

LONDON BOROUGH OF BARNET

Item No. 5

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Public Works July 21 or Sep 16

<u>Committee</u>	DEVELOPMENT AND PROTECTION
<u>Date</u>	17 June 1998
<u>Subject</u>	ERECTION OF STREET FURNITURE COMPRISING GROUPS OF POLES (USUALLY 2) BETWEEN WHICH IS SUSPENDED AT HIGH LEVEL A WIRE TO DESIGNATE THE PERIMETER OF A NOMINATED ERUV
<u>Contributors</u>	Controller of Development and Protection
<u>Status</u>	Public
<u>Ward</u>	Childs Hill, East Finchley, Finchley, Garden Suburb, Golders Green, Hendon, Mill Hill, West Hendon.
<u>Enclosures</u>	Appendix 1: The decision of the Secretary of State for the Environment and the Inspector's conclusions in respect of applications Eruv1 and 2. Appendix 2: Schedule of the revised proposal and plans showing the locations of the poles not previously approved.

1. SUMMARY

- 1.1 This report considers amended proposals (planning application ref. ERUV4) by the United Synagogue Eruv Committee for the erection of poles connected by 'wire' at various locations in the borough. The area within the poles and 'wire' and existing 'boundaries' such as railway embankments, motorway barriers and contiguous buildings would form an Eruv.

2. **Recommendation/Conclusions** (For decision by the Committee)
- 2.1 That planning application ref. ERUV4 be approved subject to the following conditions:-
1. This development must begin not later than five years from the date of this permission.

Reason: To comply with Section 91 of the Town & Country Planning Act 1990.
 2. The development hereby permitted shall not begin until details of the external colour of the poles have been submitted to and approved by the Local Planning Authority. Such details shall incorporate the use of a non-drying coating above a height of 2 metres measured from adjacent ground level at the following locations:

09 West Heath Road, NW2
15 Aylmer Road, N2
16 Bancroft Avenue, N2
18B Prospect Place, N2
21 Squires Lane, N3
25 Watford Way, NW4
26 Colindeep Lane, NW4
34 Ashley Lane, NW4
35 Great North Way, NW4
39 Crewys Road
40 Mortimer Close, NW2
41a Hendon Way, NW2
42a Hendon Way/Greenfield Gardens (footpath), NW2
43 The Vale, NW2
44 Malvern Gardens, NW2
45a Pennine Drive, NW2
46 Grampian Gardens, NW2
50 Tilling Road, NW2

Reason: To safeguard the security of neighbouring properties and the appearance of the locations.
 3. The 'wire' used to span the poles hereby permitted shall be Drennan Special Matt Sub-Surface Green Fly Leader fishing line 0.3mm in diameter or such other similar 0.3mm diameter monofilament line as agreed in writing with the Local Planning Authority.

Reason: To safeguard the visual amenity of the locality.

- 4. No works to trees, including cutting or damage to branches and roots shall be undertaken in implementing the approved development.**

Reason: To safeguard the trees of the borough which represent a significant amenity feature.

Informatives: The plans accompanying this application are those received on 4 December 1997.

3. RELEVANT PREVIOUS DECISIONS

- 3.1 Development & Protection Committee 8/1/97 - 8a.

Town Planning and Research Committee 24/2/93-3, 27/10/93-4.

Public Works Committee 28/4/92-6, 30/6/92-11.

- 3.2 On 30 June 1992 the Public Works Committee resolved to grant consent to the United Synagogue Eruv Committee to erect wires over the public highway at prescribed crossing points for a period of one year from the initial granting of the licence, subject to various conditions.

- 3.3 On 24 February 1993 the Town Planning & Research Committee resolved to refuse planning application ref. ERUV1, for the erection of groups of poles between which is suspended at high level a wire to designate the perimeter of a nominated 'Eruv' at various locations within the London Borough of Barnet, for the following reasons:

- The proposed poles and wire will 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.
- 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.

3.4 An appeal against the refusal of planning permission was heard at a Public Inquiry in December 1993 and on 20 September 1994 the Secretary of State for the Environment allowed the appeal and granted planning permission subject to conditions. A copy of the decision letter is attached as Appendix 1.

3.8 On 8 January 1997, the Development and Protection Committee considered application ref. ERUV3 which sought planning permission for an amended proposal. The Committee resolved to grant permission for 34 locations (excluding pole adjacent to 1 Wildwood Rise) and to refuse permission at the following locations:

Ref. 41 Hendon Way (pavement), NW2
42 Footpath Hendon Way/Greenfield Gardens, NW2
45 Pennine Drive, NW2
47 Footpath to Clitterhouse Playing Fields, NW2

for the following reason(s):-

- i. The proposed poles at locations 41, 42, 45 & 47 would by reason of their unsatisfactory siting, be detrimental to public safety.
- ii. The proposed poles at location 45 would, by reason of their unsatisfactory siting, be detrimental to the visual amenity of the locality.

The applicants were informed that the permission granted did not include location 14 and the pole adjacent to 1 Wildwood Rise as the location of these poles was on land outside the London Borough of Barnet.

3.9 Public Works Committee 5/2/98-15 Development & Protection Committee 28/1/98-7.
Interim Guidance on Street Furniture Layout approved.

4. **POLICY CONSIDERATIONS**

- 4.1 The council's Corporate Plan 1997-2001 identifies as a key aim and theme for action a sustainable, high quality, safe environment (page 2). It points out that proper control of development in the borough is fundamental to protection of Barnet's environment (page 13).
- 4.2 The Borough Unitary Development Plan (UDP) states that in implementing its planning policies, the council will seek to maintain and improve the character and quality of the environment throughout the Borough (Policy G1) and will give full consideration to all relevant aspects of environmental impact when assessing land use and development proposals. It also states that the council will preserve and enhance the special value of conservation areas, skyline ridges and important local views and other areas where environmental quality is of especial importance (Policy G3), and that all development in residential areas should be compatible with the character of the local area (Policy G18).
- 4.3 The UDP contains a number of policies dealing with environmental quality. It states that all development proposals must be compatible with the established character and architectural identity of existing or adjoining properties and general locality in terms of scale, form and other contextual design elements, impact on neighbouring properties and intensity of use. Original design solutions will be acceptable where they meet these requirements (Policy T1.1) It also states that the council will not permit development which conflicts with the need to safeguard and enhance the landscape and townscape features which contribute to the identity of areas of special character (Policy T2.1). It further states that the council will not permit development of demolition proposals which conflict with the need to preserve or enhance the character or appearance of the Borough's conservation areas. (Policy T3.1).

5. **RESOURCE IMPLICATIONS**

- 5.1 The costs of dealing with this planning application, as with other planning applications, is met from the Development & Protection Committee's budget.

6. **MONITORING OFFICER'S OBSERVATIONS**

6.1 None.

7. **HEAD OF PAID SERVICES' OBSERVATIONS**

7.1 None.

8. **BACKGROUND INFORMATION/OFFICERS' COMMENTS**

8.1 **The Proposal**

8.1.1 The United Synagogue Eruv Committee have submitted a revised planning application to erect groups of poles (usually 2) at 39 locations in the borough between which is suspended at high level a wire to designate the perimeter of a nominated Eruv.

8.1.2 According to Jewish law, a distinction is drawn between the public and the private domain. The carrying of any items on the Sabbath from one domain to another is prohibited. A zone may be declared, however, known as an Eruv, within which, for example, the carrying of keys and the pushing of prams is permitted, thus giving greater freedom of movement to persons of the Jewish faith. An Eruv must have a continuous clearly defined boundary. Its perimeter may be defined by existing permanent boundaries, natural or manmade, such as railways and the frontage of houses.

8.1.3 The proposed Eruv would include Hendon, Golders Green and Hampstead Garden Suburb, together with areas of Childs Hill, Cricklewood, East Finchley, Finchley and Mill Hill. The area of the Eruv relies, for the majority of its perimeter, on existing buildings and enclosures. Where the perimeter is breached by a road, a pole and wire "gateway" is required. It is only for the erection of these poles and wire constructions that planning permission is required.

8.1.4 The proposal ERUV1, which was allowed by the Secretary of State for the Environment, related to the erection of poles and wire at 38 locations but because of changes which affected the perimeter of the Eruv, it was proposed that 12 of the original locations be omitted and 13 new locations be included. These changes were incorporated in application ref. ERUV3.

8.1.5 Application ref. ERUV4 seeks planning permission for poles and 'wire' at 39 locations (total 87 poles). 32 locations for which permission was granted under ref. ERUV3 are included. Four of the remaining locations (Nos. 41a, 42a, 45a, 47a) are in lieu of the locations refused under ref. ERUV3. Locations 13 & 14 include revisions so that the poles are on land within the London Borough of Barnet. Location 20 (previously granted in principle) deals with the detailed position of poles following the completion of roadworks along the North Circular Road.

A schedule of the revised requirements and plans of the locations for which permission has not previously been granted are attached as Appendix 2.

8.1.6 Most of the poles are sited at the back edge of pavements. They would be of three different heights, small = 3.5m, medium = 5.5m, tall = 6.5m and it is likely that standard lighting columns would be used. The detail of the poles and their colour would be finalised as part of the requirement of the licence which will be considered by the Public Works Committee.

The 'wire' used to span the poles would be Drennan Special Matt Sub Surface Green Leader fishing line having a diameter of 0.3mm.

8.2 Consultation and Views Expressed

8.2.1 Owner/occupiers of properties immediately adjoining the new locations for the poles have been consulted by letter. In addition, notices have been displayed at the locations.

The planning application has been available for inspection at Barnet House, and if requested, during evening opening sessions at the Town Hall, Hendon.

8.2.2 At the time of the preparation of this report, 40 letters from individuals had been received by the Development and Protection Division. In addition, letters have been received on behalf of The Heath and Old Hampstead Society, Hampstead Garden Suburb Residents Association (Conservation & Amenities Committee), the Finchley Society, and the Corporation of London (Superintendent of Hampstead Heath).

Any further letters received will be reported verbally at the Committee meeting.

8.2.3 The letters raise objections or concerns which are largely the same as, or similar to, those made in respect of previous applications. Some new objections are site specific and others have introduced objections in the context that the proposal would be in contravention of the European Human Rights Convention.

8.2.4 The objections are summarised as follows:-

A. The Principle of Adding to Street Furniture

- i. Additional street furniture is unacceptable and unnecessary, particularly when it is not required for a purpose for the benefit of the whole community.
- ii. Our pavements are already overcrowded with street furniture, it should be reduced not added to.

