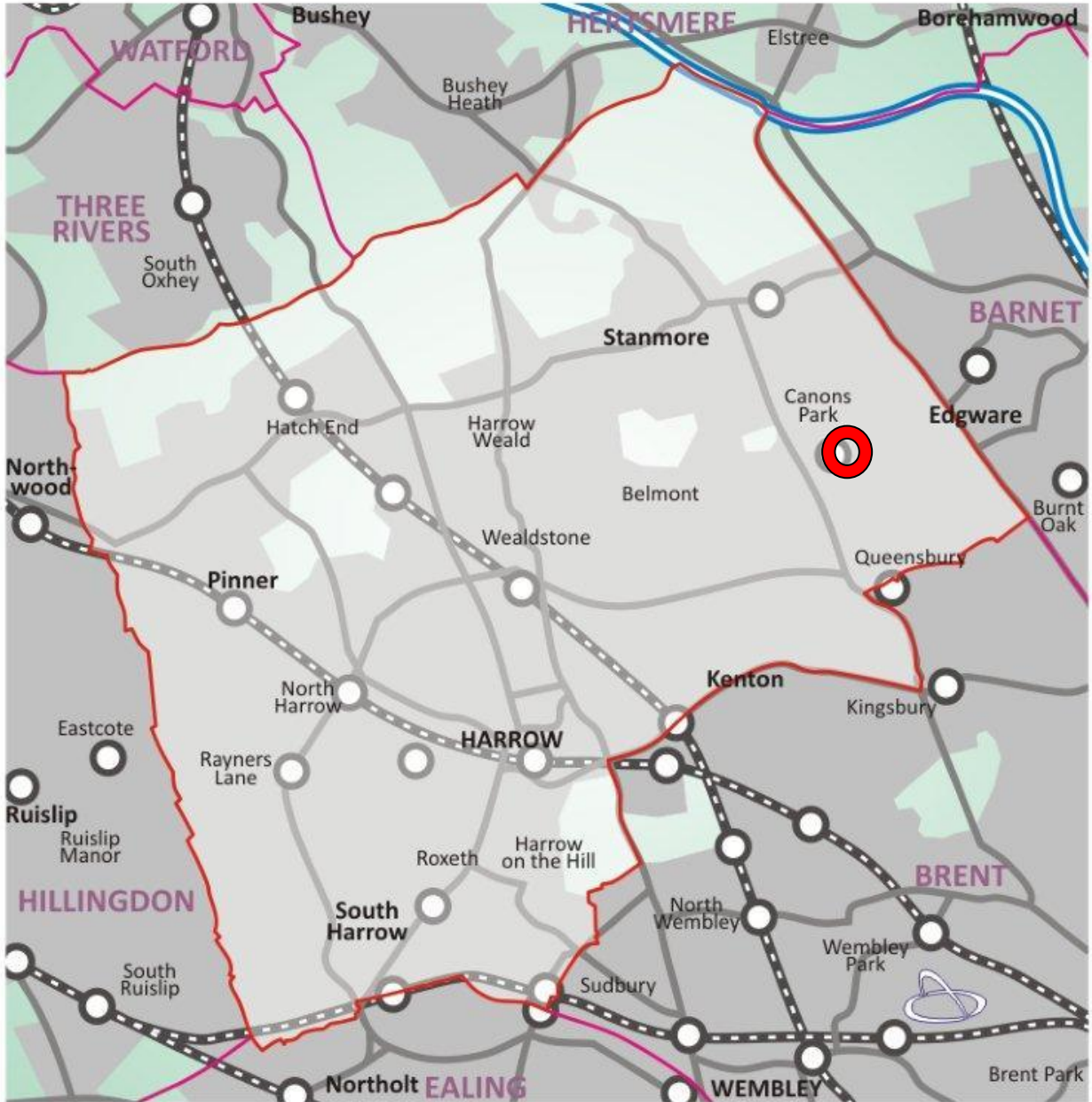


 = application site



227 Whitchurch Lane Edgware HA8 6QT

P/1838/22

Location Plan



LONDON BOROUGH OF HARROW

PLANNING COMMITTEE

15th March 2023

APPLICATION NUMBER: P/1838/22
VALIDATION DATE: 19/05/2022
LOCATION: 227 WHITCHURCH LANE, EDGWARE, HA8 6QT
WARD: CANONS
POSTCODE: HA8 6QT
APPLICANT: MR BANERJEE
AGENT: COHANIM ARCHITECTURE
CASE OFFICER: MUHAMMAD SALEEM
EXTENDED EXPIRY DATE: 09/09/2022

PROPOSAL

Change Of Use from Dwellinghouse (Class C3) To Charity Use with Private Events by Invitation and Ancillary Accommodation (Sui Generis).

