



**DEVELOPMENT CONTROL
COMMITTEE
WEDNESDAY 9 NOVEMBER 2005
7.30 PM**

COMMITTEE AGENDA

**COMMITTEE ROOMS 1 & 2,
HARROW CIVIC CENTRE**

MEMBERSHIP (Quorum 3)

Chair: Councillor Anne Whitehead

Councillors:

**Bluston
Choudhury
Idaikkadar
Miles**

**Marilyn Ashton (VC) Thornton
Mrs Bath
Billson
Janet Cowan
Mrs Joyce Nickolay**

Reserve Members:

1. Ismail
2. Blann
3. Thammaiah
4. Mrs R Shah
5. O'Dell

1. Kara
 2. Arnold
 3. Seymour
 4. John Nickolay
 5. Versallion
1. Branch

**Issued by the Democratic Services Section,
Legal Services Department**

**Contact: Kate Boulter, Committee Administrator
Tel: 020 8424 1269 E-mail: kate.boulter@harrow.gov.uk**

***NOTE FOR THOSE ATTENDING THE MEETING:
IF YOU WISH TO DISPOSE OF THIS AGENDA, PLEASE LEAVE IT BEHIND AFTER THE MEETING.
IT WILL BE COLLECTED FOR RECYCLING.***

HARROW COUNCIL

DEVELOPMENT CONTROL COMMITTEE

WEDNESDAY 9 NOVEMBER 2005

AGENDA - PART I

Guidance Note for Members of the Public Attending the Development Control Committee (Pages 1 - 2)

1. **Attendance by Reserve Members:**

To note the attendance at this meeting of any duly appointed Reserve Members.

Reserve Members may attend meetings:-

- (i) to take the place of an ordinary Member for whom they are a reserve;
- (ii) where the ordinary Member will be absent for the whole of the meeting; and
- (iii) after notifying the Chair at the start of the meeting.

2. **Right of Members to Speak:**

To agree requests to speak from Councillors who are not Members of the Committee, in accordance with Committee Procedure 4.1.

3. **Declarations of Interest:**

To receive declarations of personal or prejudicial interests, arising from business to be transacted at this meeting, from all Members present.

4. **Arrangement of Agenda:**

(a) To consider whether any item included on the agenda should be considered with the press and public excluded because it contains confidential information as defined in the Local Government (Access to Information) Act 1985;

(b) to receive the addendum sheets and to note any applications which are recommended for deferral or have been withdrawn from the agenda by the applicant.

Enc. 5. **Minutes:** (Pages 3 - 16)

That it be agreed that, having been circulated, the Chair be given authority to sign the minutes of the meeting held on 11 October 2005 as a correct record once they have been printed in the Council Bound Minute Volume.

6. **Public Questions:**

To receive questions (if any) from local residents/organisations under the provisions of Committee Procedure Rule 18 (Part 4B of the Constitution).

7. **Petitions:**

To receive petitions (if any) submitted by members of the public/Councillors.

8. **Deputations:**
To receive deputations (if any) under the provisions of Committee Procedure Rule 16 (Part 4B) of the Constitution.
9. **References from Council and other Committees/Panels:**
To receive references from Council and any other Committees or Panels (if any).
10. **Representations on Planning Applications:**
To confirm whether representations are to be received, under Committee Procedure Rule 17 (Part 4B of the Constitution), from objectors and applicants regarding planning applications on the agenda.
11. **Planning Applications Received:**
Report of the Group Manager (Planning and Development) - circulated separately.

[Note: Officer reports for the following planning applications were not available at the time the agenda was printed, and have been marked 'to follow' on the Planning Applications list. Officer reports will be circulated before the meeting:

- Item 1/03: 74 Uxbridge Road, Harrow Weald
- Item 1/04: Royal National Orthopaedic Hospital, Brockley Hill, Stanmore].

- Enc. 12. **Planning Appeals Update:** (Pages 17 - 20)
Report of the Group Manager (Planning and Development).

FOR INFORMATION

- Enc. 13. **Enforcement Notices Awaiting Compliance:** (Pages 21 - 26)

FOR INFORMATION

- Enc. 14. **875 Field End Road, Harrow:** (Pages 27 - 34)
Report of the Group Manager Planning and Development.

- Enc. 15. **16A Whitchurch Lane, Kenton:** (Pages 35 - 42)
Report of the Group Manager Planning and Development.

- Enc. 16. **79 Pinner Hill Road, Pinner:** (Pages 43 - 58)
Report of the Group Manager Planning and Development.

17. **Hill House, 7 Mount Park Road, Harrow on the Hill:** (Pages 59 - 66)
Report of the Group Manager (Planning and Development).

- Enc. 18. **102, 104 and 106 High Street, Harrow on the Hill:** (Pages 67 - 116)
At its meeting on 11 October 2005 the Development Control Committee received a report of the Group Manager (Planning and Development), and an associated confidential report which detailed Counsel's Opinion, in this matter. The Committee resolved to defer consideration of the report to enable officers to notify complainants that the matter would be considered at the next meeting of the Committee.

The report of the Group Manager (Planning and Development) and Counsel's Opinion is provided again for consideration.

[Note: The report detailing Counsel's Opinion may be found in Part II of the agenda (below)].

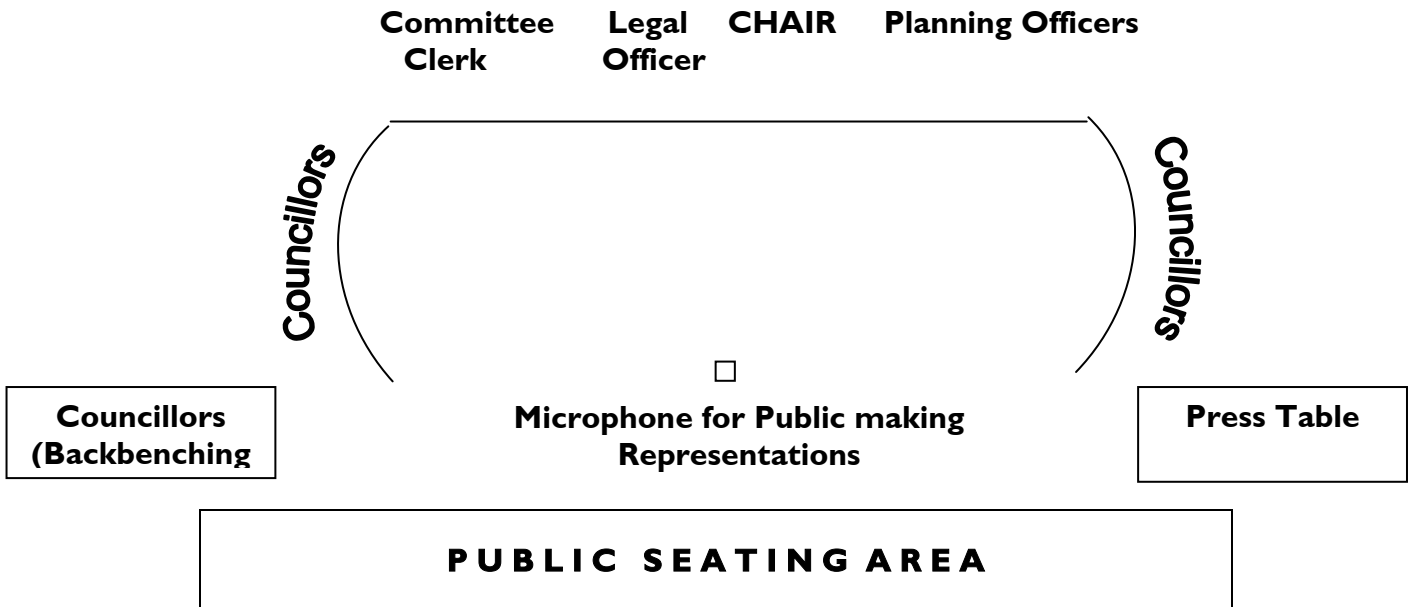
19. **Any Other Urgent Business:**
(which the Chair has decided is urgent and cannot otherwise be dealt with).

AGENDA - PART II (PRESS AND PUBLIC EXCLUDED)

- Enc. 20. **102, 104 and 106 High Street, Harrow on the Hill:** (Pages 117 - 132)
Counsel's Opinion.

**GUIDANCE NOTE FOR MEMBERS OF THE PUBLIC
ATTENDING THE DEVELOPMENT CONTROL COMMITTEE**

Committee Room Layout



Order of Committee Business

It is the usual practice for the Committee to bring forward, to the early part of the meeting, those planning applications where notice has been given that objectors wish to speak, or where members of the public have come to hear the debate.

You will find a slip of paper on your seat for you to indicate which item you have come for. This should be handed to the Committee Administrator prior to the start of the meeting.

Although the Committee will try to deal with the application which you are interested in as soon as possible, often the agendas are quite long and the Committee may want to raise questions of officers and enter into detailed discussion over particular cases. This means that you may have to wait some time. The Committee normally adjourns around 9.00 pm for a short refreshment break for Members.

Rights of Objectors/Applicants to Speak at Development Control Committees

Please note that objectors may only speak when they have given 24 hours notice. In summary, where a planning application is recommended for grant by the Chief Planning Officer, a representative of the objectors may address the Committee for up to 3 minutes.

Where an objector speaks, the applicant has a right of reply.

Planning Services advises neighbouring residents and applicants of this procedure.

The Development Control Committee is a formal quasi-judicial body of the Council with responsibility for determining applications, hence the need to apply rules governing the rights of public to speak. Full details of this procedure are also set out in the "**Guide for Members of the Public Attending the Development Control Committee**" which is available in both the Environmental Information Centre and First Floor Reception or by contacting the Committee Administrator (tel 020 8424 1269). This guide also provides useful information for Members of the public wishing to present petitions, deputations or ask public questions, and the rules governing these procedures at the Development Control Committee.

Addendum Sheet

In addition to this agenda, an Addendum Sheet is produced on the day of the meeting. This updates the Committee on any additional information received since the formal agenda was published and also identifies any applications which have been withdrawn by applicants or which officers are recommending for deferral. Copies of the Addendum are available for the public in the Committee Room from 6.30 pm onwards.

Decisions taken by the Development Control Committee

Set out below are the types of decisions commonly taken by this Committee

Refuse permission:

Where a proposal does not comply with the Council's (or national) policies or guidance and the proposal is considered unacceptable, the Committee may refuse planning permission. The applicant can appeal to the Secretary of State against such a decision. Where the Committee refuse permission contrary to the officer recommendation, clear reasons will be specified by the Committee at the meeting.

Grant permission as recommended:

Where a proposal complies with the Council's (or national) policies or guidance and the proposal is considered acceptable, the Committee may grant permission. Conditions are normally imposed.

Minded to grant permission contrary to officer's recommendation:

On occasions, the Committee may consider the proposal put before them is acceptable, notwithstanding an officer recommendation of refusal. In this event, the application will be deferred and brought back to a subsequent meeting. Renotification will be carried out to advise that the Committee is minded to grant the application.

Defer for a site visit:

If the Committee decides that it can better consider an application after visiting the site and seeing the likely impact of a proposal for themselves, the application may be deferred until the next meeting, for an organised Member site visit to take place.

Defer for further information/to seek amendments:

If the Committee considers that it does not have sufficient information to make a decision, or if it wishes to seek amendments to a proposal, the application may be deferred to a subsequent meeting.

Grant permission subject to a legal agreement:

Sometimes requirements need to be attached to a planning permission which cannot be dealt with satisfactorily by conditions. The Committee therefore may grant permission subject to a legal agreement being entered into by the Council and the Applicant/Land owner to ensure these additional requirements are met.

(Important Note: This is intended to be a general guide to help the public understand the Development Control Committee procedures. It is not an authoritative statement of the law. Also, the Committee may, on occasion, vary procedures).

REPORT OF DEVELOPMENT CONTROL COMMITTEE

MEETING HELD ON 11 OCTOBER 2005

Chair: * Councillor Anne Whitehead

Councillors: * Marilyn Ashton * Idaikkadar
* Mrs Bath * Kara (1)
* Bluston * Miles
* Choudhury * Mrs Joyce Nickolay
* Janet Cowan * Thornton

* Denotes Member present
(1) Denotes category of Reserve Member

[Note: Councillor Mrs Kinnear also attended this meeting to speak on the item indicated at Minute 991 below].

PART I - RECOMMENDATIONS - NIL

PART II - MINUTES

990. **Attendance by Reserve Members:**

RESOLVED: To note the attendance at this meeting of the following duly appointed Reserve Member:

<u>Ordinary Member</u>	<u>Reserve Member</u>
Councillor Billson	Councillor Kara

991. **Right of Members to Speak:**

RESOLVED: That, in accordance with Committee Procedure Rule 4.1, the following Councillors, who are not member of the Committee, be allowed to speak on the agenda items indicated:

Councillor Mrs Kinnear Planning Application 2/21 and main agenda item 15

[Note: Subsequently, Councillor Mrs Kinnear elected not to speak on planning application 2/21, and agenda item 15 was deferred by the Committee to enable complainants to be notified (See also Minute 992)].

992. **Declarations of Interest:**

RESOLVED: (1) To note the following declarations of interest made by Members present relating to business to be transacted at this meeting:

- (i) Planning Application 1/03 – Rooks Heath High School, Eastcote Lane, South Harrow
Councillor Miles declared a personal in the above application arising from the fact that he was an LEA governor for the school. Accordingly, he remained in the room and took part in the discussion and decision-making on this item.
- (ii) Planning Application 2/05 – 21 Little Common, Stanmore
Councillor Janet Cowan declared a personal interest in the above application in that she was acquainted with the agent for the applicant. Accordingly, she remained in the room and took part in the discussion and decision-making on this item.
- (iii) Planning Application 2/09 – Third Floor, Premier House, 1 Canning Road, Wealdstone
Councillor Anne Whitehead declared a personal in the above application arising from the fact that she worked in the building. Accordingly, she remained in the room and took part in the discussion and decision-making on this item.

- (iv) Planning Application 2/21 – 49 High Street, Harrow on the Hill
Councillor Marilyn Ashton declared that Conservative Members of the Committee had a prejudicial interest in the above application. Accordingly, Councillors Marilyn Ashton, Mrs Bath, Janet Cowan, Kara and Mrs Joyce Nickolay left the room and took no part in the discussion or decision-making on this item.
- (v) Planning Application 2/21 – 49 High Street, Harrow on the Hill
Councillor Mrs Kinnear, who was not a Member of the Committee, declared a personal interest in the above application.
- (vi) Planning Application 3/01 – Wards PH, 38/40 Lowlands Road, Harrow
Councillor Bluston declared a prejudicial interest in the above application arising from the fact that he had made representations on behalf of residents at the Licensing Panel which had determined the licensing application. Accordingly, he left the room and took no part in the discussion or decision-making on this item.
- (vii) Planning Application 3/01 – Wards PH, 38/40 Lowlands Road, Harrow
Councillor Idaikkadar declared a prejudicial interest in the above application arising from the fact that he had been Chair of the Licensing Panel which had determined the licensing application. Accordingly, he left the room and took no part in the discussion or decision-making on this item.
- (viii) Agenda item 15 – 102, 104, 106 High Street, Harrow on the Hill
Councillor Mrs Kinnear, who was not a Member of the Committee, declared a personal interest in the above agenda item.
- (ix) Agenda items 15 and 21 – 102, 104, 106 High Street, Harrow on the Hill
Councillor Marilyn Ashton declared that Conservative Members of the Committee had a prejudicial interest in the above application. Accordingly, Councillors Marilyn Ashton, Mrs Bath, Janet Cowan, Kara and Mrs Joyce Nickolay left the room and took no part in the discussion or decision-making on this item.
- (x) Agenda item 17 – Copse Farm, 2 Brookshill Cottages, Dairy Cottages, Brookshill Drive, Harrow
Councillor Anne Whitehead declared a personal interest in the above item. Accordingly, she remained in the room and took part in the discussion and decision-making on this item.
- (xi) Agenda item 17 – Copse Farm, 2 Brookshill Cottages, Dairy Cottages, Brookshill Drive, Harrow
Councillor Marilyn Ashton declared a personal interest in the above item. Accordingly, she remained in the room and took part in the discussion and decision-making on this item.

(2) that, arising from the various declarations (made on behalf of Conservative Group Members) referred to in (1) above, the Monitoring Officer be requested to clarify the position regarding the obligations of Group Membership as referred to in the Protocol for Dealing with Planning Applications and Lobbying, in light of the recommendation made by the Standards Committee's Hearing Panel on 22 June 2005.

[Note: Agenda Items 15 and 21 were subsequently deferred by the Committee to enable complainants to be notified that the report would be considered at the next meeting of the Committee].

993. **Arrangement of Agenda:**

RESOLVED: That (1) in accordance with the provisions of the Local Government (Access to Information) Act 1985, the following item/information be admitted to the agenda by reason of the special circumstances and grounds for urgency stated:

<u>Agenda Item</u>	<u>Special Circumstances/Reasons for Urgency</u>
Addendum	This contained information relating to various items on the agenda and was based on information received after the agenda's despatch. It was admitted to the agenda in order to enable Members to consider all information relevant to the items before them

- for decision.
- | | | |
|-----|--|--|
| 14. | Urgent Non-Executive Action – The Timber Carriage Public House, 19 Northolt Road, South Harrow | In order to progress the Section 106 Agreement and issue the Planning Permission. |
| 15. | 102, 104, 106 High Street, Harrow on the Hill | To report back to the Committee following a previous instruction by the Committee on a matter involving additional technical information and legal advice. |
| 16. | 354-366 Pinner Road, North Harrow | In order to progress the Section 106 Agreement and issue the Planning Permission. |
| 20. | Sage House, 319 Pinner Road – Section 106 Agreement | In order to progress the Section 106 Agreement and issue the Planning Permission. |
| 21. | 102, 104, 106 High Street, Harrow on the Hill | To report back to the Committee following a previous instruction by the Committee on a matter involving additional technical information and legal advice. |
| 23. | Common Areas at Stanmore Park | To report on progress arising from the residents' petition presented to the Committee on 7 September 2005 |
| 24. | Statutory Notification Protocol | To discuss procedure in the area at the earliest possible opportunity |
| 25. | Restructuring of the Planning Department | The restructure was already underway and the next meeting of the Committee was not until 9 November 2005 |
- and

(2) all items be considered with the press and public present, with the exception of the following item, which would be considered with the press and public excluded for the reason indicated:

<u>Agenda Item</u>	<u>Reason</u>
21. 102, 104, 106 High Street, Harrow on the Hill	The report relating to this item contained exempt information under paragraph 12(b) of Part I of Schedule 12A to the Local Government Act 1972 in that it contained legal advice.

994. **Minutes:**

RESOLVED: That the Chair be given authority to sign the minutes of the meeting held on 7 September 2005, those minutes having been circulated, as a correct record of that meeting, once printed in the Council Bound Volume.

995. **Public Questions:**

RESOLVED: To note that no public questions were put at the meeting under the provisions of Committee Procedure Rule 18.

996. **Petitions:**

RESOLVED: To note that no petitions were received at the meeting under the provisions of Committee Procedure Rule 15.

997. **Deputations:**

The Panel received a deputation from a resident of Stanmore Park, which outlined residents' concerns regarding the poor condition of the landscaping following the redevelopment of RAF Stanmore Park, Uxbridge Road, Stanmore. The depute stated that newly-planted young trees had not been looked after and had consequently died,

and that there was a stagnant pool of water on the site. The condition of the landscaping had deteriorated particularly in the last year.

Some Members of the Committee, who had visited the site, supported the depute's comments, and noted that it would be important for any corrective action to be taken quickly so as not to miss the planting period.

RESOLVED: That the Chair and Vice-Chair, on behalf of the Committee, write to the developer expressing dissatisfaction with the condition of the site.

998. **Representations on Planning Applications:**

RESOLVED: That, in accordance with the provisions of Committee Procedure Rule 17 (Part 4B of the Constitution), representations be received in respect of items 2/11 and 2/15 on the list of planning applications.

999. **Planning Applications Received:**

RESOLVED: That authority be given to the Group Manager (Planning and Development) to issue the decision notices in respect of the applications considered, as set out in the schedule attached to these minutes.

1000. **Planning Appeals Update:**

RESOLVED: That (1) Councillor Marilyn Ashton be appointed as the nominated member for the public enquiry for 19 & 21 R/O 11-29 Alexandra Avenue;

(2) the report be noted.

1001. **Enforcement Notices Awaiting Compliance:**

RESOLVED: That the report be noted.

1002. **Urgent Non-Executive Action - The Timber Carriage Public House, 19 Northolt Road, South Harrow:**

The Committee received a report of the Director of Legal Services outlining action taken following consultation with the Chair and Nominated Members of the Development Control Committee, since the meeting of the Committee held on 27 July 2005, under the Urgent Non-Executive Action Procedure.

RESOLVED: To note the following action, taken under the Urgent Non-Executive Action Procedure:

Subject: The Timber Carriage Public House, 19 Northolt Road, South Harrow

Action Proposed: To amend para 1 a) of the Development Control Committee Resolution of 15 June 2005 in respect of The Timber Carriage Public House, 19 Northolt Road (planning application 1/01) to read as follows: "...the submission and approval by the Local Planning Authority of an Affordable Housing Scheme to provide six units on the ground floor of the building as shared ownership/key worker housing...".

Reason for Urgency: The next meeting of the Development Control Committee was not until 7 September 2005. The applicant wished to commence development as soon as possible and wished to complete the Section 106 Agreement so that the planning permission could be issued.

Decision: Officer Recommendation agreed.

