



Appeal Decision

Site visit made on 23 October 2025

by **M Cryan BA(Hons) DipTP MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19 January 2026

Appeal Ref: APP/M5450/W/25/3369492

2C, 2D and 2E Graham Road, Wealdstone HA3 5RF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Shabbir Karimji of Charter Green against the decision of the Council of the London Borough of Harrow.
- The application reference is PL/3253/24.
- The application sought planning permission for “redevelopment to provide single storey building comprising of three office units (Use class E); bin and cycle stores (demolition of garages)” without complying with a condition attached to planning permission reference P/4313/20, dated 21 January 2021.
- The condition in dispute is No 9 which states that:
“The premises shall only be used for the purposes specified on the application and for no other purpose, including any other purposes in Class E of The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 (or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that order with or without modification).”
- The reason given for the condition is:
“To safeguard the amenity of neighbouring residents, the character of the locality and in the interests of highway safety.”

Decision

1. The appeal is allowed and planning permission is granted for redevelopment to provide single storey building comprising of three office units (Use class E); bin and cycle stores (demolition of garages) at 2C, 2D and 2E Graham Road, Wealdstone HA3 5RF in accordance with the application reference PL/3253/24, without compliance with condition numbers 1 and 9 previously imposed on planning permission reference P/4313/20, dated 21 January 2021, and subject to the conditions in the attached schedule.

Procedural Matters

2. The address of the appeal site was given on the section 73 application form as 2E Graham Road. The Council used a different address, “Land to the side of Sovereign House, Graham Road, Wealdstone, Harrow, HA3 5RF” on the decision notice, while on the appeal form the appellant again gave the address as 2E. In fact, the site includes a block of three units, 2C, 2D and 2E Graham Road, and the appeal against the condition relates to all three. I have therefore used an address in the banner heading and my formal decision above which reflects this.
3. I have also been appointed to determine another appeal, relating only to unit 2E (PINS Ref: APP/M5450/W/25/3369511). The main issues in the two appeals are quite distinct, so the other appeal is the subject of a separate Decision.

Background and Main Issue

4. The appeal site contains a block of three office units, 2C, 2D and 2E Graham Road which were built following a grant of planning permission in 2021 (“the original permission”) to replace a block of garages. The disputed condition restricts the use of the units to “the purposes specified on the application”; in other words, to office uses within sub-category (g)(i) of Use Class E. The appellant is seeking the removal of that condition so that the units can be used for any purpose within Use Class E. The Council refused the section 73 application because it considered that an unrestricted Class E use could cause unacceptable noise and similar disturbance to neighbouring residents.
5. The main issue is therefore whether the disputed condition is necessary and reasonable in the interests of protecting the living conditions of the occupants of neighbouring residential properties, with particular regard to noise disturbance.

Reasons

6. The site is adjacent to, though just outside, Wealdstone town centre. The western side boundary is with dwellings on Wolseley Road. The three units are arranged perpendicular to Graham Road along the east side of the appeal site, with a forecourt on the western side. Towards the front of the site, the forecourt is wide enough to accommodate a vehicle parking space, though it narrows towards the rear and is therefore a tight and constrained space¹. A timber panel fence ranging from approximately 1.8m to 2m high separates the appeal site from the shallow rear gardens or yards of Nos 74 to 78 Wolseley Road.
7. While occupiers of those dwellings do not have “a right to silence”, as the appellant put it, at the same time – and recognising also the edge of town centre location – new development should not lead to unreasonable noise disturbance for neighbouring residents. All three units on the site use the narrow forecourt for access, so activity on the appeal site necessarily takes places in very close proximity to the private external amenity spaces at, and the rooms within, the rear of the dwellings on Wolseley Road. Any use which would be dependent on a large amount of comings and goings – as, for example, might be expected with retail units, or the sale of food and drink – would have the potential to cause significant noise disturbance and disruption to neighbouring residents.
8. I also, however, consider that certain other uses provided for within Use Class E which are currently not permitted could be carried out at the site without causing significant harm to neighbours’ living conditions. For example, while the provision of financial or professional services, or medical or health services, to visiting members of the public would also be dependent on clients (or patients, as the case may be) visiting the premises, in my experience such uses are normally much less reliant on the turnover of large numbers of visitors than would be the case for a shop or restaurant use. I am not therefore persuaded that it is necessary to prevent uses within sub-categories (c)(i) and (ii) of Use Class E from taking place. Other uses within sub-categories (g)(ii) and (iii) of Use Class E would, by definition, need to be capable of being carried out without detriment to residential amenity from noise, among other things, so I am also not persuaded that a restriction limiting the use only to sub-category (g)(i) is required.