RECOMMENDATION

The Planning Committee is asked to:

- 1) agree the reason(s) for refusal as set out in this report, and
- 2) refuse planning permission:

REASON FOR THE RECOMMENDATIONS

1. The proposed change of use would result in the loss of a single family dwellinghouse (Use Class C3) which would result in a reduction of the borough's housing stock. The proposal is therefore contrary to policy H8 of the London Plan (2021).
2. Notwithstanding the above, insufficient information has been provided to demonstrate that the proposed development would be located within the community it intends to serve and would not result in an adverse impact to neighbouring residential amenities through unacceptable levels of general disturbance. The proposal is therefore contrary to Policies D3.D(9), D13 and D14 of the London Plan (2021), and Policies DM 1 and DM 46 of the Harrow Development Management Policies Local Plan (2013).

INFORMATION

This application is reported to Planning Committee on request of a nominated member and therefore falls within provision A of the Scheme of Delegation. This application was reported to planning committee on 7th September 2022 and deferred by members for more information to be submitted to understand the nature of the use and to assess its impact. The applicants attended a meeting with officers in November 2022 to discuss the requirements and further information in terms of a management plan was submitted in January 2023 for consideration.

Statutory Return Type:	Change of Use
Council Interest:	None
Net additional Floorspace:	N/A
GLA Community Infrastructure Levy (CIL) Contribution (provisional):	N/A
Local CIL requirement:	N/A

HUMAN RIGHTS ACT

The provisions of the Human Rights Act 1998 have been taken into account in the processing of the application and the preparation of this report.

EQUALITIES

In determining this planning application, the Council has regard to its equality's obligations including its obligations under section 149 of the Equality Act 2010.

For the purposes of this application there are no adverse equalities issues.

S17 CRIME & DISORDER ACT

Policy D11 of the London Plan (2021) and Policy DM1 of the Development Management Policies Local Plan require all new developments to have regard to safety and the measures to reduce crime in the design of development proposal. It is considered that the development does not adversely affect crime risk subject to conditions which are recommended.

1.0 SITE DESCRIPTION

- 1.1 The application site comprises a two-storey semi-detached dwellinghouse (Use Class C3) orientated towards the south along the junction between Whitchurch Lane (B461) and Donnefield Avenue.
- 1.2 The existing dwellinghouse features a dutch barn style roof form and cat slide roof slopes to the rear and has previously been extended by way of a single storey side to rear extension. There is a garage built to the side of the dwelling.
- 1.3 The application site also features a forecourt comprised of hard surfacing accessed via Whitchurch Lane. There are two sets of gates accessed via Donnefield Avenue (one served by a dropped kerb). The rear garden features hard standing and a detached outbuilding to the rear of the site.
- 1.4 Whitchurch Lane itself is predominantly residential. However, it should be noted there is a neighbourhood parade approx. 60m to the west of the site, Canons Park Underground Station 20m to the west of the site and some converted properties providing a commercial use in some capacity (no.225 and 254 Whitchurch Lane).
- 1.5 The attached neighbour is no. 225 Whitchurch Lane adjoins the eastern site boundary. This property is a single family dwellinghouse and features single storey rear and side extensions. The side extension is in use as an acupuncture and Chinese medicine clinic. A Certificate of Lawfulness was issued for it to operate between the hours of 6pm – 8pm Monday to Friday for 15 hours a week.
- 1.6 The western site boundary adjoins the public footpath along Donnefield Avenue whilst the northern (rear) site boundary adjoins the curtilage of no.2 Donnefield Avenue.
- 1.7 The application site is within the setting of the Canons Park Conservation Area (to the north-east).

2.0 PROPOSAL

- 2.1 The proposal seeks planning permission to change the use of the site from a Single Family Dwellinghouse (Use Class C3) to a Charity use with private events with ancillary accommodation (Use Class Sui Generis).
- 2.2 Specifically, the applicant (charity) is the Gaur Govinda Trust – a Hindu faith-based charity.
- 2.3 The development description and the supporting documents state events would be by invitation only and that three trustees of the charity would reside at the property permanently (with exceptions being emergencies and time off).

2.4 The Planning Statement states that the charity operates several activities including:

- Free counselling
- Meditation and Bhakti Yoga
- Overseas aid and funding/famine relief
- Religious activities such as prayer meetings, lectures, teaching of scriptures, celebration of religious festivals of the Hindu faith
- Community development
- Promotion of racial equality and diversity

2.5 The supporting documents including the submitted management plan (ref: 268-CA-MP/C01) dated 9th January 2023 which provides the following information on the day-to-day activities of the proposed use as follows:

- A maximum of two classes of up to 12 persons to operate per week consisting of spiritual discourse, recitation of scriptures, celebration of religious festivals of Hindu faith, learning of devotional mantras, question and answer sessions and learning about spiritual worship. The classes would typically operate between 6pm – 8pm on weekdays; and 10:30am – 3:30pm on weekends.
- A maximum of three one to one meetings/counselling sessions a day (with an individual or 4 people maximum)

2.6 The proposal would provide 6 off street parking spaces 3 on the forecourt and 3 in the rear of the garden.

3.0 **RELEVANT PLANNING HISTORY**

3.1 A summary of the relevant planning application history is set out in the table below:

Ref no.	Description	Status and date of decision
HAR/15237:	Convert to 2 flats	(Refused 15/04/1959)
HAR/15237/B:	Extension for ground floor bathroom/W.C	(Grant 26/11/1962)
P/5897/15:	Single storey rear extension; conversion of garage to habitable room; external alterations (amended plans received)	(Grant 27/05/2016)
P/3306/21	Single and two storey side to rear extension; single storey rear extension; alterations to roof form end Gable and rear dormer; front porch; external alterations	Withdrawn 11/11/2021
P/4498/21:	Change of Use from Dwellinghouse (Class C3) To Charity Use with Private Events by Invitation and Ancillary Accommodation (Sui Generis)	(Refused 14/03/2022)