1003. **102, 104, 106 High Street, Harrow on the Hill:**

The Committee received a report of the Group Manager (Planning and Development) and an associated confidential report which detailed Counsel's Opinion.

RESOLVED: That (1) consideration of the report be deferred to the next meeting of the Committee; and

(2) officers be requested to notify complainants that the report would be considered at the next meeting of the Committee.

(See also Minute 991 and 992)

1004. **354-366 Pinner Road, North Harrow:**
The Committee received a report of the Group Manager (Planning and Development).
- RESOLVED:** To approve drawing no: C81-431/105D in place of the previously approved drawing no: PP1-006 Rev C.
1005. **Copse Farm, 2 Brookshill Cottages, Dairy Cottages, Brookshill Drive, Harrow:**
The Committee received a report of the Group Manager (Planning and Development).
- RESOLVED:** That the Director of Legal Services be authorised to:
- (1) issue an Enforcement Notice pursuant to Section 172 of the Town and Country Planning Act 1990 requiring:
- (i) dismantling of metal mesh fence panels and stabilising mounts
(ii) permanent removal of their constituent elements from the land.
- (i) and (ii) should be complied with within a period of one (1) month from the date on which the Notice takes effect;
- (2) issue Notices under Section 330 of the Town and Country Planning Act 1990 (as amended) as necessary in relation to the above alleged breach of planning control;
- (3) institute legal proceedings in the event of failure to:
- (i) supply the information required by the Director of Legal Services through the issue of Notices under Section 330 of the Town and Country Planning Act 1990; and/or
(ii) comply with the Enforcement Notice.
- (See also Minute 992)
1006. **56 Lake View, Edgware:**
The Committee received a report of the Group Manager (Planning and Development).
- RESOLVED:** That the Director of Legal Services be authorised to:
- (1) issue an Enforcement Notice pursuant to Section 172 of the Town and Country Planning Act 1990 requiring:
- (i) demolition of the front porch extension and canopy
(ii) permanent removal of their constituent elements from the land.
- (i) and (ii) should be complied with within a period of three (3) months from the date on which the Notice takes effect;
- (2) issue Notices under Section 330 of the Town and Country Planning Act 1990 (as amended) as necessary in relation to the above alleged breach of planning control;
- (3) institute legal proceedings in the event of failure to:
- (i) supply the information required by the Director of Legal Services through the issue of Notice under Section 330 of the Town and Country Planning Act 1990; and/or
(ii) comply with the Enforcement Notice.
1007. **Sage House, 319 Pinner Road - Section 106 Agreement:**
The Committee received a report of the Director of Legal Services.
- RESOLVED:** To extend the time for completion of the legal agreement to 31 January 2006.
1008. **Common Areas at Stanmore Park:**
(See Minute 997)
1009. **Statutory Notification Protocol:**
The Nominated Member of the Conservative Group advised the Committee that it had been brought to her attention that, in some cases, residents of properties abutting proposed development sites had not been notified that a planning application had been submitted.

RESOLVED: That the Group Manager (Planning and Development) be requested to ensure that the practice notes for notification are followed by planning staff, in particular with regard to properties that abut development sites.

1010. **Restructuring of the Planning Department:**

The Nominated Member of the Conservative Group advised the Committee that it had been brought to her attention that the Planning Department was undergoing a restructure.

RESOLVED: That the Group Manager (Planning and Development) be requested to provide a report on the proposed changes for the next meeting of the Committee.

1011. **Any Other Business:**

RESOLVED: That (1) the following sites visits be held on Saturday 29 October 2005:

9.30am - 83 Drury Road, Harrow

10.00am - Land rear of 45-51 Southfield Park, North Harrow

10.30am - Royal National Orthopaedic Hospital (RNOH), Brockley Hill, Stanmore

(2) officers be requested to arrange a further daytime visit to RNOH for Members unable to attend on 29 October 2005.

1012. **Extension and Termination of the Meeting:**

In accordance with the provisions of Committee Procedure Rule 14.2 (Part 4B of the Constitution) it was

RESOLVED: (1) At 10.00 pm to continue until 10.30 pm;

(2) at 10.30 pm to continue until 11.00 pm;

(3) at 11.00 pm to continue until 11.15 pm;

(4) at 11.15 pm to continue until 11.30 pm.

DCC schedule 11 October 2005

(Note: The meeting, having commenced at 7.30 pm, closed at 11.30 pm).

(Signed) COUNCILLOR ANNE WHITEHEAD
Chair

SECTION 1 – MAJOR APPLICATIONS

LIST NO: 1/01 **APPLICATION NO:** P/1834/05/CFU
LOCATION: 190-194 Station Road, Harrow
APPLICANT: Design West Architectural for Scan Corporation Ltd
PROPOSAL: Extensions and alterations to provide a part 3/part 4 storey building, restaurant (A3 use) at ground floor, 13 flats at 1st, 2nd and 3rd floors
DECISION: WITHDRAWN at applicant's request.

LIST NO: 1/02 **APPLICATION NO:** P/1783/05/CFU
LOCATION: Greek Orthodox Church, Kenton Road, Kenton
APPLICANT: Koupparis Associates for Trustees of St Panteleimon
PROPOSAL: Replacement church with detached single/2 storey playgroup/community building at rear, access, parking (revised)
DECISION: GRANTED permission in accordance with the development described in the application and submitted plans, subject to the conditions and informatives reported.

LIST NO: 1/03 **APPLICATION NO:** P/1589/05/CLA
LOCATION: Rooks Heath High School, Eastcote Lane, South Harrow
APPLICANT: Howard Fairbairn & Partners for Harrow Council
PROPOSAL: Part single/part two storey building with glazed link at Eastcote Lane frontage of site
DECISION: GRANTED permission in accordance with the development described in the application and submitted plans, subject to the conditions and informatives reported, and the additional informative set out in the Addendum.

(See also Minute 992)

SECTION 2 – OTHER APPLICATIONS RECOMMENDED FOR GRANT

LIST NO: 2/01 **APPLICATION NO:** P/1627/05/CVA
LOCATION: 383 Station Road, Harrow
APPLICANT: Four in One
PROPOSAL: Variation of Condition 3 of Permission LBH/38315 to allow opening 11:00 to 02:00 Sunday to Wednesday and 11:00 to 02:00 Thursday to Saturday
DECISION: GRANTED variation in accordance with the development described in the application and submitted plans, subject to the condition and informative reported.

LIST NO: 2/02 **APPLICATION NO:** P/1493/05/DFU
LOCATION: Freshfields, 12 Reenglass Road, Stanmore
APPLICANT: Mance Design & Architecture for Mr Nilesh Shah
PROPOSAL: 1st floor extension to provide two storey house, single and 2 storey rear extension, front porch, alterations to elevations (revised)
DECISION: GRANTED permission in accordance with the development described in the application and submitted plans, subject to the conditions and informatives

reported.

LIST NO: 2/03 **APPLICATION NO:** P/1711/05/CLA
LOCATION: Roxbourne Middle School, Torbay Road, Harrow
APPLICANT: Urban Living Department for People First Department
PROPOSAL: Single storey extension to existing detached building
DECISION: GRANTED permission in accordance with the development described in the application and submitted plans, subject to the conditions and informatives reported.
 [Note: The Committee noted the correction to the location address, as set out in the Addendum].

LIST NO: 2/04 **APPLICATION NO:** P/1917/05/CFU
LOCATION: 15-21 Headstone Drive, Harrow
APPLICANT: Pearson Associates for Valuetimes Ltd
PROPOSAL: Change of use of 1st, 2nd & 3rd floors to alternative, either offices (B1) or healthcare (D1). Alterations to parking.
DECISION: GRANTED permission in accordance with the development described in the application and submitted plans, subject to the conditions and informatives reported.
 [Note: The Committee noted the amendment to the site description, as set out in the Addendum].

LIST NO: 2/05 **APPLICATION NO:** P/1770/05/CFU
LOCATION: 21 Little Common, Stanmore
APPLICANT: Abe Hayeem for B & M Isaacs
PROPOSAL: Rear conservatory with retractable roof
DECISION: GRANTED permission in accordance with the development described in the application and submitted plans, subject to the conditions and informatives reported.
 (See also Minute 992)

LIST NO: 2/06 **APPLICATION NO:** P/944/05/DFU
LOCATION: 120 Old Church Lane, Stanmore
APPLICANT: P Witham, ADT Consultants Ltd for Mr Hasnaini
PROPOSAL: Replacement two storey house with accommodation in roof
DECISION: GRANTED permission in accordance with the development described in the application and submitted plans, subject to the conditions and informatives reported.

LIST NO: 2/07 **APPLICATION NO:** P/1942/05/CFU
LOCATION: Centenary Park Pavilion, Stanmore
APPLICANT: T P Bennett for Metropolitan Police, Harrow
PROPOSAL: Alterations and change of use from pavilion (class D2) to police office (class

B1)

DECISION: GRANTED permission in accordance with the development described in the application and submitted plans, subject to the conditions and informatives reported.

LIST NO: 2/08 **APPLICATION NO:** P/1591/05/DFU
LOCATION: Land R/O 47- 49 Gayton Road, Harrow
APPLICANT: Gillett Macleod Partnership for Mr S O'Brien
PROPOSAL: Two semi-detached bungalows, forecourt parking and access from Northwick Park Road (resident permit restricted)
DECISION: (1) GRANTED permission in accordance with the development described in the application and submitted plans, subject to the conditions and informatives reported, and the following amendment to the conditions:

Condition 8 to read:

"No development shall take place until a plan indicating the positions, design, materials and type of boundary treatment to be erected has been submitted to, and approved in writing by, the local planning authority. Such boundary treatment shall include fencing to a minimum height of 2 metres particularly along the Hanbury Court boundary. The boundary treatment shall be completed before the building(s) is/are occupied. The development shall be completed in accordance with the approved details and shall thereafter be retained.

REASON: To safeguard the amenity of neighbouring residents and the character of the locality."

(2) RESOLVED: That officers be requested to write to the residents of Hanbury Court informing them of the amendment to the conditions.

LIST NO: 2/09 **APPLICATION NO:** P/1749/05/CFU
LOCATION: 3rd floor, Premier House, 1 Canning Road, Wealdstone
APPLICANT: Adrian Salt and Pang Ltd for London Institute of Technology
PROPOSAL: Change of use of 550 sq.m. of 3rd floor from offices (class B1) to offices/educational uses (class B1/D1c)
DECISION: GRANTED variation in accordance with the development described in the application and submitted plans, subject to the conditions and informative reported.
(See also Minute 992)

LIST NO: 2/10 **APPLICATION NO:** P/1802/05/CFU
LOCATION: Green Verges, 22 Priory Drive, Stanmore
APPLICANT: The Drawing Room for Mr & Mrs Rosenberg
PROPOSAL: 2 storey side to rear extension and alterations (revised)
DECISION: GRANTED permission in accordance with the development described in the application and submitted plans, subject to the conditions and informatives reported.

LIST NO: 2/11 **APPLICATION NO:** P/1943/05/COU
LOCATION: Land rear of 45-51 Southfield Park, North Harrow
APPLICANT: Christopher Pring for Mr Drew, Dr & Mrs Marsden

PROPOSAL: Outline: Construction of five houses with access and parking

DECISION: DEFERRED at the request of the Committee to enable a Member site visit to take place before the application is considered.

[Notes: (1) Prior to discussing the above application, the Committee received representations from an objector;

(2) there was no indication that a representative of the applicant was present and wished to respond].

(See also Minute 998)

LIST NO: 2/12 **APPLICATION NO:** P/1883/05/DFU

LOCATION: 1 Butler Avenue, Harrow

APPLICANT: David R Yeaman & Associates for Mr V Ibrahim

PROPOSAL: Rear dormers and conversion to provide five flats, forecourt parking

DECISION: REFUSED permission for the development described in the application and submitted plans, for the following reasons:

(i) The additional fifth flat would have access to the communal garden which would give rise to excessive activity in a garden which, in its totality, would be shared by five units, giving rise to a loss of residential amenity to the neighbouring properties by reason of increased disturbance and general activity.

(ii) The extra unit, together with the other units, will give rise to an over intensification of the property resulting in excessive activity to the detriment of the residential amenities of the surrounding properties.

[Notes: (1) During discussion on the above item, it was moved and seconded that the application be refused. Upon being put to a vote, this was carried;

(2) the decision to refuse the application was unanimous;

(3) the Group Manager (Planning and Development) had recommended that the above application be granted].

LIST NO: 2/13 **APPLICATION NO:** P/1469/05/DFU

LOCATION: Park View, 14 Mount Park Road, Harrow

APPLICANT: Paul Archer Design Ltd for Bobby Anand

PROPOSAL: Outbuilding to provide domestic study

DECISION: GRANTED permission in accordance with the development described in the application and submitted plans, subject to the conditions and informatives reported.

[Notes: (1) During the discussion on the above item, it was moved and seconded that the application be refused for the following reason:

(i) The proposal would be out of character in the Mount Park Conservation Area and Area of Special Character and would represent an unwelcome addition to the garden area which would be at odds with the otherwise traditional buildings which characterise the area.

Upon being put to a vote, this was not carried;

(2) the substantive motion to grant the above application was carried;

(3) Councillors Marilyn Ashton and Mrs Bath wished to be recorded as

having voted against the decision to grant the application].

LIST NO: 2/14 **APPLICATION NO:** P/1701/05/CVA

LOCATION: Land at the R/O 1-3 Canada Park Parade, Columbia Avenue, Edgware

APPLICANT: Ashmount Properties Ltd

PROPOSAL: Removal of Condition 13 of Planning Permission EAST/1277/01/FUL, subject to provision of capital sum for affordable housing

DECISION: INFORM the applicant that:

(1) the proposal is acceptable subject to the provision of a unilateral undertaking under S.106 of the Town and Country Planning Act 1990 within one year (or such period as the Council may determine) of the date of the Committee decision on this application relating to:

the provision of a capital sum equivalent to 17.5% of the open market realised value of the 4 units outlined on the approved drawings prior to occupation of the four units

(2) A formal decision granting the removal of Condition 13 of Planning Permission EAST/1277/01/FUL will be issued only upon the provision by the applicant of the aforementioned legal agreement.

[Note: The Committee noted the amendment to the Recommendation, as set out in the Addendum].

LIST NO: 2/15 **APPLICATION NO:** P/1882/05/DFU

LOCATION: 83 Drury Road, Harrow

APPLICANT: Mr K Desai

PROPOSAL: Single storey rear extension

DECISION: DEFERRED at the request of the Committee to enable a Member site visit to take place before the application is considered.

[Notes: (1) Prior to discussing the above application, the Committee received representations from an objector;

(2) there was no indication that a representative of the applicant was present and wished to respond].

(See also Minute 998)

LIST NO: 2/16 **APPLICATION NO:** P/403/05/DFU

LOCATION: Amberley, 7 Clamp Hill, Stanmore

APPLICANT: Jak Design for Shaileshbhai Patel

PROPOSAL: Double garage and store at rear with access from Acacia Close

DECISION: GRANTED permission in accordance with the development described in the application and submitted plans, subject to the conditions and informatives reported, and the additional Condition set out in the Addendum.

[Note: The Committee noted the amendment to the description, as set out in the Addendum].

LIST NO: 2/17 **APPLICATION NO:** P/1712/05/CFU

LOCATION: Land R/O 71-83 Canterbury Road, North Harrow

APPLICANT: Gillett Macleod Partnership for Clearview Homes Ltd
PROPOSAL: Two detached ??? storey blocks to provide 8 terraced properties with access and parking (revised access arrangements at Allerford Court)
DECISION: DEFERRED at Committee's request to enable the Appeal Decision on the previous refusal of planning permission to be circulated to Members before considering the application.

LIST NO: 2/18 **APPLICATION NO:** P/1801/05/CFU
LOCATION: 17 Little Common, Stanmore
APPLICANT: John L Sims for Beazer Investments Ltd
PROPOSAL: Single storey side extension
DECISION: GRANTED variation in accordance with the development described in the application and submitted plans, subject to the conditions and informatives reported.

LIST NO: 2/19 **APPLICATION NO:** P/1080/05/CFU
LOCATION: 18 Brookshill Avenue, Harrow
APPLICANT: B Taylor for Mr & Mrs Hooper
PROPOSAL: Two storey side and single storey rear extension
DECISION: GRANTED variation in accordance with the development described in the application and submitted plans, subject to the conditions and informatives reported.

LIST NO: 2/20 **APPLICATION NO:** P/2005/05/CFU
LOCATION: 74 & 76 Station Road, Harrow
APPLICANT: Try Homes Ltd
PROPOSAL: Revisions to Permission P/2140/04/CFU to allow use of ground floor retail (A1), financial and professional services (A2), business (B1) or medical/health (D1)
DECISION: GRANTED permission in accordance with the development described in the application and submitted plans, subject to the conditions and informative reported.
 [Note: The Committee noted the amendment to the proposal details, as set out in the Addendum].

LIST NO: 2/21 **APPLICATION NO:** P/817/05/CFU
LOCATION: 49 High Street, Harrow on the Hill
APPLICANT: JRA Design Associates for Mr T J Harriss
PROPOSAL: Single storey rear extension and formation of roof terrace; change of use of basement/ground floor to restaurant/café and bar (class A3 and A4), alterations to rear elevation
DECISION: GRANTED permission in accordance with the development described in the application and submitted plans, subject to the conditions and informatives reported.
 (See also Minute 991 and 992)

LIST NO: 2/22 **APPLICATION NO:** P/1558/05/CLB
LOCATION: 49 High Street, Harrow on the Hill
APPLICANT: JRA Design Associates for Mr T J Harriss
PROPOSAL: Listed Building Consent: Ground floor single storey rear extension, alterations to rear elevation and internal alterations
DECISION: GRANTED Listed Building Consent in accordance with the works described in the application and submitted plans, subject to the conditions and informative reported.
(See also Minute 991 and 992)

SECTION 3 – OTHER APPLICATIONS RECOMMENDED FOR REFUSAL

LIST NO: 3/01 **APPLICATION NO:** P/1618/05/CVA
LOCATION: Wards PH, 38/40 Lowlands Road, Harrow
APPLICANT: Patrick Ward
PROPOSAL: Variation of Condition 6 of Permission E/450/02 to allow opening 10:00 to midnight Mon-Wed; 10:00 to 12:30 Thurs; 10:00 to 01:30 Fri-Sat; 11:00 to 12:30 Sun
DECISION: REFUSED permission for the variation described in the application and submitted plans for the reason and informative reported.
[Note: The Committee noted the amendment to the Appraisal, as set out in the Addendum].
(See also Minute 992)

LIST NO: 3/02 **APPLICATION NO:** P/1630/05/DCO
LOCATION: 147 Roxeth Green Avenue, South Harrow
APPLICANT: Nilesh Pankhania for Joseph Gomes
PROPOSAL: Alterations to, and retention of, covered area at rear
DECISION: REFUSED permission for the development described in the application and submitted plans for the reason and informative reported, and the following amendment to the informative:
Informative 1 to read:
“The following policies in the 2004 Harrow Unitary Development Plan are relevant to this decision: SC1, D4, D5, C16 and the development is contrary to these policies”.
[Note: The decision to refuse the application was unanimous].

SECTION 5 – PRIOR APPROVAL APPLICATIONS

LIST NO: 5/01 **APPLICATION NO:** P/2313/05/CDT
LOCATION: Signal House, Lyon Road, Harrow
APPLICANT: Marconi Apt
PROPOSAL: Determination: 6 pole-mounted roof-top antennae and 4 equipment cabins adjacent to rear car park
DECISION: REFUSED approval of details of siting/appearance for the reasons and informative reported.

