



Appeal Decision

Site visit made on 16 July 2025

by A Hunter LLB (Hons) PG Dip MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 August 2025

Appeal Ref: APP/M5450/W/25/3361833

114 College Road, Harrow Weald, Harrow HA3 6EB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Mr P Parekh of Agelink Care Ltd against the Council of the London Borough of Harrow.
 - The application Ref is PL/2131/24.
 - The development proposed is the change of use of the building from residential dwelling C3 to residential institution C2, specifically designed to serve adults with learning disabilities. Conversion of garage to habitable space and associated internal changes.
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Decision

1. The appeal is allowed, and planning permission is granted for the change of use of the building from residential dwelling C3 to residential institution C2, specifically designed to serve adults with learning disabilities. Conversion of garage to habitable space and associated internal changes, at 114 College Road, Harrow Weald, Harrow HA3 6EB in accordance with the terms of the application, Ref PL/2131/24, subject to the conditions in the attached schedule at the end of this decision.

Applications for costs

2. An application for an award of costs has been made on behalf Mr P Parekh of Agelink Care Ltd against the Council of the London Borough of Harrow, this is the subject of a separate decision.

Preliminary Matters

3. The appeal was submitted on the basis of the failure of the Council to determine the planning application within the prescribed period. The Council has provided a statement setting out how they would have determined the application, which they say would have been refused for two reasons. This forms the broad basis of the main issues that I have identified.
4. The Council has referred to policies within its emerging plan. The information before me indicates that the Draft Harrow Local Plan 2021-2041 (DHLP) is at Regulation 19 stage. Given that the DHLP is not the adopted development plan, and it is at an early stage, which is understood not to have been examined, and in view of the requirements of paragraph 49 of the National Planning Policy Framework (the Framework), I attach limited weight to any relevant policies of the DHLP at this stage.

5. I saw on my site inspection that the proposed external changes to the garage had already been undertaken, although there was no evidence the proposed change of use of the appeal property had taken place. The appeal has been determined on this basis.
6. The application was made with a supporting document titled 'Draft Proposal for Consulting Services in setting up a Nine bedded Supported Living Services for Learning Disabilities (Female only) in London Borough of Harrow' prepared by Jennifer Dias of Level Ground Consulting, undated (the needs assessment), which said the proposal would be specifically for Asian women. During the Council's consideration of the application, the appellant advised of a subsequent change, in that the proposed accommodation would be available to adults of all genders and races. The appeal has been determined on this basis.

Main Issues

7. Accordingly, the main issues are:
 - Whether there is a need for the proposed type of accommodation; and
 - The effect of the proposed development on the living conditions of the occupiers of no. 112 College Road, with particular regard to noise and disturbance.

Reasons

The need for the proposed type of accommodation

8. Policy DM29 of Harrow's Development Management Policies, dated July 2013 (DMP), says proposals for sheltered housing, care homes and extra care housing, including for those who may be vulnerable, will be supported provided that the proposal is accessible by public transport, with good access to local amenities, including shops and community facilities. In this case the appeal site has a Public Transport Accessibility Level rating of 3 and is close to local shops, and the proposal would be broadly consistent with DMP Policy DM29.
9. However, Policy H12 of The London Plan, The Spatial Development Strategy for Greater London, dated March 2021 (LP) says the delivery, retention and refurbishment of supported and specialised housing will be supported when it meets an identified need. It says that the need assessment should be undertaken by Boroughs through assessments of short-term, medium-term and permanent supported and specialised accommodation.
10. In addition, emerging DHLP Policy HO7 says new accommodation will be supported for the provision of specialist and sheltered accommodation for vulnerable, disadvantaged individuals, or groups of the population, subject to amongst other things, that they adequately address a specific local need. The supporting text to DHLP Policy HO7 says there is likely to be a wide range of need for this accommodation over the plan period. It further helpfully states that the Council commissioned a study of such need between 2022-2032 for adults who have care/support needs, and that there would be an additional accommodation need over this period for 155 no. adults with learning difficulties/autism; 400 no. adults with mental health needs; and 31 no. adults with a learning disability. It also finds that supported housing would form an increasing and significant proportion of housing for all these groups. Although this emerging policy attracts limited weight,

the evidence of need (as required by LP Policy H12) within its supporting text represents up-to-date information, which can be afforded significant weight and is an important material consideration in this case.