B. Visual Amenity

- i. The poles and wire will be a visual intrusion, unsightly and add to clutter. The poles would detract from visual amenity. They would be detrimental to the character and appearance of the street scene and impair a right to enjoyment of the visual amenities of the Borough.

C. Public Safety

- i. The poles and wire would create a hazard to users of the public highway and be detrimental to public safety. Will add to the risk of physical conflict and accidents.
- ii. Footpaths will be restricted/narrowed. Further obstacles will be created, particularly for the visually impaired and those using wheelchairs or with prams.

D. Trees

- i. The erection of the poles and wire would cause damage to trees and their roots.
- ii. If the condition of the original permission is to be complied with, i.e. no works to trees including cutting or damage to branches or roots, the proposal cannot be undertaken.

E. Danger to Birds

- i. The poles and wire would create a hazard to birds, injuring/killing them.

F. Specific Locations

i. Location 9.

- Poles will be in full view from 'The Lodge' Cenacle Close. If erected, the occupier will demand a reduction in Council Tax.

ii. Location 12.

- The proposal would result in a conglomeration of poles interfering with views of Golders Hill Park.
- Would affect value of property.

iii. Location 13.

- The poles would present an unacceptable and deplorable visual intrusion adding to street clutter. They would be injurious to the environment and counter productive to the work of the Corporation of London to enhance the Heath and Heath Extension. The poles in juxtaposition with existing lamp posts would create an unacceptable appearance.

- To allow desecration of the Hampstead Garden Suburb Conservation Area in this matter is nothing short of a national scandal and would be a total dereliction of duty by the Local Planning Authority.
- Strong opposition to any pruning/damage to roots of Heath trees.
- It is against Corporation of London by-laws to erect poles on Hampstead Heath.
- The common sense solution, previously rejected, to utilise existing lamp posts to attach the 'wire' should be reconsidered.
- If the 'wire' cannot be attached to lamp posts, the scheme should not be approved unless the applicant agrees to move all existing lamp posts to the other side of the road, reducing hazards and ugliness of the proposal.
- If existing lighting columns or the kerbline cannot be used then the Heath should be excluded from the Eruv.
- The poles at this location should be made of wood. It was previously understood that this was the case.
- The proposed pole outside 1 Wildwood Rise will further narrow the pavement, which is already restricted by a telegraph pole, adding to the possibility of physical conflict and be a disadvantage to the safety of pedestrians.
- The proposed pole outside 1 Wildwood Rise would adjoin a gate to the property which gives wheelchair access for the occupier, making it more difficult to manoeuvre the wheelchair through the narrowed gap.
- The proposed pole outside 1 Wildwood Rise would pass through the branches of an Oak Tree belonging to the Hampstead Garden Suburb Trust.

- The proposed pole outside 1 Wildwood Rise would detract from the amenity of the occupiers.
- The proposed pole outside 1 Wildwood Rise would be close to a gas main.
- In the event of a car skidding on this bend, there will be a much greater likelihood of collision with an Eruv pole. A traffic engineer should assess the danger.
- The pole adjacent to 'Wyldes Close Corner' would have to be resited as it is impossible to comply with previous condition re: trees, branches and roots would be affected.
- The pole adjacent to 'Wyldes Close Corner' will adversely affect pedestrian access to Hampstead Heath, the width of the pavement is already narrow.
- The pole adjacent to 'Wyldes Close Corner' will suffer loss of amenity, comfort and privacy.

iv. Location 19.

- Proposal is not necessary because of existing telegraph poles.
- The poles are an unwanted eyesore.

v. Location 20.

- Concern over safety issue of a pole being located in between the carriageways of the North Circular Road.

vi. Location 28.

- Pole would be clearly visible from No. 1 Dallas Road.

vii. Location 39.

- Poles will reduce path width to 2.75m which would not be sufficient for emergency access by fire brigade. Path is already obstructed by telephone boxes and signs posts. Access to the shop at 289 Cricklewood Lane will be affected.

viii. Location 41a.

- The poles will be out of place, out of character and adversely affect the street scene.

ix. Location 42a.

- The poles will help and encourage potential burglars.
- The poles will give vandals access to the roof of the garage at 52 Greenfield Gardens.
- The foundations of adjoining properties may be affected.

x. Location 47a.

- The poles would be clearly visible from the front of nearby houses would cause a loss of visual amenity and form a most intrusive eyesore.
- Consideration should be given to an alternative position for the poles at this location i.e. at the point where the footpath crosses the stream.

xi. Locations Along Hendon Way.

- More poles along Hendon Way would be a hazard to drivers and pedestrians.

G. The Principle of Creating an Eruv And The Consequences

- i. An Eruv would create social disharmony, be divisive and cause segregation, be totally against the overall integration of all nationals everywhere in the country.
- ii. There is no logic to allow a large area of the Borough which is socially, religiously and racially mixed to be delineated by a set of poles and wire for a tiny minority section of one group.
- iii. The overall effect of an Eruv is that the roads within the area are Jewish areas, will create a ghetto, would be a psychological 'enclosure' for the rest of society.
- iv. The poles and 'wire' would be a continual reminder of some of the most distressing events of the century.
- v. The area and the poles and 'wire' will attract undesirable attention, be an object for vandalism, graffiti, desecration and anti-semitism.
- vi. Would set a precedent for others.

H. General

- i. The proposed siting of the poles in close proximity to existing adjacent structures is a planning matter for which 'the public interest' must be addressed because it determines an unprecedented and questionable use of public land for a private boundary. The primary purpose of siting the poles at the rear of pavements to form a private boundary is unacceptable in the public interest.
- ii. The siting of the poles could amount to unlawful wilful obstruction under the Highways Act 1980 because they would be deliberate and intentional.
- iii. Compelling everyone to pass through one of the Eruv 'gateways' to go into or come out of the Eruv area would infringe public and civil rights by:-

- a. The Council breaching its duty under The Highways Act 1980 'to protect the rights of the public to the use and enjoyment of any highway' in Barnet.
 - b. The Council discriminating in its planning functions, with regard to the Race Relations Act 1976, because passage through the 'gateways' could be of use or enjoyment only to persons of Jewish ethnicity.
 - c. The failure to protect persons of non-Jewish religions or with secular beliefs from having this religions manifestation compulsorily imposed on them in public streets, thereby denying them their right to freedom of conscience (Article 9 of the European Human Rights Convention) not having to pass through an Eruv 'gateway'.
 - d. The use of properties to form the perimeter of the Eruv, without the owners consent, would be contrary to the public interest and would interfere with the right of respect for the home (Article 8 of the European Human Rights Convention). A person's home is something sacred and should not be used for any purpose by a particular group. Would infringe upon individual's own religious beliefs.
- iv. No one organisation should be given permission to erect anything on public land that is not of benefit to the whole community, private signs for example are only allowed in the interests of public safety.
 - v. No other religious groups require physical/symbolic street furniture.
 - vi. The proposed poles and 'wire' would be contrary to U.D.P. Policies M6.1 and M6.2 (these state 'that the Council will ensure that the safety of road users, particularly those at greater risk, is fully taken into account when considering planning applications for new development 'and' the Council will seek to improve facilities for pedestrians to reduce walking times, improve the pedestrian environment and to minimise the risk of accidents to pedestrians).

- vii. We live in a democracy, the Council should listen to its ratepayers and not a minority group. The majority of Jews are against it. It is offensive that one group should impose their strict rules or beliefs on others by creating a nuisance and permanent loss of comfort. The proposal provides nothing for anyone other than Orthodox Jews.
- viii. Concern that work would be undertaken by a private group or individuals who are not a publicly responsible body.
- ix. The proposal will affect the value of property.
- x. The proposal is not necessary.

8.2.4 Officers' Comments on the Objections

Most of the objections raised are the same as, or similar to, those that were raised during the consideration of the previous applications and at the public inquiry. Many of the objections are not relevant to planning.

The conclusion of the Secretary of State was that the proposals ERUV 1 & 2 did not have any adverse visual impact on the environment and that they were not in conflict with the general policies in the Unitary Development Plan (G1, G2, G3, G18, T1.1, T2.1, T3.1). The Inspector had recognised that there was no UDP policy directed at street furniture.

The Secretary of State did not find it necessary to decide if social harmony was capable of amounting to a material consideration since he considered that the arguments adduced on this issue were of insufficient weight to amount to a planning objection which merited refusal.

With regard to the objections F. iii, v, viii, ix, x, xi, which relate to the new locations, it is considered that they are of insufficient weight to justify refusal of the current proposal.

Some objectors refer to the proposal being in contravention of The European Human Rights Convention.

Article 9 of the European Convention On Human Rights deals with freedom of thought, conscience and religion. It states that:-

- "1. Everyone has the right to freedom of thought, conscience and religion, this right includes freedom to change his religion or belief and freedom, either alone or in community with others and in public or private, to manifest his religion or belief, in worship, teaching, practice and observance.
2. Freedom to manifest one's religion or beliefs shall be subject only to such limitations as are prescribed by law and are necessary in a democratic society in the interest of public safety for the protection of public order, health or morals, or, for the protection of the rights and freedoms of others."

The objectors' assertion that having to pass through an Eruv 'gateway' is a denial of their right to freedom of conscience is not sustainable. The "gateways" are only of religious significance to those orthodox Jews whose religious belief treats them as such. To anyone else they are simply poles and wires. In any event it is not accepted that mere physical proximity to a religious symbol can amount to a denial of freedom of conscience to those who do not hold the religious belief connected with that symbol. Freedom of conscience is the unfettered right to one's own beliefs, principles and moral codes. That the creation of an Eruv may be contrary to the beliefs of the objectors, does not mean it is also a denial of their right to freedom of conscience.

Article 8 of the European Convention on Human Rights deals with the right to respect for private and family life. It states that:-

- "1. Everyone has the right to respect for his private and family life, his home and his correspondence.
2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedom of others."

The objectors' interpretation is that Article 8 is contravened if an individual's property is used in any way by someone else without the owner's consent. This is too wide. Designation of a property as part of the Eruv boundary involves no direct or indirect physical or other interference with that property or the use of it. The owners and occupiers of such a property will suffer no diminution in their rights connected with the use and occupation of the property by virtue of the designation. The right to respect for one's home does not equate to a right of veto over the notional significance attached to the property by another.

The tests which the European Court of Human Rights would apply involve the following; is there a Convention right in play at all? Has there been an interference with that right? Is that interference prescribed by law? Does it serve a legitimate aim? Is the extent of the interference proportionate to the aim pursued? At one level, there is no interference by the council since the planning applications only relate to the poles and wires and not the properties which will form part of the ERUV boundary. Even if this was not the case, the objectors claim would not pass the tests which the court would have to apply, most notably because there is no interference with the right to respect for one's home.