LIST DATE: 24.10.2005

APPEALS BEING DEALT WITH

WRITTEN REPRESENTATIONS	APPEAL REF:	OFFICER	QUESTIONNAIRE DUE/SENT	STATEMENT DUE	SITE VISIT DATE/TIME
2 Chestnut Drive	3380	RM2	Sent 14.10.05	04.11.05	
42 Beatty Road	3381	Del (e)	Sent 24.10.05	18.11.05	
134 College Hill Road	3382	SL2	Sent 14.10.05	09.11.05	
149 High Street	3383	RB3	Sent 13.10.05	09.11.05	
25-28 Belmont Circle	3385	TEM	Sent 14.10.05	16.11.05	
209-213 Station Road, Harrow	3386	CM	Sent 14.10.05	21.11.05	
R/O 111 High Street, Wealdstone	3387	MRE	Due 27.10.05	24.11.05	
147 Harrow View, Harrow	3388	JP	Sent 26.10.05	23.11.05	
Junction Shaffesbury Avenue & Welbeck Rd	3390	COM	<i>Appeal form rec'd awaiting start date</i>		
Land outside 48 Courtenay Avenue	3391	COM	<i>Appeal form rec'd awaiting start date</i>		
159 Village Way	3392	RM2	<i>Appeal form rec'd awaiting start date</i>		
Katies Kitchen, 4 Forward Drive	3394	TEM	<i>Appeal form rec'd awaiting start date</i>		
Highway Lnd - Sudbury Hill, Opp South Hill Ave	3395	COM	<i>Appeal form rec'd awaiting start date</i>		

HEARINGS	APPEAL REF:	OFFICER	STATEMENT DUE/SENT	HEARING DATE	LOCATION
15 Gordon Avenue	3288	TW	Sent 11.04.05	14.12.05	Ping Conf. Room
7/9 Stanmore Hill	3290	AMH	Sent 13.01.05	13.12.05	Ping Conf. Room
Eastcliff, Brookshill Drive, Harrow Weald	3292	TEM	Sent 21.01.05	07.12.05	Ping Conf. Room
Harrow Hospital	3303	TW	Sent 26.01.05		
The Gardens, r/o Pinner Road	3309	TW	Sent 02.03.05		
22 Devonshire Road	3311	AMH	Sent 15.03.05		
21-23 Woodhall Drive, Pinner	3316	JH	Sent 23.03.05		
Sunningdale, London Road, Harrow on the Hill	3318	RS	Sent 07.04.05		
Timber Carriage Public House, 19 Northolt Rd	3319	RS	Sent 07.04.05		
31 Northumberland Road, North Harrow	3328	PDB	Sent 24.05.05		
	3359		Sent 30.08.05		

239 Kenton Lane, Harrow	3335	MRE	Sent 28.06.05	
R/o 32 High Street, Pinner	3338	PDB	Sent 20.07.05	
21 Church Road, Stanmore (LB & enf)	3343	AB	Sent 05.08.05	
	3320	KB	Sent 19.04.05	
85 & 87 London Rd	3351	DT	Sent 18.08.05	
56 Potter Street, Pinner	3356	OH	Sent 20.09.05	
Garages Adj to 24 and 25 Malcolm Court	3377	OH	Sent 20.10.05	
Garages adj. To 1 & 2 Malcolm Court	3378	OH	Sent 20.10.05	
8 Wakehams Hill	3389	Del (e)	<i>Appeal form rec'd awaiting start date</i>	
4 Eastcote Road	3393	RM2	<i>Appeal form rec'd awaiting start date</i>	

PUBLIC INQUIRIES	APPEAL REF:	OFFICER	STATEMENT DUE/SENT	INQUIRY DATE	LOCATION
R/O Chester Court, Sheepcote Road	3314	RS	Sent 15.03.05	21.03.06 (1 day)	C.Chamber
19 & 21 R/O 11-29 Alexandra Avenue	3375	RJS	Sent 05.10.05		
23 High Street, Wealdstone	3376	RJS	Sent 16.10.05		

APPEALS AWAITING DECISION

WRITTEN REPRESENTATIONS	APPEAL REF:	OFFICER	STATEMENT SENT	FINAL COMMENTS DUE (LPA & APPELLANT ONLY)	SITE VISIT DATE/TIME
20 Fairview Crescent, Harrow	3263	KS	05.01.05	Expired	09.05.05 @ 11:45
45 St. Margarets Avenue, South Harrow	3296	KMS	06.01.05	Expired	09.05.06 @ 11:00
19&21 & R/O 11-29 Alexandra Avenue	3300	TW	15.02.05	Expired	09.05.04 @ 10:15
133 Christchurch Avenue, Kenton	3333	ML1	16.06.05	Expired	
Land opp 102 West End Lane.	3334	RJS	22.06.05	Expired	17.08.05 @ 12.30
48 South Parade, Mollison Way	3345	AMH	29.06.05 (q)	Expired	
311a Rayners Lane, Pinner	3337	KMS	05.07.05	Expired	02.08.05 @ 12:30
146 Pinner Hill Road, Pinner	3368	RM2	09.08.05(q)	Expired	

2-4 Uppingham Avenue, Stanmore	3360	PDB	05.08.05	Expired	17.10.05 @ 13:15
9 Thorndyke Court	3357	DEL(W)	09.08.05(q)	Expired	06.10.05 @ 11:00
16 Harrow View, Harrow	3350	KMS	10.08.05	Expired	29.09.05 @ 11:30
168-178 Kenton Road, Harrow	3362	TEM	15.08.05	Expired	11.10.05 @ 09.45
3 Anselm Road, Hatch End	3353	TEM	18.08.05	Expired	11.10.05 @ 11:45
Green Verges, Priory Drive	3364	CM	23.08.05	Expired	29.09.05 @ 10:15
44-46 Radnor Road, Harrow	3365	RJS	24.08.05(q)	Expired	17.10.05 @ 15:30
25 Raynton Close, Harrow	3366	PDB	15.08.05(q)	Expired	11.10.05 @ 10:45
27 Raynton Close, Harrow	3367	PDB	15.08.05(q)	Expired	
R/o 613 Kenton Lane	3358	AMH	26.08.05	Expired	
47 Newnham Way, Kenton	3370	MRE	30.08.05 (q)	Expired	
220 Shaftesbury Avenue, Harrow	3354	KMS	06.09.05	Expired	19.10.05 @ 13:00
47 Buckingham Road	3342	MRE	06.09.05	Expired	04.10.05 @ 12:00
9 Carrington Square	3344	GW	06.09.05	29.09.05	
85 Capthorne Avenue	3369	OH	09.09.05	30.09.05	19.10.05 @ 14:30
NTL Broadcast trans stn, Gordon Ave	3371	SC	19.09.05	10.10.05	
Kenton Tel. Exchange, 9 Kenton Pk Parade	3372	CM	19.09.05	10.10.05	
S.Harrow Tel Exchange, Northolt Rd	3373	SC	19.09.05	10.10.05	
56 Lake View, Edgware	3379	MRE	19.09.05(q)	10.11.05	
77 Minehead Road	3384	PDB	25.10.05	02.12.05	

HEARINGS	APPEAL REF:	OFFICER	STATEMENT DUE/SENT	HEARING DATE	LOCATION
Portman Hall, Old Redding (enf)	3332	GDM	Sent 05.07.05	18.10.05	Plng Conf. Room

PUBLIC INQUIRIES	APPEAL REF:	OFFICER	STATEMENT DUE/SENT	INQUIRY DATE	LOCATION
102 High Street (Discontinuance Appeal)	3239	FS	Sent 04.03.05	21.06.05 (2 days)	
294 Uxbridge Road, Hatch End	3297	JH	Sent 25.01.05	01.11.05 (1 day)	C.Chamber

DECISIONS (since 01.08.05)

	APPEAL REF:	OFFICER	DECISION	DATE
32 Ashridge Gardens	3374	OH	INVALID	05.08.05
274-278 Northolt Road, South Harrow	3237	TEM	ALLOWED	10.08.05
45-51 Southfield Park, North Harrow	3248	TW	WITHDRAWN	10.08.05
50 Roxborough Park	3326	CM	DISMISSED	11.08.05
32 Ashridge Gardens	3374	OH	INVALID	05.08.05
Lnd Outside 72 Uxbridge Road, H/Weald	3336	CM	ALLOWED	30.08.05
2 Whitefriars Avenue, Wealdstone	3361	TEM	INVALID	01.09.05
Broomhill, Mount Park Road (enforcement)	3323	KB	ALLOWED	06.09.05
Junction Elms Rd and Uxbridge Rd	3346	CM	ALLOWED	13.09.05
Land o/s North Harrow Methodist Church	3347	CM	DISMISSED	13.09.05
Land o/s 2 Woodhall Avenue	3348	CM	DISMISSED	16.09.05
27 Tregenna Avenue	3301	PDB	P.ALLOWED	20.09.05
Churchill Court, 100A Roxeth Green Ave	3340 3341	PDB	ALLOWED DISMISSED	27.09.05
9-17 Manor Road, Harrow	3261	TW	ALLOWED	04.10.05
13-17 Manor Road, Harrow	3331	TW		
Garages, Summit Close, Edgware	3349	RJS	DISMISSED	05.10.05
30 Cavendish Drive	3352	SL	DISMISSED	06.10.05
The Bothy, Old Redding	3355	CM	DISMISSED	07.10.05
27 Corbins Lane	3339	OH	ALLOWED	12.10.05
25A Masons Avenue, Harrow	3250	PDB	ALLOWED	17.10.05
81 Roxeth Hill (Enforcement)	3308	RJS	DISMISSED	18.10.05
9 Bridge Street, Pinner	3363	KMS	ALLOWED	24.10.05

ENFORCEMENT NOTICES AWAITING COMPLIANCE 9 November 2005

ADDRESS	EN/LEGAL/PL. APP REF. NOS.	OFFICER	C'TTEE DATE	MEMO LEGAL	DATE SERVED	EFFECTIVE DATE	APPEAL DATES	COMPLIANCE PERIOD	COMPLIANCE DATE	NOTES
78 CECIL ROAD Demolish unauthorised structure	ENF/339/01/EAST LP/KW/PEN-12858	GDM	12-Sep-01	17-Oct-01	15-Feb-02	26-Mar-02	Yes Hearing. 19-Aug-03.	1 Month	26-Apr-02 27/9/03	Planning application received. Being determined. Refused 01-Aug-02. Legal to write to developer giving him a month to comply. Letter sent. 18.10.02. Prosecute for non-compliance. Appeal now entered against the refusal of permission held in abeyance until result. Prosecution statement with Borough Solicitor for checking. Letter for action sent by Borough Solicitor. Borough Solicitor forwarding papers to Court. Court case deferred till 7 Apr 04. Court case deferred to 28-APR-04. Court adjourned to 19 May 2004 for Committal hearing. Court issued a warrant with no bail as the defendant failed to attend. Borough solicitor to appoint investigator to provide information to the Police. Notification sent to owner at the site re Council's option to take direct action. Enf Officer to prepare prosecution statement.
482 KENTON ROAD KENTON Erection of two sheds and use of and garage for non domestic storage, BCN.	ENF/205/EAST LP/KW/PEN-13005/bw	NP	11-Sep-02	16-Sep-02 16-Jul-03	23-Jan-04			1 month		Section 330 Notices. Notice ready to be signed. One shed now removed. New Notice to be prepared. New authority now signed. Borough Solicitor preparing notice. Changes to the property require a new report to be prepared to the Development Control Committee. Borough Solicitor to serve breach of condition notice. BCN served 23 January 2004. Borough Solicitor corresponding with owners solicitor. Site visit to be carried out then Enf Officer and Borough Solicitor to discuss the likelihood of success in Court. Enf. Officer to visit.
9 WEST DRIVE GARDENS HARROW Roof alterations without planning	EAST/631/02/FUL ENF/480/02/EAST LP/MW/PEN/13018	GDM	20-Sep-02	20-Sep-02	11-Feb-03	21-Mar-03	Yes Hearing 03-Jun-03	10 months	21-Jan-04 21-Mar-04 26-APR-04	Notice to be served as soon as possible. Notice of appeal served. Appeal Dismissed Insp letter dated 20-Jun-03. Owners have offered to

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permission										do works required, starting in Sept 2004. Site inspected in Sept 04, no works carried out. Borough Solicitor sent letter before action. Enf Officer to prepare prosecution statement.
93 STANMORE HILL STANMORE New Shop front	ENF/530/02/EAST	csw	Dec-02 14-JAN-04	13-Dec-02	19-Apr-04				12-DEC-04	Notice in draft. App now received to remedy. App refused, enforcement officer pursuing investigation. Borough Solicitor preparing notice. Report to Development Control Committee on 14 Jan 2004. Borough Solicitor preparing notice. Notice served. Site visited and notice appears not to have been complied with. Enf Officer wrote to owner. Enf Officer to draft prosecution statement.
8 KENTON ROAD HARROW Use of property as 5 self contained flats	ENF/326/02/EAST	GDM	15-Jan-03	21-Jan-03						To be the subject of a report to Committee. Reported to Development Control Committee on 5 November 2003, and subject to committee decision. Planning application submitted for change of use to 5 flats, P/719/04/DFU.
81 Roxeth Hill Harrow on the hill Erection of roof		AB / RD				14-Jan-05	Appeal submitted	3 Months	13-APR-05	AB / RD checking when roof was erected. Borough Solicitor preparing notice. Notice prepared. Appeal part allowed.
154 Eastcote Lane South Harrow Single storey rear extension and raised patio	ENF/317/03/P	NP	17-Mar-04	23-Mar-04	27-May-04	30-Jun-04		3 Months	01-Oct-04	S330 notice served. Notice served. Appeal received, appeal not valid. Section 78 appeal submitted, awaiting outcome. S78 appeal dismissed, owners asked to provide details of timescale for compliance with notice. Agent looking into how to alter development to comply with notice.
REGENT HOUSE, 21 CHURCH ROAD, STANMORE. Four Air Con Units on a Listed Building	ENF/442/02/EAST	CJF AND AB	10-Jul-03	16-Jul-03	13-Jan-05	23-Feb-05		3 Months	24-May-05	Report to be placed before July DC Committee. S16 served. Borough Solicitor drafting notice. Notice served. An incomplete application for the screening of the units was submitted in Nov 2004. The applicant is looking to provide further information to make this application valid. Appeal

ENFORCEMENT NOTICES AWAITING COMPLIANCE 9 November 2005

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Broomhill Mount Park Road Hoth	ENF/625/03/P	GDM	8-DEC-04		7-FEB-05	11-MAR-05		28 Days	09-APR-05	submitted. Notice served. Appeal submitted. Appeal determined and upheld. Enforcement officer to monitor conditions.
Compliance with condition 8										
Portman Hall Old Redding Harrow	ENF/96/03/P	GDM	21-Apr-04	28-Apr-04	7-APR-05	8-MAY-05	Appeal hearing date 18-October-05	3 Months	9-Aug-05	S330 notices served. Draft notice prepared. Opinion on draft enforcement notice being sought from Counsel. Notice served. Appeal submitted.
Erection of fence on roof										
Prosecutions for unlawful advertisements										

ENFORCEMENT NOTICES AUTHORISED, AWAITING SERVICE

85 LAKE VIEW, EDGWARE. HA7 4SF	ENF/33/03/P	CSW	22-Apr-03	16-Jul-03						S330 notices served, Borough Solicitor preparing notice. Planning application lodged to vary condition. PP granted. Property changed hands. Enf Officer negotiating with new owner.
Breach of Conditions										
4 Elm Park Stanmore	ENF/297/03/P	NP	17-Mar-04	23-Mar-04 27-Jul-04						S 330 served. Reported to DCC again with retrospective planning application. Application refused. New report to be prepared by Enf Officer.
COU from 3 flats and a dwelling house										
201-203 Headstone Lane	ENF/715/03/P	CSW	21-Apr-04	28-Apr-04						EO's and Borough Solicitor reviewing evidence with Chief Planning Officer. Ballards installed. No further action required.
BCN. Access to front										
Harrow Hospital 88 Roxeth Hill Harrow		GDM	9-NOV-04							
Erection of sales building										
35 Orchard Grove Edgware	ENF/483/04/P	RJP	17-May-05	7-June-05						
Extensions over 70 cubic metres.										

ENFORCEMENT NOTICES AWAITING COMPLIANCE 9 November 2005

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33 Orchard Grove Edgware Extensions over 70 cubic metres.	ENF/484/04/P	RJP	17-May-05	7-June-05						
61 Oxley Road Harrow Erection of rear extension and wall	ENF/425/04/P	RJP	17-May-05	7-June-05	Section 330 notice served on 20-June-05 S172 notice served on 11-October-05	14-November-05				
613 Kenton Lane, Kenton Erection of storage building and use of property.	ENF/373/05/P ENF/402/05/P	RJP	6-June-05	30-June-05	Section 330 notice served on 7-September-05 Section 330 notice served on 11-October-05					
343 High Road, Harrow Weald Storage of static caravan.	ENF/968/04/P	RJP	27-July-05	2-September-05	S330 notice served on 22-September-05					
22 Walton Road, Harrow Unauthorised construction of a single storey rear extension and front porch.	ENF/530/03/P	RJP	27-July-05	10-August-05	S330 notice served on 22-September-05 S172 notice served on 17-October-05	28-November-05				
46 Repton Road, Kenton Unauthorised change of use to a builders yard.	ENF/565/04/P	RJP	27-July-05	10-August-05	S330 notice served on 25-August-05					
2 Weald Lane, Harrow Wealdstone Unauthorised installation of	ENF/44/04/P	RJP	27-July-05	10-August-05						

ENFORCEMENT NOTICES AWAITING COMPLIANCE 9 November 2005

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extractor duct. 47 Turner Road, Edgware Unauthorised construction of a rear conservatory and side extension.	ENF/383/03/P	RJP	7-September-05	16-September-05						
1 and 1A Buckingham Road, Harrow Unauthorised construction of a rear building in the garden.	ENF/147/04/P	RJP	7-September-05	16-September-05						
56 Lake View, Edgware Unauthorised construction of a front porch.	ENF/989/04/P	RJP	11-October-05	13-October-05	S330 notice served on 17-October-05					
Copse Farm, 2 Brookshill Cottages, Dairy Cottages, Brookshill Drive, Harrow	ENF/224/04/P	RJP	11-October-05							
147 Roxeth Green Avenue, Harrow Covered area at the rear of the dwelling	ENF/731/04/P	GM	11-October-05	14-October-05	Section 330 served on 17-October-05					
875 Field End Road, Harrow Unauthorised construction of a single storey rear canopy.	ENF/43/04/P	RJP	9-November-05							
79 Pinner Hill Road, Pinner Unauthorised construction of a garage forward for the dwellinghouse.	ENF/183/05/P	RJP	9-November-05							
16A Whitchurch Lane, Kenton Unauthorised installation of gantry	ENF/502/04/P	RJP	9-November-05							

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Meeting:	Development Control Committee
Date:	9 November 2005
Subject:	875 Field End Road Harrow
Responsible Officer:	Group Manager Planning and Development
Contact Officer:	Glen More
Portfolio Holder:	Planning, Development and Housing
Enclosures:	Site Plan
Key Decision:	No
Status:	Part 1

Section 1: Summary

This report relates to the unauthorised alteration of a two storey semi detached dwelling at 875 Field End Road, Harrow, including the erection of a single storey canopy to the rear and seeks authority to initiate enforcement action for its removal.

On this occasion the canopy does not constitute permitted development and it is considered that the rear canopy extension, by reason of excessive bulk and rearward projection appears unduly bulky and overbearing when viewed from adjoining gardens and is detrimental to the visual and residential amenities of the occupiers in the neighbouring properties. It is therefore recommended that an Enforcement Notice be served.

Decision Required

Recommended (for decision by the Development Control Committee)

The Director of Legal Services be authorised to:

- (a) (i) Issue an Enforcement Notice pursuant to Section 172 of the Town and Country Planning Act 1990 requiring:
- (b) (i) Demolish the single storey rear canopy extension
(ii) Permanently remove its constituent elements from the land.
- (c) [(b)] (i) and (ii) should be complied with within a period of three (3) months

from the date on which the Notice takes effect.

(d) Issue Notices under Section 330 of the Town and Country Planning Act 1990 (as amended) as necessary in relation to the above alleged breach of planning control.

(e) Institute legal proceedings in event of failure to:

(i) Supply the information required by the Borough through the issue of Notices under Section 330 of the Town and Country Planning Act 1990;

and/or

(ii) Comply with the Enforcement Notice

Reason for report

To ensure that the alleged breach of planning control is ceased in the interests of amenity.

Benefits

To enhance the environment of the Borough.

Cost of Proposals

None at this stage

Risks

Any enforcement notice may be appealed to the Planning Inspectorate.

Implications if recommendations rejected

Failure to take action would mean that the amenities of the occupiers of neighbouring properties would continue to be harmed.

Section 2: Report

Brief History, Policy Context (Including Previous Decisions)

- 2.1 Planning application reference WEST/429/95/FUL: Single and double storey additions to the front and side granted 28 September 1995.
- 2.2 Planning application reference WEST/757/95/FUL: Two storey side and single storey front and rear granted 18-01-1996.
- 2.4 Planning application reference P/1311/04/DCO: Retention of canopy structure at rear refused 26-07-2004.

Relevance to Corporate Priorities

- 2.5 This report addresses the Council's stated priority of enhancing the environment of the borough.

Background Information and Options Considered

- 2.6 The property is located on the eastern side of Field End Road Harrow. The house is a two storey semi detached single family dwellinghouse.
- 2.7 Policy D4 of the Unitary Development Plan 2004 states: -

“The Council will expect a high standard of design and layout in all development proposals. The following factors will be taken into account when considering planning applications for development:-

 - a) Site and setting;
 - b) Content, scale and character;
 - c) Public realm;
 - d) Energy efficiency, renewable energy, sustainable design and construction;
 - e) Layout, access and movement;
 - f) Safety
 - g) Landscape and open space; and
 - h) Adequate refuse storage.
- 2.6 This policy is reinforced in the more general Policy, SD1 Quality of Design of the Unitary Development Plan 2004.
- 2.7 Policy D5 of the Unitary Development Plan 2004 states: -

New Residential Development Should:-

 - A) Provide amenity space which is sufficient: -
 - 1. To protect the privacy and amenity of occupiers of surrounding buildings;
 - 2. As a usable amenity area for the occupiers of the development; and
 - 3. As a visual amenity

B) Maintain adequate separation between buildings and distance to site boundaries in order to protect the privacy and amenity of occupiers of existing and proposed new adjoining dwellings. Proposals should provide space around buildings to reflect the setting of neighbouring buildings; and

C) Ensure that the amenity and privacy of occupiers of existing and proposed dwellings is safeguarded.

2.8 Section C of the Harrow Council's Supplementary Planning Guidance (SPG) *Extensions: A householders guide* states: -

"C.1 Rear extensions have the greatest potential for harm to the amenities of neighbouring residents. Their impact on neighbouring property and the character and pattern of development needs careful consideration. Rear extensions should be designed to respect the character and size of the house and should not cause unreasonable loss of amenity to neighbouring residents.

C.2 A single storey rearward projection, adjacent to a boundary, of up to 3 metres beyond the rear main wall of adjacent semi-detached or detached houses would normally be acceptable.

