



Appeal Decision

Site visit made on 25 March 2025

by **C Skelly BA (Hons) MSc MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 8th May 2025

Appeal Ref: APP/M5450/W/24/3356449

351 High Road, Harrow, Harrow Weald HA3 5EQ

- 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 Mr Ali Ajmal Naeem of Express Tyres Ltd against the decision of the Council of the London Borough of Harrow.
 - The application Ref is PL/2472/24.
 - The development proposed is demolition of existing timber rear extension; Erection of a single storey rear extension to facilitate the retention of the use of the site as a Tyre Repair Shop (Use class Sui Generis); Associated external alterations to the rear; removal of existing signage. Part Retrospective
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Reference to “retrospective” in the description is not a form of development. The application form confirms that works have commenced, and I was able to see this during my site visit. I have determined the appeal on the basis of the submitted plans.

Main Issues

3. The main issues are:
 - whether the proposal makes adequate provision for servicing arrangements and the safe access and operation of the local highway network with regards to vehicles, cyclists and pedestrians;
 - the effect of the proposal on the vitality and viability of the retail unit and surrounding local centre; and
 - whether the proposal makes adequate provision for the management of waste for the proposal and the existing flats.

Reasons

Highway safety and servicing

4. The appeal site comprises a ground floor retail unit with tyres and related products for sale located in Harrow Weald Town Centre. The shop unit fronts onto the High Road, which is a busy dual carriageway. Railings separate the pedestrian area to the front of the shop from the High Road and there are no areas in front of the

shop for parking. There are a range of commercial properties along the street with residential uses above.

5. There are signs on the shop front which direct customers to the fitting bays to the rear. The rear of the property is accessed via a single rough made access track off Long Elmes. This also provides rear access and servicing to the other retail units along this stretch of the High Road. To the rear of the shop there is a single storey rear extension and service area.
6. There are no parking restrictions in place along the service road and I observed that there was a line of parked vehicles which restricted the road to the width of a single vehicle. The rear areas of the other commercial units are also used for car parking. Parking restrictions are in place on Long Elmes from the junction with the High Road until after the entrance to the service road. There is also a bus stop close to the entrance of the service road. Long Elmes is a residential street and most properties have off road parking, but vehicles were also parked along both sides of this road. While only a snapshot in time, at the time of my site visit both the service road and Long Elmes were heavily parked.
7. The proposal includes two vehicle waiting parking bays with the other side of the site kept clear for deliveries and access. No drawings have been submitted which show the turning circles for vehicles exiting the site. I observed that there is limited space for vehicles to turn around within the site itself and consequently customers would need to reverse onto the service road in order to turn and exit. As space in the service road is also restricted by parked vehicles, those exiting the site and turning around may obstruct other vehicles moving along the service road, thereby impacting the servicing of other businesses. On occasions where the parking bays and delivery service bay are occupied there would be even less available space for manoeuvring.
8. As the service road is restricted to one vehicle width, this may lead to vehicles waiting on Long Elmes in order to enter the service road or reversing backwards out of the service road. In the absence of any substantive evidence, I cannot be satisfied that the proposal would not have implications for the safe movement of vehicles, cyclists and pedestrians particularly given the proximity of the bus stop.
9. As part of the appeal the appellant confirmed that a booking system is used to control customer access to the rear service area. I observed that there are paper signs displayed in the shopfront which state 'by appointment only'. Although this would assist in restricting access, the larger permanent signage advertising the fitting bays would still attract customers without prior arrangement. I observed this to be the case during my site visit, when a customer arrived by car to arrange a future appointment. I have considered whether a suitable condition could be used to ensure access by appointment only. However, for the reasons I have outlined, I consider that this would not prevent passing trade.
10. I therefore conclude that the proposal would not make adequate provision for servicing arrangements and the safe access and operation of the local highway network with regards to vehicles, cyclists and pedestrians. It thereby conflicts with Policies DM1, DM40, DM42 and DM44 of the Harrow Development Management Policies (2013) (DM) which seek amongst other things to ensure that proposals, including servicing arrangements do not prejudice highway safety or diminish the convenience of pedestrians and cyclists or the compatibility of the uses proposed.

Vitality of Local centre

11. Policy DM40 of the DM states that proposals which would be detrimental to the vitality and viability of town centres, will be refused. I have concluded that the proposal could inhibit the movement of vehicles using the service road. Any obstructions to the service road resulting from the proposal would prevent access to the appeal site and other commercial units, which would inhibit the servicing of these units and their continued viability.
12. Consequently, the proposal would cause unacceptable harm to the vitality and viability of the existing retail unit and surrounding local centre. The proposal is therefore contrary to Policy DM40 of the DM which amongst other things seeks to ensure the compatibility of the uses and that proposals are not detrimental to the vitality and viability of town centres.

Waste management

13. Refuse and recycling bins for 349 and 351 High Road are shown on the plans to be stored in the service road. The appellant's statement indicates that these bins could be stored within the site itself. The plans do not identify where waste for the business would be stored. I observed that one commercial wheeled waste bin was stored next to the fence between parked cars. The appellant states that waste tyres are collected from the site on a weekly basis when the loading bay is open. The occupants of the flats put domestic waste bins into the service road for collection. Other trade waste is also collected via the service road.
14. The appellant has confirmed that they would be willing to accept a condition for further details of waste storage. However, given the constraints of the site I cannot be satisfied that there would be adequate space within the site to accommodate the required domestic bins and commercial waste bins, without further impinging on the safe manoeuvring of vehicles on and off the site.
15. Therefore, I conclude that the proposal would not make adequate provision for the management of waste for the proposal and the existing flats. It thereby conflicts with Policies DM1, DM40, DM44 and DM45 of the DM. Together these policies seek to ensure that appropriate arrangements are made for waste and recycling storage and satisfactory access for collectors and where relevant collection vehicles and protect the amenity of neighbouring occupiers.

Other Matters

16. The proposal would employ two full time members of staff. I also note that a number of letters have been submitted in support of the proposal. Although there have been no complaints in relation to the operation of the tyre shop, the absence of objection does not in itself render the scheme acceptable.

Conclusion

17. The proposal provides employment opportunities for local people and provides a service for which there is demand. However, I have found that it would fail to make adequate provision for servicing arrangements and the safe access and operation of the local highway network with regards to vehicles, cyclists and pedestrians, which would harm the viability of the retail unit and surrounding local centre. Furthermore, it would not provide adequate provision for the management and

collection of waste. These significant harms are not outweighed by the benefits which I have identified and are sufficient to justify dismissing the appeal.

18. 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. For the reasons given above the appeal should be dismissed.

C Skelly

INSPECTOR