Reasons for refusal :-

1. The proposed change of use would result in the loss of a single family dwellinghouse (Use Class C3) which would result in a reduction of the borough's housing stock. The proposal is therefore contrary to policy H8 of the London Plan (2021).
2. Notwithstanding the above, insufficient information has been provided to demonstrate that the proposed development would be located within the community it intends to serve and would not result in an adverse impact to neighbouring residential amenities through unacceptable levels of general disturbance. The proposal is therefore contrary to Policies D3.D(9), D13 and D14 of the London Plan (2021), and Policies DM 1 and DM 46 of the Harrow Development Management Policies Local Plan (2013).

P/1296/22:	Certificate of Lawful Development (Proposed): Alterations to Roof; Rear Dormer; Three Rooflights in Front Roofslope; Conversion of Garage to Habitable Room with Installation of Window to Rear	(Grant 25/05/2022)
P/3230/22	Two storey side extension; single and two storey rear extension; front porch; alterations to roof; rooflights in front, both sides and rear roofslopes; external alterations (demolition of attached garage; canopy and rear extension)	Undetermined

4.0 CONSULTATION

- 4.1 A total of 13 consultation letters were sent to neighbouring properties regarding this application, with the consultation period expiring on 14/06/2022.
- 4.2 A total of 8 letters of support, 1 petition of support and 2 objections were received.
- 4.3 A summary of the responses received along with the Officer's comments are set out below:

Summary of Neighbour Consultation Responses

Support:

The charity is a good cause and beneficial to the area

The starting point for the assessment of a planning application is its compliance with development plan policies. The proposal is seeking a change of use for the property to a 'charity use'. The merits or status of the individual charity are not considered to be a merit for the proposal as the use of the site could be used by another charity (if the use were granted). The relevant development plan policies have been assessed in the report below.

The location well connected / good public transport facilities

This is not disputed however, as assessed in the report this is just one aspect that required to be assessed.

Facilities for Hindu community are under-represented

This has been addressed in section 6.2 of the report – the applicant is required to demonstrate the location is relevant to the community the use intends to serve.

Activities of the charity will not disturb residents / Invite only

This has been addressed in section 6.4 of the report.

Mixed-use sites in the area

The presence of mixed-use sites in the locality may be relevant however, it should be the uses closest to the application site were either assessed against different development plan policies or deemed to not be a material change of use to a dwellinghouse. Their presence is not in itself justification for a new use which is against the local development plan policies.

Objection:

Impact to the highway

This has been addressed in section 6.5 of the report, but it is considered there is no objection to the current proposed use in regard to the highway.

Other local facilities in the area

This has been addressed in section 6.2 of the report.

Disturbance from noise

This has been addressed in section 6.4 of the report.

Loss of residential unit

This has been addressed in section 6.2 of the report.

Impact from building work

4.4 Statutory and Non-Statutory Consultation

4.5 The following consultations have been undertaken, together with the responses received and officer comments:

Summary of Consultation Responses

LBH Highways

Observations:

The site is located in an area with a Public Transport Accessibility Level (PTAL) of 3 (moderate). Canons Park Underground station and bus stops are in the immediate vicinity of this property.

The property is on the corner of Donnefield Avenue which is within controlled parking zone which operates 8am to 6:30pm, Monday to Saturday. This property is not eligible for permits for the zone.

Access and Parking Provision:

In line with London Plan maximum parking standards, the residential element of the proposal may have up to 1 parking space. There are no specific standards for the sui generis use however, I would consider Policy T6.4 most relevant which states that provision should be consistent with the Healthy Streets Approach, mode share and active travel targets and aim to improve public transport reliability and reduce congestion and traffic levels. Disabled parking must also be provided in line with Policy T6.5.

In terms of Healthy Streets, this location has a lot of positives – lowered kerbs to cross the road; bus stops within less than 100m with shelters and seating, footways are wide with grass verges and trees, there are on carriageway cycle facilities; there are wayfinding signs. It would seem that this is a location where walking, cycling and travel by public transport are all relatively easy.

The proposal includes 6 parking spaces which seems to be a bit excessive considering the good facilities in the area. A space for the residential element is acceptable and a further disabled parking space along with two standard spaces for visitors (this equates to roughly 75% of trips being made by sustainable modes in line with the Mayors Transport Strategy targets based on a typical group of 10).

The car parking layout should be revised to no more than four spaces.

Cycle Storage:

The London Plan 2021 requires a minimum of 2 secure, sheltered and accessible cycle parking spaces for the residential element. A further two long stay and two short stay spaces are required in line with Policy T5 A 2) for the sui generis use.

Details of the location of cycle stores and type of stands can be provided prior to commencement if secured by condition.