C.3 This distance should be limited to 2.4 metres on a terraced house (a row of 3 or more houses), whether this in the middle or end of terrace. Generally, the acceptable depth of extensions will be determined by:

- Site considerations
- The scale of the development
- Impact on the amenity of neighbouring residents; and
- The established character of the area and the pattern of development

C.4 In special circumstances a greater depth may be allowed where, for example:

- The extension would be sited away from an adjacent side boundary
- The rear building line is staggered
- An adjacent dwelling is sited away from such a boundary, or
- Where the neighbouring dwelling has an extension

2.9 The size and siting of the rear extension exceeds the Council's above stated guidelines. The canopy extends three metres from the rear of an older single storey extension (which was also three metres in depth). The total depth to the rear is 6 metres twice the recommended limit as described in Section C2. The extra depth is also considered to contravene Section C3 as it does detrimentally impact upon the neighbours, specifically a loss of light results from the works.

3.0 The alleged breach of planning control

Without planning permission, the erection of a single storey rear canopy.

3.1 Reason for issuing the notice

It appears to the Council that the above breach of planning control occurred within the last 4 years.

The rear canopy extension, by reason of excessive bulk and rearward projection appears unduly bulky and overbearing when viewed from adjoining gardens and is detrimental to the visual and residential amenities of the occupiers in the neighbouring properties, contrary to Policies SD1, D4 and D5 of the Harrow Unitary Development Plan 2004.

The Council do not consider that planning permission should be granted because planning conditions could not overcome these problems.

3.3 Consultation with Ward Councillors

Copied for information

3.4 Financial Implications

There are no financial implications at this stage

3.5 Legal Implications

As contained in the report

3.6 Equalities Impact

None.

Section 3: Supporting Information/ Background Documents

Planning application references:

WEST/429/95/FUL, Part single, part 2 storey side, single storey front and rear extensions, front porch, alterations to roof and rear dormer

WEST/757/95/FUL, Two storey side and single storey front and rear extensions and rear dormer (revised)

P/1311/04/DCO, retention of canopy structure at rear.

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Meeting:	Development Control Committee
Date:	9 November 2005
Subject:	16A Whitchurch Lane, Kenton
Responsible Officer:	Group Manager Planning and Development
Contact Officer:	Glen More
Portfolio Holder:	Planning, Development and Housing
Enclosures:	Site Plan
Key Decision:	No
Status	Part 1

Section 1: Summary

This report relates to the unauthorised installation of a metal gantry at the rear of 16A Whitchurch Lane, Kenton. The metal gantry is positioned on an end of terrace flank wall, and is approximately 6.20 metres long, 2 metres wide and fastened below a 48 sheet advertising hording.

The metal gantry as constructed, by reason of excessive size and bulk and prominent siting, is unduly obtrusive and is detrimental to the visual amenity of the occupiers of the adjacent properties and the character of the area. It is recommended that an enforcement notice be served.

Decision Required

Recommended (for decision by the Development Control Committee)

The Director of Legal Services be authorised to:

- (a) (i) Issue an Enforcement Notice pursuant to Section 172 of the Town and Country Planning Act 1990 requiring:
 - (b) (i) Demolish the gantry.
 - (ii) Permanently remove its constituent elements from the land.
- (c) [(b)] (i) and (ii) should be complied with within a period of one (1) month from the date on which the Notice takes effect.

(d) Issue Notices under Section 330 of the Town and Country Planning Act 1990 (as amended) as necessary in relation to the above alleged breach of planning control.

(e) Institute legal proceedings in event of failure to:

a. supply the information required by the Director of Legal Services through the issue of Notices under Section 330 of the Town and Country Planning Act 1990;

and/or

b. comply with the Enforcement Notice

Reason for report

To ensure that the alleged breach of planning control is ceased in the interests of amenity.

Benefits

To enhance the environment of the Borough.

Cost of Proposals

None at this stage.

Risks

Any enforcement notice may be appealed to the Planning Inspectorate.

Implications if recommendations rejected

Failure to take action would mean that the amenities of the occupiers of neighbouring properties would continue to be harmed.

Section 2: Report

Brief History, Policy Context (Including Previous Decisions)

2.1 The gantry has been erected to aid in the maintenance of the 48-sheet advertising hoarding. The gantry is not part of the advertising hoarding and is a separate independent development.

Relevance to Corporate Priorities

2.2 This report addresses the Council's stated priority of enhancing the environment of the borough.

Background Information and Options Considered

- 2.3 The property comprises of a ground floor shop (Use Class A1) with flats above, situated on Whitchurch Lane, Kenton.
- 2.4 Policy D4 of the Unitary Development Plan 2004 states: -
- “The Council will expect a high standard of design and layout in all development proposals. The following factors will be taken into account when considering planning applications for development: -
- a) Site and setting;
 - b) Content, scale and character;
 - c) Public realm;
 - d) Energy efficiency, renewable energy, sustainable design and construction;
 - e) Layout, access and movement;
 - f) Safety
 - g) Landscape and open space; and
 - h) Adequate refuse storage.”
- 2.5 4.10 Site and Setting
New development should contribute to the creation of a positive identity for the area through quality of building layout and design. Development should be designed to complement their surroundings, and should have a satisfactory relationship with adjoining buildings and spaces.
- 2.6 4.11 Context, Scale and Character
All new development should have regard to the scale and character of the surrounding environment and should be appropriate in relation to other buildings adjoining and in the street. Buildings should respect the form, massing, composition, proportion, and materials of the surrounding townscape, and attention should be paid to the urban “grain” of the area in terms of building form and patterns of development.
- 2.7 Policy D6 of the Unitary Development Plan 2004 states: - Development in employment areas should comply with policy D4 and take account of the design and layout of buildings, planting and hard landscaping, pedestrian and vehicular circulation, views within and into the area and the relationship to adjoining residential development.
- 2.8 4.31 All development in employment areas should be built to a high standard of design, and should not have an adverse impact on the surrounding environment or infrastructure.
- 2.9 This policy is reinforced in the more general Policy, SD1 *Quality of Design* of the Unitary Development Plan 2004.
- 3.0 The gantry is of substantial size and constructed of galvanised metal, these aspects of the development make it an alien feature in the

environment. The metal gantry has a detrimental impact on the visual amenity of the local area.

- 3.1 The positioning and size of the gantry is out of character with the surrounding environment being overbearing and obtrusive in relation to the surrounding development.
- 3.2 Overall the gantry does not provide a positive contribution to the character of the area and by virtue of the factors stated above does not comply with Policy D4 of the Harrow Unitary Development Plan 2004.

The alleged breach of planning control

- 3.3 Without planning permission, the erection of a gantry.

Reasons for issuing the notice

- 3.4 It appears to the Council that the above breach of planning control occurred within the last 4 years.
- 3.6 The metal gantry, by reason of excessive size and bulk and prominent siting, is unduly obtrusive and is detrimental to the visual amenity of the occupiers of the adjacent properties and the character of the area. The development is contrary to policies SD1, D4 and D6 of the Harrow Council Unitary Development Plan 2004.
- 3.7 The Council do not consider that planning permission should be granted because planning conditions could not overcome these problems

Consultation with Ward Councillors

- 3.8 Copied for information

Financial Implications

- 3.9 There are no financial implications at this stage

Legal Implications

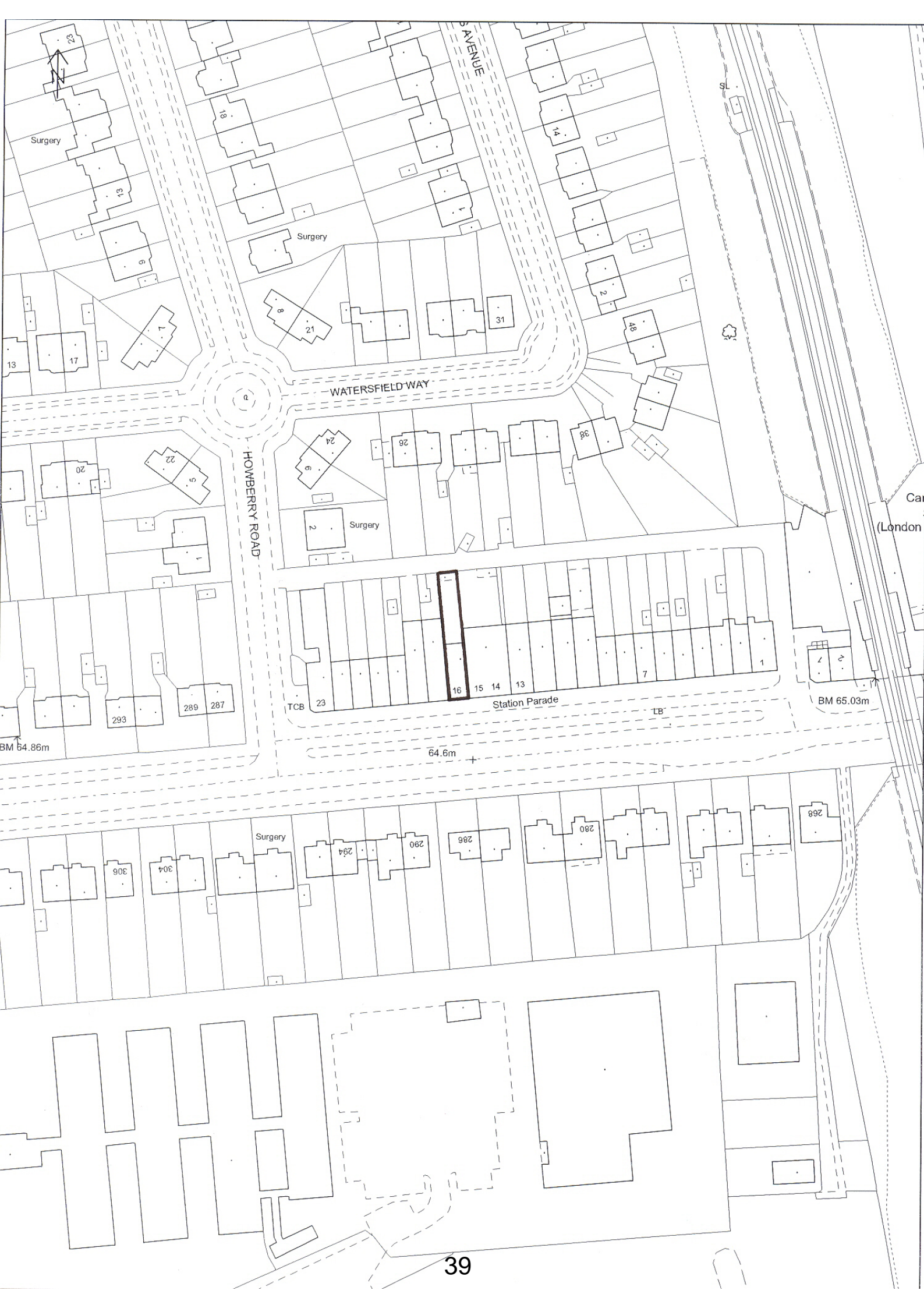
- 4.0 As contained in the report

Equalities Impact

- 4.1 None

Section 3: Supporting Information/ Background Documents

None



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Description: Unauthorised Metal Gantry

Street: 16a Whitchurch Lane

Taken by: David Clarke

Date: 07 October 2005



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Meeting:	Development Control Committee
Date:	9 November 2005
Subject:	79 Pinner Hill Road, Pinner
Responsible Officer:	Group Manager Planning and Development
Contact Officer:	Glen More
Portfolio Holder:	Planning, Development and Housing
Enclosures:	Site Plan
Key Decision:	No
Status	Part 1

Section 1: Summary

This report relates to the unauthorised construction of a garage in the front garden of 79 Pinner Hill Road, Pinner and seeks authority to initiate enforcement action for its removal. The garage by reason of its siting, is at odds with the pattern of houses and gardens in Pinner Hill Road, to the detriment of the character of development in the locality. Also by reason of its siting, appears as a discordant form of development in the streetscene and when viewed from surrounding properties, to the detriment of the visual amenity of the locality. It is recommended that an enforcement notice be served.

Decision Required

Recommended (for decision by the Development Control Committee)

The Director of Legal Services be authorised to:

- (a) (i) Issue an Enforcement Notice pursuant to Section 172 of the Town and Country Planning Act 1990 requiring:
- (b) (i) Demolish the garage.
(ii) Permanently remove its constituent elements from the land.
- (c) [(b)] (i) and (ii) should be complied with within a period of three (3) months from the date on which the Notice takes effect.

(d) Issue Notices under Section 330 of the Town and Country Planning Act 1990 (as amended) as necessary in relation to the above alleged breach of planning control.

(e) Institute legal proceedings in event of failure to:

a. supply the information required by the Director of Legal Services through the issue of Notices under Section 330 of the Town and Country Planning Act 1990;

and/or

b. comply with the Enforcement Notice

Reason for report

To ensure that the alleged breach of planning control is ceased in the interests of amenity.

Benefits

To enhance the environment of the Borough.

Cost of Proposals

None at this stage.

Risks

Any enforcement notice may be appealed to the Planning Inspectorate.

Implications if recommendations rejected

Failure to take action would mean that the amenities of the occupiers of neighbouring properties would continue to be harmed.

Section 2: Report

Brief History, Policy Context (Including Previous Decisions)

2.1 Planning permission P/1751/05/DCO was refused on the 10 October 2005 for the retention of the garage for the following reasons:

The garage, by reason of its siting, is at odds with the pattern of houses and gardens in Pinner Hill Road, to the detriment of the character of development in the locality. The garage, by reason of its siting, appears as a discordant form of development in the streetscene and when viewed from surrounding properties, to the detriment of the visual amenity of the locality, contrary to policies SD1, D4 and D5 of the Harrow Council Unitary Development Plan 2004.

Relevance to Corporate Priorities

- 2.2 This report addresses the Council's stated priority of enhancing the environment of the borough.

Background Information and Options Considered

- 2.3 The property is on the eastern side of Pinner Hill Road, Pinner. The house is a large two storey semi-detached family dwellinghouse.

- 2.4 Policy D4 of the Unitary Development Plan 2004 states: -

"The Council will expect a high standard of design and layout in all development proposals. The following factors will be taken into account when considering planning applications for development: -

- a) Site and setting;
- b) Context, scale and character;
- c) Public realm;
- d) Energy efficiency, renewable energy, sustainable design and construction;
- e) Layout, access and movement;
- f) Safety
- g) Landscape and open space; and
- h) Adequate refuse storage."

- 2.5 This policy is reinforced in the more general Policy, SD1 *Quality of Design* of the Unitary Development Plan 2004.

- 2.6 Policy D5 of the Unitary Development Plan 2004 states:-

New Residential Development Should:-

A) Provide amenity space which is sufficient:-

- 1. To protect the privacy and amenity of occupiers of surrounding buildings;
- 2. As a usable amenity area for the occupiers of the development; and
- 3. As a visual amenity

B) Maintain adequate separation between buildings and distance to site boundaries in order to protect the privacy and amenity of occupiers of existing and proposed new adjoining dwellings. Proposals should provide space around buildings to reflect the setting of neighbouring buildings; and

C) Ensure that the amenity and privacy of occupiers of existing and proposed dwellings is safeguarded.

- 2.7 The garage is situated 1 metre forward of the front of the dwellinghouse and projects to the back of the footway of Pinner Hill Road. The maximum height of the garage is 1.9 metres. The development is shielded by a 2 metre high hedge that runs around the boundaries at the front of the property. The trend within the streetscene is for hard standing driveways, with garages to the side of the property.
- 2.8 This development is out of character and not typical of the trend within the streetscene. The garage is out of keeping with the character of the area and appears unduly bulky. The garage is considered to be detrimental to the visual and residential amenities of the surrounding occupiers. It is therefore considered unacceptable according to the guidelines set out by the Council in the UDP

The alleged breach of planning control

- 2.9 Without planning permission, the erection of a garage in the front garden.

Reasons for issuing the notice

- 3.0 It appears to the Council that the above breach of planning control occurred within the last 4 years.
- 3.1 The garage, by reason of its siting, is at odds with the pattern of houses and gardens in Pinner Hill Road, to the detriment of the character of development in the locality. The garage, by reason of its siting, appears as a discordant form of development in the streetscene and when viewed from surrounding properties to the detriment of the visual amenity of the locality. The development is contrary to policies SD1, D4 and D5 of the Harrow Council Unitary Development Plan 2004.
- 3.2 The Council do not consider that planning permission should be granted because planning conditions could not overcome these problems

Consultation with Ward Councillors

- 3.3 Copied for information

Financial Implications

- 3.4 There are no financial implications at this stage

Legal Implications

- 3.5 As contained in the report

Equalities Impact

- 3.6 None

Section 3: Supporting Information/ Background Documents

P/1751/05/DFU Retention of garage.

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London Borough of Harrow

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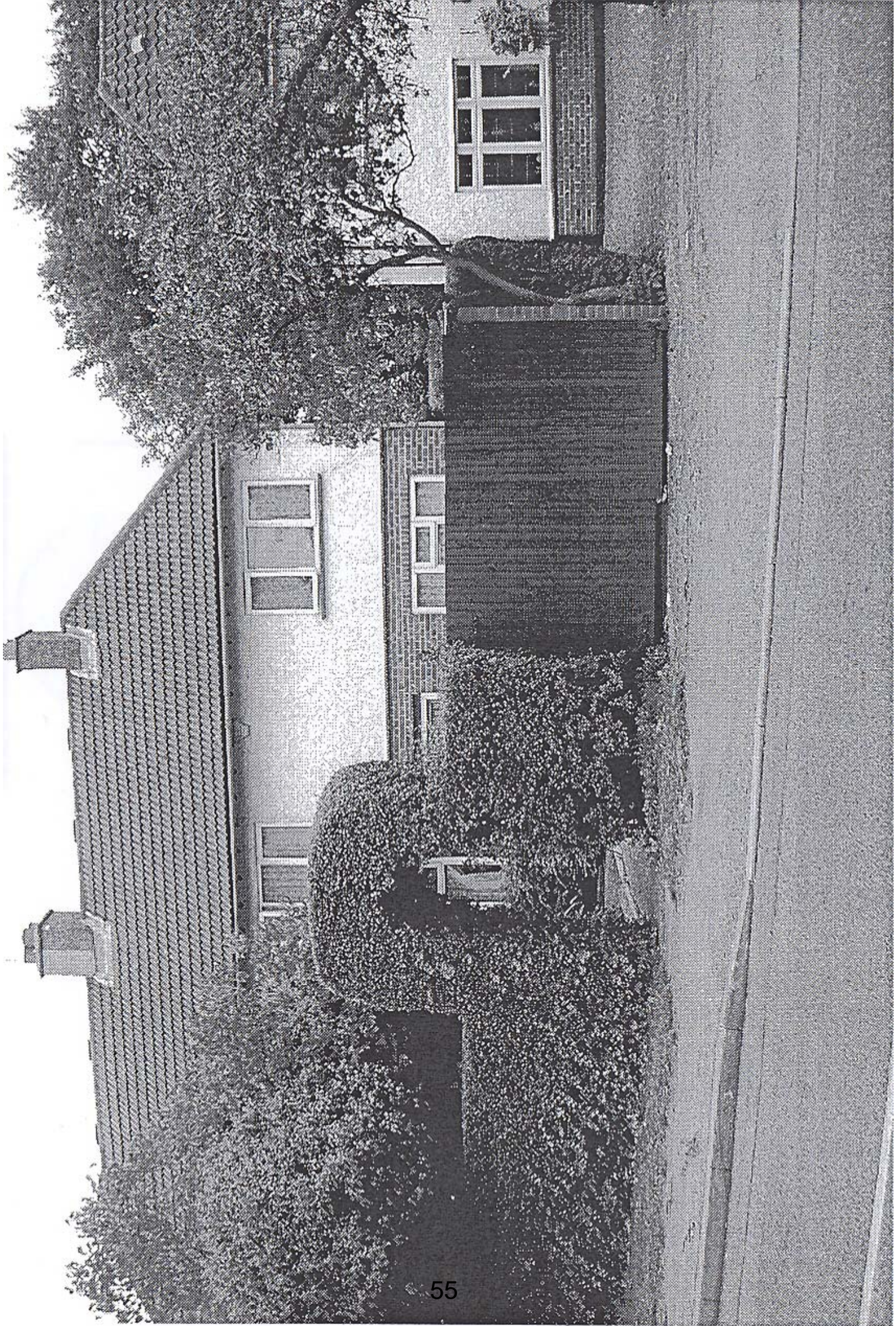
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Meeting:	Development Control Committee
Date:	9 November 2005
Subject:	Hill House, 7 Mount Park Road, Harrow on the Hill
Responsible Officer:	Group Manager Planning and Development
Contact Officer:	Glen More
Portfolio Holder:	Planning, Development and Housing
Enclosures:	Site Plan
Key Decision:	No
Status	Part 1

Section 1: Summary

This report relates to the unauthorised conversion of a detached single family dwelling house in the Mount Park Conservation Area. The house has been converted into 4 flats and the detached garage converted into a self-contained flat, all without planning permission.

The Mount Park Conservation Area is characterised by a predominance of large detached single dwelling houses. The flat conversion, by reason of its location within the Mount Park Conservation Area is detrimental to that character, contrary to Policy 3 of the Mount Park Conservation Area Policy Statement and Policy D14 of the Harrow Council Unitary Development Plan 2004. It is recommended that an enforcement notice be served.

Decision Required

Recommended (for decision by the Development Control Committee)

The Director of Legal Services be authorised to:

- (a) (i) Issue an Enforcement Notice pursuant to Section 172 of the Town and Country Planning Act 1990 requiring:
- (b) (i) Remove all kitchens except for one
- (ii) Remove all bathrooms except for original three.