8.3 Appraisal/Conclusions

8.3.1 Members of the Committee will be aware that strong feelings both for and against the proposals have been aroused. However, many of the views expressed are considered to have no relevance to planning and in reaching a decision, the Committee should only take into account material planning considerations. If the proposals amount to racial discrimination, then that would be a relevant consideration.

8.3.2 The Council has a general statutory duty to make appropriate arrangements with a view to securing that its functions are carried out with due regard to the need to eliminate unlawful racial discrimination and promote equality of opportunity and good relations between people of different racial groups.

8.3.3 By Section 19(A) of the Race Relations Act 1976, it is unlawful for a planning authority to discriminate against a person in carrying out their planning functions. Discrimination occurs where a person is treated less favourably than another on racial grounds.

8.3.4 The Controller of Legal Services does not believe that approval of the officers' recommendation will discriminate against any group or individual on racial grounds, for example, those who are not orthodox Jews. The reasons for this are:-

8.3.4.1 The Secretary of State for the Environment and his Inspector at the inquiry into ERUV 1 and ERUV 2 were of the view that the proposed street furniture would not be visually intrusive to a significant degree and the officers agree with that overall view in respect of the locations which are the subject of the ERUV 4 application. Therefore, in objective terms, there is no "less favourable treatment" in any event.

8.3.4.2 The need to "pass through" the poles applies equally to Jews and to non-Jews and therefore, even if in some way harmful, could not amount to discrimination on the grounds of race.

8.3.4.3 Even if an individual or individuals feel themselves to be prejudiced in some way by the erection of the poles, the mere fact that they feel that they are being treated less favourably does not of itself amount to discrimination. Case law has established that the test of whether there is less favourable treatment under the 1976 Act is not a mere subjective one.

8.3.5 The Committee should not attempt to evaluate or examine religious, social or ethnic issues not related to Town and Country Planning and must disregard considerations which are not material to the determination of the planning application.

8.3.6 Whilst certain locations for the poles and wire are different from the previous application, there has been no change in the approach which should be taken to the determination of the application.

8.3.7 Planning Policy Guidance Notes set out the Government's policies on different aspects of planning. Local planning authorities must take their content into account in preparing their development plans. The guidance may also be material to decisions on individual planning applications.

Planning Policy Guidance Note PPG1 'General Policy and Principles' states:-

Para 39. The town and country planning system regulates the development and use of land in the public interest. The planning system, and the preparation of development plans in particular, is the most effective way of striking the right balance between the demand for development and the protection of the environment. Thus it has a key role to play in contributing to the Government's strategy for sustainable development by helping to provide for necessary development in locations which do not compromise the ability of future generations to meet their needs.

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

Para 50. "In principle any consideration which relates to the use and development of land is capable of being a planning consideration. Whether a particular consideration falling within that broad class is material in any given case will depend on the circumstances" (*Stringer v. Minister for Housing and Local Government* 1971). Material considerations must be genuine planning considerations, i.e. they must be related to the purpose of planning legislation, which is to regulate the development and use of land in the public interest. The considerations must also fairly and reasonably relate to the application concerned (*R v. Westminster CC ex parte Monahan* 1989). Much will depend on the nature of the application under consideration, the relevant policies in the development plan and the surrounding circumstances.

- Para 51. The Courts are the arbiters of what constitutes a material consideration. Over the years the scope of what can be regarded as material has been clarified by judicial authority. All the fundamental factors involved in land-use planning are included, such as the number, size, layout, siting, design and external appearance of buildings and the proposed means of access, together with landscaping, impact on the neighbourhood and the availability of infrastructure.
- Para 52. The Courts have also held that the Government's statements of planning policy are material considerations which must be taken into account, where relevant, in decisions on planning applications. These policy statements cannot make irrelevant any matter which is a material consideration in a particular case. But, where such statements indicate the weight that should be given to relevant considerations, decision-makers must have proper regard to them. If they elect not to follow relevant statements of the Government's planning policy they must give clear and convincing reasons (*E C Grandson and Co Ltd v. SSE and Gillingham BC 1985*).
- Para 53. Emerging policies, in the form of draft Departmental Circulars and policy guidance, can be regarded as material considerations, depending on the context. Their very existence may indicate that a relevant policy is under review, and the circumstances which have led to that review may need to be taken into account.
- Para 54. If the development plan contains material policies or proposals and there are no other material considerations, the application or appeal should be determined in accordance with the development plan. Where there are other material considerations, the development plan should be the starting point, and the other material considerations weighed in reaching a decision. One such consideration will be whether the plan policies are relevant and up-to-date (the age of the plan is not in itself material). The plan may, for example, have been superseded by more recent planning policy guidance issued by the Government.

Para 55. In those cases where the development plan is not relevant, for example because there are material policies in the plan which pull in opposite directions so that the plan does not provide a clear guide for a particular proposal, the planning application should be determined in the light of all material considerations. Where a proposal is not acceptable, decision-makers should state clearly and precisely the full reason for refusal.

Para 60. The members of the local planning authority are elected to represent the interests of the whole community in planning matters. But when determining planning applications they must take into account any relevant views on planning matters expressed by neighbouring occupiers, local residents and any other third parties along with all other material considerations. However, local opposition or support for a proposal is not in itself a ground for refusing or granting planning permission, unless that opposition or support is founded upon valid planning reasons which can be substantiated.

8.3.8 The decision of the Secretary of State to allow the appeals for applications ERUV1 and 2 and the previous application ERUV3 are a material consideration which should be taken into account in reaching a decision on the new application.

8.3.9 The main issues to be decided are considered to be :

- i. the effect of the poles and wire on the character and appearance of the street scene at various locations in the borough;
- ii. the effect of the proposal on the appearance and character of particular parts of the Hampstead Garden Suburb Conservation Area;
- iii. whether, if there are any planning objections to the proposal, the need for the proposal outweighs these objections, and
- iv. whether there are any other considerations which are sufficient to amount to a compelling planning objection.

These were the issues identified by the Inspector who reported to the Secretary of State for the Environment following the Public Inquiry in December 1993. The Secretary of State agreed with the Inspector.

8.3.10 Having examined these issues, the following conclusions are drawn on application ERUV4:

- i. 32 of the 39 locations for the poles and 'wire' are the same as in application ERUV3 and the impact of the poles and 'wire' on character and appearance at these locations remains unchanged.
- ii. With regard to the new locations 14, 20, 41a, 42a, 45a, 47a, it is accepted that the poles would be seen from the pavement or adjoining path or highway. However, in all cases it would be difficult to see the 'wire'. The new locations are considered to be similar in respect of their character and appearance to the other locations and it could not be demonstrated that the poles and 'wire' would seriously harm the character and appearance of the street scene at the new locations.

At the new locations, a pole or poles would be visible from nearby residential properties. However, it is considered that this by itself does not amount to a compelling planning objection.
- iii. At location 13 (Wildwood Road), the revised position of the pole outside 1 Wildwood Rise would have no harmful effects as far as users of the highway and the occupiers of the adjoining property are concerned.
- iv. The character and appearance of the Hampstead Garden Suburb Conservation Area would be unharmed.
- v. It is considered that there are three options open to Members:-
 - Firstly, to approve the application in accordance with the officer's recommendation.

- Secondly; to refuse the application for the erection of the poles at all of the locations on the grounds of their impact on the street scene.
- Thirdly, to refuse the application for the erection of poles at individual locations because of their impact on the street scene.

If it is decided to refuse the application, it is considered that the Council would have significant difficulty in justifying its decision at those locations which have already been approved.

In addition, if Members consider the proposal unacceptable on planning grounds, then they should consider whether the need for the Eruv outweighs the harm it causes. In this respect, the prime reasons given for the Eruv was to relax rabbinical law in the interests of the disadvantaged, for example the elderly and disabled. Members have received extracts from the appeal decision which deals with need.

- vi. Other objections to the new application do not raise additional concerns to those which were raised at the Inquiry. It is concluded that they are of insufficient weight to amount to objections which justify refusal of the application.

9. LIST OF BACKGROUND PAPERS

- 9.1 Planning application files ref: ERUV1, ERUV2 & ERUV3.
- 9.2 Any person wishing to inspect the background papers listed above should ring 0181 359-4981.

10. AUTHORS

- 10.1 Directorate of Environmental Services, Development Control Section - Clive Townsend - Tel: 0181-359 4981.
- 10.2 MO - JEL
- 10.3 DF - HG



GOVERNMENT OFFICE
FOR LONDON

APPENDIX I.

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Your ref: 1871/AP1A12A/PF

Our ref:
APP/N5090/A/93/224571
APP/N5090/A/93/229477
20 September 1994
Date

Dear Sirs

TOWN AND COUNTRY PLANNING ACT 1990 - SECTIONS 78(1) AND (2)
APPEALS BY UNITED SYNAGOGUE ERUV COMMITTEE
APPLICATIONS NOS. ERUV 1 AND ERUV 2
ERECTION OF STREET FURNITURE IN VARIOUS LOCATIONS IN LB BARNET

1. I am directed by the Secretary of State for the Environment to say that consideration has been given to the report of the inspector, David Bushby, BA (Hons) MCD MRTPI, who held a local inquiry into your clients' appeals:-

(A) (APP/N5090/A/93/224571 - Application No. ERUV 1) against the decision of the Council of the London Borough of Barnet to refuse planning permission for the erection of street furniture comprising groups of poles (usually two and totalling 85) between which is suspended at high level a wire, to designate the perimeter of a nominated "Eruv"; and

(B) (APP/N5090/A/93/229477 - Application No. ERUV 2) on the failure of the same Council to give, within the prescribed period, notice of their decision on your clients' application for planning permission for a revised proposal (a total of 80 poles) in which the thickness of the wire was reduced to 0.3mm at all locations, and the number of poles at location 13 (Wildwood Road) was reduced from 7 poles to 2, with the wire being suspended using existing lamp posts between the proposed wooden end poles;

both at various locations within the London Borough of Barnet.

2. A copy of the inspector's report is enclosed but, for convenience, a copy of his conclusions are annexed to this letter. The inspector recommended that both appeals be allowed and permission granted subject to the imposition of conditions, and, in respect of appeal (B), that the proposals at location 13, Wildwood Road, should be excluded.

3. A few written representations from third parties were received too late for the inspector's consideration. Although the Secretary of State has carefully considered these

representations, they do not raise any new issues and accordingly do not affect his decisions.

