



**DEVELOPMENT CONTROL  
COMMITTEE  
WEDNESDAY 6 SEPTEMBER 2006  
7.30 PM**

**COMMITTEE AGENDA**

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

**MEMBERSHIP (Quorum 3)**

**Chairman: Councillor Mrs Camilla Bath**

**Councillors:**

**Robert Benson  
Don Billson  
G Chowdhury  
Manji Kara (VC)  
Narinder Singh Mudhar  
Joyce Nickolay**

**Mrinal Choudhury  
Keith Ferry  
David Gawn  
Thaya Idaikkadar**

**Reserve Members:**

**1. Dinesh Solanki  
2. Anthony Seymour  
3. Julia Merison  
4. Yogesh Teli  
5. Macleod-Cullinane  
6. Mrs Kinnear  
7. Mark Versallion**

**1. David Perry  
2. Mrs Rekha Shah  
3. Graham Henson  
4. Phillip O'Dell**

**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](mailto: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 6 SEPTEMBER 2006**

**AGENDA - PART I**

Enc.

**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) the meeting notes at the start of the meeting at the item 'Reserves' that the Reserve Member is or will be attending as a reserve;
- (iv) if a Reserve Member whose intention to attend has been noted arrives after the commencement of the meeting, then that Reserve Member can only act as a Member from the start of the next item of business on the agenda after his/her arrival.

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:

- (a) all Members of the Committee, Sub Committee, Panel or Forum;
- (b) all other Members present in any part of the room or chamber.

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.

5. **Minutes:** (To Follow)

That it be agreed that, having been circulated, the Chair be given authority to sign the minutes of the meeting held on 26 July 2006 as a correct record once they have been printed in the Council Bound Minute Volume.

6. **Matters Arising from the Minutes of the Last Meeting:**  
To consider any matters arising from the minutes of the last meeting.
7. **Public Questions:**  
To receive questions (if any) from local residents/organisations under the provisions of Committee Procedure Rule 19 (Part 4B of the Constitution).
8. **Petitions:**  
To receive petitions (if any) submitted by members of the public/Councillors.
9. **Deputations:**  
To receive deputations (if any) under the provisions of Committee Procedure Rule 17 (Part 4B) of the Constitution.
10. **References from Council and other Committees/Panels:**  
To receive references from Council and any other Committees or Panels (if any).
11. **Representations on Planning Applications:**  
To confirm whether representations are to be received, under Committee Procedure Rule 18 (Part 4B of the Constitution), from objectors and applicants regarding planning applications on the agenda.
12. **Planning Applications Received:**  
Report of the Head of Planning - circulated separately.
- Enc. 13. **Planning Appeals Update:** (Pages 3 - 6)  
Report of the Head of Planning.

#### **FOR INFORMATION**

- Enc. 14. **Enforcement Notices Awaiting Compliance:** (Pages 7 - 18)  
Report of the Head of Planning.

#### **FOR INFORMATION**

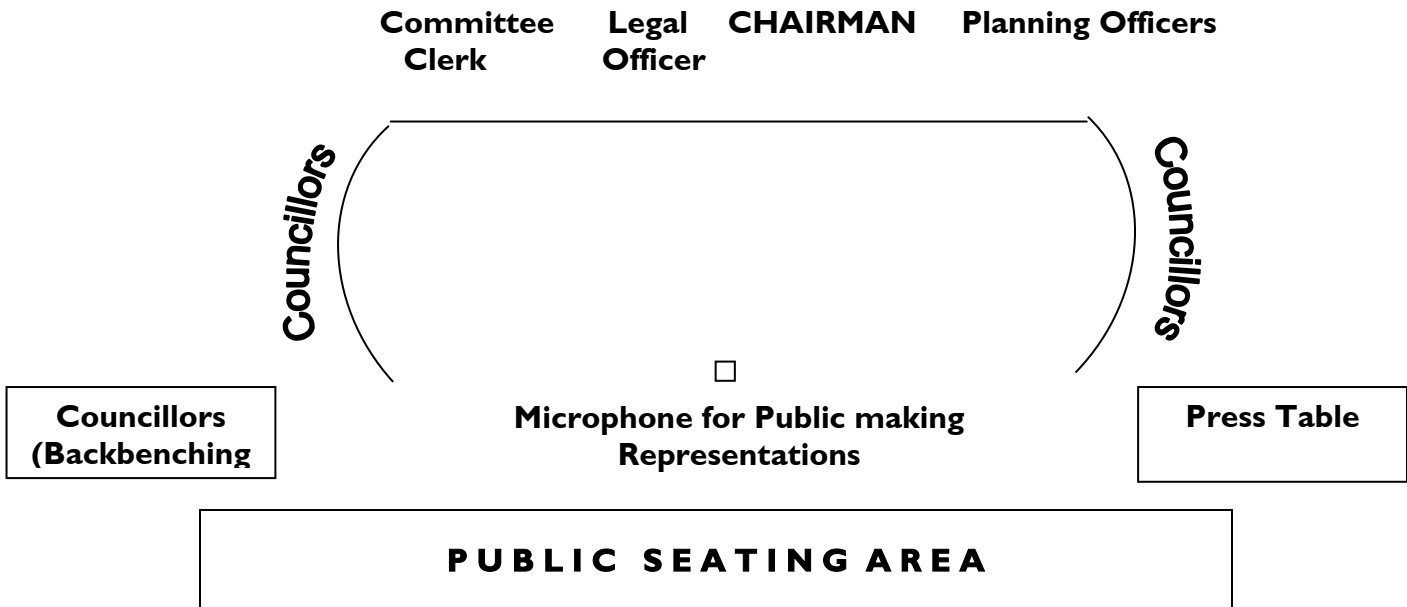
15. **1 Sheepcote Road:** (To Follow)  
Report of the Head of Planning.
- Enc. 16. **Confirming a Tree Preservation Order (TPO) with an Objection:** (Pages 19 - 30)  
Report of the Head of Planning.
- Enc. 17. **Former Cloisters Wood Fitness Club:** (Pages 31 - 36)  
Report of the Head of Planning.
- Enc. 18. **102, 104, 106 High Street, Harrow on the Hill:** (Pages 37 - 80)  
Report of the Head of Planning.
19. **Any Other Urgent Business:**  
Which cannot otherwise be dealt with.

20. **Member Site Visits:**  
To arrange dates for Member site visits that have been agreed during the course of the meeting (if any).

**AGENDA - PART II - NIL**

**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 if they requested to do so before 5pm on the working day before the meeting. In summary, where a planning application is recommended for grant by the Group Manager (Planning and Development), 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 Planning 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 approximately 7.00 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).***

LIST DATE: 23-Aug-06

**APPEALS BEING DEALT WITH**

WRITTEN REPRESENTATIONS	LOCAL REF:	OFFICER	QUESTIONNAIRE DUE/SENT	STATEMENT DUE	SITE VISIT DATE/TIME
Lnd At Junc. Roxborough Pk & Lowlands Rd	3494	KMS	Sent 03.08.06	30.08.06	
2 Collins Avenue,	3496	ML	Sent 08.08.06	07.09.06	
64 Dean Drive	3499	MRE	Sent 22.08.06	07.09.06	
Hillingdon House, 386/388 Kenton Road	3500	??	Sent 11.08.06	08.09.06	
Greenhill Service Station	3502	KMS	Sent 22.08.06	11.09.06	
22 Walton Road, Harrow	3507	NR	Due 24.08.06	21.09.06	
56 Canons Drive, Edgware	3509	LW	Due 30.08.06	27.09.06	
21-40 Canons Park Close, Edgware	3510	DT	Due 31.08.06	28.09.06	
86 Hindes Road, Harrow	3511	KMS	Due 31.08.06	28.09.06	
464-472 Alexandra Avenue	3512	OH	Due 01.09.06	29.09.06	

HEARINGS	LOCAL REF:	OFFICER	STATEMENT DUE/SENT	HEARING DATE	HEARING/INQUIRY VENUE
56 Potter Street, Pinner	3356	OH	Sent 20.09.05	26.09.06	Planning Conf. Room
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	09.08.06	Planning Conf. Room
25 Elms Road, Harrow	3412	DT	Sent 30.01.06		
25 Elms Road, Harrow	3503	DT	Due 13.09.06	27.09.06	Planning Conf. Room
130 Stanmore Hill	3428				
	3429	SC	Sent 02.03.06	18.10.06	Planning Conf. Room
	3430				
38 Headstone Gardens (Enforcement)	3454	GW	Sent 21.06.06	05.09.06	Planning Conf. Room
7 Hillview Close	3464	DM	Sent 18.05.06	<b>21.11.06</b>	Planning Conf. Room
Heathfield School (var. of Leg. Agreement).	3466	ADK	Sent 24.05.06	<b>Held in abeyance for 3 months from 06/06/06</b>	
4 Elm Park (Enforcement)	3469	DMC	Sent 21.06.06		
4 Elm Park	3493	LW	Due 21.08.06		

31 Northumberland Road, Harrow	3478	RP	Sent 20.07.06		
31 Northumberland Road, Harrow (enf)	3508	RP	Due 30.08.06		
3 West Drive Gardens, Harrow	3468	TEM	Sent 07.08.06		
24 Uxbridge Road, Harrow	3475	TEM	Sent 10.08.06		

<b>PUBLIC INQUIRIES</b>					
	LOCAL REF:	OFFICER	STATEMENT DUE/SENT	INQUIRY DATE	LOCATION
23 High Street, Wealdstone	3376	DC3	Sent 16.10.05	01.08.06 (1 day)	C.Chamber
Reabarn House, Northolt Road	3459	DT	Sent 21.06.06		
	3460				
1 & 1A Buckingham Road	3498	AB		30.01.07	
Comfort Inn, 2-12 Northwick Park Rd	3506	DT	Due 18.09.06		
190 Whittington Way, Pinner	3514	AB5	Due 04.10.06		

## APPEALS AWAITING DECISION

<b>WRITTEN REPRESENTATIONS</b>					
	LOCAL REF:	OFFICER	STATEMENT SENT	FINAL COMMENTS DUE (LPA & APPELLANT ONLY)	SITE VISIT DATE/TIME
79 Pinner Hill Road	3410	SW2	25.01.06	Expired	
Land Adjoining 2 Fairholme Rd	3423	KMS	27.02.06	Expired	
46 Repton Road (Enforcement)	3437	DMC	20.03.06	Expired	
83 Drury Road, Harrow	3435	RM2	31.03.06	Expired	23.05.06 @ 16:30
254 Cannon Lane, Pinner	3448	PDB	28.03.06	Expired	11.07.06 @ 11.45
Lnd at Roundabout, Streatfield Road	3458	SC2	02.05.06 (Q)	Expired	
17 Jellioe Gardens, Stanmore	3450	ML1	04.05.06	Expired	21.06.06 @ 13.00
11 Parkfield Gardens	3453	SW2	09.05.06	Expired	
Land R/O Carrington Square	3455	SC2	10.05.06	Expired	
48 Evelyn Drive, Stanmore	3456	OH	16.05.06	Expired	
27 Cuckoo Hill Drive	3457	SW2	22.05.06	Expired	
114 Eastcote Lane, South Harrow	3472	PDB	19.05.06 (Q)	Expired	
17 Branker Road, Kenton	3471	TEM	02.06.06 (Q)	Expired	