- (iii) Revert the flat back into a single dwelling house by removing internal door locks, door bells and all metres except one gas, one water and one electricity meter.
 - (iv) Remove kitchen facility from garage
 - (v) Cease the use of the garage as a dwellinghouse.
 - (vi) Permanently cease the use of the property as flats.
- (c) [(b)] (i), (ii), (iii) and (iv) (v) (vi) should be complied with within a period of three (3) months from the date on which the Notice takes effect.
- (d) Issue Notices under Section 330 of the Town and Country Planning Act 1990 (as amended) as necessary in relation to the above alleged breach of planning control.
- (e) Institute legal proceedings in event of failure to:
- a. supply the information required by the Director of Legal Services through the issue of Notices under Section 330 of the Town and Country Planning Act 1990;
- and/or
- b. comply with the Enforcement Notice

Reason for report

To ensure that the alleged breach of planning control is ceased in the interests of amenity.

Benefits

To enhance the environment of the Borough.

Cost of Proposals

None at this stage.

Risks

Any enforcement notice may be appealed to the Planning Inspectorate.

Implications if recommendations rejected

Failure to take action would mean that the amenities of the occupiers of neighbouring properties would continue to be harmed.

Section 2: Report

Brief History, Policy Context (Including Previous Decisions)

- 2.1 Planning permission HAR/16417 for the erection of a 2 storey addition to dwelling house was granted on 5th February 1960.
- 2.2 Planning permission HAR/16417/A for erection of a single storey extension (amended plan) was granted on 27th March 1961.
- 2.3 Planning permission LBH/18671/W for ground and first floor extensions was granted on 6th February 1981.

Relevance to Corporate Priorities

- 2.4 This report addresses the Council's stated priority of enhancing the environment of the borough.

Background Information and Options Considered

- 2.5 Hill house is a substantial 2 and 3 storey detached house, situated on the southern section of Mount Park Road, surrounded by a large garden, screened from the road by trees and tall shrubs. The appearance of the house and its garden positively contributes to the character of the conservation area.
- 2.6 The conversion of the single dwelling house into flats is contrary to Harrow Council's policies:
- 2.7 Policy D14 of the Harrow Council Unitary Development Plan 2004 states that: The Council will seek to preserve or enhance the character or appearance of conservation areas by: -
 - A) Seeking to retain buildings, trees and other features which are important to the character or appearance of the area;
 - B) Allowing redevelopment only when the new building would contribute to the area by preserving or enhancing its character or appearance.
 - C) Where appropriate, using its powers under the town and country planning acts to secure an enhancement of derelict buildings or land;
 - D) Preparing specific policies and proposals for each conservation area, within the framework of the plan
- 2.8 Supplementary to the Harrow Council's Unitary Development Plan 2004 the Mount Park Conservation Area Policy Statement, section 12.5 states:

Development: In order to preserve the character and assets of the area and to endeavour to ensure that any development will be suitable, the Council will adopt the following policies: -
- 2.9 Policy 3 of the Mount Park Conservation Area Policy Statement states: Preference will be given for the retention of large single detached houses.

There will be a presumption against change of use to flats and other institutional use.

- 3.0 By dividing Hill House into flats contradicts the above policy, and directly affects the character of the conservation area, as the house is no longer a house occupied by one owner. Dividing the house into flats also fails to preserve or enhance this character.
- 3.1 The quality and appeal of the Mount Park Conservation area is comprised of many factors – much of this relies on the aesthetic appeal of the architecture and abundant landscaping, but it is also based on less obvious qualities such as it being fully in residential use, its tranquillity and sense of seclusion and calm. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of conservation areas. In other words, it is not just the way the area looks that is to be protected but also its character or sense of place.

The area is primarily used as single family dwelling houses. The use as single family dwelling houses and the nature of the private road helps to create calm and tranquil nature of the road. There are few car movements, limited cars on each plot and as such the area has retained a semi rural quality with soft verges, no pavements and limited traffic.

The conversion of Hill House is unacceptable as, even though the visual impact of the change of use is limited, there is an impact on the character of the area. The intensification of use both in terms of people living on the site, visitors, car movements begin to alter the calm, secluded atmosphere which is at the heart of the area's special character.

Were Hill House to continue as 5 flats, it would be impossible to resist the subdivision of many other houses in the area and this would have a cumulatively detrimental impact on the character of the area.

As such, although the physical visual manifestations of the division of the building are very limited, it does have an important and damaging impact on the character of the area.

The alleged breach of planning control

- 3.2 Without planning permission, making a material change in the use of the property from a single family dwellinghouse (including a detached garage) to 5 flats.

Reasons for issuing the notice

- 3.3 It appears to the Council that the above breach of planning control occurred within the last 4 years.

The Mount Park Conservation Area is characterised by a predominance of large detached single dwelling houses. The conversion of the single family

dwelling house into 5 flats within the Mount Park Conservation Area is detrimental to the character of the area, contrary to Policy 3 of the Mount Park Conservation Area Policy Statement and Policy D14 of the Harrow Council Unitary Development Plan 2004. It is recommended that an enforcement notice be served.

The Council do not consider that planning permission should be granted because planning conditions could not overcome these problems

Consultation with Ward Councillors

- 3.4 Copied for information

Financial Implications

- 3.5 There are no financial implications at this stage

Legal Implications

- 3.6 As Contained in the report

Equalities Impact

- 3.7 None

Section 3: Supporting Information/ Background Documents

None

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London Borough of Harrow LA 08641 X

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LONDON BOROUGH OF HARROW

Agenda item:

Page no:

Meeting:	Development Control Committee
Date:	Tuesday 11 October 2005
Subject:	102, 104, 106 High Street, Harrow on the Hill
Responsible Officer:	Group Manager Planning & Development and Director of Legal Services
Portfolio Holder:	Planning, Development and Housing
Enclosures:	Appendix 1 – Report to DC Committee 7 September 2004 Appendix 2 – ECS survey March 2004 Appendix 3 – ECS survey November 2004 Appendix 4 – Counsel’s Opinion. Status: Part II The Opinion is exempt by virtue of paragraph 12b of Part 1 of Schedule 12A to the Local Government Act 1972 (as amended) in that it is legal advice in connection with the determination of a matter affecting the authority Appeal decision on 42-44 High Street, Harrow on the Hill Site Plan Photographs
Key Decision:	No
Status:	Part 1
Ward:	Harrow on the Hill

Section 1: Summary

- 1.1 This report advises on an unauthorised telecommunications micro-system comprising two wall mounted microcell antennae on the front wall of 102 and the flank wall of 106 High Street, and an equipment cabin to the rear of 104 High Street, Harrow-on-the-Hill.
- 1.2 A report on this item was originally submitted to this Committee on 7 September 2004, and is attached as Appendix 1 to this report that now supplements the earlier item.

Decision Required

Recommended (for decision by the Development Control Committee)

- 1) The two wall-mounted microcell antennae are neither prominent nor visually obtrusive in the street scene, and have no detrimental impact either on the character or appearance of the Conservation Area, the Listed Buildings at Nos. 104 and 106 High Street, or the street scene in general;
- 2) Having regard to:
 - i) the representations regarding health and perception of health effects;
 - ii) the two surveys carried out by the consultant in March and November 2004;
 - iii) Counsel's Opinion in respect of the microcell installation at 102 High Street;
 - iv) the advice from the Council's Conservation Officer;
 - v) policy guidance in PPG8, and the Council's Unitary Development Plan the appeal decision in respect of the microcell installation at 42-44 High Street, and;
 - vi) the data in relation to appeal decisions in respect of telecommunications development between January and September 2005

it would not be appropriate to undertake enforcement action in this case;
- 3) Orange plc be advised of the Council's views in respect of the need for planning permission and Listed Building Consent in relation to this unauthorised development and be urged to regularise the position; and
- 4) The complainants be notified accordingly.

Reason for report:

To provide further information following the previous report.

Benefits:

To enhance the environment of the Borough.

Cost of Proposals:

None.

Risks:

Any enforcement notice may be the subject of an appeal to the Planning Inspectorate.

Implications if recommendation rejected:

There could be an award of costs against the Council in the event of an appeal against an enforcement notice.

Section 2: Report:

Brief History, Policy Context (Including Previous Decisions)

- 2.1 A detailed report on this matter was submitted to the Development Control Committee on 7 September 2004 (see **Appendix 1** attached to this report) with similar recommendations to those now stated. Members heard a deputation from a neighbouring resident. Members noted that no consultation of the local community on the microcells had taken place as the operator had not submitted a planning application for the equipment, but commented that operators were also required to undertake such consultation by the relevant code of practice issued by the Government and under the provisions of PPG8. They queried whether action could be taken to ensure that operators met their responsibilities under these.
- 2.2 They also noted the depute's comments regarding the validity of the readings taken in March and agreed that current readings from the microcell and information regarding the potential highest emissions of the microcell should be obtained.
- 2.3 They agreed that the cumulative effect of emissions of telecommunications equipment in the area also be investigated and further legal advice then be sought. Following representations from a Ward Member queries were also raised whether, if a number of masts were located in the vicinity, this constituted a base station.
- 2.4 The Committee resolved:

That a decision on this matter be deferred to allow officers to investigate the points raised above (and submit a further report on this matter to a future meeting of the Committee.
- 2.5 A second survey was carried out by the same consultant (ECS Limited) on 16 November 2004, taking a series of readings from the same points as those taken in the first survey in March. Both surveys are attached to this report as **Appendices 2** and **3**.
- 2.6 Following the receipt of the second survey legal advice was sought.

Relevance to Corporate Priorities

- 2.7 This report addresses the Council's stated priority of enhancing the environment of the Borough.

Background Information and Options Considered

- 2.8 The September 2004 report considered the following range of issues in respect of this development and it is not intended to repeat those in this report:

investigation;
the need for planning consent;
consultation;
formal advice and policies;
general advice;
health issues and alternative sites;
development within the historic environment;
residential amenity;
proposed microcell development at 42-44 High Street; and
advice on the appropriateness of planning enforcement action

- 2.9 Members are urged to refer back to section 6 of that report for details of those issues.
- 2.10 The purpose of this report is to update members in respect of the further information requested when the previous item was deferred.

The Survey by ECS Ltd, November 2004

- 2.10 The second survey (see **Appendix 3**) was carried out 8 months after the first survey and took measurements from the same reference points. As before, the survey was carried out using equipment that measures the combined effect of all electromagnetic fields within the given frequency range. In other words the survey does not differentiate between sources, but simply measures all electromagnetic fields in use at the time of survey. The survey therefore covers the frequencies used by all the mobile phone networks as well as the frequencies used by a great many other radio systems.
- 2.11 The second survey includes a summary table, on pages 7 and 8, of the readings for each site on both survey dates. The introduction to the second survey explains that:

“...In all cases, the changes are small and are of the order that would be expected for surveys done at different times in a location where the overall electromagnetic radiation levels have remained fairly constant. The small differences measured may be accounted for by:

- *differing transmitter power levels from the base stations*
- *minor differences in measurement locations*
- *different contributions from other transmitters (mobile phones, taxi cab radios, etc.)*

The key point to observe is that exposure levels in all cases are well within the international guideline levels.

One further observation is that, although the levels vary from place to place and time to time, it would be wrong to assume that the varying levels of exposure rates relate in some way to varying risks. I am aware of no widely-accepted risks to health at the levels we have measured (i.e. levels below the relevant international guidelines).....”

2.12 The comparative tables indicate that the highest levels of the total electromagnetic power densities are not materially different between the two surveys and are, dependent on the specific locations, many 1,000s of times below the ICNIRP maximum permitted public guideline set for the telecom operators 3 (the flagpole installations), and Orange (the microcell installation).

2.13 The survey concludes:

“...The ICNIRP guidelines are designed to provide for the full protection of everyone at the maximum permitted public values and these guidelines are endorsed by the national Radiological protection Board and the WQorld Health organisation. Therefore, when considering the much lower measured values, then no harm should be expected to result to anyone living in these buildings or nearby...”

2.14 Counsel’s Opinion was sought in July, following the second survey and after the public inquiry into the Discontinuance Order.

Advice from the Conservation Officer

2.15 Counsel’s opinion stresses the need to consider the advice of the Council’s Conservation Officer in respect of Listed Building and Conservation Area impact issues. Nos. 104 and 106 High Street are Grade II Listed Buildings, and the whole site is within the Harrow on the Hill Conservation Area.

2.16 The Conservation Officer has offered the following comments:

Impact on character and setting of the listed buildings:

The works can be split into 4 main categories – the microcells on the front / side elevations of 102 and 106, the equipment cabin at the rear, associated cabling, and any internal works to 104 -106 to facilitate the system.

“... In terms of the microcells, PPG15 advises at para C68 that minor additions to listed buildings such as burglar alarms will require listed building consent if they affect the special architectural or historic character of the building. The document advises that only visually unobtrusive positions for such fixtures should be agreed.

The one on 102 High Street is obvious, being on the front elevation but this building is not listed so Listed Building Consent would not be required. The one on 106 is much less obvious because it is on the side elevation, tucked in with the rainwater hopper head and against a rendered wall which it blends into. It does have an impact and does in a small way affect the character and thus Listed Building Consent would, in my opinion, be required but I would not object to the proposal as I do not think it is in any way detrimental to the character of the Listed Building. It is a modern feature, much like an alarm box, and as such is inconsequential in terms of how the building is seen and appreciated.

The equipment cabin is not physically attached to the listed building and therefore does not require listed building consent. It does, however, affect the setting of the listed building. In my opinion, however, the cabin does not detrimentally affect the setting as it is in the service yard area at the rear of the Listed Building and is seen in association with all sorts of clutter such as wheelie bins, sheds etc., and this metal compartment is actually neater and less obtrusive than these other features. It is tucked up against railings and painted a dark colour and is therefore relatively unobtrusive.

The cabling on the rear external face of 104 is hidden amongst a mass of rainwater goods and so whilst again I think this probably does require Listed Building Consent ... it is relatively unobtrusive when seen in association with all the existing clutter. I did not particularly notice cabling from 106, which I think is hidden behind the parapet, which makes it so unobtrusive as to not cause a problem.

Other works – it appears to me that there may well be internal cabling which I cannot see and I also note that a basement room in 104 is being used to house electrical equipment. It certainly appears as if a new rear door to the basement has been installed. All these works are likely to require Listed Building Consent and without proper inspection I can't tell if they are acceptable or not. It would also depend what the earlier door looked like and how much alteration has taken place to any rooms. If the cabling is similarly hidden and the basement has just had freestanding equipment inserted in it, I do not see a major problem although we still need to resolve the basement door, which is not that attractive.

In summary therefore on Listed Building issues, consent is likely to be required but I would recommend that consent be granted, although I need to see inside the building to form a full view.

Impact on character of conservation area

The alarm boxes on both elevations are no more obtrusive than that allowed at 42-44 High Street (to which the Conservation Group had no objections). The cabling on the front elevation is arguably better hidden than that of 42-44 High Street and the equipment cabin is hidden at the rear in a service yard where one might expect to see sheds / storage in any event. Therefore in my opinion the entire system would not detrimentally affect the character of the area and would have less of an impact than the system allowed at appeal at 42-44 High Street. .

Telecommunications Appeal Decisions

2.17 Reference has been made in the previous report to health concerns and fear of health risk in relation to telecommunications installations. To supplement this an analysis has been carried out of recent telecommunications appeal decisions.

2.18 Since January 2005 there have been 394 appeals in respect of telecommunications development where health and / or fear of risk to health were raised as issues – these are examined below (**Table 1**):

Table 1: Telecommunication Appeal Decisions between January and September 2005

Total Decisions	Allowed		Dismissed		Compliance with ICNIRP public exposure guidelines		Fear of Risk to Health	
393	262	67%	131	33%	393	100%	6	1.5%

2.19 The 1.5% of the 393 appeal decisions where the Inspector accepted the perception or fear of risk to health all related to Dismissed appeals. The decision details are summarised below (**Table 2**):

Proposal	LPA	Summary of Issues
12.5m imitation telegraph pole in residential area	Eastbourne	<ul style="list-style-type: none"> ▪ Wide grass verge at backs of houses – existing trees about 6 to 7m high, streetlamps about 8m high ▪ Pole sited in a conspicuous position, against rear garden boundaries some 30m from rear of nearest dwelling ▪ Would be out of keeping in streetscene and cause substantial harm to character / appearance of area ▪ No health risk but weight given to perception of risk as equipment would be particularly conspicuous from a neighbouring dwelling and would be a constant reminder of health fears

10m pole in residential area	Sheffield	<ul style="list-style-type: none"> ▪ Sited on grass verge ▪ Harm to character / appearance of area due to overly dominant structure with little opportunity for landscaping ▪ Harm to residential amenity due to loss of outlook and perceived health risks
15m pole on roundabout in residential area	Bromley	<ul style="list-style-type: none"> ▪ No harm to character / appearance of area ▪ Concern about residential / visual amenity & outlook are more to do with effects on health
12m and 15 m poles on 2 roadside sites in residential area	Tamworth	<ul style="list-style-type: none"> ▪ No harm to residential amenity / loss of outlook ▪ Possible health implications if both masts are erected, although the Inspector seems to ignore
8m imitation telegraph pole in residential area	Reigate & Banstead	<ul style="list-style-type: none"> ▪ Sited 2m from garden fence ▪ Would appear dominant & intrusive in outlook from dwelling ▪ Prominent in skyline views ▪ Weight to perceived health fear
15m pole in residential area	Rushmoor	<ul style="list-style-type: none"> ▪ Harm to character / appearance of area ▪ Harm to residential / visual amenity due to scale / mass / perceived health risks at this exposed position

2.20 These appeal decisions all relate to street poles and are substantially bigger developments than the microcell installation at Nos 102 to 106 High Street. In the Officers' view this installation is not comparable with these cases. Additionally, there have been 2 electromagnetic surveys which confirm the low level of emissions in this locality.

Appeal Decision on Microcell Installation at 42-44 High Street, Harrow on the Hill

2.21 The Inspector in this appeal gave careful consideration in July 2004 to a similar installation further along High Street. The principal differences were that only one microcell was to be installed on the front wall, and the equipment cabinet was to be sited at the side of a well-used public footpath, rather than at the rear of a building in a private yard.

2.22 The Inspector gave due weight to the impact of the proposal on the character and appearance of the Conservation Area, and on the health issues.

2.23 The Inspector likened the microcell antenna to a burglar alarm, and the cabinet to a telephone or traffic light switch cabinet – a regular feature of our streets for many years.

2.24 The Inspector then considered health issues and the perception of risk to health. He acknowledged these as material planning considerations, but concluded by giving these very little weight, based on Government advice, compliance with ICNIRP and the lack of any substantive technical evidence of harm arising from the proposed installation.

2.25 Finally, the Inspector addressed the issues of a possible breach of human rights and concluded that there would be no breach of such rights.

Consultation with Ward Councillors

2.26 None

Financial Implications

2.27 None

Legal Observations

2.28 Included in the report

Conclusion

2.29 It is the officers' view that the microcell installation (taken as a whole and comprising the equipment cabinet at the rear and the two wall-mounted antenna) amount to development. This is not permitted development as the site is within a conservation area, and planning permission is therefore required. The telecom operator Orange disagrees with this view and considers the installation is *de minimis* (so small as to be of no account).

2.30 However, whilst a planning application (or Listed Building Consent) for this development has not been submitted, it is considered unlikely that the instigation of formal planning enforcement action would be successful. The equipment cabin at the rear of 104 High Street is sited unobtrusively against the rear of the building and is not visible from any public part of the Conservation Area, and has no detrimental impact on the character or setting of the listed building or this part of the Conservation Area.

2.31 It is considered that the two microcell antenna, on the front elevation of 102 High Street and on the flank elevation of 106 High Street, are unobtrusive and not detrimental to the character or appearance of the listed buildings to which they are attached or to this part of the Harrow on the Hill Village Conservation Area. The microcells were not noticed by any local residents following their unauthorised installation in 2004.

2.32 Government guidance in PPG 18 on enforcement advises at paragraph 7:

"7. While it is clearly unsatisfactory for anyone to carry out development without first obtaining the required planning permission, an enforcement notice should not normally be issued solely to "regularise" development which is acceptable on its planning merits, but for which permission has not been sought... As paragraph 14 of DOE Circular 2/87 (W) 5/87 points out, it will generally be regarded as "unreasonable" for the LPA to issue an enforcement notice, solely to remedy the absence of a valid planning permission, if it is concluded, on an enforcement appeal to the Secretary of State, that there is no significant planning objection to the breach of control alleged in the enforcement notice. Accordingly, LPAs who issue a notice in these circumstances will remain at risk of an award against them of the appellant's costs in the enforcement appeal."

2.33 In the Officers' view, in all the circumstances it would be inappropriate to undertake enforcement action in respect of this installation.

Section 3: Supporting Information / Background Documents

Application file WEST/456/02/FUL

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LONDON BOROUGH OF HARROW

Meeting:	Development Control Committee
Date:	7th September 2004
Subject:	102, 104, 106 High Street, Harrow on the Hill
Key Decision:	No
Responsible Chief Officer:	Joint Report of the Chief Planning Officer and of the Borough Solicitor
Relevant Portfolio Holder:	Planning, Development, Housing and Best Value
Status:	Part 1
Ward:	Harrow on the Hill
Enclosures:	Appendix A - Site Plan Appendix B – Photographs Appendix C - report from ECS Ltd Appendix D - Copy of Appeal Decision Letter Ref: P/1017/03/CFU

1. Summary / Reason for Urgency (if applicable)

- 1.1 The report advises on an unauthorised telecommunications micro-system comprising an equipment cabin to the rear of 104 High Street, and two wall mounted microcell antennae on the front wall of 102 and the flank wall of 106 High Street, Harrow on the Hill.