Conclusion:

This location has good public transport links, walking and cycling facilities - ideally the charity should encourage people to travel by active, sustainable modes in order to minimise trips by car. The surrounding streets are busy being adjacent an Underground station with people coming and going by various different modes. There are fairly extensive parking controls in place in the immediate vicinity of the property during the majority of opening hours but a modest amount of car parking should cater for those who cannot travel by alternative modes, furthermore, there is publicly available pay & display parking on-street.

Subject to conditions, this proposal is unlikely to result in a severe or harmful impact for the surrounding highway network. Highways have no objection.

Suggested conditions:

- Prior to commencement of the development, details of shelters, racks, dimensions and location of a minimum of 2 long stay and 2 short stay cycle parking spaces for the commercial use and a further 2 long stay cycle parking spaces for the residential use shall be submitted to and approved in writing by the local planning authority. The cycle storage shall be made available prior to occupation and shall be retained thereafter.

REASON: To ensure the satisfactory provision of safe cycle storage facilities, to provide facilities for all the users of the site and in the interests of highway safety and sustainable transport, in accordance with policy T5 of The London Plan 2021 and policy DM 42 of the Harrow Development Management Policies. This is a PRE-COMMENCEMENT condition.

- Prior to commencement of the development, a revised car parking layout shall be submitted to and approved in writing by the local planning authority.

REASON: To ensure the satisfactory provision of car parking spaces to provide facilities for all the users of the site and in the interests of highway safety and sustainable transport, in accordance with policy T6 of The London Plan 2021 and policy DM 42 of the Harrow Development Management Policies. This is a PRE-COMMENCEMENT condition.

Drainage Authority:

No objection, however, adjacent roads are within Surface Water Floodzone 3a. Occupiers/users should be aware of the emergency planning information and safe evacuation route.

Council's Conservation Officer:

No objection

5.0 **POLICIES**

5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that:

'If regard is to be had to the Development Plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the Plan unless material considerations indicate otherwise.'

5.2 The Government has issued the National Planning Policy Framework [NPPF 2021] sets out the Government's planning policies for England and how these should be applied and is a material consideration in the determination of this application.

5.3 In this instance, the Development Plan comprises The London Plan 2021 [LP] and the Local Development Framework [LDF]. The LDF comprises The Harrow Core Strategy 2012 [CS], Harrow and Wealdstone Area Action Plan 2013 [AAP], the Development Management Policies Local Plan 2013 [DMP], the Site Allocations Local Plan [SALP] 2013 and Harrow Local Area Map 2013 [LAP].

5.4 A full list of all the policies used in the consideration of this application is provided as Informative 1.

6.0 ASSESSMENT

6.1 The main issues are:

- Principle of the Development
- Heritage and Conservation / Character and Appearance
- Residential Amenity
- Traffic, Parking, Impact to the Highway
- Development and Flood Risk
- Fire safety

6.2 Principle of Development

6.2.1 The relevant policies are:

- The National Planning Policy Framework (2021)
- The London Plan (2021): H8, S1
- Harrow Development Management Policies (2013): DM46

6.2.2 Policy H8.A of the London Plan (2021) states loss of existing housing should be replaced by new housing at existing or higher densities with at least the equivalent level of overall floorspace.

6.2.3 The proposal seeks to change the use of the application property from a single family dwellinghouse (Use Class C3) to a charity use with private events by invitation only with ancillary accommodation (Sui Generis). The proposal would change the use of the existing dwellinghouse (no extension or alterations) via internal alterations. On the ground floor the dining room is to be used as a meeting room for the charity use, whilst the living room is to be divided into a meditation/yoga room and a reading room. The first floor is to remain as existing.

6.2.4 It is acknowledged the proposal would retain a functional form of living accommodation with the proposal converting existing residential (C3) floor space to the Sui Generis use whilst maintaining other habitable rooms. As such the layout implies it would be possible to retain a function akin to that of a single family dwellinghouse (Use Class C3) with much of the proposed use operating via the alterations on the ground floor and reverting to a use akin to a dwelling when not in use. However, it has to be noted the accommodation aspect of the use is ancillary to the charity use of the site where the site's primary use is to be that of accommodating the activities of a charity. Therefore, there is significant policy resistance from H8 of the London Plan (2021) and it is considered that this is a significant objection in principle which would not be outweighed by other policy support/considerations. In any case the other relevant policies have been assessed below.

- 6.2.5 Policy DM46.B of the DMP (2013) seeks to support the provision of new community, sport and educational facilities where:
- a. they are located within the community they intend to serve;
 - b. subject to (a) they are safe and located in an area of good public transport accessibility or in town centres; and
 - c. there would be no adverse impact on residential amenity or highway safety

Policy DM46.E goes on to state proposals that would compromise any component of the policy (listed above) will be refused.