THE SECRETARY OF STATE'S CONSIDERATION OF THE APPEALS

4. In accordance with Section 70(2) of the Town and Country Planning Act 1990, the Secretary of State has had regard to the Barnet Unitary Development Plan ("UDP"). Section 54A of the Town and Country Planning Act 1990 requires that where regard is to be had to the development plan the determination is to be made in accordance with the plan unless material considerations indicate otherwise. The Secretary of State agrees with the inspector, IR 5.6, that none of the policies identified by the main parties are directly relevant to the very unusual nature of the appeal proposals. However, he considers that the general policies identified by the inspector, also IR 5.6, seek to conserve and improve the environmental quality of the Borough. If, therefore, the appeal proposals conflict with those policies, other material considerations would need to outweigh that objection if the appeals are to succeed.

5. He agrees with the inspector that the policies in Chapter 5 of the UDP are directed at the provision of meeting places and that the most that could be inferred from the relevant section of the UDP is that the needs of ethnic, religious and voluntary groups should be recognised.

6. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 is also relevant to the Secretary of State's consideration of the appeals because some of the locations concerned are in the Hampstead Garden Suburb Conservation Area.

7. The Secretary of State notes the inspector's observation (IR2.16 to 2.19) that the proposal has raised a great deal of controversy and that by no means all of the objections raised are relevant to planning. The Secretary of State has disregarded the suggestion made by the appellants (IR2.19) that the Council took irrelevant considerations into account and that the weight given to the Council decision should consequently be lessened. The Secretary of State has given careful consideration to the evidence given by all the parties.

Main Issues

8. The Secretary of State agrees with the inspector (IR 5.1) that the main issues to be decided in these appeals are:-

- (1) the effect of the poles and wires on the character and appearance of the street scene in various parts of Barnet;
- (2) the effect of the proposal on the appearance and character of particular parts of Hampstead Garden Suburb Conservation Area;
- (3) whether, if there are any planning objections to the

proposal, the need for the proposal outweighs these objections; and

- (4) whether there are any other material considerations which are sufficient to amount to a compelling planning objection.

Issue 1.

9. The Secretary of State agrees with the inspector (IR 5.43), for the reasons given by him (IR 5.8 - 41) that, while the proposed poles would add to the street furniture, there is no location where the overall impact would seriously harm the character and appearance of that particular location. Nor was any evidence presented to convince the Secretary of State that the proposed poles would have any adverse visual impact on the environment. Having carefully considered the evidence before him the Secretary of State does not consider that there would be an adverse impact on amenities.

Issue 2.

10. The Secretary of State agrees with the inspector (IR 5.56), for the reasons given by him (IR 5.47 - 5.56) that, while the arguments on impact in the Conservation Area are more finely balanced, the erection of the poles would leave the Conservation Area substantially unharmed and the evidence that was advanced against the erection of the poles was insufficient to justify dismissal or refusal of the appeal proposals.

Issue 3

11. The Secretary of State agrees with the approach of the inspector (IR 5.57) that as neither the planning objections on grounds of visual impact on the street scene nor the effect of the proposal on the character of Hampstead Garden Suburb Conservation Area were sufficient to justify rejection, there is no cause to examine whether the need for the proposal outweighs these objections.

Issue 4

12. The Secretary of State does not find it necessary to decide whether social harmony is capable of amounting to a material consideration because he does not consider that the arguments adduced on this issue are of sufficient weight to amount to a planning objection which merits refusal of the appeal. He also agrees with the inspector (IR 5.64) that the other objections raised are of insufficient weight to cause him to reach a different conclusion about the proposals.

13. In conclusion, the Secretary of State is satisfied that the appeals' proposals do not have any adverse visual impact on the environment. Accordingly, the proposals are not in conflict with the general policies of the plan as identified by the inspector (IR 5.6 and 7). He is satisfied that there are no other material considerations which are sufficient to amount to a compelling planning objection.

14. The Secretary of State therefore agrees with the inspector's

conclusions and accepts his recommendation. With regard to conditions, with the exception of proposed condition 5, the Secretary of State accepts the reasons for the conditions put forward by Barnet Council but considers the wording should be adapted to accord with the principles laid down in DOE Circular 1/85. With regard to condition 5, the Secretary of State considers that even slight movement of the poles could adversely harm the street scene and concludes that the condition suggested by the Council is too wide ranging. However, note has been taken of the inspector's suggestions (IR 5.15, 5.20 and 5.45) that movement of the western poles at Locations 6 and 12 could be achieved by condition without harm to the street scene. The Secretary of State is satisfied that such a condition need not substantially alter the substance of the proposal applied for and accordingly applies this condition.

15. For the reasons given above and by the inspector, which he adopts as his own, the Secretary of State allows your clients' appeals and hereby grants the planning permission referred to in paragraph 1 of this decision, subject to the following conditions:-

APP/N5090/A/93/224571 - Application No. ERUV 1

- (i) The works to which this consent relates shall be begun before the expiration of 5 years from the date of this letter.
- (ii) Development of the site shall not begin until details of the external colour of the poles have been submitted to and approved by the local planning authority. Such details shall incorporate the use of a non-drying coating above a height of 2 metres measured from adjacent ground level at the following locations:-

location 01 Lichfield Road NW2
03 Hendon Way NW2
04 Lyndale Avenue NW2
09 West Heath Road NW2
15 Aylmer Road (NW2) NW2.
16 Bancroft Avenue N2
18B Prospect Place N2
21 Squires Lane N3
25 Watford Way NW4
26 Colindeep Lane NW4
34 Ashley Lane NW4
35 Great North Way NW4

and the works hereby permitted shall be carried out and completed in accordance with the details so approved.

- (iii) The line used to span the poles hereby permitted shall be Drennan Special Matt Sub-Surface Green Fly Leader fishing line 0.3mm in diameter or such other similar type 0.3mm diameter monofilament line as

agreed in writing with the local planning authority.

- (iv) No works to trees, including cutting or damage to branches and roots shall be undertaken in implementing the approved development.
- (v) The western poles at Locations 6 (Finchley Road) and 12 (North End Road/Way) hereby permitted shall be relocated in positions as shall be submitted to and agreed in writing with the local planning authority.

APP/N5090/A93/229477 - Application NO. ERUV 2

- (i) The works to which this consent relates shall be begun before the expiration of 5 years from the date of this letter.
- (ii) Development of this site shall not begin until details of the external colour of the poles have been submitted to and approved by the local planning authority. Such details shall incorporate the use of a non-drying coating above a height of 2 metres measured from adjacent ground level at the following locations:-

location	01 Lichfield Road NW2
	03 Hendon Way NW2
	04 Lyndale Avenue NW2
	09 West Heath Road NW2
	15 Aylmer Road NW2
	16 Bancroft Avenue N2
	18B Prospect Place N2
	21 Squires Lane N3
	25 Watford Way NW4
	26 Colindeep Lane NW4
	34 Ashley Lane NW4
	35 Great North Way NW4

and the works hereby permitted shall be carried out and completed in accordance with the details so approved.

- (iii) No works to trees, including cutting or damage to branches and roots shall be undertaken in implementing the approved development.
- (iv) The western poles at Locations 6 (Finchley Road) and 12 (North End Road/Way) hereby permitted shall be relocated in positions as shall be submitted to and agreed in writing with the local planning authority.

16. Attention is drawn to the fact that an applicant for any consent, agreement or approval required by a condition of this permission or consent has a statutory right of appeal to the

Secretary of State if consent, agreement or approval is refused, or granted conditionally or if the authority fail to give notice of their decision within the prescribed period.

17. This letter does not convey any approval or consent which may be required under any enactment, byelaw, order or regulation other than Section 57 of the Town and Country Planning Act 1990.

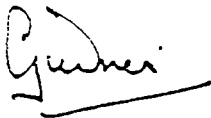
The Secretary of State's consideration of the Application for Costs

18. The submissions made on behalf of your clients in support of their application for costs, the reply on behalf of the Council and the inspector's comments and recommendation on the matter are set out in the inspector's Costs Report, a copy of which is enclosed. In planning appeals the parties are normally expected to meet their own expenses, irrespective of the outcome of the appeals and costs are awarded only on the grounds of unreasonable behaviour. Accordingly the application for costs has been considered in the light of Department of the Environment Circular 3/93, the inspector's report of the inquiry, his separate report on costs, the Secretary of State's decision contained above, the appeal papers and all relevant circumstances. The inspector recommended that no award of costs be made.

19. The Secretary of State has considered all the evidence in this case and agrees with the inspector's comments and accepts his recommendation. Accordingly, the application for an award of costs against the London Borough of Barnet is hereby refused.

20. A copy of this letter has been sent to the London Borough of Barnet.

Yours faithfully



G C WINES
Authorised by the Secretary of State
to sign in that behalf

CONCLUSIONS

The figures in [] refer to the paragraphs in preceding sections of the report.

Main issues

5.1 I find that there are 4 main issues in these 2 appeals. The first is the effect of the proposed poles and wires on the character and appearance of the street scene in various parts of Barnet. The second is the effect of the proposal on the appearance and character of particular parts of Hampstead Garden Suburb Conservation Area. The third issue is whether, if there are any planning objections to the proposal, the need for the proposal outweighs these objections. The fourth issue is whether there are any other material considerations which are sufficient to amount to a compelling planning objection.

Applications A and B and the Eruv

5.2 Before dealing with each issue I consider it is important to try to make a helpful distinction between the appeal applications and the Eruv.

5.3 In the inquiry I found that many objectors and supporters directed most of their comments and arguments at the Eruv as a religious concept. They found it impossible to separate the proposed posts and wires as a form of development from the Rabbinical institution of an Eruv. This led to inevitable arguments about the need for an Eruv in Barnet. It also led to most participants in the inquiry referring to both the poles and wire and the Eruv in a way that inferred that these 2 phenomena were synonymous. [2.1. 2.18. 3.2. 3.34]

5.4 It seems to me that the appeal applications comprise pieces of street furniture in the form of small groups of cylindrical poles joined at the top by very thin wire. The poles resemble lamp posts without the lamp fittings. The appeal applications propose the erection of 85 or 80 poles in 38 locations. By contrast I believe the Eruv is a legal device which helps to define an area within which Orthodox Jewish people feel able to carry or move certain objects on the Sabbath. The Eruv itself does not require planning permission as most of it is not development in terms of the Act. Most of the Eruv boundary follows existing physical features such as railway lines, walls and fences. From my site inspections I saw that the appeal applications covered a small part of the Eruv boundary: some 0.66 miles out of the total 11 mile Eruv perimeter. [2.1-2.4. 2.5-2.8]

5.5 The first and second issues primarily concern the physical aspects of the appeal proposals. The third and fourth issues do involve some consideration of the nature of the Eruv and the need for such a device in Barnet.