2. Recommendation (for decision by the Development Control Committee)

- 2.1 The Committee agree that the two microcell antennae are neither prominent nor visually obtrusive in the street scene, and have no detrimental impact either on the character or appearance of the Conservation Area, or the street scene in general;
- 2.2 The Committee agree that, having weighed up the representations regarding health and perception of health effects, having regard to the consultant's survey carried out in March 2004, having regard to their previous decision in respect of 102 High Street, and taking into account the policy guidance in PPG8 and PPG15, it would not be appropriate to undertake formal enforcement action on these grounds, in this case;
- 2.3 No further action to be taken with regard to this matter;
- 2.4 The complainants be notified accordingly.

FOR DECISION

REASON:

To enable the Committee to consider fully the circumstances surrounding the unauthorised installation.

3. Consultation with Ward Councillors

3.1 All Ward Councillors were sent a copy of this report.

4. Policy Context (including Relevant Previous Decisions)

4.1 On 17th March 2004 this Committee resolved to make a Discontinuance Order in respect of a Hutchison 3G Mobile Phone Base Station installed on the roof of 102 High Street (planning application reference WEST/456/02/FUL) for the following reasons:

- (i) the development, by reason of its height and prominence, is unduly obtrusive and detrimental to the character and appearance of this part of the Conservation Area;
- (ii) the development, by reason of its height and prominence, is unduly obtrusive and detracts from the visual amenity of neighbouring residents and occupiers and of the street scene in general.

4.2 Planning application reference P/1017/03/CFU for the "installation of microcell antenna 110mm x 320mm at a height of 6m on the front elevation of No.44, with feeder cables and equipment cabinet at side of No.42" was refused on 16th September 2003.

4.3 The reason for refusal was:

"The proposed development, in particular the equipment cabin, would be visually obtrusive by reason of unsatisfactory size and siting, and be detrimental to the character and appearance of this part of the Conservation Area and the amenity of local residents.

4.4 The applicants appealed this refusal, and in a letter dated 16th August 2004 Mr P Graham, the Planning Inspector, for the First Secretary of State, upheld the appeal and granted planning permission for the development, subject to conditions.

5. Relevance to Corporate Priorities

5.1 This report addresses the Council's stated priority of enhancing the environment of the borough.

6. Background Information and Options Considered**6.1 Investigation**

6.1.1 The Council received a complaint from a member of the public that telecommunications equipment, additional to that previously installed at 102 High Street had been erected at the rear of 104 High Street, at some time in February

2004. An investigation of the site revealed a small telecommunications equipment cabinet (sited against the rear wall of 104 High Street) owned by Orange.

6.1.2 Subsequent investigation revealed that the cabinet formed part of a telecommunications micro-system, with cabling to two small wall-mounted antennae on the front wall at 102 High Street and on the flank wall of 106 High Street. No complaints have been received in respect of the two microcell antennae installed on the street frontages.

6.2 The Need for Planning Consent

6.2 The equipment cabinet and the two antennae are sited within a Conservation Area (article 1(5) land). The cabin falls within the provisions of permitted development under Part 24 of the Town and Country Planning (General Permitted Development) Order 1995 and neither planning permission or a determination for prior approval is required.

6.2.2 Two microcell antennae are expressly excluded from permitted development by the provisions of Part 24 (h) of the 1995 Order and planning permission is required. Such permission was neither sought nor obtained by Orange, and they have since declined to submit an application to regularise the development. As the equipment cabinet was erected as part of the same development as the two antennae, it is likely that the whole development requires planning consent.

6.2.3 In October 2003 Orange published a "roll-out" plan which indicates all of their current sites and proposals within Harrow. The document included reference to this site with a note that planning permission had been granted. However, it is confirmed that no such permission has ever been sought or obtained from the Local Planning Authority.

6.3 Consultation

6.3.1 In the absence of any planning application, no consultation of Harrow School or of local residents has been undertaken, either by the developer or the Local Planning Authority.

6.3.2 However, since the original complaint about the equipment cabinet, four letters of objection have been received, including The Harrow Hill Trust and a joint letter from 10 nearby residents.

6.3.3 The Harrow Hill Trust object on the following grounds:

- the original proposal by Orange was made at 42/44 High Street, where planning permission was applied for and refused
- the development was then installed by Orange without permission at 102-106 High Street
- the developer was fully aware of the need for planning permission and should be made to apply
- the development creates a precedent
- that the (similar) development at 42-44 High Street was not considered to be de minimus so this development should not be considered de minimus.

6.3.4 The other objections have been made on the following grounds:

- the failure to apply for permission has meant that no public consultation has been carried out
- the issues are the same as those considered in respect of the flagpole mast when the Discontinuance Order was agreed
- the development is unauthorised and the developer should be required to submit a planning application
- the development detracts from the appearance of the Conservation Area
- the development creates a precedent
- the officers' report is one-sided as it ignores the Stewart Report on mobile phones and health
- the developer has totally ignored the consultation requirements set out in:
 - the ODPM's Code of Best Practice on Mobile Phone Network Development
 - Planning Policy Guidance Note 8 – Telecommunications
 - the Mobile Phone Operators Association's "10 Commitments"
 - the Local Planning Authority's own guidelines
- taking no action would be wholly inconsistent with the Committee's September 2003 decision to refuse a similar development at 42/44 High Street
- the officers' report ignores the strength of local feelings about health dangers and visual impact
- the Courts have held that adequate weight should be given to health of concerns and this development gives rise to a very significant degree of fear of health risk
- local residents should be able to make representations to the Committee before planning permission is determined
- the development is no de minimis because it affects locally listed buildings in a conservation area and because its emissions combine with those from the 3G mast and have a cumulative effect
- the microcell installation and the 3G mast should be looked at in the aggregate until such time as the Discontinuance Order appeal is determined
- failure to instigate enforcement action could set a precedent, sending a message that where mobile phone antenna are erected the Council will not insist on public consultation and their approval.

6.3.5 Additionally, one local resident indicates that no-one was aware that the additional masts (the microstation antenna) existed until the Council's technical expert picked up their signal.

6.4 Formal Advice and Policies

6.4.1 PPG sets out the position in relation to the determination of planning applications: **40.** The Government is committed to a plan-led system of development control. This is given statutory force by section 54A of the 1990 Act. Where an adopted or approved development plan contains relevant policies, section 54A requires that an application for planning permission or an appeal shall be determined in accordance with the plan, unless material considerations indicate otherwise. Conversely, applications which are not in accordance with relevant policies in the plan should not be allowed unless material considerations justify granting a planning permission. Those deciding such planning applications or appeals should always taken into account whether the proposed development would cause demonstrable harm to interests of acknowledged importance. In all cases where the development plan is relevant, it will be necessary to decide whether the proposal is in accordance with the plan and then to take into account other material considerations.

- 6.4.2 Relevant material considerations need to be considered within the overall context of the advice in PPG8 and in this case include:
- Character and appearance of the conservation area
 - Visual and residential amenity
 - Alternative sites and need
 - ICNIRP compliance
 - Health concerns

6.4.3 Relevant material considerations with regard to development in Conservation Areas need to be considered. Advice regarding the preservation or enhancement of Conservation Areas is provided in PPG15.

6.4.4 Advice on the appropriateness of the instigation of formal planning enforcement action is given in PPG18.

6.4.5 The relevant development plan policies in relation to this application are set out in Harrow Unitary Development Plan (adopted 30 July 2004) (the UDP):

EP31 Areas of Special Character
D16 Conservation Areas Priority
D24 Telecommunications Development

Additionally, the Harrow on the Hill Village Conservation Area Policy Statement covers these properties.

6.5 **General Advice**

6.5.1 When making decisions related to telecommunications installations, large or small, account has also to be taken of the advice in PPG8 Telecommunications relating to need. PPG8 advises:

Modern telecommunications are an essential and beneficial element in the life of the local community and in the national economy. New communications technology is now spreading rapidly to meet the growing demand for better communications at work and at home, in business and in public services. Fast, reliable and cost effective communications can attract industry to an area and help firms remain competitive, thus contributing to other policy goals, including increased population opportunities.

6.6 **Health Issues and Alternative Sites**

6.6.1 When considering public concerns about health issues and telecommunications equipment the Government gives advice in PPG8 – Telecommunications.

Health considerations and public concern can in principle be material considerations in determining applications for planning permission and prior approval. Whether such matters are material in a particular case is ultimately a matter for the courts. It is for the decision-maker (usually the local planning authority) to determine what weight to attach to such considerations in any particular case.

However, it is the Government's firm view that the planning system is not the place for determining health safeguards. It remains central Government's responsibility to decide what measures are necessary to protect public health. In the Government's view, if a proposed mobile phone base station meets the ICNIRP guidelines for public exposure it should not be necessary for a local planning authority, in processing an application for planning permission or prior approval, to consider further the health aspects and concerns about them.

All new mobile phone base stations are expected to meet the ICNIRP guidelines. However, all applicants should include with their applications, a statement that self-certifies to the effect that the

mobile phone base station when operational will meet the guidelines. In line with the Group's recommendations the mobile phone network operator should also provide to the local authority a statement for each site indicating its location, the height of the antenna, the frequency and modulation characteristics, and details of power output. Where a mobile phone base station is added to an existing mast or site, the operator should confirm that the cumulative exposure will not exceed the ICNIRP guidelines.

Mobile phone operators already keep their RF power outputs to the lowest possible levels commensurate with effective service provision. They need to do this to ensure risk of interference within the network and with other radio networks is minimised. Whilst levels of power output are likely to go up and down during the day (depending on factors such as the number of people using their phones at any one time and the distance they are from the base station), the operators have confirmed that the base stations will, at all times, remain within the ICNIRP guidelines for public exposure.

- 6.6.2 In the absence of a planning application no information has been provided about compliance with ICNIRP or otherwise.

A survey of emissions was carried out by ECS Ltd on behalf of the Council on 4th March 2004. It is believed that this installation was operational at that time. As the readings of the survey equipment are cumulative of all emissions the reading noted in the report would include this installation. A copy of the ECS Ltd report is attached.

- 6.6.3 The typical output of a microcell antenna is substantially lower than that of a macrocell antenna such as the one on the roof of 102 High Street. Microcell antenna invariably fall well within the Government's safety guidelines.

- 6.6.4 PPG advises on this issue – see Appendix ***. It is generally accepted that installations comply with ICNIRP guidelines by a very high factor. However, the “perception of harm” is, of course, whether telecommunications masts emit electromagnetic radiation fields that could be harmful to those living and working nearby.

- 6.6.5 Appeal inspectors have varied in dealing with this issue but have clearly accepted it as a material consideration. Perceived fears have been accepted as understandable and relevant concerns, whether based on distrust of scientific advice or other expert evidence, or simple gut feeling antipathy to a particular use. Nevertheless, Inspectors have been reluctant to recognise public opinion per se as an arbiter of a planning application, and have generally adopted the “precautionary principle” in decision making in line with Government advice.

- 6.6.6 Details of alternative locations would normally be submitted as part of the planning application process. As a planning application has not been submitted on this occasion the usual details from the developer relating to alternative sites and need are not available.

- 6.6.7 Sections of UDP Policy D24 are relevant in the decision making process:

D24 PROPOSALS FOR TELECOMMUNICATIONS DEVELOPMENT WILL BE CONSIDERED FAVOURABLY PROVIDED:

- A) NO SATISFACTORY ALTERNATIVE, AND LESS HARMFUL, MEANS OF MEETING THE NETWORK COVERAGE DEFICIENCY IDENTIFIED BY THE PROSPECTIVE OPERATOR IS AVAILABLE;
- B) CONSIDERATION HAS BEEN GIVEN TO SITING EQUIPMENT ON AN EXISTING BUILDING OR STRUCTURE OR TO SHARING FACILITIES (EITHER USING EXISTING FACILITIES OR REPLACING EXISTING FACILITIES WITH SHARED FACILITIES);
- E) THE PROPOSED SITE AND ANY EMISSIONS ASSOCIATED WITH IT DO NOT PRESENT ANY HEALTH HAZARDS.

6.7 Development within the Historic Environment

6.7.1 Account should be taken of advice given in Planning Policy Guidance Note 15, Planning and the Historic Environment (PPG15), when considering development in a conservation area. PPG15 advises:

4.14 Section 72 of the Act requires that special attention shall be paid in the exercise of planning functions to the desirability of preserving or enhancing the character or appearance of a conservation area. This requirement extends to all powers under the Planning Acts, not only those which relate directly to historic buildings.

4.16 Many conservation areas include the commercial centres of the towns and villages of which they form part. While conservation (whether by preservation or enhancement) of their character or appearance must be a major consideration, this cannot realistically take the form of preventing all new development: the emphasis will generally need to be on controlled and positive management of change. Policies will need to be designed to allow the area to remain alive and prosperous, and to avoid unnecessarily detailed controls over businesses and householders, but at the same time to ensure that any new development accords with the area's special architectural and historic interest.

4.19 The Courts have recently confirmed that planning decisions in respect of development proposed to be carried out in a conservation area must give a high priority to the objective of preserving or enhancing the character or appearance of the area. If any proposed development would conflict with that objective, there will be a strong presumption against the grant of planning permission, though in exceptional cases the presumption may be overridden in favour of development which is desirable on the ground of some other public interest.

4.20 As to the precise interpretation of 'preserve or enhance' the Courts have held (South Lakeland DC v Secretary of State for the Environment, [1992] 2 WLR204) that there is no requirement in the legislation that conservation areas should be protected from all development which does not enhance or positively preserve. Whilst the character and appearance of conservation areas should always be given full weight in planning decisions, the objective of preservation can be achieved either by development which makes a positive contribution to an area's character or appearance, or by development which leaves character and appearance unharmed.

6.7.2 Sections of several UDP policies relate to this issue:

D24 PROPOSALS FOR TELECOMMUNICATIONS DEVELOPMENT WILL BE CONSIDERED FAVOURABLY PROVIDED:

- C) THERE WOULD BE NO DETRIMENTAL IMPACT ON CONSERVATION AREAS, LISTED BUILDINGS, IMPORTANT LOCAL VIEWS AND LANDMARKS OR OTHER STRUCTURAL

FEATURES IDENTIFIED IN POLICY SEP5, AND, HAVING REGARD TO OPERATIONAL NEED, THERE WOULD BE NO SERIOUS RISK TO AMENITY IN RESIDENTIAL AREAS;

- D) THE PROPOSED INSTALLATION WOULD BE SITED AND DESIGNED TO MINIMISE VISUAL IMPACT, AND, WHERE PRACTICABLE, TO ACCOMMODATE FUTURE SHARED USE. CAREFUL CONSIDERATION SHOULD BE GIVEN TO SCREENING AND PLANTING; AND**

EP31 WITHIN THE AREAS OF SPECIAL CHARACTER, AS SHOWN ON THE PROPOSALS MAP, THE COUNCIL WILL:-

- A) RESIST THE LOSS OF, OR DAMAGE TO, FEATURES WHICH CONTRIBUTE TO THE AREA OF SPECIAL CHARACTER;**
- B) PRESERVE ARCHITECTURAL AND HISTORIC FEATURES WHICH CONTRIBUTE TO THE CHARACTER OF THE AREA;**

D16 THE PRESERVATION OF THE CHARACTER OR APPEARANCE OF CONSERVATION AREAS MAY BE CONSIDERED TO OVERRIDE OTHER PLAN POLICIES AND BUILDING CONTROL STANDARDS IN APPROPRIATE CASES.

- 6.7.3 The Harrow on the Hill Village Conservation Area Policy Statement was agreed as a Non-Statutory Policy Statement by the Development Services Committee on 27th August 12002. Policy (4) relates to this development:

PROPOSALS FOR ALTERATIONS AND EXTENSIONS SHOULD RESPECT THE ARCHITECTURAL STYLE AND CHARACTER OF THE EXISTING BUILDING IN TERMS OF BULK, SITING, DETAILED DESIGN AND MATERIALS. IN SOME INSTANCES THE OVERALL CHARACTER OF A GROUP OF BUILDINGS WILL NEED TO BE RESPECTED AND MAINTAINED.

- 6.7.4 PPG8 gives some general advice on small telecommunications developments such as this:

Some minor operations or changes of use of land may not consistent development which requires planning permission. For example, many of the smallest antenna systems may be covered by the normal principle of *de minimus*; or they may not have a material effect on the external appearance of the building on which they may be installed, and therefore may not fall within the legal definition of development. Most conventional television aerials and their mountings or pole have long been treated this way, and this approach should continue to be applied to small telecommunications apparatus in general (regardless of who installs it). The installation of some microcells, such as those similar in appearance to burglar alarms, may be treated in this way.

- 6.7.5 Whilst a great deal of this conservation areas character has been retained. However, the area has evolved over a period of time, and some more modern features now exist, such as traffic calming, television and satellite antenna, street furniture, alarm boxes and advertising.

- 6.7.6 The two microcell antennae are not prominent features in the street scene. No specific complaints were received in relation to the antennae. The two microcell antennae are white plastic boxes approximately 400mm long, 150mm wide and 120mm deep. In the case of 102 High Street the microcell is sited just below the flat roof parapet adjacent to the parapet at 104 High Street on the left hand edge of the front elevation. The microcell matches the colour of the front elevation of 102 which is white rendered. The microcell on the upper flank elevation of 106 High Street is sited directly above a black hopper and downpipe, and is seen against the backdrop of a rendered, buff-coloured flank wall.
- 6.7.7 Whilst 102 and 106 High Street are locally listed buildings, it is considered that whilst the antennae are on this occasion not *de minimus*, they are nevertheless small and unobtrusive and do not detract from the character and appearance of the Conservation Area.
- 6.7.8 The equipment box is situated in a service area to the rear of 104 High Street. It is located at the end of a concrete apron used for storing large wheeled refuse bins. In this location it is not readily visible from a public area. As it is located in such a utilitarian service area it does not have a detrimental impact on visual amenity from private areas.
- 6.7.9 The cabling runs from the equipment box, up the rear elevation of 104 High Street and across the roof of 102 High Street. Here it fits directly into the small antenna on the front elevation of 102 High Street and runs along the guttering to the antenna at 106 High Street. This cabling is not immediately visible to passers by in High Street, and does not form a prominent feature along the building frontages.

6.8 Residential Amenity

- 6.8.1 That a mast would be detrimental to the amenities of a residential area may be an argument that prevails especially where strong local opposition is a feature of the objections.
- 6.8.2 PPG8 encourages the use of existing buildings and other structures, such as electricity pylons, to site new antennas. Applicants are expected to demonstrate that they have explored this possibility. PPG8 requires the use of sympathetic design and camouflage to minimise the impact of development on the environment. It encourages the telecommunications industry to continue to develop innovative design solutions, in terms not only of the structure of masts and antennas but also the materials and colouring.
- 6.8.3 In the present case the microcell antennae are small in size, are sited unobtrusively, and resemble burglar alarms in general appearance, as such they do not constitute incongruous features in a residential or town centre area.

6.9 Proposed Microcell Development at 42-44 High Street

- 6.9.1 Planning application reference P/1017/03/CFU was submitted for the installation of a telecommunications microcell development including an equipment box, cabling and a small antenna.

6.9.2 The application was considered by the Development Control Committee at its meeting of 30th July 2003, where the matter was deferred for a site visit. The matter was placed before the Development Control Committee again at its meeting of 10th September 2003. At this meeting the Committee refused the application.

6.9.3 The formal decision was issued on 16th September 2003 gave the following reason for refusal:

The proposed development, in particular the equipment cabin, would be visually obtrusive by reason of unsatisfactory size and siting, and be detrimental to the character and appearance of this part of the Conservation Area and the amenity of local residents.

6.9.4 The applicant's appealed this refusal, and in a letter dated 16th August 2004, Mr P Graham, the Planning Inspector, for the First Secretary of State, upheld the appeal and granted planning permission for the development, subject to conditions.

6.9.5 In his letter the Inspector considers issues of visual amenity, impact on an adjoining listed building, public health matters and human rights issues. A copy of this letter is attached.

6.10 **Advice on the Appropriateness of Planning Enforcement Action**

6.10.1 Planning Policy Guidance Note 18 – Enforcement, gives advice with regard to circumstances where development has been carried out without planning permission.

7. While it is clearly unsatisfactory for anyone to carry out development without first obtaining the required planning permission, an enforcement notice should not normally be issued solely to "regularise" development which is acceptable on its planning merits, but for which permission has not been sought. In such circumstances, LPAs should consider using the new "planning contravention notice" to establish what has taken place on the land and persuade the owner or occupier to seek permission for it, if permission is required. The owner or occupier of the land can be told that, without a specific planning permission, he may be at a disadvantage if he subsequently wishes to dispose of his interest in the land and has no evidence of any permission having been granted for development comprising an important part of the valuation. As paragraph 14 of DOE Circular 2/87 (W) 5/87) points out, it will generally be regarded as "unreasonable" for the LPA to issue an enforcement notice, solely to remedy the absence of a valid planning permission, if it is concluded, on an enforcement appeal to the Secretary of State, that there is no significant planning objection to the breach of control alleged in the enforcement notice. Accordingly, LPAs who issue a notice in these circumstances will remain at risk of an award against them of the appellant's costs in the enforcement appeal.

7. **The Breach of Planning Control**

7.1 Without planning permission, the erection of a telecommunications micro system including an equipment box, two antenna and associated cabling.

8. **Consultation**

8.1 Not applicable

9. **Finance Observations**

9.1 None

10. Legal Observations

10.1 Included in the report.

11. Conclusion

11.1 Whilst a planning application for this development has not been submitted, it is unlikely that the instigation of formal planning enforcement action would be successful, as the antenna do not appear to be detrimental to the character or appearance of the Harrow on the Hill Village Conservation Area, or the Locally Listed Building to which they are fixed.