11. Furthermore, the supporting text to DHLP Policy HO7 states that there is a continuing need for supported housing to meet the need of adults with learning disabilities. It adds that applicants are required to consider these evidence documents and explain within their submissions how their proposals respond to them and meet an identified need. Although, this has not been properly undertaken in this case within the submission itself, the proposal would provide supported living for up to 9 no. adults with learning disabilities.
12. It is also accepted that the needs assessment submitted by the appellant is of limited use and that it does not contain any evidence of the exact need in Harrow and appears to have been based on the needs of those from minority ethnic backgrounds (as originally proposed). However, in view of the information relating to the needs information outlined above, prepared on behalf of the London Borough of Harrow, there is evidence of a need for supported accommodation for adults with learning disabilities and the proposed development would more than likely be required to assist with meeting some of this need. On this basis I am satisfied that there would likely be a need for the accommodation proposed.
13. The Council has also said its Adult Social Care team would struggle to place people with learning disabilities within the proposed accommodation as they commission the care and support, and the proposed private management of it would prevent universal credit support payments, making it financially unviable for the Council. Whether this be so, this would be a matter beyond the need for the accommodation and would represent a funding issue between the appellant and the Council. Furthermore, within the appellant's statement it says the accommodation would be available for those referred by the Council, and for respite care, and private patients. Furthermore, it is not clear what proportion of future occupiers of the proposed accommodation would likely require universal credit. I therefore attach limited weight to this matter.
14. I therefore conclude that there is an identified need for the proposed accommodation and the proposed development would comply with the relevant requirements of LP Policy H12, DMP Policy DM29, and DHLP Policy HO7, the requirements of which are set out above.
15. It is acknowledged that LP Policy H8 states that the loss of existing housing should be replaced by new housing at existing or higher densities with at least the equivalent level of overall floor space. However, the proposed change of use is supported by other development plan policies to meet an identified need, and it would be retained albeit in a different form of residential accommodation, which is considered to outweigh the conflict with Policy H8 in this case.
16. The Council referred to the proposed development conflicting with DHLP Policy HO1. This policy, amongst other requirements, seeks to have 25% of new housing as family sized accommodation. Although that policy is not worded to provide express protection for existing family housing. Consequently, I did not find this proposed change of use proposal to be inconsistent with that policy.

Living conditions

17. The appeal property is a large, detached dwelling, said to provide 6/7 no. bedroom family accommodation. It faces onto College Road, with one of its side boundaries running alongside College Hill Road. To its rear side is a small area containing planting, along with the access road to Holly Bush Close, a small a cul-de-sac. The appeal property has a large rear garden, with an outbuilding adjoining both its rear boundary and that to no. 112. The boundary between no.112 and the appeal property is a timber fence, which I saw on my site inspection needed some repair, at least in part, and there was some established planting along the boundary between the two properties, including a mature tree. In view of the appeal property bounding roads on three of its sides, the occupiers of the adjacent and unattached property, no. 112 College Road are most likely to be affected by the proposed development.
18. The proposed change of use of the appeal property would allow up to 9. no adults to live together at the property, and there could be up to 5 no. members of staff during the day and 2-3 members of staff at night-time. However, as a dwelling currently, there could be a similar number of occupiers to those proposed to be living there as residents. Although it is acknowledged that the way the property would be managed and used, along with members of staff being present, would likely mean there would be more people at the appeal property than as a dwelling. Nevertheless, given the large size of the appeal property I am not persuaded that this in principle would be objectionable.
19. The appeal property's rear garden would be a sufficient size to adequately accommodate all its occupiers, including in the unlikely event that they were all to use it at once and were accompanied by members of staff. It is also pertinent to indicate that the proposed use of the garden for relaxing and enjoyment may not be materially different to the existing use of the garden by a large family. There is also nothing to indicate that the use by the occupiers of the proposed accommodation would be any noisier or more disturbing than by occupiers of a dwelling. Subject to adequate boundary treatment there would be limited views of the activity within the rear garden of the appeal property, from the garden and ground floor rear windows of no.112, which would be further assisted by the existing planting near the party boundary. There could also be a condition imposed to control the use of the outdoor space, including its hours of use.
20. It is accepted that there would likely be a more intensive use of the property as proposed, with more frequent movements to and from it. I saw on my site inspection that the front entrance door was centrally positioned, some distance from the boundary to no. 112. It is also likely that movements to and from the appeal property would mostly occur during the day and evening, except for emergencies and staff change-overs, and again they would mainly be planned in advance, including visits to residents. I also have no evidence that the likely increased movements to or from the property, would be particularly noisy or disruptive. Furthermore, such movements could also be covered by an appropriately worded visitor plan condition, to minimise any such impacts for neighbouring occupiers, and they could be staggered as proposed by the appellant. Consequently, in view of the appeal property being detached, having a large rear garden, bounding three roads, and having its front entrance door away from the boundary to no. 112, I am not convinced that there would be harmful effects arising upon the living conditions of neighbouring occupiers.

21. A Noise Impact Assessment, prepared by AF Acoustics, dated July 2024 (NIA) has demonstrated that the proposed change of use would not have any unacceptable noise impacts for its future occupiers, and section 5.1 of the NIA suggests ventilation and glazing guidance. I have no evidence to disagree with its conclusions and recommendations.
22. I therefore conclude that the proposed development would provide satisfactory living conditions for the occupiers of neighbouring properties, including no. 112 College Road, and would comply with the relevant parts of LP Policies D3 and D14, and DMP Policy DM1, that collectively seek to ensure appropriate amenity for neighbouring occupiers and avoid significant adverse noise impacts. I also find the proposed development would comply with paragraph 135 of the Framework, insofar as it requires a high standard of amenity for existing and future users.