Lnd at Roundabout, Streatfield Road	3458	SC2	02.05.06	Expired	
146 Pinner Hill Road, Pinner	3463	CM2	12.06.06	Expired	26.09.06 @ 15:30
61 Love Lane, Pinner	3462	SB5	16.06.06	Expired	
Land outside Greenhill Services Station	3467	SC2	27.06.06	Expired	
19 Victoria Terrace	3470	SW2	22.06.06	Expired	
37 Carlyon Avenue	3473	OH	26.06.06	Expired	31.08.06 @ 12.00
37 Carlton Avenue	3474	MRE	29.06.06	Expired	1.08.06 @ 11:30
875 Field End Road	3476	RP	12.07.06	Expired	
6 Orley Farm Road,	3479	PDB	19.07.06	Expired	05.09.06 @ 11:30
5 Canons Drive, Edgware	3477	AB	21.07.06	Expired	
47 Turner Road (Enforcement)	3480	DMC	24.07.06	Expired	
1A Mayfield Avenue	3481	TEM	21.07.06	Expired	
25 Hawthorne Drive	3482	PDB	21.07.06	Expired	26.09.06 @ 14:00
7 Dukes Avenue	3483	TEM	26.07.06	Expired	
51A Roxborough Park	3484	SW	28.07.06	16.08.06	
401 Kenton Lane	3485	MRE	02.08.06	23.08.06	
16a Whitchurch Lane (Enforcement)	3486	DMC	10.08.06	31.08.06	
9 Masons Avenue	3487	DM1	02.08.06	23.08.06	
7 Mount Park Road (Enforcement)	3488	DMC	09.08.06	30.08.06	
67 Argyle Road (Enforcement)	3489	GW	10.08.06	31.08.06	
56 Lake View (Enforcement)	3490	DMC	09.08.06	30.08.06	
Red Corners, 9 Brookshill Drive Harrow	3492	RP	14.08.06	04.09.06	
80 Hillview Road, Pinner	3491	SW2	16.08.06	06.09.06	
44 College Ave Harrow	3495	RB	22.08.06	12.09.06	

HEARINGS	LOCAL REF:	OFFICER	STATEMENT DUE/SENT	HEARING DATE	LOCATION
Sunningdale, London Road, Harrow on the Hill	3318	RS	Sent 07.04.05	<b>16.05.06</b>	Planning Conf. Rm
31 Northumberland Road, North Harrow	3328	PDB	Sent 24.05.05	06.07.06	Cumberland Hotel
	3359		Sent 30.08.05		
R/o 32 High Street, Pinner	3338	PDB	Sent 20.07.05	05.07.06	Cumberland Hotel

PUBLIC INQUIRIES		LOCAL REF:	OFFICER	STATEMENT DUE/SENT	INQUIRY DATE	LOCATION

DECISIONS (since 01.05.06)						
	LOCAL REF:	OFFICER	DECISION	DATE		
408-410 Uxbridge Road, Hatch End	3426	PDB	DISMISSED	02.05.06		
102 High Street (Discontinuance )	3239	FS	DISMISSED	12.05.06		
34 Cornwall Road	3422	GW	DISMISSED	02.05.06		
8 Langland Crescent	3434	JW	DISMISSED	23.05.06		
11 Evelyn Drive, Pinner	3440	OH	DISMISSED	23.05.06		
239 Portland Crescent, Stanmore	3433	MRE	ALLOWED	24.05.06		
31 Elms Road, Harrow	3441	TEM	DISMISSED	31.05.06		
35 Orchard Grove (Enforcement)	3420	GW	WITHDRAWN	02.06.06		
18 Alfriston Avenue, Harrow	3443	SW2	DISMISSED	12.06.06		
63 Bonnersfield Avenue, Harrow	3442	SW2	DISMISSED	12.06.06		
Oakhurst Heights, 14A Mount Park Road	3444	KMS	DISMISSED	15.06.06		
Bradenham Works, 100 Bradenham Road	3447	TEM	DISMISSED	15.06.06		
50-54 Northolt Rd	3424	RS	DISMISSED	22.06.06		
	3425					
86 Eastcote Lane, Harrow	3436	SW2	DISMISSED	23.06.06		
103 Dale Avenue, Edgware	3438	AB3	DISMISSED	27.06.06		
103 Dale Avenue, Edgware	3439	AB3	DISMISSED	27.06.06		
19 & 21 R/O 11-29 Alexandra Avenue	3375	RS	ALLOWED	29.06..06		
Former Telephone Exchange	3375	RS	ALLOWED	29.06.06		
239 Kenton Lane, Harrow	3336	MRE	DISMISSED	03.07.06		
220 Shaftesbury Avenue, Harrow	3354	KMS	ALLOWED	11.07.06		
22 Moss Close, Pinner	3449	RMS	DISMISSED	19.07.06		
Corner of Kenton Lane/Mountside,	3446	SC2	ALLOWED	25.07.06		

**ENFORCEMENT NOTICES AWAITING COMPLIANCE 6 September 2006**

ADDRESS	ENF/LEGAL/PL. APP REF. NOS.	OFFICER	C'TTEE DATE	MEMO LEGAL	DATE SERVED	EFFECTIVE DATE	APPEAL DATES	COMPLIANCE PERIOD	COMPLIANCE DATE	NOTES
8 CECIL ROAD  Demolish unauthorised structure	ENF/339/01/EAST LP/KW/PEN-12858	GW	12-September-01	17-Oct-01 (Legal Contact Officer-JF)	15-Feb-02	26-Mar-02	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. Land owner could not be traced, enf officer to prepare report to DC Committee recommending future action.
482 KENTON ROAD KENTON	ENF/205/EAST LP/KW/PEN-13005/bw	RJP	11-September-02	16-Sep-02 16-Jul-03 (Legal Contact Officer-DG)	23-Jan-04			1 month		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. New committee report to be drafted.
Erection of two sheds and use of and garage for non domestic storage, BCN.										
9 WEST DRIVE GARDENS HARROW	EAST/631/02/FUL ENF/480/02/EAST	GDM	20-September	20-Sep-02	11-Feb-03	21-Mar-03	Hearing 03-Jun-03	10 months	21-Jan-04 21-Mar-04	Notice to be served as soon as possible. Notice of appeal served.

## ENFORCEMENT NOTICES AWAITING COMPLIANCE 6 September 2006

ADDRESS	ENF/LEGAL/PL. APP REF. NOS.	OFFICER	C'TTEE DATE	MEMO LEGAL	DATE SERVED	EFFECTIVE DATE	APEAL DATES	COMPLIANCE PERIOD	COMPLIANCE DATE	NOTES
Roof alterations without planning permission	LP/MW/PEN13018		-02						26-APR-04	Appeal Dismissed Insp letter dated 20-Jun-03. Owners have offered to do works required, starting in Sept 2004. Site inspected in Sept 04, no works carried out. Planning app P/3293/04/DFU submitted. App refused. Borough Solicitor sent letter before action. Erf Officer to prepare prosecution statement. Erf officer visiting site and preparing further action.
8 KENTON ROAD HARROW	ENF/326/02/EAST	GDM	15-January-03	21-Jan-03 (Legal Contact Officer-CML)	8-Dec-04	14-Jan-05	Hearing 18-Oct-05	9 Months	Compliance date 19/7/06	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.
Use of property as 5 self contained flats	ENF/24/05/P Appeal 3308	DMC		(Legal Contact Officer-AK)						AB / RD checking when roof was erected. Borough Solicitor preparing notice. Notice prepared. Appeal part allowed.
Erection of roof										The property owner is required to removed roof extension and reinstate the roof to its former condition or build in accordance with planning permission P/93/05/DFU the compliance period has been varied from 3 months to 9 months.
154 Eastcote Lane South Harrow	ENF/317/03/P	GW (Case Officer)	17-March-04	23-Mar-04 (Legal Contact Officer-CML)	27-may-04	30-Jun-04		3 Months	01-Oct-04	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. Draft prosecution statement prepared. Case Officer to undertake site visit, to proceed with prosecution subject to site visit.
Single storey rear extension and raised patio										
REGENT HOUSE, 21 CHURCH ROAD, STANMORE.	ENF/442/02/EAST	CJF AND AB	10-July-03	16-Jul-03 (Legal)	13-Jan-05	23-Feb-05	Appeal dismissed.	3 Months	24-May-05 01-Mar-06	An incomplete application for the screening of the units was submitted in Nov 2004. The

## ENFORCEMENT NOTICES AWAITING COMPLIANCE 6 September 2006

ADDRESS	ENF/LEGAL/PL. APP REF. NOS.	OFFICER	C'TTEE DATE	MEMO LEGAL	DATE SERVED	EFFECTIVE DATE	APPEAL DATES	COMPLIANCE PERIOD	COMPLIANCE DATE	NOTES
Erection of Four Air Con Units on a Listed Building Broomhill Mount Park Road Harrow on the Hill Compliance with condition 8	ENF/625/03/P	RJP (Case Officer)  GDM RJP (Case Officer)	8- December -04	Contact Officer- AK)  (Legal Contact Officer- DG)	7-FEB-05	11-MAR-05	Written Representations	3 Months	09-APR-05 09-DEC-05	applicant is looking to provide further information to make this application valid. Appeal dismissed. Case Officer to follow up and take necessary action.  Appeal submitted. Appeal determined and upheld. Enforcement officer to monitor conditions. Conditions have not been met, case officer drafted Breach of Condition Notice.
Portman Hall Old Redding Harrow  Erection of fence on roof	ENF/96/03/P	GDM (Report)  GW (Case Officer)	21-April-04	28-Apr-04  (Legal Contact Officer- AK)	7-APR-05	8-MAY-05	Hearing 18- October-05	3 Months Varied to 6 months at appeal.	9-Aug-05 1-May-06	Draft notice prepared. Opinion on draft enforcement notice being sought from Counsel. Notice served. Appeal submitted. Appeal dismissed, notice varied to allow 6 months for compliance. Compliance date has expired, A new planning application has been submitted for the installation of fencing to roof terraces and installation of railings to roof edging reference P/1149/06/CFU, awaiting decision, case officer to monitor situation, awaiting outcome of planning application. Section 330 notice served on 6-July-05. Section 330 Notices were returned unopened. Enforcement Notices issued. Appeal Submitted, awaiting outcome. Appeal withdrawn. Appellant intends to comply with The Town and Country Planning (General Permitted Development) Order 1995. Enforcement Officer to monitor and ensure compliance.
35 Orchard Grove Edgware  Extensions over 70 cubic metres.	ENF/483/04/P	RJP (report)  GW (Case Officer)	17-May-05	7-June-05  (Legal Contact Officer- AK)	24-Nov-05	04-Jan-06	Appeal submitted. Appeal withdrawn	6 months	5-Jul-06	Section 330 notice served on 6-July-05. Section 330 Notices were returned unopened. Enforcement Notices issued. Appeal Submitted, awaiting outcome. Appeal withdrawn. Appellant intends to comply with The Town and Country Planning (General Permitted Development) Order 1995. Enforcement Officer to monitor and ensure compliance.
33 Orchard Grove Edgware	ENF/484/04/P	RJP (report)  GW (Case Officer)	17-May-05	7-June-05  (Legal Contact Officer- AK)	24-Nov-05	04-Jan-06	Appeal submitted. Appeal withdrawn.	6 Months	4-Jul-06	Section 330 notice served on 6-July-05. Notices were returned unopened. Enforcement Notice issued. Appeal Submitted. Certificate of lawful development granted subject to demolition of