12. Background Papers

12.1 None

13. Author

Glen More, Planning Enforcement Manager, extn. 5219

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ICNIRP Compliance Assessment of the mobile phone installation located on the roof of No.102 High Street, Harrow-on-the-Hill, London.

Summary:

The mobile phone Base Station installation operated by 3 complies with the International Commission for Non-Ionising Radiation Protection (ICNIRP) guidelines by large margins.

The highest level of the total electromagnetic power density measured in the property next to the installation at No.100 High Street was only 0.0006 Watts per square metre (W/m^2). This level is more than 16,600 times below the ICNIRP maximum permitted public guideline value of $10 W/m^2$ set for the frequencies used by the operator 3. The low values found at this address are due to the main signal path from the antennas passing over the roof of the property.

The highest level of the total electromagnetic power density measured within a flat more remote from the installation was only $0.0016 W/m^2$. This value is 6,250 times below the ICNIRP maximum permitted public guideline value of $10 W/m^2$.

The highest value of the total electromagnetic power density measured within the surrounding area at street level was $0.0035 W/m^2$. This value is more than 2,800 times below the maximum permitted ICNIRP public guideline value set for the frequencies used by 3.

It can therefore be concluded, as the ICNIRP guidelines are designed to provide for the full protection of everyone at the maximum permitted public values, then when considering the very much lower measured values, no harm should be expected to result to anyone living in these buildings or nearby.

Compliance Assessment Survey

The Measurement Survey was conducted by Garry Homer, Director, Electromagnetic Surveys Limited on 4 March 2004, between 1.00 pm and 3.20 pm.

1. Background

The mobile phone operator 3 has a Base Station located at No.102 High Street. The antennas are mounted within the top section of a slim mast designed to appear as a flagpole on the roof of the building. Concerns have been raised by local residents about their safety while living close to the installation. This survey was commissioned to address these concerns.

2. Instrumentation

The instrument used for this survey was a Wandel & Goltermann EMR 300, serial number AP-0052, fitted with a probe that had a frequency response covering 100 kHz to 3000 MHz. The instrument was within its calibration period and functioned normally throughout the tests.

This professional instrument provides the total value for all the electromagnetic fields that are present within the frequency range of the probe. The probe is also isotropic, which means the probe does not need to be pointed in any particular direction to correctly interact with the electromagnetic fields that surround it.

3. Safety Standards

The Independent Expert Group on Mobile Phones chaired by Sir William Stewart recommended that as a precautionary measure, all mobile phone companies should use the guidelines issued by the International Commission for Non-Ionising Radiation Protection (ICNIRP) for areas where the public have access. Previously, the guidelines issued by the National Radiological Protection Board (NRPB) were used.

The Stewart Report only made precautionary recommendations to increase the protection afforded to the public. The NRPB guidelines can still be applied to all mobile phone occupational situations and to both public and occupational situations for all other radio frequency sources.

Like the NRPB guidelines, the ICNIRP guidelines are not statutory limits. However, there is a general 'Duty of Care' provision within Health & Safety legislation that requires compliance with guidelines issued by authoritative bodies such as the NRPB and ICNIRP.

The NRPB and ICNIRP guidelines were created after careful reviews of all the health related research that had been carried out worldwide. As the research did not show causation of other health outcomes, both the NRPB and ICNIRP guidelines are designed to prevent our bodies overheating. They start from the knowledge that has been gained over the past decades, that a 1°C rise in body temperature is easily controlled by our bodies perspiring etc.

What ICNIRP has done is to first set a value for the protection of workers to limit this temperature rise to a small fraction of 1°C. This ensures their body temperatures are not elevated by any more than about 0.1°C while working at the maximum permitted occupational levels. Then, as it is assumed that working employees are healthier than the general public, the maximum permitted public guideline level is set at one fifth of the occupational level.

This very much lower public level is set to ensure that even when the electromagnetic field levels are at their maximum permitted public levels, then no harm will be caused to anyone, young or old, no matter what state of health they are in.

The operator 3 uses a frequency of approximately 2,100 MHz for their transmissions from the Base Station to their customer's handsets. At this frequency, the ICNIRP occupational guideline is set at a power density of 50 W/m², averaged over any six-minute period. The ICNIRP public guideline for this frequency is set at one fifth of this value at 10 W/m², again averaged over any six-minute period.

The NRPB guideline for this frequency is 100 W/m² for both public and occupational situations, averaged over any 15-minute period.

The average value is specified within the guidelines to take account of the variations in the signal level that can be created by different radio frequency technologies. These times are the maximum time over which the readings should be averaged. Where the signal is known not to vary, then one instantaneous value will suffice.

4. Methodology

As the ICNIRP guidelines specify averaged values; the measuring instrument was also set to indicate averaged values to ensure any transient events were included correctly. The measurement time allowed for each reading was that sufficient for the indicated value to become stable and constant but did not exceed the 6-minute limit. Therefore, all the values recorded in this report were measured in accordance with the guidelines and can be directly compared with the maximum permitted guideline values to calculate the level of compliance at each measurement location. The level of compliance for each location is shown in the attached Tables of Results.

The instrument probe is sensitive to a wider range of frequencies than those used by this Base Station. This means the recorded values also include contributions from the wall mounted Orange antenna that is also located at No.102 High Street and the other local antennas on the roof above No.43 to No.47 High Street. There will also be small contributions from more distant mobile phone, emergency services, radio and television transmissions etc. Therefore, this measurement method will overestimate the contribution from the 3 Base Station and therefore provide a more severe assessment of compliance for the installation.

Where it was both possible and appropriate, all measurement locations were selected that had line-of-sight of the antennas. This was done to ensure that maximum values were captured. Common building materials can reduce the radio frequency power density level by factors of 10 or more.

5. Discussion

5.1 Survey Findings

Concern was expressed about the close proximity of the installation with No.100 High Street. However, the highest level of the total electromagnetic power density measured during the survey was found at street level near to No.17 London Road. The values measured within No.100 High Street were found to be low and comparable to some of the lowest values measured around the local area. This confirms expectations where, due to the height of the antennas and the shape of their radio frequency emissions, the main signal path from the antennas pass over the building.

During the measurement survey at this address, the signal level was seen to vary in a way that is uncharacteristic of the more constant 3G transmissions. This indicates that other significant radio frequency sources were present. However, approximations were not used to reduce the measured values to take account of these sources. Therefore, this methodology provides a 'worse case' assessment of the mobile phone installation operated by 3.

The significance of these other radio frequency sources can be interpreted from the Tables of Results. Measurements made at the rear of 45 High Street revealed a value of 0.0018 W/m^2 . This was at a position where the 3 installation could not be seen but where there was a clear line-of-sight of the antennas above this row of buildings. Measurements made at the front of these buildings were much lower where these antennas were not visible, even though there was clear line-of-sight of the 3 installation. The signal from these antennas was intermittent in a way that is characteristic of taxi, emergency services and paging transmissions.

5.2 Radiation

Most health concerns associated with mobile phone installations arise from the use of the term radiation. The Press and protest groups deliberately use this term to describe the emissions from mobile phone installations without providing any explanation of its meaning. People then become anxious as they are left to link these emissions with the dangers of nuclear sources of radiation, such as atom bombs and X-Ray machines etc.

Electromagnetic radiation is split into two parts, ionising and non-ionising. Ionising radiation occurs at frequencies above that of visible daylight, starting in the ultra-violet part of the electromagnetic spectrum and progressing through X-Rays and Gamma Rays to Cosmic Rays. It is the ionising energy of ultra-violet light that has led to serious concerns about skin cancer and the length of time that is spent in strong sunlight or on sun-beds.

Non-ionising electromagnetic radiation is everything below the ultra-violet part of the electromagnetic spectrum mentioned above. Mobile telephone frequencies are just a small part of this non-ionising electromagnetic radiation that includes radiated heat from fires, light, television and radio transmissions etc. It is referred to as non-ionising radiation as it does not have sufficient energy to change the electrical charge on atomic structures. It also does not have sufficient energy to significantly alter particle collisions in tissue or to break chemical bonds and affect our DNA. This is why most Physicists do not believe that low-level non-ionising electromagnetic radiation at levels, set by such authoritative bodies as ICNIRP and the NRPB, can pose any health risk.

5.3 Relevance of ICNIRP

The guidelines set by ICNIRP are being used by more and more countries as the basis for their own standards. Australia has recently issued their new guidelines with ICNIRP type reasoning and values. Previously, they had a lower temporary guideline that was introduced to allow them time to study the research data and to form their own opinion of what precautions were necessary.

The NRPB has recently completed a review of the research that has been undertaken since the Stewart Report was issued. They have not found any evidence of any effect that would undermine the relevance of the ICNIRP guidelines.

Some pressure groups champion the application of a standard based upon 3 Volts per metre (V/m), (equivalent to 0.0238 W/m^2), or some other parameter the mainstream worldwide scientific community does not accept. It should be noted the 3 V/m level has not been derived from any consideration of appropriate Health and Safety issues. This value has been set under European Electromagnetic Compatibility (EMC) regulations to avoid unnecessary interference with very sensitive electronic equipment. This is because some electronic equipment will contain metallic structures that can act as receiving antennas. They can also contain amplifiers that will boost the unwanted signals to levels that interfere with the normal operation of the equipment. However, the Tables of Results also show that all the electric fields recorded during this survey were smaller than 3 V/m.

It is widely accepted that interference to sensitive electronic equipment is possible at radio frequency levels below those contained in guidelines set to protect human health. Some older electronic equipment has not been deliberately designed to be immune to this type of interference. This is why some countries have introduced stricter guidelines based upon 1V/m for areas close to Hospitals. It is not done to protect the people directly from the radio frequency levels but to ensure the older medical equipment will function better.

It has been reported that an Australian solution to the potential problem of using a mobile phone in a hospital is to install small Base Stations within the hospital. A mobile phone's Adaptive Power Control reacts to the close proximity of a Base Station by lowering the phone's output power. A mobile phone will transmit at up to about 1/10th of the permitted ICNIRP guideline when it is used far away from a Base Station. Next to a Base Station, a mobile phone may transmit at about 1/1000th of the permitted ICNIRP guideline. This solution was introduced because the hospital administrators could not persuade their own consultants to turn their mobile phones off and not to use them at the patient's bedside.

Adaptive Power Control was designed into mobile phones to extend the time a phone could operate on one charge of its battery.

Potential interference problems in hospitals still exist from the type of two-way radios the Porters and security staff use. These two-way radios can be found to operate very close to the permitted maximum ICNIRP guideline values.

6. Conclusions

1. The mobile phone Base Station installation operated by 3 complies with the International Commission for Non-Ionising Radiation Protection (ICNIRP) guidelines by large margins.
2. The highest level of the total electromagnetic power density measured in the property next to the installation at No.100 High Street was only 0.0006 Watts per square metre (W/m^2). This level is more than 16,600 times below the ICNIRP maximum permitted public guideline value of $10 W/m^2$ set for the frequencies used by the operator 3.
3. The highest level of the total electromagnetic power density measured within a flat more remote from the installation was only $0.0016 W/m^2$. This value is 6,250 times below the ICNIRP maximum permitted public guideline value of $10 W/m^2$.
4. The highest value of the total electromagnetic power density measured within the surrounding area at street level was $0.0035 W/m^2$. This value is more than 2,800 times below the ICNIRP maximum permitted public guideline value.
5. As the ICNIRP guidelines are designed to provide for the full protection of everyone at the maximum permitted public values, then when considering the very much lower measured values, no harm should be expected to result to anyone living in these buildings or nearby.

Garry Homer B.Sc. MIEEE
Director

6 March 2004

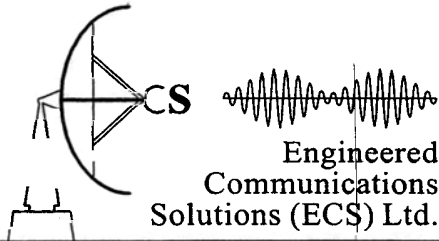
Tables of Results

Measurement Locations:	Measured Power Density W/m²	Times below the ICNIRP Public guideline of 10 W/m²	Electric Field V/m
No.100 High Street, side bedroom window overlooking the base of the flagpole style antenna	0.0006	16,667	0.48
No.100 High Street, centre of the above bedroom	0.0003	33,333	0.34
No.100 High Street, attic bedroom, near the wall nearest the mast	0.0002	50,000	0.27
No.100 High Street, attic bedroom, by the window	0.0003	33,333	0.34
No.100 High Street, study, by the desk near the window	0.0002	50,000	0.27
No.80 High Street, Lilly's bedroom, by the window overlooking High Street	0.0016	6,250	0.78
No.80 High Street, main bedroom, by the window	0.0004	25,000	0.39
No.80 High Street, living room, by the window	0.0001	100,000	0.19
High Street, by the gateway to 'The Park'	0.0002	50,000	0.27
High Street, outside No.74	0.0003	33,333	0.34
High Street, outside the 'Connoisseur'	0.0006	16,667	0.48
High Street, outside No.45	0.0005	20,000	0.43
High Street, outside No.49	0.0004	25,000	0.39
High Street, outside No.53	0.0005	20,000	0.43
High Street, outside No.57	0.0007	14,286	0.51
High Street, opposite No.100	0.0021	4,762	0.89
High Street, outside No.100	0.0022	4,545	0.91
London Road, outside No.9	0.0020	5,000	0.87
London Road, outside No.17	0.0035	2,857	1.15
London Road, outside 'Tithegate'	0.0029	3,448	1.05

Tables of Results

Measurement Locations:	Measured Power Density W/m²	Times below the ICNIRP Public guideline of 10 W/m²	Electric Field V/m
London Road, outside No.29	0.0017	5,882	0.80
London Road, outside 'Herga House'	0.0010	10,000	0.61
London Road, outside 'Tall Gate Cottage'	0.0010	10,000	0.61
London Road, outside 'Highlands'	0.0003	33,333	0.34
London Road, outside 'littlecourt'	0.0001	100,000	0.19
Harrow Park, opposite the driveway to 'Cairnryan Cottage'	0.0001	100,000	0.19
Harrow Park, opposite 'Syon'	0.0001	100,000	0.19
Harrow Park, opposite 'High Brow'	0.0004	25,000	0.39
Harrow Park, rear of 45 High Street	0.0018	5,556	0.82
Byron Hill Road, opposite No.5	0.0002	50,000	0.27
Byron Hill Road, opposite No.8	0.0001	100,000	0.19
Byron Hill Road, opposite No.14	0.0001	100,000	0.19
West Hill, by the roadway leading to 'West Hill Motors'	0.0002	50,000	0.27
West Hill, near to lamppost 'K980'	0.0001	100,000	0.19
West Hill, near to lamppost 'K1058'	0.0001	100,000	0.19
Roxeth Hill, outside 'Mount Pleasant Flat'	0.0002	50,000	0.27

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FAO Mr Frank Stocks

LONDON BOROUGH OF HARROW ENVIRONMENTAL SERVICES		DES
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PLANNING SERVICES		FP
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Acknowledged		T

Monday, 22 November 2004

Dear Mr Stocks

Electromagnetic Survey – 102 High Street, Harrow on the Hill

I am pleased to enclose my colleague's latest survey of the area. You will recall that this survey follows on from a survey done earlier in the year during which local residents were concerned that an Orange microcell located on the face of 102 High Street might not have been operational.

As before, the survey was done using equipment that measures the combined effect of all electromagnetic fields in the frequency range 100kHz to 3000MHz. This range encompasses the frequencies used by all the mobile phone networks as well as the frequencies used by a great many other radio systems.

Pages 7 and 8 attached show the change in levels recorded since the first survey. In all cases, the changes are small and are of the order that would be expected for surveys done at different times in a location where the overall electromagnetic radiation levels have remained fairly constant. The small differences measured may be accounted for by:

- Differing transmitter power levels from the base stations
- Minor differences in measurement locations
- Different contributions from other transmitters (mobile phones, taxi cab radios etc)

The key point to observe is that exposure levels in all cases are well within the international guideline levels.

One further observation is that although the levels vary from place to place and time to time, it would be wrong to assume that the varying levels of exposure relate in some way to varying risks. I am aware of no widely-accepted risks to health at the levels we have measured (i.e. levels below the relevant international guidelines).

I hope this is helpful.

Yours sincerely

Richard Newstead MIEE

ICNIRP Compliance Assessment of the mobile phone installations located at No.102 High Street, Harrow-on-the-Hill, London.

Summary:

The mobile phone Base Station emissions measured during this and the first survey easily comply with the International Commission for Non-Ionising Radiation Protection (ICNIRP) guidelines.

The highest level of the total electromagnetic power density measured in either this or the first survey at No.100 High Street was only 0.0006 Watts per square metre (W/m^2). This level is more than 16,600 times below the ICNIRP maximum permitted public guideline value of $10 W/m^2$ set for the frequencies used by the operator 3 and 15,000 times below the $9 W/m^2$ set for the frequencies used by Orange.

The level of the total electromagnetic power density measured at a window within a flat more remote from the installation was only $0.0017 W/m^2$. This value is more than 5,800 times below the ICNIRP maximum permitted public guideline value of $10 W/m^2$ set for the frequencies used by 3 and more than 5,200 times below $9 W/m^2$ set for the frequencies used by Orange.

The highest value of the total electromagnetic power density measured within the surrounding area at street level was $0.0035 W/m^2$. This value is more than 2,800 times below the ICNIRP maximum permitted public guideline of value of $10 W/m^2$ set for frequencies used by 3 and more than 2,500 times below $9 W/m^2$ set for the frequencies used by Orange.

The ICNIRP guidelines are designed to provide for the full protection of everyone at the maximum permitted public values and these guidelines are endorsed by the National Radiological Protection Board and the World Health Organisation. Therefore it can be concluded, when considering the much lower measured values, then no harm should be expected to result to anyone living near these installations.

Compliance Assessment Survey

The Measurement Survey was conducted by Garry Homer, Director, Electromagnetic Surveys Limited on 16 November 2004, between 1.40 pm and 4.40 pm.

1. Background

This survey was carried out to address the possibility that a small wall mounted antenna operated by Orange was not in service during the previous survey carried out in March this year. At that time attention was focussed on the installation operated by 3. This survey was commissioned to address these new concerns.

2. Instrumentation

The instrument used for this survey was the same as used before. That is, a Wandel & Goltermann EMR 300, serial number AP-0052, fitted with a probe that had a frequency response covering 100 kHz to 3000 MHz. Again, the instrument was within its calibration period and functioned normally throughout the tests.

3. Safety Standards

The position regarding guidelines has changed since the last report. In 2000 the Independent Expert Group on Mobile Phones chaired by Sir William Stewart recommended all mobile phone companies should use the guidelines issued by the International Commission for Non-Ionising Radiation Protection (ICNIRP) for areas where the public have access. The National Radiological Protection Board (NRPB) has now carried out a review of the research that has been completed since then and it now recommends the application of the ICNIRP guidelines for all frequencies, including the mobile phone frequencies.

The World Health Organisation also endorses the ICNIRP guidelines and promotes their use around the world. Also, the ICNIRP guidelines will be used in association with a European Directive on Electromagnetic Fields. The Health and Safety Executive expect this directive to be legally in force in the UK in 2008.

The ICNIRP guideline maximum permitted levels depend upon the frequency that is in use, as shown below.

Operator	Base Station Transmit Frequency (Megahertz) MHz	ICNIRP public level W/m ²
Orange	1800	9
3	above 2000	10

4. Methodology

This survey was carried out by visiting each measurement location that was used during the first survey. Again, as the ICNIRP guidelines specify averaged values; the measuring instrument was also set to indicate averaged values to ensure any transient events were included correctly.

5. Discussion of the survey findings

At the time of the first survey, attention and concerns were focussed upon the 3G transmissions from the tall slim mast mounted above 102 High Street. The new concerns about the wall mounted Orange antenna, were associated with the possibility that at the time of the first survey, this antenna was not in service, and therefore emission levels could now be higher.

The Tables of Results – 11/16/04 show the measured values for this survey. As the Orange antenna is now also the focus of attention, these tabulated results include a column to show compliance at the guideline level set for Orange's 1800 MHz transmissions. The same method as used for the 3G system has been used to calculate compliance for Orange. That is, all the measured value has been used to assess compliance, regardless of all the other sources of transmissions that are included in this value. Therefore, this compliance is a very pessimistic assessment for Orange due to the proximity of the larger 3G installation.

Overall, the measured values do not show any significant increase in levels. The differences in levels are shown in the Tables of Results – Change since first survey. Some levels were found to be lower this time. Two locations revealed slightly larger increases in the recorded values, however, these values are still very small compared to the guideline levels.

The main difference between the recorded values of these two surveys is some mobile phone transmissions are constantly varying depending on the number of calls that are being handled. Also, it was not possible to position the instrument probe in exactly the same position that was used in the first survey.

The increase that was found outside the 'Connoisseur' restaurant is interesting, as values were found to increase towards the restaurant windows and reduce towards the kerb edge of the footpath. This effect can not easily be attributed to the mobile phone Base Station transmissions, as the distance to these antennas remained almost constant as positions changed across the footpath. The effect is more likely to be due to the proximity of equipment or mobile/cordless phones that may have been in use in the restaurant. The value at the kerb edge was 0.0011 W/m^2 and a value of 0.0018 W/m^2 was found near to the restaurant window. The tabulated value of 0.0016 W/m^2 represented a position at the middle of the footpath.

As the new measured levels are approximately the same as the older values, it is highly likely the Orange installation was operational during the first survey. Therefore, it is reasonable to use the highest values recorded during either survey to characterise a slightly pessimistic normal situation. This is shown in the Tables of Results – Compliance using the highest values from this and the first survey.