- 6.2.6 Notwithstanding the above, the Design and Access Statement states the Gaur Govinda Trust seeks to advance the Hindu religion in the UK for the benefit of the public through the holding of prayer meetings, lectures, public celebration of religious festivals and producing and/or distributing literature on Hinduism to enlighten others about the Hindu religion. The use would pertain to any and all activities associated with the charity (including operational functions) with some aspects of the use being “private events by invitation only”. This is also outlined in the management plan submitted in January 2023. It is considered the private aspect of the use convolutes as to how the use can be considered to be a community use with information on its activities and the numbers of those using it being limited and intermittent. Therefore, even if the criteria of DM46 could be met, it is not considered it would provide significant policy support.
- 6.2.7 In relation to criteria a (see paragraph 6.2.6) the supporting information has stated the use would be serving the Hindu population citing that 25% of the population of Harrow are of Hindu faith and that 18% of the population within Canons are Hindu. However, this is not evidence of demand from a particular community, and it has not been evidenced what specific number of people within the locality or Harrow would be utilising the site. The submitted management plan also fails to detail the demand for the use from a particular community and reiterates the operation hours and activities in more detail.
- 6.2.8 An aerial map has been provided detailing three alternative sites which have also been addressed in paragraph 4.2.9 - 4.2.13 of the planning statement. Two of these sites are temples whilst the other is a school. The reasoning is limited as to why these sites cannot be used but it does appear reasonable (particularly as paragraph 4.2.10 of the planning statement states the temples are attended by the Gujrati community which is different to the applicant). However, this has only inferred that the Gujrati community is not the intended community the location would serve and there is no further information regarding the demand from a community the proposed use intends to serve.
- 6.2.9 The aerial map has shown a 15-minute walking radius from the site and has stated that many of the visitors for the proposed site are elderly and cannot walk for long distances. This indicates that the applicant is aware of specific individuals of the community the use intends to serve but again has not

shown (geographically or otherwise) how the proposal is sited in relation to this community – particularly as the walking spans across multiple postcodes and the radius infers that individuals within it cannot walk to the site. Reference is made to the site being within the HA8 postcode (and that the HA7 facilities are inappropriate). 12 representations of support have been received from individuals within the HA8 postcode (including a petition of support) however, it is not clear if these representations are from those of the community intended to be served by the proposal as largely comments only make general reference to the presence of the charity being beneficial to the area and its activities (do not explicitly identify who would use it). It is considered the proposal would not meet criteria a of DM Policy 46.

- 6.2.10 In relation to criteria b (see paragraph 6.2.6), the application site is within a PTAL 3 area, and the Highways Authority have stated the location has good transport links, walking, and cycling facilities. No objection was previously raised by the highway's authority on highway safety grounds and as such it is considered criteria B of DM46 would be met. Impacts to the highway have been further assessed in section 6.5 of the report.
- 6.2.11 Criteria c (see paragraph 6.2.6) states proposals are capable of support where there would be no adverse impact on residential amenity (in accordance with DM1). As discussed in Section 6.4 of the report, insufficient information has been provided to fully ascertain the impacts of the proposal in relation to neighbouring amenities and as such it has not been demonstrated there would be no adverse impacts as required by policy DM46.B(c).
- 6.2.12 Therefore, it cannot be considered there is policy support from the proposal arising from Policy DM 46 as two of its criteria cannot be met. The applicant's policy statement has referenced Policy S1 of the London Plan (2021) which states that community uses should be directed to town centres or high streets. The supporting text to this policy goes on to state that voluntary and community groups often find difficulty in finding premises suitable for their need which the statement has emphasised. However, it should be noted the same paragraph in the London Plan goes onto state that unused or under used facilities should also be brought into use. The supporting information has provided some information concerning inappropriate existing facilities within the area, but no information has explored locations within the town centres/high streets within the London Borough of Harrow. The current proposal is not in a town centre of a high street, and it is considered this policy do not support the proposal.
- 6.2.13 To summarise, the loss of the dwellinghouse would not be outweighed by any other policy support within the Local Development Plan and the application should be refused in principle.

6.3 Heritage and Conservation / Character, Appearance and Design

- 6.3.1 The relevant policies are:

- The National Planning Policy Framework (2021)
- The London Plan (2021): D3, HC1
- Harrow Development Management Policies (2013): DM1, DM7
- Harrow's Core Strategy (2012): CS1
- Supplementary Planning Document Residential Design Guide (2010)

6.3.2 The Council's Conservation Officer and CAAC have previously raised no objection to the proposal on grounds of its impact to the neighbouring conservation area. The proposal does not consist of any external alterations or extensions to the property. The proposal is for a change of use. The locality features properties which have been partly converted to provide service/commercial functions as well as a habitable function including the attached neighbour. Furthermore, non-residential uses are apparent to the west of the site. Therefore, the proposal retaining the visual appearance of a semi-detached dwellinghouse would have an acceptable impact to the street scene and pattern of development in the area

6.3.3 As such, the proposal is acceptable in terms of its impact to heritage and conservation and character and appearance.

6.4 Residential Amenity

6.4.1 The relevant policies are:

- The National Planning Policy Framework (2021)
- The London Plan (2021): D3, D13, D14
- Harrow Development Management Policies (2013): DM1, DM46
- Harrow's Core Strategy (2012): CS1
- Supplementary Planning Document Residential Design Guide (2010)

Impact of Development on Neighbouring Amenity

Impacts on No.225 Whitchurch Lane

6.4.2 The supporting planning statement states the proposed use would be shared with the normal function of the dwellinghouse. The presence of three trustees living on site would in itself result in a use profile akin to the existing Use Class C3 single family dwellinghouse (where up to 6 persons could live). However, the functionality of the premises providing accommodation is ancillary to its main use and assessment of the other activities is required.