## ENFORCEMENT NOTICES AWAITING COMPLIANCE 6 September 2006

ADDRESS	ENF/LEGAL/PL. APP REF. NOS.	OFFICER	C'TTEE DATE	MEMO LEGAL	DATE SERVED	EFFECTIVE DATE	APPEAL DATES	COMPLIANCE PERIOD	COMPLIANCE DATE	NOTES
Extensions over 70 cubic metres.										single storey rear extension and part single storey side extension. Appeal withdrawn. Memo to Legal to withdraw Enforcement Notice. Revocation Notice drafted, awaiting signing. Memo from Andy Parsons to Legal Services 19-June-2006 Withdrawal of an Enforcement Notice served on property 26-June-2006
61 Oxleay Road Harrow	ENF/425/04/P	RJP (Report) DMC (Case Officer)	17-May-05	7-October-05  (Legal Contact Officer- CML)	20-Jun-05	14- Nov-05		6 months	15-May-06	Section 330 notice served on 20-June-05. Enf notice issued. Compliance date expired, case officer to undertake site visit to confirm compliance.
Erection of rear extension and wall 46 Repton Road, Kenton	ENF/565/04/P	DMC (Report) DMC (Case Officer)	27-July-05	10-Aug-05  (Legal Contact Officer- CML)	27- Oct-05	02- Dec-05	Appeal received	3 months	03-Mar-06	S330 notice served on 25-August-05. Appeal lodged, awaiting outcome.
Unauthorised change of use to a builders yard. 22 Walton Road, Harrow	ENF/530/03/P	RJP (report)	27-July-05	10-Aug-05  (Legal Contact Officer- CML)	17-Oct05	28-Nov-05	Appeal submitted.	3 months	01-Mar-06 28-Jun-06	Appeal fee not paid to the Planning Inspectorate, thus appeal not validated. Planning Inspectorate confirmed in letter dated 27 March 2006. Compliance period runs from that date.
Unauthorised construction of a single storey rear extension and front porch. 4 Elm Park Stanmore	ENF/297/03/P	RJP (Report) DMC (Case Officer)	17-March-04 7-January-06	23-Mar-04 27-Jul-04 11-Jan-06 (Legal Contact Officer- CML)	10-Feb-06	17-Mar-06	Appeal Hearing 15-August-2006	6 Months	17-Sept-06	Reported to DCC again with retrospective planning application. Application refused. New report to be prepared by Enf Officer. New report drafted, to be placed before DC Committee on 7 Dec 2005. Notice served. Appeal lodged, awaiting outcome.
Unauthorised conversion of a detached garden building at the rear of the property to dwellinghouse										

## ENFORCEMENT NOTICES AWAITING COMPLIANCE 6 September 2006

ADDRESS	ENF/LEGAL/PL. APP REF. NOS.	OFFICER	C'TTEE DATE	MEMO LEGAL	DATE SERVED	EFFECTIVE DATE	APPEAL DATES	COMPLIANCE PERIOD	COMPLIANCE DATE	NOTES
79 Pinner Hill Road, Pinner Unauthorised construction of a garage forward for the dwellinghouse.	ENF/183/05/P	RJP (Report) DMC (Case Officer)	9-November-05	28-Nov-05 (Legal Contact Officer-CML)	6-December-05	27-January-06	S78 appeal submitted.	3 months	27-April-06	Enforcement Notice served. S78 Appeal lodged, awaiting outcome.
875 Field End Road, Harrow Unauthorised construction of a single storey rear canopy.	ENF/43/04/P	RJP (report)	9-November-05	28-Nov-05 (Legal Contact Officer-CML)	22-Feb-06	03-Apr-06	Appeal lodged	3 Months	4 July 2006	Enforcement Notice served. Appeal submitted, awaiting outcome.
83B Hindes Road, Harrow Unauthorised construction of gates and railings over 1 metre in height adjacent to the highway	ENF/45/05/P	RJP (Report) DMC (Case Officer)	7-December-05	9-December-05 (Legal Contact Officer-AK)	22-Feb-06	30-Mar-06	S78 Appeal submitted. S78 Appeal allowed.	1 Month	01-May-06	Notice served. S78 Appeal Lodged. S78 Appeal allowed by the planning inspector. Enforcement Notice no longer required. To be removed from the property, memo sent to Legal 10 April 2006. Revocation Notice drafted, awaiting signing. Memo from Andy Parsons to Legal services 19-June-2006. Withdrawal of Enforcement Notice served on property 26-June-2006.
343 High Road, Harrow Weald	ENF/968/04/P	RJP (report) DMC (Case Officer)	27-July-05	02-Sept-05 (Legal Contact Officer-CML)	17-Nov-05	21-Dec-05		3 Months	22-Mar-06	S330 notice served on 22-September-05. Notice issued. Phone call to advise that the caravan has been removed, case officer to undertake a site to confirm removal.
Storage of static caravan. 47 Turner Road, Edgware	ENF/383/03/P	RJP (report)	7-September-05	16-Sept-05 (Legal Contact Officer-CML)	17-Mar-06	24-April-06	Appeal lodged	3 Months	24-Jul-06	S330 notice served on the 16-November-05. Enforcement Notice served. Appeal submitted, awaiting outcome.
Unauthorised construction of a rear conservatory and side extension. 1 and 1A Buckingham Road, Harrow	ENF/147/04/P	RJP (Report)	7-September-05	16-September-2005 (Legal Contact Officer-AK)	10-May-2006	20-June-2006	Appeal lodged – Public Inquiry arranged for 30 January 2007	3 Months	20-September-2006	S330 notice served 30-November-2005 Appeal lodged on grounds (a), (e), (f) and (g).
Unauthorised construction of a rear building in the garden										

## ENFORCEMENT NOTICES AWAITING COMPLIANCE 6 September 2006

ADDRESS	EN/LEGAL/PL. APP REF. NOS.	OFFICER	C'TTEE DATE	MEMO LEGAL	DATE SERVED	EFFECTIVE DATE	APPEAL DATES	COMPLIANCE PERIOD	COMPLIANCE DATE	NOTES
56 Lake View, Edgware Unauthorised construction of a front porch.	ENF/989/04/P	RJP (report) RJP (officer)	11-October-05	13-Oct-05 (Legal Contact Officer-CML)	24-April-2006	5-June-2006	Appeal lodged	3 Months	5-September-2006	S330 notice served on 17-October-05. Refusal of planning permission appealed against. S78 Appeal lodged against Enforcement Notice, awaiting outcome.
Copse Farm, 2 Brookshill Cottages, Dairy Cottages, Brookshill Drive, Harrow Erection of fencing	ENF/224/04/P	RJP (report) GDM (officer)	11-October-05	13-Oct-05 (Legal Contact Officer-CML)	1-June-2006	28-June-2006		1 Month	28-July-2006	Section 330 notice served on 4-November-05. 13-June-2006, the Case Officer visited the site, at the time of the erection of the fencing shown on the Enforcement Notice was removed in accordance with the requirements of the Enforcement Notice. No further action is proposed.
Hill House, 7 Mount Park Road, Harrow on the Hill Conversion of single family dwelling house and garage into 5 flats	ENF/775/04/P	DMC (Officer) RJP (Report)	9-November-2005	28-November-2005 (Legal Contact Officer-AK)	24-April-2006	26-May-2006	Appeal lodged	3 Months	26-August-2006	Section 330 notice served on 10-January-2006 Appeal Lodged, awaiting outcome.
67 Argyle Road, Harrow Unauthorised construction of a raised rear deck and railings	ENF/78/04/P	RJP (Report)	7-December-2005	9-December-2005 AK (Legal Case Officer)	6-April-2006	10-May-2006	Appeal lodged	1 Month	10-June-2006	S330 notice served 10-January-2006 Enforcement notice served. Appeal lodged, awaiting outcome.
38 Headstone Gardens, Harrow Unauthorised construction of a single storey rear extension	ENF/1006/04/P	RJP (Report) GW (Case Officer)	7-December-05	9-December-05 (Legal Contact Officer-CML)	13-February-2006	17-March-2006	Appeal Hearing 5-September-2006.	3 months	17-June-2006	S330 Notice served on 19-December-2005 Appeal lodged, awaiting outcome.
31 Northumberland Road, North Harrow. Front and rear extensions	ENF/425/05/P	FS (Report) AB (Case Officer)	15-Mar-06	17-Mar-06 CML (Legal Case Officer)	1-June-2006	3-August-2006		3 Months	3-November-2006	S330 notice served 9-May-2006
1 Wildcroft Gardens, Edgware	ENF/700/04/P	RJP (Report)	11-January-	23-January-	7-June-2006	19-July-2006	Appeal lodged	1 Month	19-August-2006	S330 Notice served on 17 February 2006. Appeal lodged.



## ENFORCEMENT NOTICES AWAITING COMPLIANCE 6 September 2006

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Unauthorised construction of gates, walls, railings and pillars			06	06 (Case Officer-SC)						
108 Waxwell Lane, Pinner Unauthorised construction of a raised rear deck and trellis	ENF/647/04/P	RJP (Report)	7-December-05	9-December-05 CML (Legal Contact Officer)	20-April-2006	24-May-2006		2 Months	24-July-2006	S330 Notice served 10-January-2006
16A Whitchurch Lane, Kenton Unauthorised installation of gantry	ENF/502/04/P	DMc (Officer) RJP (Report)	7-December-05	9-December-05 (Legal Contact Officer-DG)	24-April-2006	5-June-2006	Appeal Lodged	1 Month	5-July-2006	Section 330 served on 22 December-05 Appeal Lodged on grounds (a), (c), (f) and (g), awaiting outcome.
19 Victoria Terrace, Harrow on the Hill Unauthorised installation of two rear windows in north elevation of dwellinghouse	ENF/809/04/P	RJP (Report) DMC (Case Officer)	8-February-06	23-Feb-06 06-Mar-06 SC (Legal Case Officer)	16-June-2006	26-July-2006	Appeal Lodged	3 Months	26-October-2006	S330 notice served 6-April-2006 Appeal Lodged.
147 Roxeth Green Avenue, Harrow Unauthorised construction of a rear extension at the rear of the dwellinghouse	ENF/731/04/P	RJP (Report) RJP (Case Officer)	8-February-06	23-Feb-06 06-Mar-06 SC (Legal Case Officer)	16-June-2006	26-July-2006		3 Months	26-October-2006	
127a and 127b Ruskin Gardens, Harrow Unauthorised change of use from four flats to a mixed use, comprising of builders yard, four flats, business in the storage of commercial vehicles and the construction of a fence.	ENF/432/03/P	DMC (Case Officer) RJP (Report)	15-Mar-06	17-Mar-06 AK (Legal Case Officer)	22-June-2006	2-September-2006		3 Months	2-November-2006	S330 notice served 6-April-2006
190 Whittington Way, Pinner Unauthorised construction of a single storey rear extension	ENF/94/04/P	RJP (Report)	15-Mar-06	17-Mar-06 AK (Legal Case Officer)	29-June-2006	30-July-2006	Appeal lodged	3 Months	30-October-2006	Appeal lodged