Conditions

23. A standard implementation condition (1) has been imposed, along with a condition (2) listing the approved plans to provide certainty over what has been approved. To protect the living conditions of neighbouring occupiers, conditions are also necessary to secure a visitor management plan (10), a management plan of the outdoor space (11) and to ensure the accommodation has no more than 9 no. residents (excluding staff) (4). To ensure future occupiers have satisfactory living conditions, it is necessary to impose conditions requiring adherence to the recommendations of the NIA (5).
24. As the Council has not raised objection to the submitted secure cycle details or refuse storage facilities, conditions (3 and 6) are imposed to ensure the development is undertaken in accordance with the submitted plans, to ensure future occupiers have satisfactory living conditions, to protect the character and appearance of the area, and in terms of the secure cycle storage, to promote sustainable travel. Condition 7 is necessary to ensure the off-site parking facilities are available for use prior to the first occupation of the development to reduce the need for on-street parking and any associated congestion.
25. To reduce fire risk, a condition (8) is necessary to ensure adherence to the submitted Fire Statement. Finally, to secure suitable boundary treatment to all sides of the property and details of any new ground surfacing materials, a condition (9) is necessary to protect the character and appearance of the area. In addition, condition 9 is also imposed to protect the living conditions of neighbouring occupiers, and in respect of the ground surfacing materials, to ensure sustainable drainage.
26. The Council suggested conditions in respect of new planting, and to require the development to have a secure by design certificate. The appellant has said no additional planting is proposed, and I also saw no reason to insist on any new planting. I carefully considered the consultee comments from the Secure by Design Team, although I did not share the concerns regarding the arrangement of internal doors, which appeared capable of being opened without conflict with other doors, nor did I find defensible planting was required next to the front ground floor windows given their setback from the pavement. Their boundary treatment comments can be addressed within condition 9, which would also include details of any garden gate, I therefore did not find that condition to be justified in this case. The Council also referred to submitted documentation within what is condition 2,

however, I did not find it necessary to condition that supporting information as part of the approved drawings.

Conclusion

27. Whilst there would be some minor conflict with LP Policy H8, the proposed development accords with the development plan when taken as a whole and there are no other material considerations, including the provisions of the Framework, which outweigh this finding. For the reasons given above, I conclude that the appeal should be allowed.

A Hunter

INSPECTOR

Schedule of Conditions

- 1) The development hereby approved shall begin not later than 3 years from the date of this decision.
- 2) The development hereby approved shall be carried out in accordance with the following approved plans: drawing no's AA114CR01; AA114CR02; AA114CR07; AA114CR08; AA114CR09; AA114CR10; and AA114CR11.
- 3) The accommodation hereby approved shall not be occupied until secure cycle storage facilities have been formed in accordance with those specified on drawing no.'s AA114CR02 and AA114CR03. The secure cycle storage facilities shall be retained thereafter.
- 4) The accommodation hereby approved shall be occupied by no more than 9 no. residents (excluding staff members).
- 5) The development hereby approved shall be undertaken in accordance with the recommendations within the submitted Noise Report produced by AF Acoustics Ltd ref: 3017-AF-00001-02 dated 23 July 2024.
- 6) The accommodation hereby approved shall not be occupied until refuse storage facilities have been formed and are available for use in accordance with the details specified on drawing no. AA114CR02. Those refuse facilities shall thereafter be retained, and the bins shall be stored within the designated facilities, other than on collection days.
- 7) Prior to the occupation of the accommodation hereby approved, the proposed 4no. off-street vehicle parking spaces shown on drawing no. AA114CR02 shall be formed and available for use, and thereafter not used for any other purpose.
- 8) The development hereby permitted shall be undertaken, completed, and retained in accordance with the details submitted within the Fire Statement produced by Active Architecture dated 01 August 2024.
- 9) Prior to the occupation of the accommodation hereby approved, precise details of any new ground surfacing materials, including their permeability, and details of all boundary treatment, including those to be retained, shall be submitted to and approved in writing by the local planning authority, together with a timetable for their implementation. The development shall be undertaken in accordance with the approved details and timetable, and retained as such thereafter.

- 10) Prior to the occupation of the accommodation hereby approved, a plan for the management and arrangements for visitors to the accommodation, including the times of visits and the number of visitor(s) permitted, shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be operated in strict accordance with the approved details.
- 11) Prior to the occupation of the accommodation hereby approved, a management plan for the outdoor spaces at no. 114 College Road, including how they can be used and the times that they can be used, shall be submitted to and approved in writing by the local planning authority. Thereafter the development shall be undertaken in accordance with the approved details.

End of Schedule of Conditions