6.4.3 The information provided states that up to 12 people could utilise the charity venue at one time for a class pertaining to spiritual matters. It is acknowledged this is by invitation only and twice a week at varying times between the 6-8pm on weekdays and 10:30am – 3:30pm on weekends. However, the document also states that up to three counselling sessions

could occur each day for an individual or singular family. Following the Planning Committee decision to defer this case on 7th September 2022 a officers held a meeting with the applicants to discuss the change of use on 8th November 2022 and officers recommended the submission of a management plan. The submitted management plan reiterates the above, outlining the activities in some more detail along with timing and numbers of individuals. The applicant fails to provide any noise report and noise and vibration mitigation measures.

- 6.4.4 As previously stated the change of use (if granted) would authorise all activities associated with a 'charity use'. The information notes the charity carries out more activities than classes and counselling (see paragraph 2.4). Within the supporting information, this is indicated to include (but not limited to) yoga and public celebration of Hindu holidays, no further or explicit information regarding the extent of all activities that the 'charity use' would entail, or their intensity and length of time, has been provided.
- 6.4.5 Policies D13 and D14 of the London Plan (2021) emphasises the 'Agent of Change' principle which as per paragraph 3.13.1 of the London Plan (2021) states 'works both ways. As such, where a new use is being introduced, the responsibility of mitigating impacts falls upon the proposed use being introduced. The locality is largely residential in character with no.225 Whitchurch Lane being the attached semi-detached neighbour
- 6.4.6 No.225 is a Use Class C3 dwellinghouse sharing a party wall with the application site. It is acknowledged the neighbouring property features an acupuncture and Chinese medicine clinic. However, it is emphasised no.225 has attained a Certificate of Lawfulness (CoL) to operate the clinic within a side extension for 15 hours a week. The CoL was granted as it was deemed the presence of the clinic would not materially change the use of the dwellinghouse. The submitted information has stated the attached neighbour does not operate the clinic in this manner and therefore, there would be no impingement upon the residential amenities of the neighbouring property (as its use is no longer a 'noise sensitive' residential premises). However, the lawful use of the neighbouring property is as a Use Class C3 Single Family Dwellinghouse. If the use of the neighbouring property has changed this is a matter for planning enforcement to investigate. However, the LPA has no evidence this use has changed and therefore, it is considered the demonstration of mitigation and management of potential noise and general disturbance which could be generated by the nature of the proposed use is required.
- 6.4.7 The potential noise generation from a gathering of 12 or more persons within the property or/and associated with other activities is not currently established in the area. As such, this would be of a significantly incongruous nature to the existing relationships between residential properties and commercial / service properties on a regular basis. The applicant has not provided a noise report or other information to support the application has been submitted. Whilst details of the extent of the activities carried out within the application site (which would require the overall change of use of the site)

has been submitted in the management plan it is considered the applicant has not adequately demonstrated the proposal can be mitigated in relation to the noise transference/general disturbance which could arise from the proposed use.

- 6.4.8 It is acknowledged the submitted information has stated sound proofing could be conditioned. However sound proofing of the property would not address the potential noise generation from the activities associated with comings and goings and general disturbance, it cannot be concluded that this would be sufficient to fully mitigate the proposal. Likewise, it cannot be concluded that reducing opening hours would address this issue.
- 6.4.9 Finally, it should be noted that Planning Enforcement have stated the enforcement of conditions regarding the hours of operation, number of attendees (and their attendance by invitation) and use of the external spaces (where a residential use is maintained) is difficult to enforce, and it is considered that the imposition of conditions to mitigate any disturbances should not be substituted for onsite mitigation.

Impacts on No.2 Donnefield Avenue

- 6.4.10 No.2 Donnefield Avenue adjoins the rear site boundary (approx. 22m from the rear building line of the existing property at no.227 Whitchurch Lane). Whilst the impacts to no.2 Donnefield Avenue would ultimately be less than those to no.225 due to the distance from the application site, the inability to ascertain the degree or intensity of potential disturbance from the proposed use, does not adequately demonstrate the impact to the residential amenities of no.2 Donnefield Avenue would be acceptable.
- 6.4.11 Overall, the application seeks to change the use of the dwellinghouse on site, and the new information provided is not sufficient to demonstrate that the proposal would not result in any impacts of significant detriment over and above the existing C3 dwellinghouse use. The onus for mitigating any adverse impacts would be solely for the applicant to demonstrate as required by Policy D13 of the London Plan (2021). In the absence of the level of harm (or lack thereof) and any mitigation measures, it is not clear how any impacts to neighbouring residential amenities would be mitigated and the reason for refusal reflects this.