Development plan

5.6 For the purposes of sections 70(2) and 54A of the Act, the development plan is the Barnet Unitary Development Plan. I did not find the development plan to be especially helpful as none of the policies identified by the main parties were directly relevant to the very unusual

nature of the appeal proposals. The Main Aim (1) in paragraph 2.3.4 and the General Policies G1, G2, G3, G18, T1.1, T2.1 and T3.1 are all reasonable general land use policies, but not one of them addresses the specific prospect of the erection of poles and wire or street furniture. There is no development plan policy directed at street furniture.

[2.14, 2.22, 3.14, 3.20, 3.26, 4.4, 4.30]

5.7 As for the arguments about the relevance of the UDP's policies for Ethnic, Religious and Voluntary Groups, I do not agree with the appellant's interpretation of this aspect. I found that these Chapter 5 policies were directed at the provision of meeting places. Policies ERG1.1, ERG 1.2 and 1.3 seem to me to be entirely concerned with meeting places. I do not therefore consider that the provision of either the poles and wire or the institution of an Eruv is covered by these policies. The most that could be inferred from this section of the UDP is that the needs of ethnic, religious and voluntary groups should be recognised.

[2.14, 3.26, 4.9-4.10]

Impact on the street scene

5.8 I think it would be right for me to deal separately with each location, rather than try to make generalised statements about groups of locations. As each location is different, the impact of the poles would also be different. My comments on the effect of the proposed poles and wires are made in the light of the general policies in the UDP referred to in paragraph 5.6, the appraisals submitted in the inquiry and my site inspections. My comments on each location accept that the poles would be seen from the pavement or adjoining path or highway and in some cases from nearby properties. My comments also incorporate my opinion that the 0.3 mm diameter wire is very difficult to see. I could just see the wire by carefully focussing on it against a clear sky. I could not see the wire when it was set against a backcloth of trees. I found that there was insufficient evidence to demonstrate that the poles would harm the amenity of residents living close to any of the 33 locations. I consider that the fact that a pole or poles might be seen from a window or garden does not amount to a compelling planning objection. In saying this I note that this was not a reason for refusal, and was not closely argued by the Council or any of the objectors. For these reasons, I have not addressed this residential amenity matter any further.

[2.23-2.24, 2.27, 3.15, 3.20, 4.3-4.4, 4.32, 4.43, 4.54]

Location 1 Lichfield Road

5.9 The nearby junction of Lichfield Road with Cricklewood Road already contains a collection of street furniture in the form of traffic lights and lamp posts. I do not consider that the 2 poles and wire adjacent to the flank walls of the Cricklewood Lane properties would harm this street scene.

Location 2 Farm Avenue

5.10 The pole next to the privet hedge of 2 Farm Avenue is unlikely to be welcomed by the occupants of that property. However I do not consider that this pole, or the pole by the Avenue Court garages, would harm this street scene in a way that would justify dismissal or refusal of this part of the

appeal proposals. The proposed poles would be no more obtrusive than the existing lamp posts in Farm Avenue.

Location 3 Hendon Way

5.11 There are a collection of lamp posts, highway signs and traffic lights in this location. Two of the 3 poles in this location would be close to the flank walls of 276 and 284 Cricklewood Lane: the remaining pole would be within the central reservation. I do not consider that the proposed poles would be noticeable or visually harmful close to this busy 6 lane carriageway.

Location 4 Lyndale Avenue

5.12 I saw that one pole was within about 3 metres of Dr Segal's former single storey surgery at 308 Cricklewood Lane and could be seen from his rear garden. I was told that this pole would be particularly unwelcome to the occupiers of this property. I noted that the other pole seemed to be located a small distance away from the side wall of Kimber House. I was not convinced that there would be a danger to pedestrian safety at this location: I would expect the appellant together with the Council to ensure that blind people were not endangered by this eastern pole. Although the 2 poles in these locations would be conspicuous in this street scene. I did not find that they would cause demonstrable harm to its appearance and character such that dismissal or refusal of this part of the appeal proposals would be justified.

[4.24, 4.31]

Location 5A Sunnyside

5.13 One pole would be adjacent to a concrete staircase to the rear of the 4 storey Sunnyside House with its ground floor car showroom: the white concrete staircase would be a much larger and more dominant feature in the street scene. The second pole would be located to the rear of the 3 storey 358 Cricklewood Lane. At the back of pavement I consider the 2 poles would be less intrusive than nearby lamp posts and telegraph poles. I do not consider that the poles would harm this street scene.

Location 5B Ridge Road

5.14 The pole alongside the 3 storey 336 Cricklewood Lane would be close to a large black drainpipe. The pole next to a fence around a small car park would be close to a lamp post. I do not think the location chosen near to the lamp post would be ideal as it would draw attention to street furniture. Despite this I consider that the poles would not adversely harm this street scene.

Location 6 Finchley Road

5.15 This location is close to the junction of Finchley Road with Cricklewood Lane. There are a typical collection of traffic lights, lamp posts and highway signs in the vicinity. The pole adjacent to 707 Finchley Road seems to be located under a fixed canopy attached to that property. In this location there would therefore inevitably be problems with implementation. The eastern pole would be located between 446 and 448 Finchley Road. As I consider that 2 poles in this location would not harm

this street scene. I think that the best way to resolve this problem is by way of a condition.

Location 7 Devonshire Place

5.16 There is a hotchpotch of commercial development in Devonshire Place. The introduction of the 2 poles would not adversely harm this location.

Location 8C Hermitage Lane

5.17 I saw that the southern pole would adjoin the iron railings of Hermitage Court. The northern pole would be next to the boundary between 41 and 43 Hermitage Lane. I saw that this northern pole probably would affect some branches in the tree in No 43. I would not expect such works to harm the street scene. The existing street furniture in this location is confined to lamp posts. I found that the proposed poles would be less prominent than these lamp posts and would be masked to some extent by the nearby trees. I therefore do not consider that the poles here would harm the street scene in a way that would justify dismissal or refusal of this part of the appeal proposals.

Location 9 West Heath Road

5.18 Both poles would adjoin fences of properties in West Heath Road. The northern pole would be masked to some extent by the mature trees in the garden of 34 West Heath Road. It seems likely that the northern pole would require the lopping of a small lower branch, but I do not consider that this would have any material effect on the area. I do not consider that the poles would adversely harm this street scene.

Location 12 North End Road/Way

5.19 I see from the plan submitted by the Council that the line [ie wire] between the 2 poles seems to pass straight through the existing lamp post. This suggests to me that there would be practical problems associated with the erection of this pole and the wire across North End Road. For this reason I consider this precise location to be unsatisfactory. I note the written views of the Corporation of London on this location.

5.20 In saying this I consider that a pole in a nearby location on the west side of North End Road, together with the pole by the property "Elmwood", would not adversely harm this street scene. By contrast the "Hare and Hounds" public house sign is a far more intrusive piece of nearby street furniture. The necessary small movement of the pole to the south east away from the lamp post to allow its erection could best be covered by condition.

Location 18A East End Road

5.21 I agree with the Council that the poles would be in an elevated position. They would be just on the side of the Northern line bridge and be readily visible because of the absence of any surrounding structures. Despite this visibility I do not consider that the poles would adversely harm this East End Road street scene. Existing nearby lamp posts and telegraph wires do not detract seriously from the street scene.

Location 18B Prospect Place

5.22 These poles would be close to the Northern line railway bridge. I do not consider that the two 3.5 metre poles would either be incongruous or harm the character and appearance of this cul-de-sac.

Location 19 Church Lane

5.23 The setting of the listed building, Holy Trinity Church, would not be affected by the eastern pole. The pole would not intrude into this setting. Any necessary lopping of branches here would not harm the appearance of the area. The western pole would not be welcomed by residents living in 84 Church Lane; there is already a telegraph pole on the pavement in front of the boundary of this property with 82 Church Lane. The two poles would add to the collection of street furniture in this location, but would not harm the appearance and character of the street scene in a way that would justify dismissal or refusal of this part of the appeal.

Location 20 North Circular Road

5.24 These poles were located close to the side of a bridge carrying the North Circular Road over the Northern line. The poles would be less prominent than existing lamp posts which do not have any noticeable impact on the character and appearance of the area. I do not find that the two poles would adversely harm the A406 street scene.

Location 21 Squires Lane

5.25 I accept the Council's point that this location is where the road narrows at the bridge over the Northern line. I do not consider that placing the western pole close to a lamp post is ideal. However I did not find that the poles would adversely harm this street scene near the bridge.

Location 22 Regents Park Road

5.26 The placing of both poles close to existing lamp posts would draw attention to street furniture. I therefore do not consider that this proposed arrangement would be ideal. But the arrangement of poles would not be so harmful as to justify refusal or dismissal of the proposal in this commercial location.

Location 23 Devonshire Road

5.27 The Council is right to say that these two 6.5 metre poles could be seen from various windows of residential properties on the north western side of the roundabout and in Devonshire Road. But this in itself is insufficient to justify refusal or dismissal of this part of the proposal. The impact of the poles on the street scene would also not be serious enough to justify refusal or dismissal of this part of the appeal proposal. I found that the existing lamp posts on the roundabout did not spoil the street scene and yet they are more conspicuous than the 2 poles would be.

Location 24A Great North Way (North)

5.28 The 3.5 metre pole would be under the footbridge and would make little impact on the Great North Way street scene. The 6.5 metre pole would be at the corner of the Copthall playing field boundary and the Northway Tyres depot site and would be clearly visible. But this pole would be less prominent than the lamp posts along the Great North Way: the lamp posts, which the Council says are over 10 metres high, seem to me to be an acceptable form of street furniture. It would be significantly less intrusive than the existing Northern Tyres pole advertisement. I consider that the poles and wire would not adversely harm this street scene.

Location 24B Great North Way (South)

5.29 Again I consider that the 3.5 metre pole under the footbridge would have little impact on the street scene. The 6.5 metre high pole would certainly be visible from some front windows of "White Lodge", but this does not amount to a compelling planning objection. As with location 24A, this pole would be less prominent than nearby lamp posts, which seem to me to be acceptable in this Great North Way street scene. I therefore consider that the poles and wire would not adversely harm this street scene.

