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APPEAL
3165
ALLOWED
Date 15 AUG 2004



Appeal Decision

Site visit made on 04 August 2004

by Paul Graham DMA LARTPI FCIS Solicitor-MRTPI

an Inspector appointed by the First Secretary of State

Appeal Ref: APP/A15450/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.

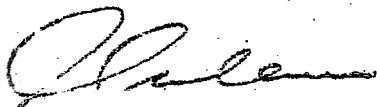
Conclusion

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.

Final

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