6.5 Traffic, Parking and Accessibility

6.5.1 The relevant policies are:

- The National Planning Policy Framework (2021)
- The London Plan (2021): T5, T6, T6.4
- Harrow Development Management Policies (2013): DM42
- Harrow's Core Strategy (2012): CS1

- 6.5.2 The proposal would provide 6 on-site parking spaces. The Council's Highways Authority have stated there is no objection to the proposal as subject to conditions it is unlikely to result in a severe harmful impact to the surrounding highway network. The Highways Authority considers the parking requirements of Policy T6.4 to be the most relevant to the proposal (as the requirements for a sui generis use of the proposed nature are not apparent in the London Plan (2021)). This policy requires proposals with PTAL levels between 0-3 to be consistent with a healthy streets approach, mode share and active travel prospects. The proposal with 6 spaces is excessive considering the good facilities in the area. As such a single space for the residential element, a disabled parking space, along with two standard spaces for visitors (four in total) would be more reasonable to meet this approach and accommodate the proposed use.
- 6.5.3 This reasoning is based on the Mayors Transport Strategy targets with roughly 75% being made via sustainable transport modes and the typical group of patrons using the site (as per the planning statement). Had other aspects of the scheme been acceptable this could have been addressed by way of planning condition requiring a revised car parking layout to be provided prior to commencement of the proposed use.
- 6.5.4 Furthermore, the proposal fails to provide any cycle storage to comply with policy T5 of the London Plan (2021). This could also have been addressed by way of condition requiring details of siting and design of cycle storage to be provided in accordance with London Plan (2021) standards.
- 6.5.5 Had other aspects of the scheme been acceptable, subject to conditions, the proposal would not be of significant detriment to the highway network and would be appropriate in relation to existing transport services and thus would comply with the relevant policies with regard to traffic, parking and accessibility.

6.6 Development and Flood Risk

6.6.1 The relevant policies are:

- The National Planning Policy Framework (2021)
- The London Plan (2021): SI 12, SI 13
- Harrow Development Management Policies (2013): DM9, DM10
- Harrow's Core Strategy (2012): CS1

6.6.2 The application site is not in a Floodzone. However, the neighbouring road, Whitchurch Lane and Donnefield Avenue are within Surface Water Floodzone 3a. The Drainage Authority have stated the occupiers and patrons of the proposed use should be made aware of the emergency planning information and safe evacuation route. Had other aspects of the proposal been acceptable, an informative would have been attached to this effect.

6.7 Fire Safety

6.7.1 The relevant policies are:

- The London Plan (2021): D12

6.7.2 Part A of Policy D12 of the London Plan (2021) requires the demonstration of suitably positioned and unobstructed space for fire appliances and evacuation assembly points, and that developments ensure robust strategies for evacuation are in place as well as confirmation of the fire-fighting water supply. Limited information has been provided in the supporting documentation to address this policy. However, had other aspects of the proposal been acceptable, a pre-occupation condition to provide these details for the LPA consideration and approval, would have been included in the decision notice. This would have addressed the policy requirements of Policy D12.A. of the London Plan.

7.0 CONCLUSION AND REASONS FOR REFUSAL

7.1 The proposed change of use would result in the loss of a single family dwellinghouse (Use Class C3) which would result in a reduction of the borough's housing stock. The proposal is therefore contrary to policy H8 of the London Plan (2021).

7.2 Notwithstanding the above, insufficient information has been provided to demonstrate that the proposed development would be located within the community it intends to serve and would not result in an adverse impact to neighbouring residential amenities through unacceptable levels of general disturbance. The proposal is therefore contrary to Policies D3.D(9), D13 and D14 of the London Plan (2021), and Policies DM 1 and DM 46 of the Harrow Development Management Policies Local Plan (2013).

7.3 For the above reasons, weighing up the development plan policies and proposals, and other material considerations including comments received in response to notification and consultation as set out above, this application is recommended for refusal.

Informatives

1 Policies

The following policies are relevant to this decision:

The National Planning Policy Framework 2021

London Plan 2021: S1, HC1, H8, D3, D12, D13, D14. T5, T6, T6.4

The Harrow Core Strategy 2012: CS1

Harrow Development Management Policies Local Plan 2013: DM1, DM7, DM10, DM42, DM46

2 Pre-application engagement



Statement under Article 35(2) of The Town and Country Planning (Development Management Procedures) (England) Order 2015. This decision has been taken in accordance with paragraphs 39-42 of The National Planning Policy Framework. Harrow Council has a pre-application advice service and actively encourages applicants to use this service. Please note this for future reference prior to submitting any future planning applications.

Planning Statement dated May 2022, Design and Access Statement, Heritage Impact Statement dated 02/05/2022, 268-04-COU-A.01, 268-04-COU-A.02, 268-04-COU-A.03, 268-04-COU-A.04, 268-04-COU-A.05, 268-04-COU-A.06, 268-04-COU-A.07, 268-04-COU-A.08, supporting document - letter by Cohanim Architecture dated 01/06/2022, Letter of Rebuttal by Cohanim Architecture dated 12/07/2022, Aerial map outlining local uses, site location plan, aerial map - showing nearest facilities catering to the Hindu Faith, Management Plan dated 09/01/2023 – ref: 268-CA-MP/C01.

