

Appellants' Statement

18.8.93.

APPEAL BY THE UNITED SYNAGOGUE ERUV COMMITTEE AGAINST THE DECISION OF THE LONDON BOROUGH OF BARNET TO REFUSE PLANNING PERMISSION FOR THE INSTALLATION OF STREET FURNITURE COMPRISING GROUPS OF POLES (USUALLY 2) CONNECTED BY HIGH LEVEL WIRE TO COMPLETE THE IDENTIFICATION OF THE PERIMETER OF A DEFINED "ERUV" WITHIN PARTS OF BARNET

PUBLIC INQUIRY TUESDAY 30TH NOVEMBER 1993

PRE-INQUIRY STATEMENT ON BEHALF OF THE APPELLANTS

DOE REF: APP/N5090/A/93/224571
COUNCIL REF: ERUV 1
APPELLANTS' REF: 1871/AP1A

1. INTRODUCTION

1.1 An application for full planning permission was submitted to the London Borough of Barnet on 10th July 1992 for:-

"Erection of groups of poles (usually 2) between which is suspended at high level a wire to designate the perimeter of a nominated "Eruv" within parts of Barnet".

The application was submitted by Alan Perrin on behalf of the United Synagogue Eruv Committee.

1.2 The application was presented to the Council's Town Planning and Research Committee on 24th February 1993. In his report, the Controller of Development Services recommended that conditional planning permission be granted.

1.3 The Council resolved to refuse planning permission for the following reasons as identified in the decision notice dated 2nd March 1993:-

"01

The proposed poles and wire would result in the introduction of additional street furniture which would be visually intrusive and detrimental to the character and appearance of the street scene contrary to policies G1, G2, G3 A and D, G18, T1.1, T2.1 and T3.1 of the Unitary Development Plan.

02

The proposed poles and wires along Wildwood Road by reason of their size, number and general appearance would be visually intrusive, impair the continuous landscape of Turners Wood and the adjoining Meadow Land and cause demonstrable harm to the environment of a Conservation Area of national importance."

1.4 This appeal was lodged with the Planning Inspectorate on 7th June 1993.

2. DESCRIPTION OF SITE AND SURROUNDING AREAS

2.1 Reference will be made to a full description of each location where poles and wires are proposed including, where appropriate, photographs.

3. APPEAL PROPOSALS

3.1 The appellants will explain the concept of an Eruv, its religious significance, and its impact on the life of observant Jews. They will explain the religious laws which govern the physical definition of an Eruv.

3.2 The appeal application seeks planning permission for the erection of a total of 85 poles to be spanned by a total of 942 metres of wire which will complete the definition of the 11 mile perimeter of the Eruv.

3.3 These works are necessary to enable observant Jews living within the Eruv to observe the Sabbath within the wider area of the Eruv rather than within the restricted area of their homes. This will be of particular benefit to women, the elderly and the infirm.

3.4 As originally submitted the application related to 0.3mm Drennan matt sub-surface green fly leader wire which is virtually invisible. Following fears expressed concerning the safety of wild birds this was changed at the Council's request to 3mm thick dark visible wire. The appellants are now advised that the Royal Society for the Protection of Birds have no objection to the use of the thin wire originally specified. The appellants therefore wish this appeal to be considered on that basis ie assuming use of the 0.3mm diameter thin wire.

4. SUBSEQUENT PLANNING HISTORY

4.1 The appellants will refer to a revised application for planning permission submitted following discussions with the Royal Society for the Protection of Birds (RSPB) concerning the thickness of the proposed wire and with Council representatives concerning utilising existing street furniture poles in the Wildwood Road area. Discussions have taken place with the Planning Authority to try to resolve all outstanding issues. The appellants have done all they can to try to reach agreement on all issues.

5. POLICY MATTERS

5.1 Reference will be made, where appropriate, to Central Government Policy as expressed in Circulars and Planning Policy Guidance Notes.