While little has changed between this survey and the first, it is important to record one extra reading that shows how well ordinary building materials reduce the radio frequency levels. There was concern expressed about levels measured at a bedroom window at No.80 High Street. The recorded level during this survey was 0.0017 W/m^2 . Measurements made at locations within the same bedroom revealed a level of only 0.0001 W/m^2 at the centre of the room. Similar very low values were seen to continue to exist until within about 1m of the window, where the values started to rise. These lower values are due to these areas not having 'line-of-sight' of the antennas. In these areas, the levels can only be composed of much weaker indirect signals.

6. Conclusions

- 1 The mobile phone Base Station emissions measured during this and the first survey easily comply with the International Commission for Non-Ionising Radiation Protection (ICNIRP) guidelines.
- 2 The highest level of the total electromagnetic power density measured in either this or the first survey at No. 100 High Street was only 0.0006 Watts per square metre (W/m^2). This level is more than 16,600 times below the ICNIRP maximum permitted public guideline value of $10 W/m^2$ set for the frequencies used by the operator 3 and 15,000 times below the $9 W/m^2$ set for the frequencies used by Orange.
3. The level of the total electromagnetic power density measured at a window within a flat more remote from the installation was only $0.0017 W/m^2$. This value is more than 5,800 times below the ICNIRP maximum permitted public guideline value of $10 W/m^2$ set for the frequencies used by 3 and more than 5,200 times below $9 W/m^2$ set for the frequencies used by Orange.
4. The highest value of the total electromagnetic power density measured within the surrounding area at street level was $0.0035 W/m^2$. This value is more than 2,800 times below the ICNIRP maximum permitted public guideline of value of $10 W/m^2$ set for frequencies used by 3 and more than 2,500 times below $9 W/m^2$ set for the frequencies used by Orange.
- 5 The ICNIRP guidelines are designed to provide for the full protection of everyone at the maximum permitted public values and these guidelines are endorsed by the National Radiological Protection Board and the World Health Organisation. Therefore, when considering the much lower measured values, then no harm should be expected to result to anyone living in these buildings or nearby.

Garry Homer B.Sc. MIEEE
Director

19 November 2004

Tables of Results – 16/11/04

Measurement Locations:	Measured Power Density 16/11/04 W/m ²	Times below the ICNIRP Public guideline of 10 W/m ²	Times below the ICNIRP Public guideline of 9 W/m ²	Electric Field V/m
No.100 High Street, side bedroom window overlooking the base of the flagpole style antenna	0.0004	25,000	22,500	0.39
No.100 High Street, centre of the above bedroom	0.0001	100,000	90,000	0.19
No.100 High Street, attic bedroom, near the wall nearest the mast	0.0001	100,000	90,000	0.19
No.100 High Street, attic bedroom, by the window	0.0001	100,000	90,000	0.19
No.100 High Street, study, by the desk near the window	0.0001	100,000	90,000	0.19
No.80 High Street, Lilly's bedroom, by the window overlooking High Street	0.0017	5,882	5,294	0.80
No.80 High Street, main bedroom, by the window	0.0003	33,333	30,000	0.34
No.80 High Street, living room, by the window	0.0001	100,000	90,000	0.19
High Street, by the gateway to 'The Park'	0.0001	100,000	90,000	0.19
High Street, outside No.74	0.0001	100,000	90,000	0.19
High Street, outside the 'Connoisseur'	0.0016	6,250	5,625	0.78
High Street, outside No.45	0.0006	16,667	15,000	0.48
High Street, outside No.49	0.0004	25,000	22,500	0.39
High Street, outside No.53	0.0006	16,667	15,000	0.48
High Street, outside No.57	0.0010	10,000	9,000	0.61
High Street, opposite No.100	0.0025	4,000	3,600	0.97
High Street, outside No.100	0.0020	5,000	4,500	0.87
London Road, outside No.9	0.0030	3,333	3,000	1.06
London Road, outside No.17	0.0034	2,941	2,647	1.13
London Road, outside 'Tithegate'	0.0024	4,167	3,750	0.95

Tables of Results – 16/11/04

Measurement Locations:	Measured Power Density 16/11/04 W/m ²	Times below the ICNIRP Public guideline of 10 W/m ²	Times below the ICNIRP Public guideline of 9 W/m ²	Electric Field V/m
London Road, outside No.29	0.0015	6,667	6,000	0.75
London Road, outside 'Herga House'	0.0015	6,667	6,000	0.75
London Road, outside 'Tall Gate Cottage'	0.0006	16,667	15,000	0.48
London Road, outside 'Highlands'	0.0003	33,333	30,000	0.34
London Road, outside 'Littlecourt'	0.0002	50,000	45,000	0.27
Harrow Park, opposite the driveway to 'Cairnryan Cottage'	0.0001	100,000	90,000	0.19
Harrow Park, opposite 'Syon'	0.0002	50,000	45,000	0.27
Harrow Park, opposite 'High Brow'	0.0005	20,000	18,000	0.43
Harrow Park, rear of 45 High Street	0.0013	7,692	6,923	0.70
Byron Hill Road, opposite No.5	0.0001	100,000	90,000	0.19
Byron Hill Road, opposite No.8	0.0001	100,000	90,000	0.19
Byron Hill Road, opposite No.14	0.0001	100,000	90,000	0.19
West Hill, by the roadway leading to 'West Hill Motors'	0.0002	50,000	45,000	0.27
West Hill, near to lamppost 'K980'	0.0002	50,000	45,000	0.27
West Hill, near to lamppost 'K1058'	0.0001	100,000	90,000	0.19
Roxeth Hill, outside 'Mount Pleasant Flat'	0.0002	50,000	45,000	0.27

Tables of Results – Change since the first survey

Measurement Locations	Change in Power Density from 04/03/04	Change in Electric Field from 04/03/04
	W/m ²	V/m
No.100 High Street, side bedroom window overlooking the base of the flagpole style antenna	-0.0002	-0.09
No.100 High Street, centre of the above bedroom	-0.0002	-0.15
No.100 High Street, attic bedroom, near the wall nearest the mast	-0.0001	-0.08
No.100 High Street, attic bedroom, by the window	-0.0002	-0.15
No.100 High Street, study, by the desk near the window	-0.0001	-0.08
No.80 High Street, Lilly's bedroom, by the window overlooking High Street	0.0001	0.02
No.80 High Street, main bedroom, by the window	-0.0001	-0.05
No.80 High Street, living room, by the window	No change	No change
High Street, by the gateway to 'The Park'	-0.0001	-0.08
High Street, outside No.74	-0.0002	-0.15
High Street, outside the 'Connoisseur'	0.0010	0.30
High Street, outside No.45	0.0001	0.05
High Street, outside No.49	No change	No change
High Street, outside No.53	0.0001	0.05
High Street, outside No.57	0.0003	0.10
High Street, opposite No.100	0.0004	0.08
High Street, outside No.100	-0.0002	-0.04
London Road, outside No.9	0.0010	0.19
London Road, outside No.17	-0.0001	-0.02
London Road, outside 'Tithegate'	-0.0005	-0.10

Tables of Results

Measurement Locations:	Change in Power Density from 04/03/04	Change in Electric Field from 04/03/04
	W/m ²	V/m
London Road, outside No.29	-0.0002	-0.05
London Road, outside 'Herga House'	0.0005	0.14
London Road, outside 'Tall Gate Cottage'	-0.0004	-0.13
London Road, outside 'Highlands'	No change	No change
London Road, outside 'Littlecourt'	0.0001	0.08
Harrow Park, opposite the driveway to 'Cairnryan Cottage'	No change	No change
Harrow Park, opposite 'Syon'	0.0001	0.08
Harrow Park, opposite 'High Brow'	0.0001	0.04
Harrow Park, rear of 45 High Street	-0.0005	-0.12
Byron Hill Road, opposite No.5	-0.0001	-0.08
Byron Hill Road, opposite No.8	No change	No change
Byron Hill Road, opposite No.14	No change	No change
West Hill, by the roadway leading to 'West Hill Motors'	No change	No change
West Hill, near to lamppost 'K980'	0.0001	0.08
West Hill, near to lamppost 'K1058'	No change	No change
Roxeth Hill, outside 'Mount Pleasant Flat'	No change	No change

Tables of Results – Compliance using the highest values from this and the first survey

Measurement Locations:	Measured Power Density W/m ²	Times below the ICNIRP Public guideline of 10 W/m ²	Times below the ICNIRP Public guideline of 9 W/m ²	Electric Field V/m
No.100 High Street, side bedroom window overlooking the base of the flagpole style antenna	0.0006	16,667	15,000	0.48
No.100 High Street, centre of the above bedroom	0.0003	33,333	30,000	0.34
No.100 High Street, attic bedroom, near the wall nearest the mast	0.0002	50,000	45,000	0.27
No.100 High Street, attic bedroom, by the window	0.0003	33,333	30,000	0.34
No.100 High Street, study, by the desk near the window	0.0002	50,000	45,000	0.27
No.80 High Street, Lilly's bedroom, by the window overlooking High Street	0.0017	5,882	5,294	0.80
No.80 High Street, main bedroom, by the window	0.0004	25,000	22,500	0.39
No.80 High Street, living room, by the window	0.0001	100,000	90,000	0.19
High Street, by the gateway to 'The Park'	0.0002	50,000	45,000	0.27
High Street, outside No.74	0.0003	33,333	30,000	0.34
High Street, outside the 'Connoisseur'	0.0016	6,250	5,625	0.78
High Street, outside No.45	0.0006	16,667	15,000	0.48
High Street, outside No.49	0.0004	25,000	22,500	0.39
High Street, outside No.53	0.0006	16,667	15,000	0.48
High Street, outside No.57	0.0010	10,000	9,000	0.61
High Street, opposite No.100	0.0025	4,000	3,600	0.97
High Street, outside No.100	0.0022	4,545	4,091	0.91
London Road, outside No.9	0.0030	3,333	3,000	1.06
London Road, outside No.17	0.0035	2,857	2,571	1.15
London Road, outside 'Tithegate'	0.0029	3,448	3,103	1.05

Tables of Results – Compliance using the highest values from this and the first survey

Measurement Locations:	Measured Power Density W/m ²	Times below the ICNIRP Public guideline of 10 W/m ²	Times below the ICNIRP Public guideline of 9 W/m ²	Electric Field V/m
London Road, outside No.29	0.0017	5,882	5,294	0.80
London Road, outside 'Herga House'	0.0015	6,667	6,000	0.75
London Road, outside 'Tall Gate Cottage'	0.0010	10,000	9,000	0.61
London Road, outside 'Highlands'	0.0003	33,333	30,000	0.34
London Road, outside 'Littlecourt'	0.0002	50,000	45,000	0.27
Harrow Park, opposite the driveway to 'Cairnyan Cottage'	0.0001	100,000	90,000	0.19
Harrow Park, opposite 'Syon'	0.0002	50,000	45,000	0.27
Harrow Park, opposite 'High Brow'	0.0005	20,000	18,000	0.43
Harrow Park, rear of 45 High Street	0.0018	5,556	5,000	0.82
Byron Hill Road, opposite No.5	0.0002	50,000	45,000	0.27
Byron Hill Road, opposite No.8	0.0001	100,000	90,000	0.19
Byron Hill Road, opposite No.14	0.0001	100,000	90,000	0.19
West Hill, by the roadway leading to 'West Hill Motors'	0.0002	50,000	45,000	0.27
West Hill, near to lamppost 'K980'	0.0002	50,000	45,000	0.27
West Hill, near to lamppost 'K1058'	0.0001	100,000	90,000	0.19
Roxeth Hill, outside 'Mount Pleasant Flat'	0.0002	50,000	45,000	0.27

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Appeal Decision

Site visit made on 04 August 2004

by Paul Graham DMA LARTPI FCIS SolicitorMRTPI

an Inspector appointed by the First Secretary of State

The Planning Inspectorate
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 Temple Quay House
 2 The Square
 Temple Quay
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APPEAL
 3165
 ALLOWED

Date 15 AUG 2004

Appeal Ref: APP/M5450/A/04/1143898

Nos.42 & 44 High Street, Harrow on the Hill

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Orange PCS Ltd against the decision of the Council of the London Borough of Harrow.
- The application Ref P/1017/03/CFU, dated 29 April 2003, was refused by notice dated 1 August 2003.
- The development proposed is the erection of a microcell antenna 110mm x 320mm at a height of 6m on the front elevation of No.44, with feeder cables to an equipment cabinet at the side of No.42.

Summary of Decision: The appeal is allowed and permission granted subject to conditions

Main Issue

- 1 The main issue is the impact the proposal would have upon the character and appearance of the Harrow on the Hill Village Conservation Area (CA), the appeal building and the setting of No.46 High Street.

Planning Policy

- 2 The development plan is the Harrow Unitary Development Plan. Policy E5 mirrors the statutory test that should be applied in considering new development in CAs by seeking to preserve or enhance their character. More detailed and specific criteria that are to be applied in CAs are set out in Policies E38 & E39. Policy E5 also looks to protect listed buildings. A high standard of design in all development is sought by Policy E6. Policy E52 addresses telecommunications development and indicates that permission will be granted where there is a need and where other reasonable alternatives have been considered. Again protection of CAs and Listed Buildings is highlighted. Policy E53 looks to ensure that street furniture is well designed. The latest version of the UDP has reached the modification stage on the road to adoption. Whilst therefore its policies should carry significant weight, the aims that underlie those that are relevant to this appeal are broadly similar to those within the adopted UDP and do not need to be repeated here. I do note however that the policy that deals with telecommunications proposals (D26) also looks to prevent health hazards.

Reasons

The Main Issue

Nos.42 & 44 High Street combine to form a three bay, three storey, brick built property with low-key shop fronts on the ground floor. They are located within the attractive western frontage to the High Street which displays a range of architectural styles and eras, and sits to the eastern side of the Conservation Area. The proposal is to attach to the front

wall of No.44 a small surface antenna fed by cables running down that front elevation and then along it horizontally at about the level of the first floor. Thereafter they would be fed over the flank elevation of No.42 to a ground level equipment cabinet sited adjacent to a public footpath known as Short Hill.

4. In my opinion both the antenna and the cabling would be visually innocuous. To the casual observer the antenna would attract no more attention than the two small burglar alarm boxes that are already fitted to the front elevation, and the cabling would be little more obtrusive than rain water down pipes. The equipment cabin, whilst fairly bulky would be similar to the metal boxes that serve land line based telephone systems, traffic lights and other such services and have been a regular feature of our streets for many decades. I conclude therefore that the proposal would not cause material harm to the character and appearance of the CA. Neither would it cause noticeable visual damage to the appeal building itself or to the Grade II listed cottage style property immediately to the south (No.46). The proposal would therefore accord with Policies E5, E6, E38, E39 and E53.
5. Furthermore, I am satisfied that the operator has given proper consideration to alternative sites. There appear to be no existing masts that would serve the purpose, other building owners approached are unwilling to treat, and a streetworks solution would almost certainly have more visual impact than the appeal proposal. ~~My conclusion on the main issue therefore points towards permission being granted.~~

Public Health Matters

6. I am conscious that many members of the public have expressed concerns regarding the effect upon health of electromagnetic waves generated by the equipment, particularly in relation to the occupants of the appeal property itself, nearby boarding school premises, and passing pedestrians. Planning Policy Guidance No.8 (PPG8) states that health considerations and public concern about them can in principle be material in determining applications such as this. It is, nevertheless, the Government's firm view that the planning system is not the place for determining health safeguards. If a proposed base station meets ICNIRP guidelines for public exposure, which the Government sees as being a proper precautionary response to potential risks, it should not be necessary for a decision maker to consider further the health aspects and concerns about them. Here, the scheme does accord with the guidelines and no substantive technical evidence has been submitted to challenge the Government's stance. Actual and perceived public health concerns are therefore a factor to which I propose to attribute very limited weight.

Human Rights

7. A number of local residents seek to invoke Article 1 to the First Protocol to the European Convention on Human Rights, which deals with situations where there is a potential loss of a person's home or severe impact of an environmental problem on its occupiers. Whilst not said in so many words I assume that what is being submitted is that the value of properties in the vicinity of the appeal site would reduce as a result of the proposed development. However for there to be a violation, it is normally necessary to show that the value of the property would be substantially reduced: and no detailed evidence to show that any properties in the area would be appreciably down valued by the proposal was submitted to me. As I have said, the scheme would anyway, in relation to emissions, accord with the ICNIRP guidelines. Accordingly I see no reason to suppose that values would be substantially reduced, and conclude that rights under Article 1 of the First Protocol would

not be breached by the proposal. As an aside, it is notable that PPG8 points out that financial or other loss to owners and occupiers of neighbouring property will rarely be a material planning consideration.

and

8. In addition to the normal time limit for the commencement of development, to protect the visual amenity of the CA, I shall require the colour of the equipment to be agreed with the Council.

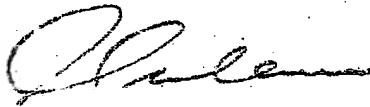
Conclusion

9. I have taken account of all other matters, including whether residential amenity would be affected, but none of these factors carry sufficient weight to override my conclusion on the main issue. I conclude that the appeal should be allowed.

and

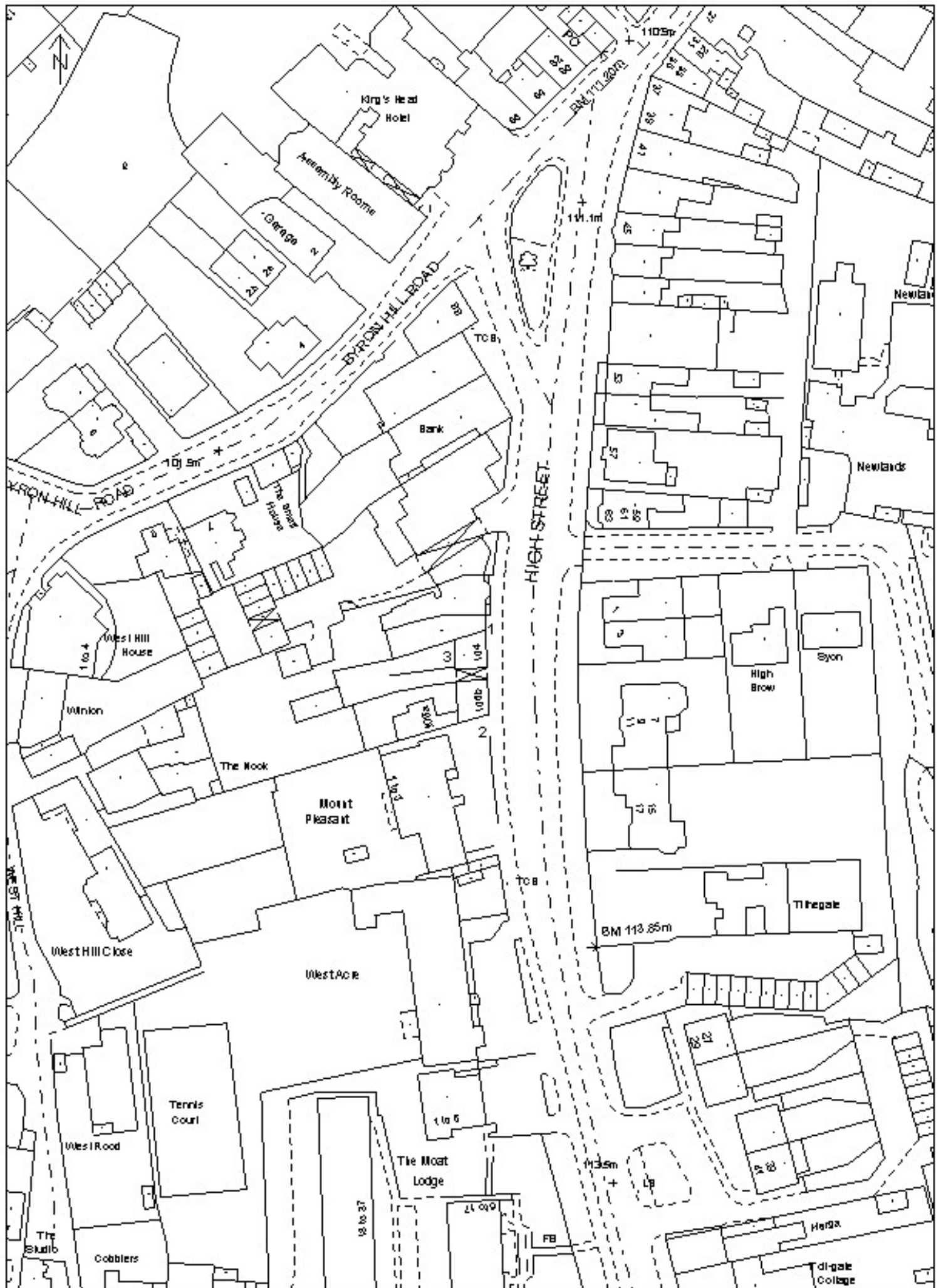
10. I allow the appeal, and grant planning permission for the erection of a microcell antenna 110mm x 320mm at a height of 6m on the front elevation of No.44, with feeder cables to an equipment cabinet at the side of No.42 at Nos.42 & 44 High Street, Harrow on the Hill in accordance with the terms of the application, Ref. P/1017/03/CFU, dated 29 April 2003, and the plans submitted therewith, subject to the following conditions:

- 1) The development hereby permitted shall begin before the expiration of five years from the date of this decision.
- 2) Before development commences, the colour of the materials to be used in the construction of the external surfaces shall be agreed in writing with the Council.



Inspector

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