Plan nos: Planning Statement dated May 2022, Design and Access Statement, Heritage Impact Statement dated 02/05/2022, 268-04-COU-A.01, 268-04-COU-A.02, 268-04-COU-A.03, 268-04-COU-A.04, 268-04-COU-A.05, 268-04-COU-A.06, 268-04-COU-A.07, 268-04-COU-A.08, supporting document - letter by Cohanim Architecture dated 01/06/2022, Letter of Rebuttal by Cohanim Architecture dated 12/07/2022, Aerial map outlining local uses, site location plan, aerial map - showing nearest facilities catering to the Hindu Faith,

Management Plan dated 09/01/2023 – ref: 268-CA-MP/C01.

CHECKED

 Orla Murphy Head of Development Management 2 nd March 2023	 Viv Evans Chief Planning Officer 2 nd March 2023
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APPENDIX 1: SITE PLAN



APPENDIX 2: SITE PHOTOGRAPHS





APPENDIX 3: PLANS AND ELEVATIONS

Existing Ground Floor Plan



Existing 1st Floor Plan



Existing Elevations



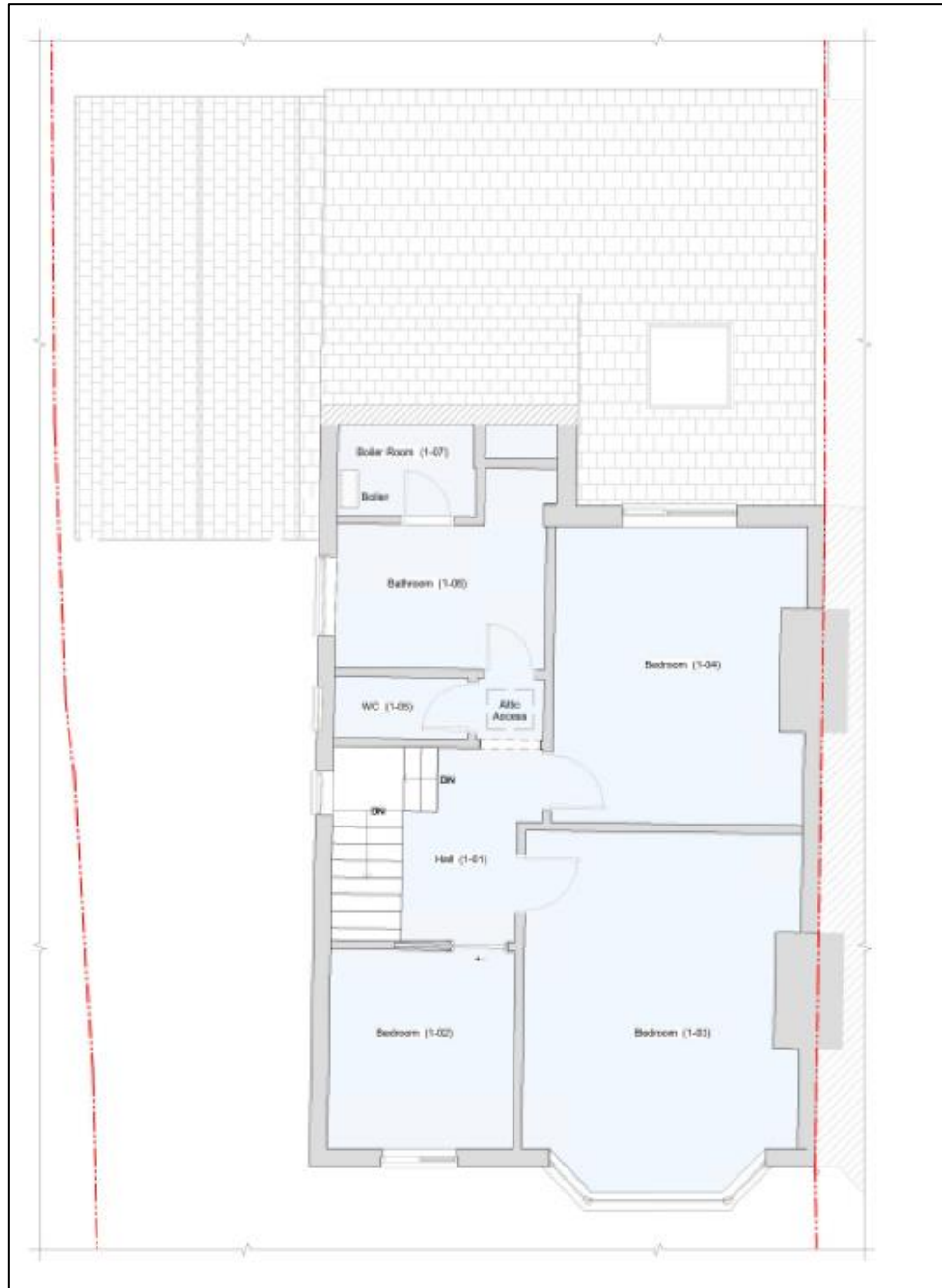
Proposed Site Plan



Proposed Ground Floor Plan



Proposed 1st Floor Plan



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