



Appeal Decision

Site visit made on 2 July 2025 by L Clark MSc MRTPI

Decision by John Morrison MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th July 2025

Appeal Ref: APP/M5450/W/25/3361890

91 Stanmore Hill, Stanmore, Harrow HA7 3DZ

- 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 Mohsin Khan against the decision of the Council of the London Borough of Harrow.
 - The application Ref is PL/1040/24.
 - The development proposed is a change of use from retail (Class E) to café/restaurant (Class E) with single storey rear extension & extractor flue, following demolition of 5no. storage units and conservatory.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters and Main Issue

3. The description above is taken from the application form. It varies from the decision notice, but not so much that it changes anything fundamental nor prejudice the ability of any party to make their case. Some works have taken place, but not in relation to the rear extension. I considered the scheme accordingly.
4. The Council's reason for refusal refers to the rear extension, implying that they do not object to the scheme's other elements. I have no reason to disagree, and my recommendation focusses on the same. The main issue in which is its effect on the living conditions of the occupants of nearby properties with particular regard to noise and odour.

Reasons for the Recommendation

5. The appeal site comprises a large building with a commercial unit on the ground floor. It is positioned in a line with other ground floor retail uses and offices on Stanmore Hill. The area to the rear of the building is bordered by the gardens of properties that are situated on Green Lane. The surrounding units are generally daytime uses and the area to the rear of the premises is particularly quiet.
6. The proposal would extend towards the gardens of the properties on Green Lane. The extension would be used as a restaurant seating area which could comfortably seat up to 30 people. This scale of social use would inevitably generate more

activity in a generally much more sedate space. The proposals suggest an opening to 11pm and thus such activity would perpetuate long into the late evening.

7. Rear windows could be fixed but that would detrimentally affect the ability to properly ventilate, particularly in warmer periods. Ensuring windows were non-opening would be difficult to enforce and would likely result in other windows and doors being opened which has the potential to increase noise from other areas and thus counter intuitive when seeking to reduce the effect of noise generally.
8. The appeal is supported by an odour risk assessment. It specifies that the extraction system would provide a high level of control. I have no evidence before me to suggest that would not be the case. I am therefore comfortable that the proposed development would not give rise to an odour nuisance. I remain to be convinced however that the proposal would not create noise levels that would harm the living conditions of the occupiers of the closest dwellings, particularly at a time when they would be expecting higher levels of (contextually speaking) peace and quiet. It would therefore be contrary to Policies DM1 and DM41 of the Harrow Council Development Management Policies 2013 and Policy D3 of the London Plan 2021 which are concerned with protecting residential amenity amongst other things.

Other Matters

9. The site is within the Stanmore Conservation Area and nearby a grade II listed building. Given the location and scale of the proposed development, it would unlikely harm to the significance of either. These were not contentious matters in the appeal. A lack of harm would be a neutral matter and incapable of weighing in favour of the proposals. A condition to require an additional noise assessment would be inappropriate because planning permission would have already been granted for a potentially harmful use in the terms I have set out.

Conclusion and Recommendation

10. I have found a lack of harm relating to odour, but this would be neutral and thus incapable of weighing in favour of the scheme. There would be harm and subsequent development plan conflict regarding noise. There are no material considerations worthy of sufficient weight that would indicate a decision other than in accordance with the development plan. I therefore recommend the appeal be dismissed.

L Clark

APPEAL PLANNING OFFICER

Inspector's Decision

11. I have considered all the submitted evidence and my representative's report and on that basis the appeal is dismissed.

John Morrison

INSPECTOR