¹ At the time of my visit, two cars were parked end-to-end in the space, though there is not room for vehicles to turn or pass each other within the site.

9. While I consider that a condition limiting the uses which can take place on the site is necessary, I find that the condition as imposed on the original permission is excessively restrictive. Consequently, it is not necessary or reasonable to protect the living conditions of occupants of neighbouring residential properties. It should therefore be replaced with the amended Condition 9, as set out in the attached schedule, which would allow a broader range of Class E uses to take place on the site. I recognise that this does not go as far as has been sought by the appellant, but for the reasons I have set out in the preceding paragraphs I consider that some restrictions on the types of use within Class E remain necessary.
10. The new condition would ensure compliance with Policies CS1 and CS2 of the 2012 Harrow Core Strategy, Policies DM1, DM2 and DM10 of the 2013 Harrow Development Management Policies, and Policies D3, D11 and D12 of the London Plan 2021. Together, and among other things, these policies seek to ensure that development achieves a high standard of amenity, including in respect of noise.

Other Matters

11. The appellant stated that the development is not viable as a result of the disputed condition having been imposed, and that it has been vacant for most of the time since it was built. Units D and E were occupied at the time of my site visit, though I understand this to be, or to have been, only for a short-term contract. While I have had regard to marketing evidence provided to me, it does not remove the need to consider the potential harm to neighbours' living conditions nor, in view of the harm I have found, does this matter carry significant weight in favour allowing unrestricted Class E use.

Conditions

12. I have deleted the disputed Condition 9; it is replaced with a new condition relating to permitted uses as I have described above. With the development having commenced, I have not reimposed the standard time limit (Condition 1 of the original permission) as it is no longer necessary.
13. The Planning Practice Guidance makes clear that decision notices for the grant of planning permission under section 73 should restate the conditions imposed on earlier permissions that continue to have effect. As I have no information before me about the status of the other conditions imposed on the original planning permission, Conditions 2 to 8 are therefore reimposed, for the same reasons as they were originally required. If some of these conditions have in fact already been discharged, that is a matter which can be addressed by the parties.

Conclusion

14. For the reasons given above I conclude that the appeal should succeed. I will therefore grant a new planning permission substituting for the disputed Condition 9 a new condition. The other undisputed conditions which are still subsisting and capable of taking effect are restated.

M Cryan

Inspector

Schedule of conditions

- 1) [Deleted]
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans and documents: TH/A3/2184/TPP; SH/300; SH/301; SH/302; SH/BR106 REV D; TS19-495-1; Thames Water Consent dated 28th April 2020; Surface Water Calculations; Design and Access Statement.
- 3) The development hereby permitted shall not proceed above damp-proof course until samples of the materials to be used in the construction of the external surfaces of the new building have been submitted to, and approved in writing by, the local planning authority. The development shall be completed in accordance with the approved details and shall thereafter be retained.
- 4) The use hereby permitted shall not be open to customers outside the following times:
08:00 hours to 20:00 hours, Monday to Saturday inclusive;
09:00 hours to 18:00 hours, Sundays or Bank Holidays.
- 5) The development, including works of demolition, shall be carried out in accordance with the Construction Logistics Statement approved by approval of details application P/5331/19. The approved Statement shall be adhered to, throughout the construction period.
- 6) The development shall be carried out in accordance with the details of disposal of sewage approved by approval of details application P/5331/19. The development shall be implemented in accordance with the approved details and thereafter shall be retained.
- 7) The development shall be carried out in accordance with the surface water attenuation / storage works details approved by approval of details application P/5331/19. The development shall be implemented in accordance with the approved details and shall thereafter be retained.
- 8) All planting, seeding or turfing comprised in the approved details shown on drawing SH/302, shall be carried out in the first planting and seeding seasons following the occupation of the building(s), or the completion of the development, whichever is the sooner. Any existing or new trees or shrubs which, within a period of 5 years from the completion of the development, die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season, with others of a similar size and species, unless the local authority agrees any variation in writing.
- 9) The premises shall be used for purposes in Class E sub-categories (c)(i), (c)(ii), (e), and (g) (and for no other purpose, including any other purpose in Class E) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).