**ENFORCEMENT NOTICES AWAITING COMPLIANCE 6 September 2006**

ADDRESS	EN/LEGAL/PL. APP REF. NOS.	OFFICER	C'TTEE DATE	MEMO LEGAL	DATE SERVED	EFFECTIVE DATE	APPEAL DATES	COMPLIANCE PERIOD	COMPLIANCE DATE	NOTES
63 College Road, Harrow Weald Unauthorised construction of a detached garden building in the rear garden	ENF/159/05/P	RJP (Report) GW (Case Officer)	8-February-06	23-Feb-06 06-MAR-06 CML (Legal Case Officer)	25-August-2006	24-September-2006		3 Months	23-December-2006	S330 notice served 29-Mar-06
65 Langland Crescent, Harrow Unauthorised construction of a rear canopy	ENF/668/03/P	RJP (Report) RJP (case Officer)	7-June-2006	19-June-2006 CML (Legal Case Officer)	25-August-2006	24-September-2006		1 Month	23-October-2006	S330 notice served 20-July-06
1 Wynlie Gardens, Pinner Unauthorised use of outbuilding within curtilage of dwellinghouse as separate residential unitingle family dwellinghouse	ENF/118/05/P	RJP (Report)	11-April-2006	18-April-2006 AK (Legal Case Officer)	25-August-2006	5-October-2006		3 Months	5-January-2007	S330 Notice served 21-June-2006
<b>Prosecutions for unlawful advertisements</b>										

**ENFORCEMENT NOTICES AUTHORISED, AWAITING SERVICE**

Harrow Hospital 88 Roxeth Hill Harrow		GDM	9-November-04	(Legal Contact Officer-DG)						New report required.
Erection of sales building 613 Kenton Lane, Kenton	ENF/373/05/P ENF/402/05/P	RJP (report)	6-June-05	30-June-05 (Legal Contact Officer-CML)						S330 notices served on 7 Sept 05 and 11 Oct 05. Draft notice prepared. Appeal submitted. Appeal reference 3358 allowed subject to conditions 17 January 2006. Enforcement Officer to monitor file to ensure compliance.
Erection of storage building and										

## ENFORCEMENT NOTICES AWAITING COMPLIANCE 6 September 2006

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Use of property. High Barn, Pinner Hill Farm, 160 Pinner Hill Road, Pinner Unauthorised change of use from Class B1 to Class A1	ENF/379/04/P	RJP (Report) DMC (Case officer)	11-January-06	23-January-06 SC (Legal Case Officer)						S330 notice served 24-April-2006
Ravensholt, 12 Mount Park Road, Harrow on the Hill Unauthorised erection of a wire fence with concrete posts and reed panelling	ENF/353/03/P	RJP (Report) RJP (Case Officer)	28-June-2006	4-July-2006						
Land to the rear of 48 The Avenue, Harrow Weald. S215 Notice		DMc (Officer) RJP (Report)	08-Feb-06	23-Feb-06 06-Mar-06 CML (Legal Case Officer)						
462 Honeyput Lane, Stanmore Unauthorised construction of a single storey rear extension	ENF/619/04/P	RJP (Report) DMC (Case Officer)	15-Mar-06	17-Mar-06 CML (Legal Case Officer)						S330 notice served 6-April-2006
Land at rear of 540 Uxbridge Road, Hatch End Unauthorised stationing of a portacabin	ENF/352/05/P	AB2 (Case officer) RJP (Report)	15-Mar-06	20-Mar-06 CML (Legal Case Officer)						S330 notice served 12-April-2006 Portacabin removed but the hardsurfacing and fencing still remains onsite. Case Officer to monitor situation.
Rear of 62-72 Orchard Grove, Harrow Unauthorised change of use from a service road to a builders yard and the erection of a pole with a CCTV camera	ENF/117/04/P	DMC (Case Officer) RJP (Report)	15-Mar-06	17-Mar-06 AK (Legal Case Officer)						S330 Notice served 22-June-2006
7 Sancroft Road, Harrow Unauthorised construction of a single storey side to rear and front extension and decking	ENF/236/04/P	RJP (Report)	11-April-2006	18-April-2006 CML (Legal Case)						S330 Notice served 9-May-2006

## ENFORCEMENT NOTICES AWAITING COMPLIANCE 6 September 2006

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1 Wynlie Gardens, Pinner Unauthorised change of use of outbuilding to single family dwellinghouse	ENF/118/05/P	RJP (Report)	11-April-2006	Officer) 18-April-2006 AK (Legal Case Officer)						S330 Notice served 21-June-2006
7 Lansdowne Road, Stanmore Unauthorised single storey rear canopy	ENF/46/04/P	RJP (Report) RJP (Case Officer)	7-June-2006	19-June-2006 CML (Legal Case Officer)						
32 Rusland Park Road, Harrow Unauthorised construction of a two/three storey side to rear, single storey front to side extension and rear dormer	ENF429/04/P	RJP (Report)	7-June-2006	19-June-2006 SFC (Legal Case Officer)						
241A Northolt Road, South Harrow Unauthorised construction of a first floor rear extension	ENF/272/04/P	RJP (Report)	7-June-2006	19-June-2006 SFC (Legal Case Officer)						
65 Langland Crescent, Harrow Unauthorised construction of a rear canopy	ENF/668/03/P	RJP (Report) RJP (case Officer)	7-June-2006	19-June-2006 CML (Legal Case Officer)						
71 Bouverie Road, Harrow Unauthorised side outbuilding forward of the building line abutting the highway	ENF/788/04/P	DMC (Report) DMC (Case Officer)	7-June-2006	19-June-2006 SFC (Legal Case Officer)						
9 Green Lane Cottages Unauthorised erection of a satellite dish on a grade II listed building	ENF/536/05/P	RJP (Report) DMC	28-June-2006	4-July-2006						

**ENFORCEMENT NOTICES AWAITING COMPLIANCE 6 September 2006**

ADDRESS	ENF/LEGAL/PL. APP REF. NOS.	OFFICER	C'TTEE DATE	MEMO LEGAL	DATE SERVED	EFFECTIVE DATE	APPEAL DATES	COMPLIANCE PERIOD	COMPLIANCE DATE	NOTES
16 Carmelite Road, Harrow Weald Unauthorised conversion of a garage to a dwellinghouse	ENF/20/05/P	(Case Officer) RJP (Report) RJP (Case Officer)	28-June-2006	4-July-2006						
14 Roxeth Green Avenue, Harrow Unauthorised construction of a rear extension	ENF/744/05/P	RJP (Report) MHX (Case Officer)	28-June-2006	4-July-2006						
60 Ennerdale Avenue, Harrow Unauthorised extension of a dwellinghouse, including the construction hip to gable, a rear dormer roof extensions, single and two-storey side to rear, single storey extensions	ENF/131/05/P	DMC (Report) DMC (Case Officer)	26-July-2006							
14 Hanley Crescent, Harrow Unauthorised construction of a rear raised patio and flank boundary walls 2.6 metres in height	ENF/137/04/P	RJP (Report) RJP (Case Officer)	26-July-2006							
19 Woodhall Gate, Pinner Unauthorised installation of hard surfacing at the front of the dwellinghouse	ENF/839/04/P	RJP (Report) GW (Case Officer)	26-July-2006							

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Meeting:	Development Control Committee
Date:	6 <sup>th</sup> September 2006
Subject:	Confirming a TPO with an Objection
Responsible Officer:	Andy Parsons, Head of Planning
Contact Officer:	Russell Ball
Portfolio Holder:	Councillor Marilyn Ashton
Key Decision:	No
Status:	Part 1 / Public

**Section 1: Summary**

This report considers the Confirmation of TPO No. 853 in the light of an Objection made by the Stanmore Christian Housing Association Ltd.

**Decision Required**

Confirm a Tree Preservation Order (TPO) with an Objection

**Reason for report**

TPO subject to an Objection.

**Benefits**

Safeguard an important woodland from the threat of development and impact on visually important trees.

## Cost of Proposals

Nil.

## Risks

Maybe risk of compensation payment in respect of loss or damage sustained as a natural consequence of a refusal to grant consent under the TPO when made.

## Implications if recommendations rejected

Important woodland under threat of development – trees could be felled or damaged.

## Section 2: Report

### 2.1 Brief History

2.1.1 TPO No. 853 was placed on the woodland at Du Cros Drive pending a development proposal. As further evidence/justification for making the TPO, recent damage was sustained to trees within the woodland during the construction of the Church Hall. This TPO now ensures that, with any future development on site, the Council can (a) influence the construction type and activity that may impact on woodland trees and (b) better secure their replacement should any be scheduled for removal for any approved development.

2.1.2 An objection to the TPO was first received from the Stanmore Christian Housing Association Ltd. (letter dated 26<sup>th</sup> March 2006: see Appendix i). This letter makes reference to the fact that : "... as a result of this order , we will be unable to develop this area for Extra Care Housing which we are intending to do in conjunction with the London Borough of Harrow."

By way of response to the objection, the Council's arboricultural officer informed the objector that the aim of the TPO was not to prohibit development, but rather to ensure that the Council can influence any future development/activity on the site which may impact on the woodland trees and also to better secure a replacement regime in the event of removal of any of the trees. The officer also suggested a site meeting to discuss the concerns raised by the objector. (See letter dated 29<sup>th</sup> March 2006 at Appendix ia).

2.1.3 Following the site meeting, the objector sent a letter dated 24<sup>th</sup> April 2006 (see Appendix ii) to the Council proposing new works but not withdrawing the TPO objection. The Council responded to the objector's second letter by a letter dated 2<sup>nd</sup> May 2006 (see Appendix iia) confirming the Council's position and further seeking withdrawal of the TPO objection.



2.1.4 Subsequently, a further letter was received from the Stanmore Christian Housing Association Ltd. (dated 18<sup>th</sup> May 2006: see Appendix iii) stating that “we feel unable to withdraw our objection” .... “we feel that we are being penalised and forced into additional administration work”. A response was sent on 7<sup>th</sup> June 2006 re-stating the Council’s reasons for making the TPO and suggesting further site visit/discussion on the proposed levelling works. (See Appendix iii).

The objector has not responded to the Council’s letter of 7<sup>th</sup> June 2006. Nor has the objector submitted any plan to the Council’s arboricultural officer in respect of the proposed levelling works.

As the objection has not been withdrawn, it is now important that the TPO be confirmed in order to safeguard the woodland and the important trees it contains. Every effort has been made to negotiate and discuss these issues without success.

## 2.2 Consultation

None.

## 2.3 Financial Implications

None.

## 2.4 Legal Implications

There is no right of appeal to the secretary of state against a TPO once it has been confirmed. However, it is possible to challenge the validity of a TPO in the High Court on a point of law only and not on the merits of the trees in question or any other factual issues.