Location 25 Watford Way

5.30 The three 6.5 metre poles near to an entrance to Sunny Hill Park would be prominent because of their size and position away from buildings. They would be clearly seen from the footpaths on either side of Watford Way. However they would be less prominent than the lamp posts along Watford Way. The pole in the central reservation would be somewhat incongruous as there are no other items of street furniture in this part of the highway. But neither this incongruity nor the prominence of all 3 poles amounts to a compelling reason to dismiss or refuse this part of the proposal.

Location 26 Colindeep Lane

5.31 These two poles are close to the bridge over the M1. Both poles would also be close to existing lamp posts: this would draw attention to the poles and lamp posts. The northern pole would be prominent as it would not be screened in any way. I do not however consider that the poles would be so incongruous or intrusive as to justify dismissal or refusal of this part of the proposal.

Location 27 Station Road

5.32 The northern pole would be on the bridge over the M1. The southern pole would be just to the side of the bridge. Both poles would be prominent additions to the street scene because of its open nature in this location. But I do not consider that the poles would adversely harm the appearance and character of this street scene.

Location 28 Park Road

5.33 The northern pole would be prominent as it would be away from any buildings or trees. The southern poles would be screened to some extent by existing trees. I am not convinced that the southern poles would unduly

affect the trees. I do not consider that the poles would adversely harm this street scene.

Locations 29A and B Templehof Avenue

5.34 These four poles would be on bridges over the River Brent which are part of a roundabout access to Brent Cross Shopping Centre. There are many lamp posts and highway signs in this area. I do not consider that the four poles would adversely harm this street scene.

Location 30 Templehof Avenue/Tilling Road

5.35 I do not consider that the 2 poles would be noticeable in this location close to the Holiday Inn. There are lamp posts, telegraph poles and advertising hoardings in the vicinity. I consider that the poles would not adversely harm this street scene.

Location 32 Childs Hill Walk

5.36 I saw that these poles would be either side of a footpath and the entrance to All Saints Primary School. I note the anxiety expressed by the headteacher of the school about the religious impact of the poles and wire. I do not consider that the poles would adversely harm the appearance and character of the street scene.

Location 33 Stanley Road

5.37 I saw that there is a clump of hawthorn trees close to the proposed northern pole. It seems likely that some of the small branches on the tree nearest to the bridge would have to be lopped in order to erect the pole. And it might be necessary to lop some small branches from the adjoining tree in order to hang the wire. I do not consider that these works to the trees would have a serious impact on the local environment. The Council are right to say that there is little street furniture in the vicinity. The two 3.5 metre poles would therefore introduce new street furniture into the end of this cul-de-sac. But I do not find that the poles would be either incongruous or intrusive in this location. I consider that the two poles would have no adverse impact on this area.

Location 34 Ashley Lane

5.38 These two 3.5 metre wooden poles close to Woodtree Close would be difficult to see in summer because of existing planting alongside the bridleway. In winter months the poles would not be prominent or intrusive. I consider the poles would have minimal impact on this area.

Location 35 Great North Way

5.39 The two 3.5 metre poles would have little visual impact on the combined footpath to Mill Hill and entrance to the Archfield allotments or on the residential slip road. I do not consider that the poles would adversely harm the appearance and character of this area.

Location 36 Great North Way Copthall

5.40 These two 3.5 metre poles at the entrance to the Copthall Centre and playing fields would be likely to have less visual impact than the nearby telegraph pole and lamp post. I do not consider that the poles would adversely affect the appearance and character of the area.

Location 37 Brent Terrace

5.41 These poles are within a small industrial estate. I agree with the Council that the visual impact of the poles would be negligible.

Conclusions: impact on street scene

5.42 In reaching my conclusions on the 33 locations outside the Conservation Area, I have taken account of the Council's comments on its growing concern about street furniture. I see that there is no planning policy on street furniture. And I note that most street furniture is equipment for the public utilities, and that most of it does not require planning permission.

[2.23, 3.18]

5.43 On my site inspections I found it helpful to compare the proposed poles with nearby lamp posts. I did this because I saw that the poles would closely resemble many lamp posts in shape and diameter and colour. But unlike all lamp posts, each pole would be simply a vertical element without any additional fittings. And most poles would be shorter than nearby lamp posts. In the 33 locations I inspected, I found that the nearby lamp posts were acceptable structures in the street scene. I also found that while the proposed poles would add to existing street furniture in each location, there was no location where the overall impact would seriously harm the character and appearance of the particular location. There was insufficient evidence presented to convince me that the proposed poles would have any adverse visual impact on the environment.

[2.23-2.24, 3.18, 4.3-4.4, 4.21, 4.24, 4.40, 4.60, 4.76]

5.44 As for the arguments about the impact of the poles on trees, I found the quality of the evidence to be somewhat unsatisfactory. On the one hand the appellant stated that no lopping of any tree would be necessary. On the other hand the Council provided schedules and plans showing where trees might be affected by the erection of the poles and wires. I therefore had to carefully inspect each site to try to assess the effect of the proposal on trees. I did not find that there were any locations where alterations to trees would be likely to harm the environment. But as there was considerable uncertainty in the inquiry about this poorly investigated matter, I can see merit in the condition suggested by the Council.

[2.25, 3.10, 3.19, 3.38]

5.45 In two locations I found that there seemed to be implementation problems. In Location 6, Finchley Road, the western pole appears to be sited under a fixed canopy. This strongly suggests that the pole would have to be relocated, if one is to be erected on this side of the highway. Similarly in Location 12, North End Road, the western pole appears to be directly behind a lamp post in relation to the eastern pole. This suggests that this pole would have to be relocated. In these circumstances it would

seem reasonable to deal with these minor amendments to siting by means of a condition.

5.46 In my consideration of all the objections I heard, and read in the written representations, I have taken account of every factor mentioned including the concerns about graffiti. I find that none of these matters is sufficient to cause me change my conclusions on this first issue.

Impact on Hampstead Garden Suburb Conservation Area

5.47 There is no dispute about the quality or importance of this Conservation Area. I agree with the Council and objectors that development in this area must be approached with the greatest of care. I noted the Council's comments on the Article 4 Direction and the Area of Special Character. It was also clear that the most sensitive location in this area was Wildwood Road. Many local objectors and the Council expressed particular concern about the impact of the poles on the environment of the Hampstead Heath Extension at Location 13. Despite the concentration of objection on this single location I consider that it is right for me to deal separately with each of the 5 Conservation Area locations.
[2.26, 3.21-3.23, 4.5, 4.61, 4.65]

5.48 Before I make this assessment I think it is prudent to set down the proper way of applying planning control in conservation areas. With such an unusual proposal sited in such an important conservation area it is essential to approach Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in the right way. This requires that special attention shall be paid in the exercise of planning functions, to the desirability of preserving or enhancing the character or appearance of a conservation area. The Courts recently confirmed this requirement in *South Lakeland DC v Secretary of State for the Environment*, [1992] 2 WLR 204. And it has been held by the Courts that there is no requirement in the legislation that conservation areas should be protected from all development which does not "positively" preserve or enhance. It would seem that preservation can be achieved either by development which makes a positive contribution to an area's character or appearance, or by development which leaves the character and appearance unharmed.
[2.21]

Location 13 Wildwood Road

5.49 With application A there would be 7 poles along the eastern edge of Wildwood Road. With application B there would be 2 poles with the wire proposed to be strung on intervening lamp posts. I find that it would be useful to point here to a significant difference between the two applications. With application B, I believe there would be insurmountable problems over implementation at location 13. The Council have refused to permit the use of its lamp posts for hanging the wire: this seems to me to effectively prevent the proposals at location 13 from being implemented. I therefore consider that for application B there is no realistic proposal on which to make a decision.
[1.1, 1.4, 2.1-2.3, 3.11, 3.21-3.23]

5.50 When I walked around this area I found that the 7 poles would be clearly visible from nearby locations on the pavements on either side of Wildwood Road, but would not be unduly prominent in views from Hampstead

Ridge to the south, or from locations to the north in the Hampstead Heath Extension. The wire would be barely visible when seen against a clear sky and almost impossible to see when viewed against the backcloth of the trees and ridge to the south. I do not agree with the Council's assessment that the wire would highlight a visual separation of Heath from the Heath Extension in terms of continuous landscape.

5.50 In order to examine the impact of the poles on this environmentally sensitive area I found it instructive to see the impact of existing street furniture. I found that the poles would be less prominent than existing lamp posts and the telegraph pole in Wildwood Road. This is because the poles would be at the back of the pavement closer to the trees and shrubs, and would not have any clearly visible additional fittings at the top. I found that I did not agree with the Council's assessment that the existing street furniture in Wildwood Road of about 9 lamp posts and one telegraph pole in the vicinity of location 13 represented incongruous features in a largely natural landscape. I found that the existing street furniture along this short stretch of road across the Heath was visually acceptable and had virtually no impact on the appearance and character of this street scene.
[2.26, 3.21-3.22, 4.5, 4.44]

5.51 I found that the decision as to whether the poles would be acceptable in this sensitive location was finely balanced. I suspect that some branches of trees in line with the poles would need to be lopped in order to hang the wire; but I do not consider these works would have a material effect on the environment in Wildwood Road. There can be no doubt that the erection of the 7 poles would bring about minor visual changes along Wildwood Road. I also consider that the poles would not positively preserve or enhance this area. But from the evidence and my site inspections I was not convinced that these minor changes would have a material effect on the Conservation area. I therefore concluded that the addition of the proposed 7 poles would leave the character and appearance of this part of the Conservation Area unharmed.
[2.26, 3.22-3.24, 4.5, 4.44]

Location 14 Hampstead Lane

5.52 This part of Hampstead Lane is lined with trees. I do not agree with the Council's assessment that the two poles in this location would be visually intrusive. I do accept however the Council's claim that the poles would be clearly visible. But they would be less prominent than nearby lamp posts which seem to me to fit in reasonably well into this tree lined street scene. Similarly I would expect the poles to fit into this street scene without causing any material impact. I therefore consider that the addition of the two poles would leave the character and appearance of the Conservation Area unharmed.
[3.22]

Location 15 Aylmer Road

5.53 The three poles here would be conspicuous as they would stand in a fairly open setting. This was another location where the arguments for and against the poles are finely balanced. What just tipped the scales was my observation that the cluster of about twelve 12 metre high lamp posts in the vicinity of this junction leaves the Conservation Area unharmed. In this context I found the addition of three 6.5 metre high poles would not

have a material effect on this street scene. I therefore consider that the erection of the three poles would leave the character and appearance of the Conservation Area unharmed.

