibility level. The supporting text of the policy at paragraph 7.27 explains that the preference for town centres is to avoid impacts on residential amenity and to ensure that hotel development benefits from good public transport links and local services.
13. Residential properties are located on the opposite side of Kenton Road and on Winckley Close to the east of the appeal site, with Winckley Close separating the appeal site from the nearest residential property, that is set away from the road. There are no external alterations proposed to the existing property. The proposal would provide eight guest bedrooms and as such would represent an intensification of the site's use over the current situation.
14. However, given the modest number of rooms and the separation distances from the nearest residential properties, the proposal would not be anticipated to result in any adverse impact on residential amenity including via noise, loss of light, loss of privacy, or loss of outlook. I note the Council also found no harm or policy conflict in relation to the living conditions of neighbouring occupiers.
15. As previously stated, I consider the appeal site an edge of centre site, owing to its close proximity to Kingsbury town centre, where there is a range of services, facilities and public transport links. Consequently, it is in the next sequentially preferable location. It is also relevant that Kenton Road is a busy classified route served by bus services.
16. Therefore, given the factors above, the proposal would be in accordance with the thrust of Policy DM34 which seeks to ensure that there are no adverse impacts on residential amenity and that the site would benefit from good transport links and local services.
17. In coming to this view, I am also mindful of the comments from the Policy team at the Council who found that the proposed change of use at the appeal site would be acceptable when considered against the requirements of Policy DM34 of the DMP.
18. For the above reasons, the proposal would accord with the sequential test for hotel accommodation. There would thus be satisfactory compliance with Policy DM34 of the DMP and Policy SD7 of the London Plan (2021) (LP), which takes a similar approach to Policy DM34. There would also be no conflict with Policy E10 of the LP which seeks, amongst other matters, to resist the provision of serviced accommodation where local amenity would be compromised.

Accommodation

19. The Council consider that by reason of the internal layout and intensification of rooms, the proposed accommodation would fail to provide adequate services and security expected of a hotel and thus would result in poor quality accommodation.
20. The Council's reasoning appears to stem from a lack of lobby or reception space for guests. I have not been directed to any information which defines what adequate hotel services would consist of, nor towards any local plan policy requiring such facilities. The proposed development would provide eight modestly sized double bedrooms, four on the ground floor and four on the first floor, each

with en-suite accommodation. The local town centre is a short walk away where further facilities and services can be accessed. To my mind, when also noting the potential for management of the facility to be provided from a retained office room at ground floor, the proposed layout would provide acceptable accommodation and given my conclusions on the previous main issue, would be in an appropriate location.

21. For the above reasons, I conclude that the layout of the proposed development would provide acceptable accommodation for future guests. It would therefore accord with Policy DM1 of the DMP which requires change of use proposals to achieve a high standard of design and layout. There would also be no conflict with Policy DM34 of the DMP which, amongst other matters, seeks to ensure the size and character of the building is suitable for the proposed use.
22. In so far as relevant to the appeal, there would also be no conflict with Policy D3 of the LP which, amongst other things, seeks to achieve indoor environments comfortable for people to use and Policy D5 of the LP which requires proposals to achieve high standards of inclusive design.
23. Policy D13 of the LP has been cited on the decision notice in relation to this issue. However, as this relates to the Agent of Change, I find this policy to be of little relevance to my considerations on this main issue.

Other Matters

24. The appellant is the St Panteleimon Greek Orthodox Church and religion or belief is a protected characteristic for the purposes of the Public Sector Equality Duty (PSED) under section 149 of the Equality Act 2010. I have thus had due regard to the needs to eliminate discrimination, advance equality of opportunity, and to foster good relations between people who share and people who do not share a relevant protected characteristic.
25. I note that the proposed accommodation is intended to be used as short term lets for visiting guests of the adjacent church, assisting the church with their charitable endeavours and would also be of use for the Alkionides charity. Whilst the close location to the church would be convenient and may provide more cost- effective accommodation than what is currently available, I have limited compelling information before me as to why other hotels may not be able to fulfil the role of accommodating guests.
26. In support of the appeal, the appellant has directed my attention to an email¹ from the Council which indicates a positive outcome, subject to the submission of further information. I have no evidence before me to demonstrate that the information requested was submitted. Indeed, the Council considered that the marketing evidence was insufficient. Notwithstanding this, as stated in the email, any advice given was not binding upon the Council and of little relevance to my considerations.
27. I accept that the proposal could promote social interaction and would provide an effective and efficient use of land, optimising the site's potential by bringing back into use a vacant office. This weighs in favour of the scheme. However, if the building were to be occupied as an office there is no clear reason why these aims

¹ dated 18 December 2023

could not be similarly achieved. Local development plan policy requires justification for the loss of such office use and, as I have already set out, this has not been sufficiently demonstrated. There is thus identifiable policy conflict and associated harm. In my judgement, even when factoring in the requirements of the PSED, the benefits of the scheme do not outweigh the policy conflict and associated harm identified.

Conclusion

28. I have found the proposal would accord with the sequential test for hotel accommodation and that the layout of the hotel would provide suitable accommodation for guests. However, insufficient information has been submitted to justify the loss of the office space. This is the overriding consideration in this case.
29. Consequently, the proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. The appeal is therefore dismissed.

T Bennett

INSPECTOR