Any person who is aggrieved by a TPO may make an application to the High Court on the grounds:

- (i) that the TPO is not within the powers of the Town and Country Planning Act 1990 (the Act); or
- (ii) that the requirements of the Act (or regulations made under the Act) have not been complied with in relation to the TPO.

If the validity of a TPO is challenged, the High Court may quash the TPO or suspend its operation wholly or in part.

## 2.5 Equalities Impact

Nil

## 2.6 Section 17 Crime and Disorder Act 1998 Considerations

None.

### **Section 3: Supporting Information/Background Documents**

#### Appendices

Appendix i - letter dated 26<sup>th</sup> March 2006

Appendix ia - letter dated 29<sup>th</sup> March 2006

Appendix ii - letter dated 24<sup>th</sup> April 2006

Appendix iia - letter dated 2<sup>nd</sup> May 2006

Appendix iii – letter dated 18 May 2006

Appendix iiia – letter dated 7 June 2006

#### Background papers

TPO File 853

Any person wishing to inspect the background papers should telephone 020 8736 6092

Appendix (i)

# Stanmore Christian Housing Association Ltd

Chairman - Barry R. Ingate FCA  
Secretary - Pam Hewitt Tel: 01923 447288  
Assistant Secretary - Lynette Cooper Tel: 020 8336 8561

Paxfold  
48 Elizabeth Gardens  
Stanmore  
Middlesex  
HA7 4UG

Director of Legal Services,  
P.O. Box 2,  
Civic centre,  
Harrow,  
Middlesex,  
HA1 2UH.  
Ref: LP/CML/TPO-13708

~~STANMORE CHRISTIAN HOUSING ASSOCIATION LTD~~  
Legal Services Department

22 MARCH 2006

Received in Room 13

26<sup>th</sup> March 2006.

Dear Sir,

**Re: Tree Preservation Order No 853, Du Cros Drive**

We refer to your letter of 13<sup>th</sup> March and our subsequent telephone conversation with your Mr Ball from which we understand that this order is being made as a result of the damage caused from the building works being carried out at St William of York Church, Du Cros Drive.

We would firstly wish to point out that the area of land marked W1 does not all belong to St William of York as part of that plot was sold to Stanmore Christian Housing Association in April 2004 (See attached drawing). We are therefore very concerned that as a result of this order, we will be unable to develop this area as Extra Care Housing, which we are intending to do in conjunction with the London Borough of Harrow, subject to normal planning approvals. We are a very small voluntary run organisation and it has taken us many years to be able to negotiate the purchase of this land and to raise the necessary finance of some £480,000. If such an order does prevent us developing the site and thus reducing the value of this land, we could find that our bankers might wish to call in their loan, thus placing our existing sheltered housing tenants at great risk.

In addition, under the terms of our purchase from St William of York, we have a Right of Access from their car park through the woodland to our site, where we would need to build an access roadway to the development, which would necessitate the removal of some trees and bushes. The ability to do this is essential for any development on the site to enable access for emergency vehicles as well as future residents.

We are also obliged under the terms of our purchase to fence this particular area of land and to do this we need to level parts of the ground, which may mean the removal of some trees, none of which, in our opinion have any particular merit.

We are ourselves very anxious to preserve this woodland area as much as possible and any development would include appropriate and sensitive landscaping. Over the past years this site has become a dumping area for rubbish both from the houses that adjoin the site as well as other fly tippers. It would surely be better to allow the area to be sympathetically developed with new trees, rather than keep the rather overgrown state that exists at present, where some trees are dead or nearly dead and could be a danger.

We would therefore ask you to reconsider your order, at least in respect of this small parcel of land, and would suggest that a meeting on site might be helpful so that you can see precisely the situation and we can look at any particular areas of concern that you might have.

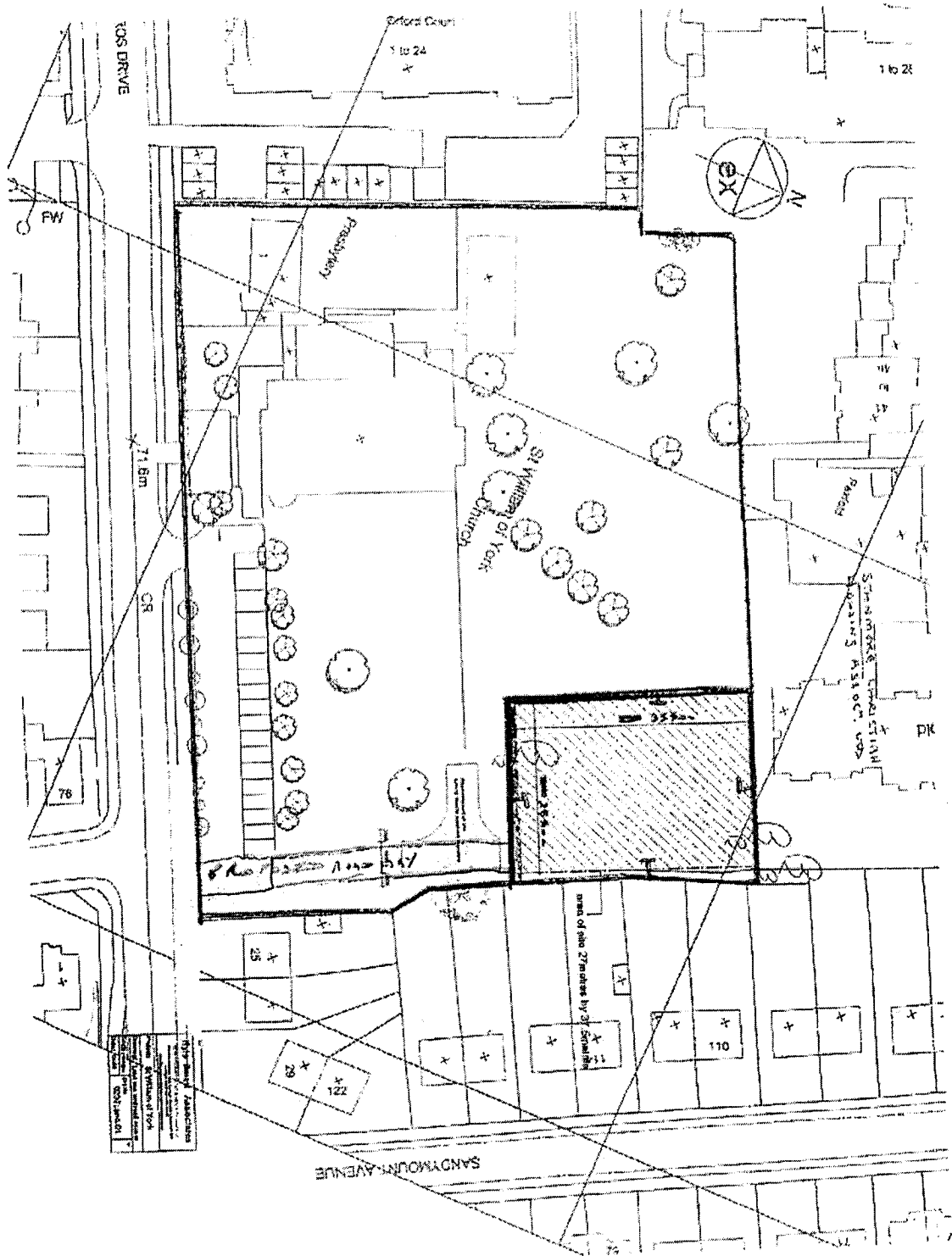
Yours faithfully,

B. R. Ingate

Registered Office: as above. Registered with the Housing Corporation on 11/07 and as an Industrial and Provident Society with charitable status no. 21602R  
Founder Chairman Rev. F. J. Goodland MBE

*Dange*  
*no*  
*We apparently have*  
*issue for Paxfold*

*Scheduled as 'Open Space'*





Mr BR Ingate  
Stanmore Christian Housing Association  
Paxfold  
48 Elizabeth Gardens  
Stanmore HA7 4UG

Urban Living

29<sup>th</sup> March 2006

Dear Mr Ingate

**Tree Preservation Order (TPO) No. 853 - Du Cros Drive (No. 1) Stanmore  
Woodland adjacent to St William of York Church**

I write further to your letter dated 26<sup>th</sup> March 2006 regarding your objection to the above.

Firstly, Tree Preservation Orders (TPO) cannot be used to stop development but can be used to protect trees from the threat of development. As such, within the planning system, TPOs are a material consideration to be considered, alongside many other issues, when assessing planning applications.

In regard to the above site, TPO No. 853 was placed on the woodland pending a development proposal and the existing tree damage that was sustained during the construction of the Church Hall. This TPO now ensures that, with any future development on site, the Council can (a) influence the construction type and activity that may impact on woodland trees and (b) better secure their replacement should any be scheduled for removal for any approved development.

I note your points on the Right of Access, level changes and landscaping and would be happy to discuss these with you on site.

My direct line, should you wish to make an appointment, is 0208 736 6092.

Yours Sincerely

A handwritten signature in black ink, appearing to read "Russell Ball".

Russell Ball  
Arboricultural Officer



# Stanmore Christian Housing Association Ltd

Chairman - Barry R. Ingate FCA  
Secretary - Pam Hewitt Tel: 01923 447288  
Assistant Secretary - Lynette Cooper Tel: 020 8386 8561

'Paxfold'  
48 Elizabeth Gardens  
Stanmore  
Middlesex  
HA7 4UG

Russell Ball  
Arboricultural Officer  
P.O. Box 37,  
Civic centre,  
Station Road  
Harrow,  
HA1 2UY.

24th April 2006.

Dear Russell,

**Re: Tree Preservation Order No 853, Du Cros Drive**

Thank you for your letter of 29<sup>th</sup> March and meeting with Mr Cooper and myself on 20<sup>th</sup> April. This has helped to clarify the position with regard to the Tree Preservation Order and although we are disappointed that the Order will be given permanent status, we understand the reasons and are ourselves anxious to ensure that the area maintains it's rural atmosphere. In the case of any future development, we have already stated that we would be quite willing to replant trees to replace any that would inevitably need to be removed and to sympathetically landscape the area.

In the meantime, we will consult with our partners and fencing contractor in order to put forward proposals as to what levelling works may be necessary in order to erect fencing around our site, which we are required to do in accordance with our purchase of the site from St William of York Church. As explained, we are equally anxious to secure the site in order to reduce any risk of intruders into our sheltered housing scheme and the vulnerable adults who live there. As also discussed, we agree that it would be advantageous to have the access road to our site in the area close to the new hall rather than where it had originally been anticipated under the terms of our purchase from St William of York. This would avoid destroying a number of trees and could add an element of security. It might however cause some problems within the Church car park design and would have to be agreed to by the Church and Diocese of Westminster.

Finally, we understand that if any trees on the site present a risk to our present buildings in respect of causing damage to drainage or possible subsidence, there would be no difficulty in obtaining approval to remove such trees, subject to satisfactory proof.

Please let us know if you have any further comments, following your visit to the site. Otherwise we shall write to you when we are in a position to have some firm proposals regarding the fence.