Location 16 Bancroft Avenue

5.54 In this location the two poles would introduce new structures into a road where the only street furniture is lamp posts. From the evidence and my site inspections I am not convinced that the poles would have any material effect on this street scene. The fact that the poles would be visible and unusual are not sufficient reasons to justify the assertion that they would harm the Conservation Area. I therefore consider that the poles would leave the character and appearance of the Conservation Area unharmed.

Location 17 Cherry Tree Hill

5.55 In the inquiry there was some controversy over the effect of the eastern pole on the sycamore tree. I suspect there would be a need to lop some branches in order to hang the wire across the road. I noted that branches had already been lopped from this tree where it spread over the adjoining service area. But I do not think that any other works on this tree would have a material effect on the street scene. I further do not consider that the poles would be visually intrusive. In my opinion erection of the poles would leave the Conservation Area unharmed.

Conclusions: Conservation Area

5.56 In these 5 locations I found that the erection of the poles would leave the Conservation Area unharmed. While I found the arguments on impact to be more finely balanced in the Conservation Area. I found the evidence that was advanced against the erection of the poles to be insufficient to justify dismissal or refusal of the appeal proposals.

Need

5.57 I found that the planning objections on grounds of visual impact on the street scene and the effect on the Hampstead Garden Suburb Conservation Area were insufficient to justify rejection of the appeal proposals. I therefore logically do not have to go on to deal with the question of need. However in case the Secretary of State does not agree with my conclusions on these two main issues I have decided to consider the evidence that was presented on need.

5.58 The Council did not have a conclusion on need as it was not part of the Council's case. However the Council did offer useful comments on the evidence given by other parties without drawing conclusions.
[2.13. 2.28-2.34, 3.2. 3.25-3.29. 3.35]

5.59 I found that the proposals would benefit certain members of the Orthodox Jewish community. The erection of the poles and wire would lead to the creation of an Eruv; this would allow Orthodox Jews to "carry" on the Sabbath. Those most directly affected would be the disabled, the elderly and mothers of small children. But there would also be others who would gain indirectly from this legal device. Precise numbers of those expected

to benefit are very difficult to calculate, and insufficient evidence was submitted for me to reach a firm conclusion on this. I can only go so far as to say that I consider that the Council's minimum figure of 133 is a gross underestimate as it takes no account of the wider families or friends of the under 5s and disabled.

[2.7-2.10, 2.28-2.34, 3.25-3.29, 4.14-4.17, 4.47-4.52, 4.57, 4.62-4.63, 4.71-4.73, 4.75, 4.78-4.79]

5.60 I have also considered the objectors' assertion that the need of Orthodox Jews is not really a need because it is a matter of personal choice. This seems to me to be an unduly narrow approach to the needs of minority groups. If this assertion was accepted it would have to apply to all facilities for all religious or ethnic groups. I consider that the need of some Orthodox Jews to sidestep Rabbinical laws, so that they can for instance go to their synagogue on the Sabbath, represents a legitimate need. To decry or challenge the Rabbinical laws, as some objectors attempted to do, does not in my opinion weaken the case in support of the Eruv.

[2.8, 2.17, 2.30, 4.14-4.15, 4.27, 4.29, 4.37-4.38, 4.47-4.52, 4.57, 4.64]

Other material considerations

5.61 There can be no doubt that this proposal has generated very strong feelings in the local community. There are significant numbers of local residents who are utterly opposed to the proposals. And there are significant numbers of local people who express clear support for the proposals. These unusually strong differences of opinion were evident in the inquiry. The occasional angry and loud interruptions and the observable anxiety and fear expressed by various witnesses gave me some indication of the depth of feeling of those attending the inquiry.

[3.1-3.2]

5.62 One of the main concerns of objectors at the inquiry and in the written representations was the effect of the proposals on social harmony. I heard many objectors voice their genuine fears that the creation of an Eruv in Barnet would increase racial tension, and that poles would be symbols of religious division and conflict. I found the further assertions by objectors that the Eruv would lead to the creation of a ghetto in Barnet to be unfounded and in danger of infringing the Race Relations Act 1976.

[2.17-2.18, 2.31-2.34, 4.9-4.13, 4.16-4.17, 4.23-4.25, 4.33-4.34, 4.41-4.42, 4.52, 4.56, 4.67, 4.77]

5.63 The relevance of the arguments about the effect of the proposals on social harmony is not a straightforward matter. There is little direct guidance from legislation, the development plan or the Courts. The Stringer and Great Portland Estates case set down basic principles as to what could be a material consideration: from these cases I find that the human factor is seen to be a material consideration in exceptional or special circumstances. It follows that the human factor must be related to land-use planning matters. Furthermore social harmony is clearly a human factor. And social harmony is identified as contributing to the quality of life in the UDP's first Main Aim. But the objectors' assertions that the mere existence of the poles would be an offensive and upsetting reminder of the holocaust to Jews and would destroy social harmony are difficult to substantiate. And the connections between land-use planning and the social harmony arguments were too tenuous to be convincing. Consequently I found it difficult to

accept that the social harmony arguments constituted a proper material consideration. I therefore consider that the social harmony arguments do not have sufficient weight to amount to a planning objection which justifies dismissal or refusal of the proposals.

[2.16-2.19, 2.31-2.34, 3.30-3.33, 4.12-4.13, 4.33, 4.41-4.42, 4.58]

5.64 Objectors raised other objections against the proposals in addition to that concerning social harmony. Erection of poles, precedent, pedestrian safety, maintenance, burglary, vandalism, danger to birds and racist attacks were the most frequently made objections in the inquiry and in the written representations. With regard to objectors' assertions about difficulties in erecting the poles I find that I agree with the Council's submissions that this matter is not relevant to a planning inquiry. As for pedestrian safety, this does cause me concern in relation to the blind. But I would expect the Council as Highway Authority to ensure that the poles did not obstruct movement along the pavement in a way that was dangerous to the blind. I have carefully considered all the other objections but found that they were of insufficient weight to cause me to reach a different conclusion about the proposals.

[2.35-2.36, 3.7-3.9, 3.12, 4.6-4.8, 4.18, 4.31, 4.35, 4.39, 4.46, 4.53, 4.55, 4.58]

Conditions

5.65 The Council proposed 5 conditions in Document LBE/14. I consider that the whole of Condition 2 is appropriate: the second sentence deals with the separate matter of the type of paint to be used in particular locations as a security safeguard. Condition 3 is appropriate. I have already discussed the need for Condition 4 in paragraph 5.44. I consider that this condition is appropriate. Condition 5 is reasonable as it allows the Council to control minor adjustments to the precise location of certain poles which have to be moved because of implementation problems. I do not find that the objectors' proposed condition is necessary.

[2.25, 2.37, 3.10, 3.37-3.39, 4.2]

APPENDIX 2

ERUV CONSTRUCTION REQUIREMENTS REVISED NOVEMBER 1997

TABLE A: THOSE LOCATIONS WHERE FULL APPROVAL WAS GIVEN BY BARNET COUNCIL IN JANUARY 1997

Map Ref	Location	Postal Code	Poles	Type	Span/m
09	West Heath Road	NW3	2	medium	14
12	North End Road/Way	NW11	2	medium	18
15	Aylmer Road	N2	3	tall	30
16	Bancroft Avenue	N2	2	medium	11
17	Cherry Tree Hill	N2	2	tall	30
18A	East End Road	N2	2	medium	11
18B	Prospect Place (footpath)	N2	2	small	9
19	Church Lane	N2	2	medium	20
21	Squires Lane	N3	2	medium	9
22	Regents Park Road	N3	2	tall	14
23	Devonshire Road	NW7	2	tall	30
24A	Great North Way (north)	NW4	2	1 tall & 1 small	41
24B	Great North Way (south)	NW4	2	1 medium & 1 small	17
25	Watford Way	NW4	3	tall	55
26	Colindeep Lane	NW4	2	medium	18
27	Station Road	NW4	2	medium	16
28	Park Road	NW4	3	medium	37
29A	Templehof Ave, River Brent	NW4	2	medium	10
29B	Templehof Ave, River Brent	NW4	2	medium	10
33	Stanley Road (footpath)	N2	2	small	9
34	Ashley Lane (footpath)	NW4	2	small	7
35	Great North Way (footpath)	NW4	2	small	25
36	Great North Way, Copthall(footpath)	NW4	2	small	20
38	Finchley Road	NW2	2	medium	25
39	Crewys Road	NW2	2	medium	19

- 1 -

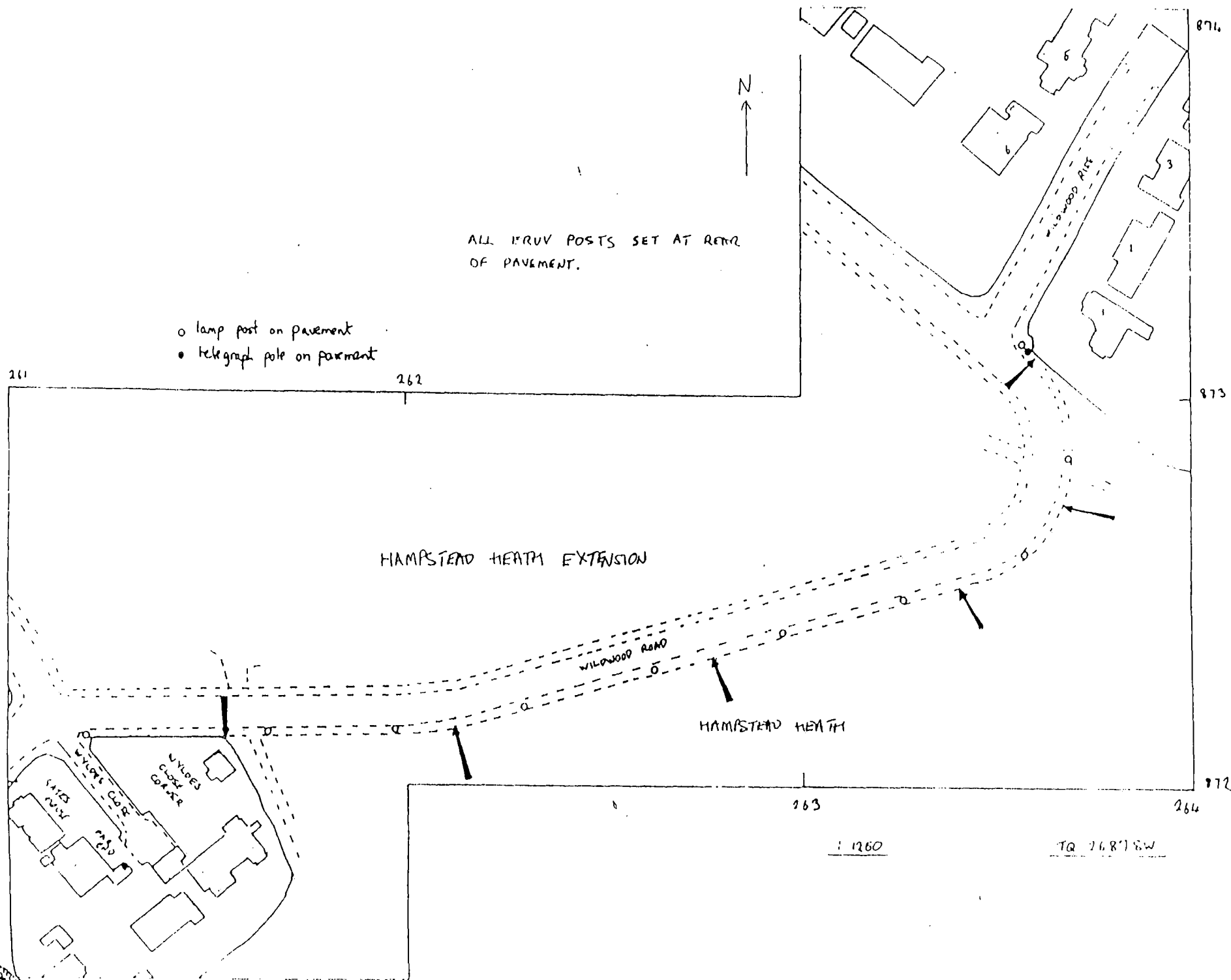
continued...

