

Dave Shorland Esq
Planning Inspectorate
Room 3/19, Eagle Wing
Temple Quay House
2 The Square, Temple Quay
Bristol BS1 6PN

2 June 2006

Dear Mr Shorland

Your ref: APP/N5090/A/06/2012962/NWF
London Borough of Barnet ref: C16333A/05
Land adjacent to 2 Lyttelton Road London N2 0DW

I have been informed that an appeal has been lodged for an 11.4 metre mobile phone transmitter and associated equipment cabinets within the Hampstead Garden Suburb Conservation Area at the above location. On behalf of the Hampstead Garden Suburb Residents Association, I wish to lodge a strenuous objection. Please consider this letter instead of my letter of objection to the original application.

Hampstead Garden Suburb will celebrate its 100th anniversary in 2007 and it owes its continuing charm and beauty to the sensible approach of its guardians, the HGS Trust (which operates a scheme of management under the Leasehold Reform Acts), the Council planners and the Planning Inspectorate.

The pressure of technological change is a serious threat to the preservation of the Suburb's unique character which was planned as an integrated community and largely built within 20 years of 1907.

There have been four having planning appeals regarding mobile phone transmitters in Hampstead Garden Suburb, all of which have been dismissed. These are:

- Highways Verge 190 Falloden Way (2004; C14891A/03)
- Junction of Ossulton Way and Lyttleton Road (2001; C14083/00)
- Kenwood Close/Hampstead Lane (2006; C16391/05)
- Spaniards Road (2001; C14341/01)

I suggest that these four decisions are strong precedents which it would be most appropriate to follow in this case.

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It should be noted that this application is the third such application at this location made by the same applicant (C16333A/05, C16333/05, C16109/04). London Borough of Barnet has refused all three applications and also an earlier application at this location for a pylon associated with the nearby petrol station (C00831AL/02). After considering the matter on four separate occasions, Barnet planners have clearly reached the same conclusion that this is not an appropriate location for a development of this type.

Almost the whole of the Hampstead Garden Suburb Conservation Area is subject to an Article IV Direction including the site of the current application which requires owners of properties to submit applications to a very high standard of design and materials.

The Residents Association considers that any development in the street (such as a mobile phone transmitter which requires planning consent) should conform to an equally high standard. It does not consider that this application for a transmitter conforms to this standard.

No attempt has been made in the current application to conceal the transmitter or to camouflage it. This contravenes recommendation 24 of *Planning Policy Guide Telecommunications PPG8*, revised September 2003 which states:

“In seeking to arrive at the best solution for an individual site, authorities and operators should use sympathetic design and camouflage to minimise the impact of development on the environment. Particularly in designated areas, the aim should be for apparatus to blend into the landscape.”

Detailed recommendations for camouflage are also contained in *Code of Best Practice: Mobile Phone Network Development* published by the Office of the Deputy Prime Minister, 2002 . The current application has not adopted the recommendations contained in that document. The HGS Article IV Conservation Area is such a *designated area*.

In addition the transmitter in question will be accompanied by an equipment box. These equipment boxes attract graffiti and are unsightly. There is a very serious problem with graffiti in the Suburb on the existing phone and cable TV boxes which are similar in size to the proposed equipment boxes. Unfortunately these are not subject to planning controls which is a matter of some regret.

Photographs of mobile phone transmitter boxes recently installed not far from our conservation area illustrate how detrimental to the character of the Conservation Area this equipment can be. As well as the graffiti, there is no standardisation of size, designs or colours on the equipment boxes. It would be extraordinary that permission could be contemplated for such proposals when in the Article IV Direction, even the colour of paint on the front door of a resident's house is subject to planning consent.



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I suggest the test should be whether permission would be granted to a resident who wished to erect the proposed equipment boxes in his or her front garden. The answer would self-evidently be no.