Yours sincerely,

B. R. Ingate

*consideration would be given  
likely to be favourable*

*Russell*      26/4  
*Are they withdrawing their objection?*

LONDON BOROUGH OF HARROW URBAN LIVING PLANNING SERVICES		GM
25 APR 2006		DO
		FR
PASSED TO:		IP



Urban Living

Mr B.R. Ingate  
Chairman: Stanmore Christian Housing Assoc. Ltd.  
Paxfold  
48 Elizabeth Gardens Stanmore  
HA7 4UG

2<sup>nd</sup> May 2006

Dear Mr Ingate

**Tree Preservation Order No. 853 – Du Cros Drive (No. 1) Stanmore**

I write further to your letter dated 24<sup>th</sup> March 2006 and our site visit of 20<sup>th</sup> April 2006. I am pleased that the meeting helped to clarify the position regarding the TPO and that you understand the reasons for placing the Order on the woodland.

I can confirm that any tree removal and replacement would need to be considered within the context of a formal planning application and any landscape proposals that you submit. This would also apply to the location of the access road. Leading on from this point, I pleased to learn of your intention to submit proposals for levelling works so an assessment can be made on the possible impact on the protected trees.

I can also confirm that in order to determine applications to remove trees within the woodland that are implicated in damaging your buildings or drains, then we would require the submission of a Structural Engineer's report.

Lastly, in regard to my opening paragraph, do you intend to withdraw your objection on the above TPO? If this is your intention then I thank you in advance and would kindly request that you put this in writing for our files.

Yours Sincerely

A handwritten signature in black ink, appearing to read "Russell Ball".

Russell Ball  
Planning Arboricultural Officer

cc Charlotte Lee (Legal Services: Harrow Council)



# Stanmore Christian Housing Association Ltd

Chairman - Barry R. Ingate FCA  
 Secretary - Pam Hewitt Tel: 01923 447288  
 Assistant Secretary - Lynette Cooper Tel: 020 8386 8561

'Paxfold'  
 48 Elizabeth Gardens  
 Stanmore  
 Middlesex  
 HA7 4UG

Russell Ball  
 Arboricultural Officer  
 P.O. Box 37,  
 Civic centre,  
 Station Road  
 Harrow,  
 HA1 2UY.

18th May 2006.

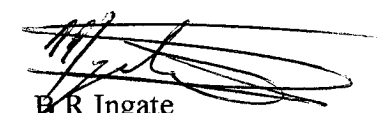
Dear Russell,

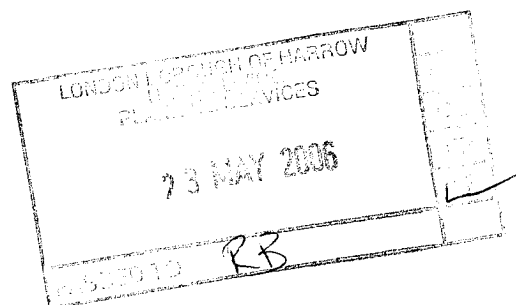
**Re: Tree Preservation Order No 853, Du Cros Drive**

Thank you for your letter of 2<sup>nd</sup> may 2006 and the information contained therein.

Although we understand and sympathise with the reasons for a Tree Preservation Order, we feel unable to withdraw our objections, since we believe that through no fault of our own, we are being penalised and forced into additional administrative work just to enable us to secure and tidy up the site, which for years has just been a dumping ground and totally neglected. We are a small organisation run by volunteers and we feel this is using a sledgehammer to crack a nut. Clearly we accept that any tree removal and replacement would need to be considered as part of a formal planning application, but just to do some minor levelling works, which does not involve the removal of any trees, so that a perimeter fence can be erected, seems unreasonable. If this restriction can be withdrawn, then we would be prepared to withdraw our objections.

Yours sincerely,

  
 B R Ingate



Russell

— what restriction?





Mr BR Ingate  
Stanmore Christian Housing Association  
Paxfold  
48 Elizabeth Gardens  
Stanmore HA7 4UG

Urban Living

7<sup>th</sup> June 2006

Dear Mr Ingate

**Tree Preservation Order (TPO) No. 853 - Du Cros Drive (No. 1) Stanmore  
Woodland adjacent to St William of York Church**

I write further to your letter dated 18th May 2006 regarding the above.

I note that your objection still stands and would reiterate that the TPO was placed on the woodland due to the significant tree damage that was sustained during the construction of the Church Hall. With respect to your pending development, the TPO now ensures that the Council can (a) influence the construction type and activity that may impact on woodland trees and (b) better secure their replacement should any be scheduled for removal for any approved development.

In your letter, there is reference to "some minor levelling works". I would point out that any soil level changes around trees can be very damaging to both their health and stability. However, I would be happy to meet you on site discuss these works. Prior to any such site visit I would ask that you send in a plan showing the extent of the proposed works.

I trust that we can address the levelling works issue so that you may withdraw your objection to the above TPO.

Yours Sincerely

A handwritten signature in black ink, appearing to read "Russell Ball".

Russell Ball  
Planning Arboricultural Officer

cc Charlotte Lee: Legal Services (Harrow Council)



2003-2004  
Tackling Homelessness

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Harrow Council, Planning Dept, PO Box 37, Civic Centre,  
Station Road Harrow HA1 2UY

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Meeting:	Development Control Committee
Date:	Wednesday 6 September 2006
Subject:	Former Cloister Wood Fitness Club
Responsible Officer:	Andy Parsons, Head of Planning
Contact Officer:	Frank Stocks
Portfolio Holder:	Councillor Marilyn Ashton
Key Decision:	No
Status:	Public

### **Section 1: Summary**

- 1.1 This report updates the Committee on the recent granted planning permission (P/1306/05/CFU).
- 1.2 At the 7<sup>th</sup> June 2006 meeting of the Development Control Committee, Members resolved to agree with the recommendations in the report by the Group Manager (Development Control) that:
  - a) The use of the overflow car parking area that took place during the week of the opening ceremony that began on Sunday 21 May 2006, be recorded as one of the six occasions per year that such parking is allowed under the terms of the Section 106 agreement attached to planning permission **P/1306/05/CFU**.
  - b) That as no formal details had been submitted to discharge five outstanding conditions of planning permission, the applicants be advised that to remedy the situation and regularise the use of the site, they submit a new planning application, under Section 73 of the Town and Country Planning Act 1990, to vary the conditions.
  - c) That Officers write to the applicants informing them of this and to request that they meet Officers to discuss concerns that have arisen since the use of the site as a Place of Worship commenced.

## **Section 2: Update**

- 2.1 A letter was sent to the applicants dated 23 June 2006 with the report to the 7 June Meeting of the Committee attached as an appendix.
- 2.2 Members are asked to note that, apart from several telephone communications with the planning officer for the site by the applicant and the submission of some poor quality, unacceptable plans that attempted to discharge condition 4 (disabled access) and condition 7 (details of fencing around car park 3), no formal response has been received by officers at the time of writing this report, 10 August 2006.



Urban Living  
Executive Director Andrew Trehern

**Gami Associates.**  
232b Kenton Road  
HARROW1  
HA3 8BY

Our ref: P/1306/05/CFU  
Your ref:

Date: 23 June 2006

Dear Mr Gami

**Town and Country Planning Act 1990 (as amended)**  
**Shree Swaminarayan Satsang, Former Cloisters Wood Fitness Club, Wood Lane, Stanmore**

I refer to my letter of 18/05/06 and a subsequent consideration of a report by the Development Control Committee on 7 June 2006. A copy of the report is attached as an Appendix.

The Development Control Committee resolved as follows:

Minute 18. **Former Cloister Wood Fitness Club:**

The Committee received a report of the Group Manager (Planning and Development) in this regard. The Committee supported the recommendations of the Group Manager (Planning and Development) and expressed concern that the applicants had not responded to officers' correspondence.

**RESOLVED:** That:

- (1) the overflow parking that occurred on Sunday 21 May 2006 be recorded as the first of the six occasions per year that such parking was allowed under the terms of the Section 106 Agreement attached to planning permission P/1306/05/CFU;
- (2) the approach adopted by officers in advising the applicants about the outstanding planning conditions in planning permission P/1306/05/CFU and the use of the site be agreed;
- (3) officers be requested to meet with the applicant to discuss concerns regarding the outstanding planning conditions.

Thus there are three matters that you need to be aware of or to action:

1

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5 St. John's Road Harrow HA1 2EE  
Switchboard 020 8863 5611 email [info@harrow.gov.uk](mailto:info@harrow.gov.uk) web [www.harrow.gov.uk](http://www.harrow.gov.uk)

1. the use of the south field for overflow parking
2. the status of your planning permission for the whole use of the site
3. the need for a meeting with Planning Officers to discuss item 2 as soon as possible

#### **1 the use of the south field for overflow parking**

You are advised that the Development Control Committee agreed that the overflow car parking that occurred below Car Park 3 on Sunday 21 May 2006 is recorded as the first of the six occasions per year (the first year effectively commencing on 21 May 2006) allowed under the terms of the legal agreement.

Clearly between now and the end of the first year you need to monitor and record all use of this area in order to comply with the terms of your legal agreement.

#### **2. the status of your planning permission for the whole use of the site**

Planning permission, reference: P/1306/05/CFU, was granted on 19 May 2006, following completion of a Section 106 Legal Agreement on 18 May. The planning permission included 5 conditions that require you to submit details to the Local Planning Authority, and obtain our agreement, before the use commenced.

The use had commenced by 21 May 2006 and no such details had been received or dealt with. In these circumstances you need to appreciate your legal position – it is now quite clear that your planning permission is invalid and the development (i.e. the use of the site) is unlawful.

This position is explained in detail in the report to the Development Control Committee on 7 June.

However, there is a process that will allow you to regularise the position. You need to do submit a new application to the Local Planning Authority to vary the five planning conditions (numbers 3, 4, 5, 6 and 7 of the permission – see the Committee report and the planning Decision Notice) under the provisions of Section 73 of the Town & Country Planning Act 1990 in order for the development to be regularised.

You should be aware that it is not sufficient to simply submit the details in the normal way of discharging a planning permission. You need to submit all of the details as part of a new application to vary the five conditions

Your Section 73 application for variation of conditions will require a planning fee of £135, assuming you submit a single application for all 5 conditions. Separate applications will each require a fee of £135.

#### **Submission of Application to Vary the 5 Conditions – Details Required**

In respect of the details you have already submitted – Conditions 4 (details of disabled access) and 7 (fencing around Car Park 3) – unfortunately these are not acceptable in the form submitted. Obviously you now need to resubmit an application to vary the conditions, as explained above. But in addition, neither of the plans that you submitted is metrically scaled. All plans that you submit in relation to the development that has been approved must be drawn to a metric scale scaled (preferably 1:50 or 1:100 scale) and four x copies

2

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of each plan should be provided. Secondly, the drawings are purely indicative and do not relate to the site itself. You will therefore need to provide amended plans when you apply to vary the conditions in your Section 73 application.

In relation to Condition 4, you should be aware that under the provisions of the Disability Discrimination Act 1995 (amended in 2005) all public buildings are required to be accessible to people with disabilities. To enable that condition to be varied and discharged therefore, you will need to provide floor plans and elevations of the buildings that show entrances with either a level threshold and a minimum width of 830mm, a height of between 900mm and 1500mm from the ground if a vision panel is to be provided, or if doors are to be fully glazed, the lettering / indication signs should be a suitable permanent marking at a height of between 850mm to 1000mm and be between 1400mm and 1600mm from the ground.