5.2 Reference will be made where appropriate to the Development Plan, ie the London Borough of Barnet Unitary Development Plan which was adopted in November 1991 (U.D.P).

6. ISSUES

6.1 There can be no dispute that the definition of the Eruv will result in significant Sabbath observance improvements for observant Jews living within the Eruv area, particularly the elderly, infirm, and those with young families. These improvements will be described.

6.2 That there is a need for the Eruv must be beyond dispute. A petition containing 3,443 signatures, 86% being residents within the Eruv area, was submitted to the Council in support of this application.

6.3 From the Council's reasons for refusal, the appellants are of the view that the issues in this appeal are solely whether the introduction of the limited amount of street furniture required to complete the definition of the Eruv would be visually intrusive and detrimental to the street scene:-

- i) in general terms contrary to policies G1, G2, G3A and D, G18, T1.1, T2.2 and T.3.1 of the U.D.P; VISUAL AMENITY ISSUE, and

- ii) specifically in the Wildwood Road Area - CONSERVATION AREA ISSUE

7. VISUAL AMENITY ISSUE

7.1 The appellants will argue that the Council's objections are unfounded and need to be taken in context.

7.2 The defined Eruv has a perimeter of approximately 11 miles (17.6 kilometres) containing an area of about 6½ square miles (16.8 square kilometres). The defined area contains many miles of road and approximately twice that mileage of pavement.

7.3 It is self evident that the area contains many thousands of lamp posts, telegraph poles (with their conspicuous wire) and various other items of street furniture.

7.4 Against that background the appeal proposals are de minimis representing a very modest increase in the amount of street furniture which in the context will be unnoticeable.

7.5 The appellants will argue that their proposals will be neither visually intrusive nor detrimental to the character of the general street scene in the area of the defined Eruv.

7.6 In so far as it may be argued that such poles and wire are visually intrusive, contrary to the appellants' contentions, it will be argued that the need for and benefit of the proposals to the orthodox Jewish community constitutes a public benefit which would far outweigh any detrimental visual effects they may have.

8. CONSERVATION ISSUE

8.1 The Council's second reason for refusal identifies concerns arising from one specific group of proposed poles and their wire in Wildwood Road within a Conservation Area.

8.2 The appellants will argue that their proposals in this area have been carefully designed to take account of the character of the Conservation Area, and that they will be neither visually intrusive, nor impair the continuous landscape of Turners Wood and the adjoining Meadow land nor cause demonstrable harm to the environment of the Conservation Area.

9. SPECIAL CIRCUMSTANCES

9.1 Notwithstanding their opinion that the appeal proposals will not have an adverse impact on visual amenity or the street scene, the appellants will argue that their proposals will result in a significant improvement to the quality of life of a significant religious group in accordance with the spirit of policies in Chapter 5 of the U.D.P.

10. THIRD PARTY OBJECTIONS

10.1 The appellants are aware that their proposals have generated considerable public interest. Reference will be made to the matters raised, and the appellants will argue that many objections arise from misunderstandings and involve non-planning issues irrelevant to consideration of the appeal application.

11. CONCLUSIONS

11.1 The appellants will conclude that the introduction of the limited amount of street furniture required to complete the definition of the perimeter of the proposed Eruv will result in a considerable improvement in the quality of life of a significant religious minority without being visually intrusive nor detrimental to the character and appearance of the street scene nor impairing the continuous landscape of Turners Wood and the adjoining Meadow land nor causing demonstrable harm to the character or environment of a Conservation Area of national importance.

12. DOCUMENTS

12.1 The appellants will refer to the application documents and related correspondence as necessary and to the policy documents mentioned in this statement.

12.2 Photographs and other illustrative material in respect of individual site may be produced with proofs of evidence.

Appellants' Statement

18.8.93.

12.3 Sample lengths of wire will be available for inspection in situ in the locality.