Part of our Association's work is concerned with reducing the amount of street clutter in the area. We feel this application is contrary to good practice contained in *Streets for All: A guide to the management of London's streets* published by English Heritage which was commissioned by English Heritage, the Government Office for London, the London Forum and the Pedestrians Association. This publication describes good practice for Street Furniture.

I would like to incorporate the comments I received from Richard Parish, the Historic Buildings and Areas Adviser at English Heritage for our area:

"Whilst the proposal falls outside requirements to consult English Heritage, we are of course concerned on the basis of our initiatives to promote best practice in historic areas, as set out in our *Streets For All* publication and *Save our Streets* initiative, and our funding of public realm works within Hampstead Garden Suburb. It is extremely unfortunate that consideration in finding a more appropriate place for the transmitter seems to have been ignored.

"The accumulative impact of new equipment within the historic streetscape results in a constant erosion of the quality and character of the public realm and is directly opposed to the desire to encourage the removal of unwanted clutter and poor quality infrastructure from the historic environment (a view shared with Transport for London and the Greater London Authority).

"The deregulation of many of the former statutory undertakers has placed great pressure on historic areas and it is essential that a robust view is taken in the controlling proposals for new infrastructure and that a sensitive approach is encouraged and adopted by service providers. I would hope that the Appeal would enforce the recommendations set out in PPG8, PPG15 and the local authority guidance. Please feel free to forward this response if you feel these comments are helpful."

The Life President of the Hampstead Garden Suburb Trust, Dr Mervyn Miller, an acknowledged expert on Hampstead Garden Suburb and joint author with A. Stuart Gray of *Hampstead Garden Suburb*, an appraisal of the architectural and planning achievements of the Suburb, wrote as follows in a recent Appeal case for a mobile phone transmitter:

"I feel sure that you will assess the proposals against the requirement of s.72 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, and the provisions of PPG 15: *Planning and the Historic Environment*, especially paragraphs 4.14-4.20 dealing with the use of planning powers in conservation areas.

Under para. 4.19 planning decisions must accord high priority to the objective of preserving or enhancing the character or appearance of the conservation area concerned. There is a strong presumption against grant of permission if the proposed development conflicts with that objective. While this may be overridden in exceptional cases where such development is desirable on the ground of some other public interest, I do not consider that the Appeal development represents an exception which would warrant the harm that would ensue were it to be approved."

There is a petrol service station adjacent to the proposed site which it is proposed to return to its original mixed residential and commercial use. This welcome development could considerably enhance the immediate area but would be jeopardised by the grant of permission for a transmitter immediately adjoining.

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It should be noted that this is the only grassed area on this side of Market Place and makes an important contribution to the character of the area by retaining the “garden” element in this part of the Suburb.

The Association suggests that such a transmitter would be in conflict with policies GBEnv1, GBEnv2, D1, D2, D7, D16, D20 and HC1 of the Barnet Unitary Development Plan 2006 and is also in conflict with the guidance in *PPG15 Planning and the Historic Environment* and *PPG8 Planning Policy Guide Telecommunications* as described above.

It is imperative that the highest emission levels are within ICNIRP guidelines and are not considered a health hazard to the public. Evidence should be sought to prove that no health risk is likely. In this context it should be noted that the proposed location is close to the Kerem Infant School in Kinglsey Way and also the Lubavich Secondary School also in Kingsley Way.

The Residents Association therefore urges you to reject this application as damaging to the character of the Conservation Area and inconsistent with current standards of good practice as laid out in the Barnet UDP, PPG15, PPG8, the English Heritage document, the Code of Best Practice and the 16 previous planning refusals quoted above of which four were appealed and the Borough's decision to refuse was upheld in all four cases.

It is accepted within an Article IV Conservation Area that building work generally needs to be carried out to a higher standard of aesthetics than elsewhere and that is inevitably more costly for the residents. The same high standards should also apply in the provision of mobile phone transmitter design but have not been achieved in the case of this Appeal and we therefore urge you to reject it.

Please send me a copy of the decision.

Yours sincerely

David Lewis, Chairman