Suitable provision should also be made for car parking facilities for disabled people. Parking bays should be designed to ensure that there is sufficient, unobstructed manoeuvring space at the side and rear of the vehicle for a wheelchair users needs. A 1200mm wide shared transfer area should be provided along with a clearly marked out area indicating that the space is dedicated for a wheelchair user. Disability parking bays should be provided at a ratio of one in twenty of the overall provision. Accessible parking bays should be located within 50m of the entrance to the buildings.

More detailed advice on accessibility in general can be found in a newly-published Supplementary Planning Document entitled 'Access For All'. This document supplements adopted policies in the Harrow Unitary Development Plan and also aligns with Part M of the 2004 Building Regulations. I have enclosed a copy of the document with this letter.

Regarding Condition 7 of the planning permission, you will need to provide a plan showing the fence within the existing site layout with Car Park 3 clearly demarcated. You will also need to provide an elevation of the fence that indicates the colour and type of material that you propose to use in its construction.

Three additional conditions remain to be submitted as part of your variation application:

Condition 3 cannot be discharged until all the other works have been completed so your variation application needs to indicate how you intend to do this.

Condition 5 requires you to produce a Landscape Management Plan for the site. I have discussed this with the Council's Tree Officer, Mr Ball, and he recommended that you consult the official website of The Landscape Institute for details of reputable landscape architects, who could provide the expertise for you to discharge the condition.

Condition 6 requires that you provide details of the layout of car parking bays and turning and loading areas, (though not of Car Park 3). The plans must also include details of the proposed hard surfacing of the areas and the plans should show details of the drainage of surface water to the nearest storm water drain or soak away.

**3 the need for a meeting with Planning Officers to discuss item 2 as soon as possible**

In the circumstances outlined above it is clearly in your best interests to resolve these issues as soon as possible. Your attention is also drawn to the obligation of the trustees of the site under the terms of the S106 Deed of Agreement with the Council to request prior approval from the Development Control Committee to use land that is outside of the defined parking areas on the approved plan (ref: SP/854/c) on each of the six occasions in the year that such activity is permitted.

We need to arrange a meeting at Garden House to discuss these issues as soon as possible - please contact me as soon as possible and I will set up a meeting to include Mr. Stocks, Senior Professional - Planning Service and Mr. Simpson, Development Control Manager.

Yours sincerely

**Dave Thompson  
Planning Officer**

Please ask for / reply to: Dave Thompson  
Tel 020 8736 6134  
Fax: 020 8424 1551  
E-Mail: [david.thompson@harrow.gov.uk](mailto:david.thompson@harrow.gov.uk)

4

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<b>Meeting:</b>	Development Control Committee
<b>Date:</b>	Wednesday 6 September 2006
<b>Subject:</b>	102, 104, 106 High Street, Harrow on the Hill
<b>Responsible Officers:</b>	Andy Parsons, Head of Planning, and Hugh Peart, Director of Legal Services
<b>Portfolio Holder:</b>	Councillor Marilyn Ashton
<b>Enclosures:</b>	<ul style="list-style-type: none"><li>- Appendix 1 – ECS survey March 2004</li><li>- Appendix 2 – ECS survey November 2004</li><li>- Appendix 3 - Appeal decision on 42-44 High Street, Harrow on the Hill</li><li>- Site Plan</li><li>- Site Photographs</li></ul>
<b>Key Decision:</b>	No
<b>Status:</b>	Part 1 (with Part II report attached for Members' information only)
<b>Ward:</b>	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, and seeks agreement to take no action in respect of the installation.
- 1.2 Following receipt of a complaint a report on this item was originally submitted to this Committee in July 2004, to enable consultation with local residents and Harrow School. The report was re-submitted to Committee on 7 September when it was resolved that consideration be deferred to enable an electromagnetic survey to be carried out, with further legal advice based on that information.

- 1.3 This report was originally presented to the Committee on Tuesday 11 October 2005, when the Committee resolved to defer consideration to allow consultation with interested parties, to ensure that local residents would be aware of the new report.
- 1.4 The report was re-submitted to the Development Control Committee on Wednesday 16 November 2005. The Committee again resolved to defer consideration to await the outcome of the public inquiry into the Discontinuance Order on the macrocell flagpole installed on the roof of 102 High Street.
- 1.5 The report has now been updated to include the result of the public inquiry into the appeal against the Discontinuance Order.

### **Decision Required**

#### **Recommendation (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 independent 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;**
  - vi) the appeal decision in respect of the microcell installation at 42-44 High Street;**
  - vii) the data in relation to appeal decisions in respect of telecommunications development between January and September 2005; and**
  - viii) the decision on the appeal against the Discontinuance Order in respect of the flagpole installation at 102 High Street**

**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 the Committee with further information following the previous report and secure its decision on how to proceed.

**Benefits:**

To resolve the uncertainty arising from this installation.

**Cost of Proposals:**

None in connection with the recommendation.

**Risks:**

Any enforcement notice authorised by the committee 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 authorised by the committee.

**Section 2: Report:**

**Brief History, Policy Context (Including Previous Decisions)**

2.1 See Section 2.3 et al.

**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 Members will be aware of the history of the "flagpole" installation on the roof of No. 102 High Street Harrow on the Hill. On 17 March 2004 this Committee considered a detailed report and resolved to make a Discontinuance Order in respect of a Hutchison 3G Mobile Phone Base Station (the flagpole installation), installed on the roof of 102 High Street under planning permission 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.

2.4 The Committee also resolved to agree that:

- (i) the development, by reason of the perception and / or fear of health effects would not be detrimental to the residential amenity of neighbouring residents and occupiers; and
- (ii) the decision to grant planning permission was not plainly wrong (in planning terms).

2.5 The outcome of this decision was that an appeal was lodged to be the subject of a public inquiry (subsequently heard in June 2005). Meanwhile the Council had 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. 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 had been received in respect of the two microcell antennae installed on the street frontages.

2.6 The equipment cabinet and the two antennae are sited within a Conservation Area (article 1(5) land). The cabinet 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 nor a determination for prior approval is required.

2.7 However, the 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. In October 2004 Orange published a "roll-out" plan, that indicated 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 such permission has neither been sought nor obtained from the local planning authority.

2.8 Clearly, in the absence of a planning application no information has been provided about compliance with ICNIRP or otherwise. However, it should be noted that this installation was operational at the time that the Hutchison 3G installation was surveyed by ECS Limited, on behalf of the Council, on 4 March 2004. The readings noted in the report would therefore have included the emissions from both microcell antennae, as the readings do not differentiate between different

antennae, and readings were taken at points up and down High Street and London Road.

- 2.9 The Committee agreed on 17 March 2004 that, on the basis of the survey findings, it would be inappropriate to take any action on the basis of health and perception of health effects. The typical output from a microcell antenna is, in any event, substantially lower than that from a macrocell antenna, such as that on the roof of 102 High Street.
- 2.10 A detailed report on the Orange microcell installation was submitted to the Development Control Committee on 7 September 2004 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 provisions.
- 2.11 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.
- 2.12 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.
- 2.13 The Committee resolved on 7 September 2004:
- “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.”
- 2.14 A second independent electromagnetic 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 1 and 2**.
- 2.15 Following the receipt of the second survey legal advice was sought.
- 2.16 A further report on the microcell installation was not submitted until October 2005, after the completion of the public inquiry into the Discontinuance Order (in June 2005). The report included the results of the second survey and Members were advised of Counsel's advice. Following consideration of the report Committee resolved to defer consideration for consultation with local residents and Harrow School.

2.17 In the absence of any planning application no consultation of Harrow School or of local residents had originally been undertaken, either by the developer or the local planning authority. Nor was any undertaken after the deferral in September 2004. However, this position was rectified following the deferral in October. Four letters of objection were received, including The Harrow Hill Trust and a joint letter from 10 nearby residents.

2.18 The Harrow Hill Trust objected 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

2.19 The other objections were 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 LPA'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 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 not 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

- 2.20 Having considered the further report to the 16 November 2005 meeting, Development Control Committee again resolved to defer consideration to await the outcome of the Discontinuance Order inquiry.
- 2.21 The outcome of this inquiry was that on 12<sup>th</sup> May 2006 the Secretary of State agreed with the Inspector's conclusions, accepted his overall recommendation, dismissed the appeal and upheld the Order made by the council.

The Relevant Provisions of the Development Plan and Other Material Considerations

- 2.22 102-106 High Street is within the Harrow on the Hill Conservation Area and in determining planning applications there is an additional statutory requirement that a local planning authority should have special regard to the desirability of preserving or enhancing the character or appearance of any conservation area in exercising their development control functions. PPG15 (Planning and the Historic Environment)(para 4.19) advises : "...if any proposed development would conflict with that objective, there will be a strong presumption against the grant of planning permission..."
- 2.23 Following a series of court cases on the application of the conservation area test, the House of Lords in the South Lakeland case in 1992 defined what is now the accepted position, i.e. that the requirement is fulfilled if a development only preserves the character or appearance of a conservation area in the sense that it does not do harm to it.
- 2.24 The relevant development plan policies in relation to this application are set out in Harrow Unitary Development Plan (adopted 30 July 2004):

EP31 Areas of Special Character  
 D16 Conservation Areas  
 D18 Conservation Areas Priority  
 D26 Telecommunications Development

- 2.25 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

Character and appearance of Conservation Area

- 2.26 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.

- 2.27 It is argued that the two microcell antennae are small in size and barely visible, and do no material harm to the character or appearance of the conservation area. This is inevitably a subjective view, but whilst it may be argued that the development does not enhance the conservation area, it is suggested that the development at least preserves that character. Even if this view is not agreed it is argued that the development does not harm the character or appearance of the conservation area.

#### Visual and Residential Amenity

- 2.28 An examination of appeal decisions shows that a very strong visual amenity argument needs to be put forward to overcome the favourable policy presumption given by PPG8. In fact 70% of all telecommunications decisions where visual amenity has been an issue have been allowed. The fact that a mast would harm the amenities of a residential area may be an argument that prevails especially where strong local opposition is a feature of the objections.
- 2.29 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.
- 2.30 In the present case the microcell antennae are small in size, are sited unobtrusively, and resemble burglar alarms in general appearance.

#### **Alternative Sites and Need**

- 2.31 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".*

- 2.32 No information has been provided by the developer about alternative sites or need.

#### ICNIRP Compliance



- 2.33 Following the Stewart Inquiry the Government adopted some of the recommendations as part of their precautionary approach to telecommunications development. PPG8 requires that installations comply with ICNIRP public exposure guidelines. This guideline has a safety guide factor five times below the level recommended by the NRPB. In practice telecommunications installations operate at levels substantially below those levels, as does this development.

### Health Concerns

- 2.34 PPG8 advises on this issue. 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.
- 2.35 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. There are a significant number of appeal decisions in relation to telecommunications development, but these are not analysed for this report – this would need to be the subject of a separate report if Members requested it.
- 2.36 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."*

- 2.37 The site lies within the Harrow on the Hill Village Conservation Area. PPG8 gives some general advice on small telecommunications developments such as this:

*“Some minor operations or changes of use of land may not constitute development which requires planning permission. For example, many of the smallest antenna systems may be covered by the normal principle of de minimis; 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 poles have long been treated in 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.”*

- 2.38 Whilst 102 and 106 High Street are locally listed buildings, it is considered that whilst the antennae are on this occasion not *de minimis*, they are nevertheless small and unobtrusive and do not detract from the character and appearance of the Conservation Area.

- 2.39 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.”*

*The Survey by ECS Ltd, November 2004*

- 2.40 The second survey (see **Appendix 2**) 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.

- 2.41 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).....”*

2.42 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 installation), and Orange (the microcell installation).

2.43 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 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...”*

2.43 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*

2.44 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.

2.45 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

- 2.46 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.
- 2.47 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	
	Count	Percentage	Count	Percentage	Count	Percentage	Count	Percentage
393	262	67%	131	33%	393	100%	6	1.5%

2.48 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"> <li>▪ Wide grass verge at backs of houses – existing trees about 6 to 7m high, streetlamps about 8m high</li> <li>▪ Pole sited in a conspicuous position, against rear garden boundaries some 30m from rear of nearest dwelling</li> <li>▪ Would be out of keeping in streetscene and cause substantial harm to character / appearance of area</li> <li>▪ 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</li> </ul>
10m pole in residential area	Sheffield	<ul style="list-style-type: none"> <li>▪ Sited on grass verge</li> <li>▪ Harm to character / appearance of area due to overly dominant structure with little opportunity for landscaping</li> <li>▪ Harm to residential amenity due to loss of outlook and perceived health risks</li> </ul>
15m pole on roundabout in residential area	Bromley	<ul style="list-style-type: none"> <li>▪ No harm to character / appearance of area</li> <li>▪ Concern about residential / visual amenity &amp; outlook are more to do with effects on health</li> </ul>
12m and 15 m poles on 2 roadside sites in residential area	Tamworth	<ul style="list-style-type: none"> <li>▪ No harm to residential amenity / loss of outlook</li> <li>▪ Possible health implications if both masts are erected</li> </ul>
8m imitation telegraph pole in residential area	Reigate & Banstead	<ul style="list-style-type: none"> <li>▪ Sited 2m from garden fence</li> <li>▪ Would appear dominant &amp; intrusive in outlook from dwelling</li> <li>▪ Prominent in skyline views</li> <li>▪ Weight to perceived health fear</li> </ul>
15m pole in residential area	Rushmoor	<ul style="list-style-type: none"> <li>▪ Harm to character / appearance of area</li> <li>▪ Harm to residential / visual amenity due to scale / mass / perceived health risks at this exposed position</li> </ul>

2.49 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 none of these appeal decisions are comparable to the microcells at 102 and 106 High Street. Additionally, there have been 2 electromagnetic surveys that confirm the significantly low level of emissions in this locality.

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

2.50 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.

- 2.51 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.
- 2.52 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.
- 2.53 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.
- 2.54 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**

- 2.55 None

### **Financial Implications**

- 2.56 None

### **Legal Observations**

- 2.57 Included in the report.

### **Section 17 Crime and Disorder Act 1998 Considerations**

- 2.58 None.

### **Conclusion**

- 2.59 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).
- 2.60 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.
- 2.61 No complaint from any local residents has ever been received about the microcells following their unauthorised installation in 2004. 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, either 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.

2.62 Government guidance in PPG 18 on enforcement is clear (see para 2.41 of this report).

2.63 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**

#### **Counsel's Opinion. Status: Part II.**

The Opinion is exempt by virtue of paragraph 5 of Part 1 of Schedule 12A to the Local Government Act 1972 (as amended) in that it is information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

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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/m<sup>2</sup>, averaged over any six-minute period. The ICNIRP public guideline for this frequency is set at one fifth of this value at 10 W/m<sup>2</sup>, again averaged over any six-minute period.

The NRPB guideline for this frequency is 100 W/m<sup>2</sup> 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  $0.0018 \text{ W/m}^2$ . 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  $0.0238 \text{ W/m}^2$ ), 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 1/10<sup>th</sup> 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 1/1000<sup>th</sup> 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

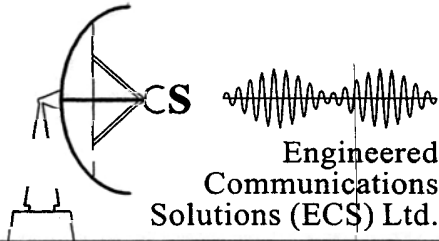
<b>Measurement Locations:</b>	<b>Measured Power Density</b> <b>W/m<sup>2</sup></b>	<b>Times below the ICNIRP Public guideline of 10 W/m<sup>2</sup></b>	<b>Electric Field</b> <b>V/m</b>
No.100 High Street, side bedroom window overlooking the base of the flagpole style antenna	0.0006	16,667	0.48
No.100 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

<b>Measurement Locations:</b>	<b>Measured Power Density</b> <b>W/m<sup>2</sup></b>	<b>Times below the ICNIRP Public guideline of 10 W/m<sup>2</sup></b>	<b>Electric Field</b> <b>V/m</b>
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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Planning Services  
PO Box 37, Civic Centre  
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Harrow  
HA1 2UY  
FAO Mr Frank Stocks

LONDON BOROUGH OF HARROW ENVIRONMENTAL SERVICES		DES
		CPO
		BC
23 NOV 2004		DC
PLANNING SERVICES		FP
PASSED	FS	LP
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 <sup>2</sup>
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  $0.0011 \text{ W/m}^2$  and a value of  $0.0018 \text{ W/m}^2$  was found near to the restaurant window. The tabulated value of  $0.0016 \text{ W/m}^2$  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  $0.0017 \text{ W/m}^2$ . Measurements made at locations within the same bedroom revealed a level of only  $0.0001 \text{ W/m}^2$  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 <sup>2</sup>	Times below the ICNIRP Public guideline of 10 W/m <sup>2</sup>	Times below the ICNIRP Public guideline of 9 W/m <sup>2</sup>	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 <sup>2</sup>	Times below the ICNIRP Public guideline of 10 W/m <sup>2</sup>	Times below the ICNIRP Public guideline of 9 W/m <sup>2</sup>	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 <sup>2</sup>	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 <sup>2</sup>	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 <sup>2</sup>	Times below the ICNIRP Public guideline of 10 W/m <sup>2</sup>	Times below the ICNIRP Public guideline of 9 W/m <sup>2</sup>	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
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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 <sup>2</sup>	Times below the ICNIRP Public guideline of 10 W/m <sup>2</sup>	Times below the ICNIRP Public guideline of 9 W/m <sup>2</sup>	Electric Field V/m
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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

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APPEAL  
3165  
ALLOWED

Date 15 AUG 2004

Appeal Ref: APP/M15450/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.

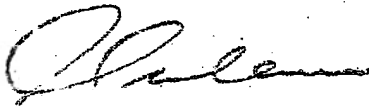
Conclusion

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:

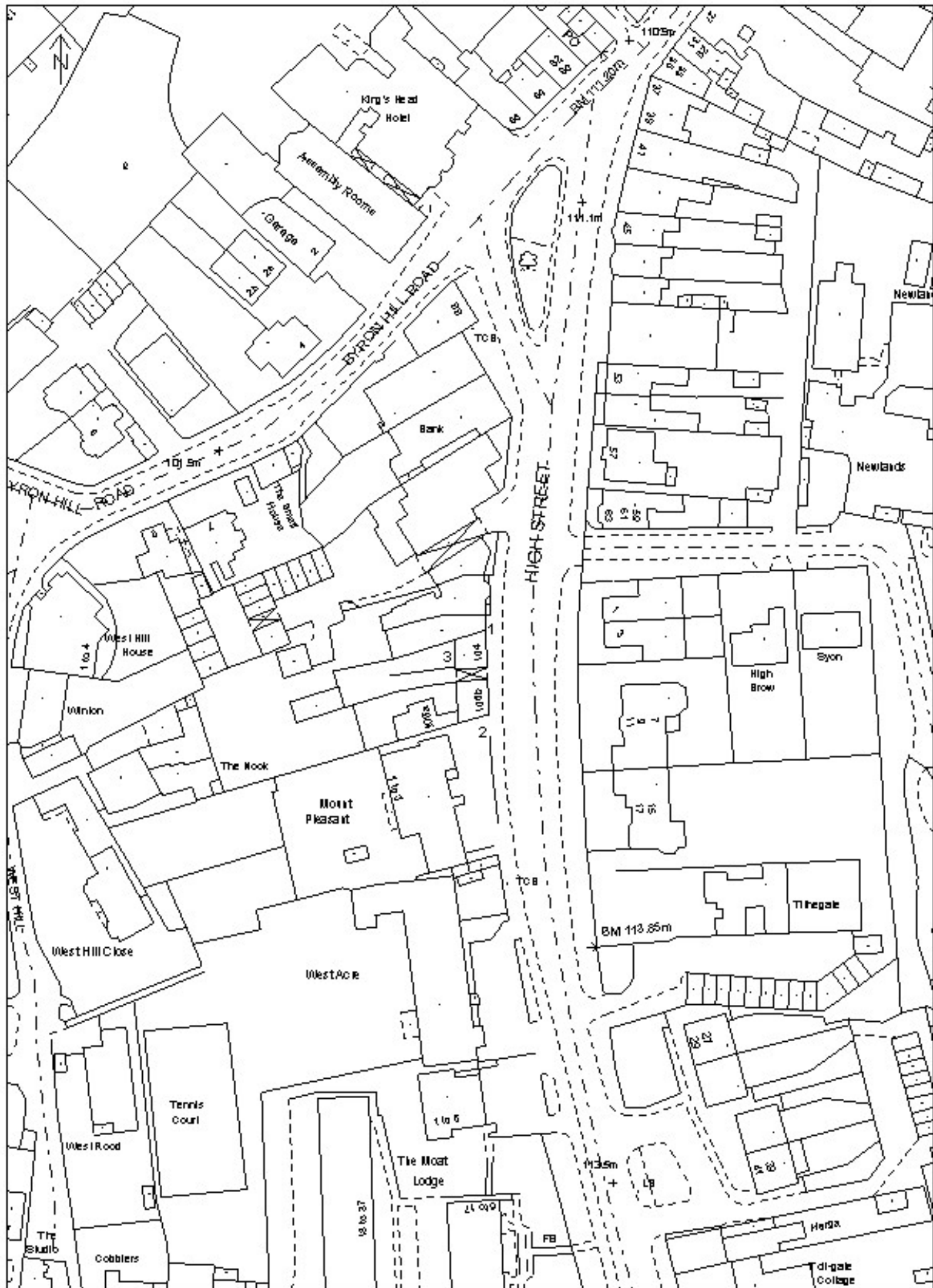
- 1) The development hereby permitted shall begin before the expiration of five years from the date of this decision.
- 2) Before development commences, the colour of the materials to be used in the construction of the external surfaces shall be agreed in writing with the Council.



Inspector

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London Borough of Harrow LA 08641 X Date: 30/09/2005

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