Map Ref	Location	Postal Code	Poles	Type	Span/m
40	Mortimer Close	NW2	2	medium	19
43	The Vale	NW2	2	medium	40
44	Malvern Gardens	NW2	2	medium	12
46	Grampian Gardens	NW2	2	medium	11
48	Rear of "Tesco" (footpath)	NW2	2	medium	3
49	Entrance to "Tesco" etc. Tilling Road	NW2	2	medium	50
50	Tilling Road	NW2	2	medium	25
			---		---
		Sub Total	67		666

TABLE B: THOSE LOCATIONS WHERE FURTHER APPROVAL REQUIRED

Map Ref	Location	Postal Code	Poles	Type	Span/m
13	Wildwood Road	NW11	6	medium	250
14	Hampstead Lane	N6	2	medium	30
20	North Circular Road	N2	3	tall	35
41a	Hendon Way Pavement	NW2	3	medium	37
42a	Hendon Way/Greenfield Gardens	NW2	2	medium	3
45a	Pennine Drive	NW2	2	medium	18
47a	Clitterhouse Playing Fields (footpath)	NW2	2	medium	3
			---		---
		Sub Total	20		376
		TOTAL	87		1042

13



49

REVISED PLAN
7th September 1997

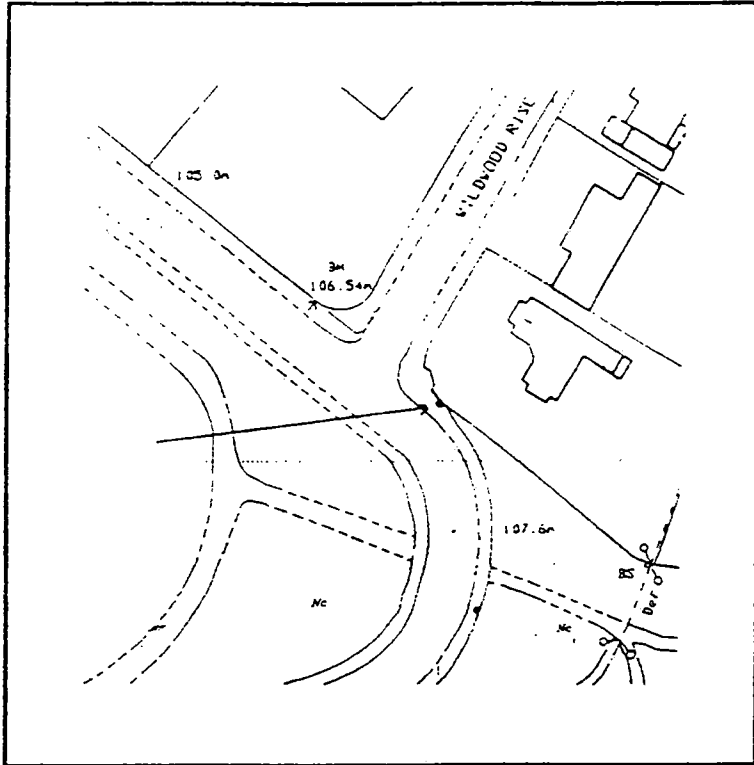


FIGURE 13
[EAST POST DETAIL]

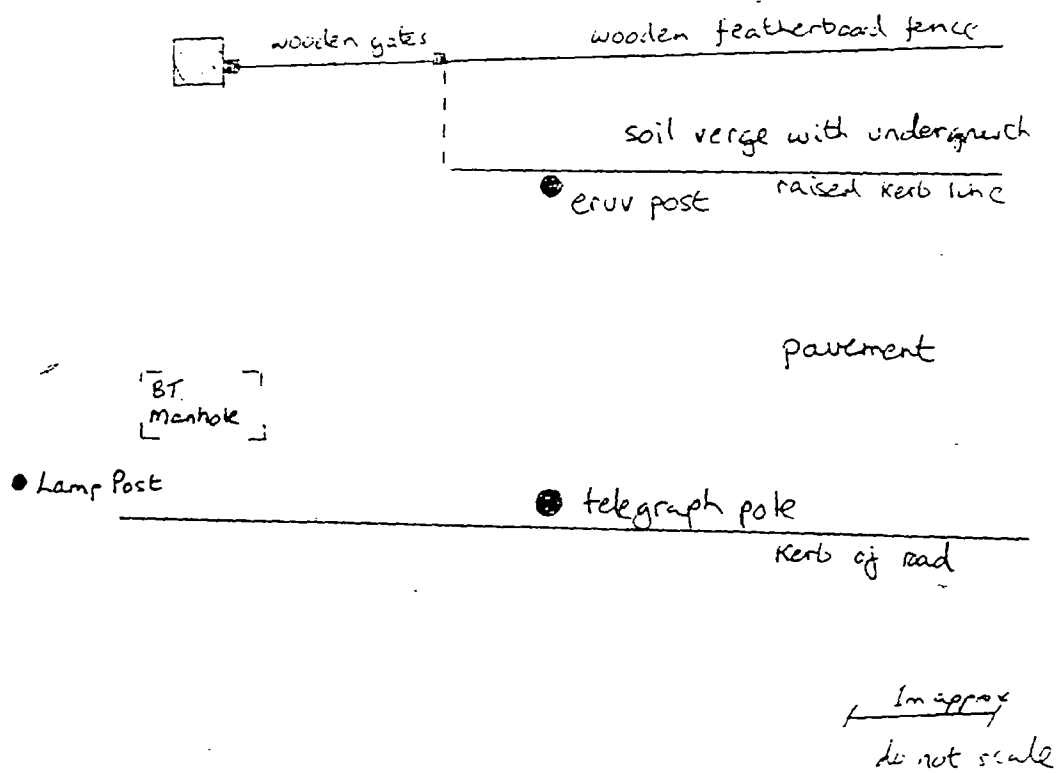
WILDWOOD ROAD NW11

EXTRACT FROM TQ 2687 SW

1:1250

SCHEMATIC SHOWING LOCATION OF ERUV POST

13 EAST SET 97



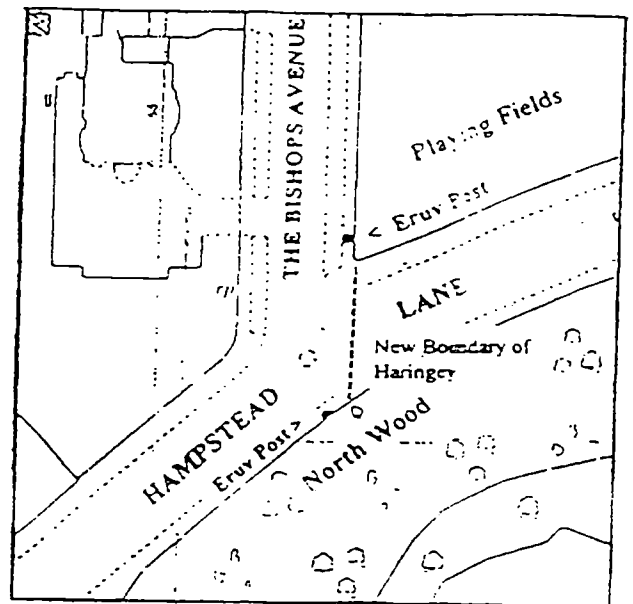
Posts moved to accommodate change in Barnet / Haringey boundary.

North post 15 metres to West, now at rear of pavement on The Bishops Avenue.

South post 17 metres to South west, still at rear of pavement of Hampstead Lane

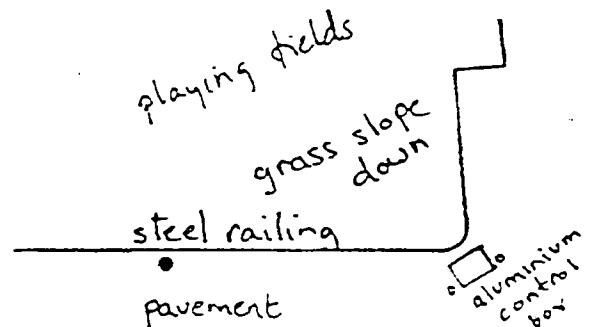
1:1250 plan (Extract from TQ 2687SE)

Showing new post positions and location of Borough boundary as it crosses Hampstead Lane



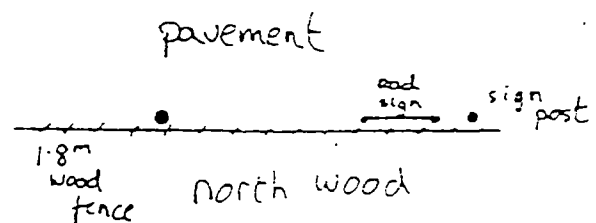
Schematic - North Post (Tall)

At rear of pavement, 15cm from steel railings which bound the playing fields. 2m North of the corner with Hampstead Lane.



Schematic - South Post (Medium)

At rear of pavement, 15cm from close-boarded wooden fence which bounds North Wood.



REVISED PLAN
30th October 1997

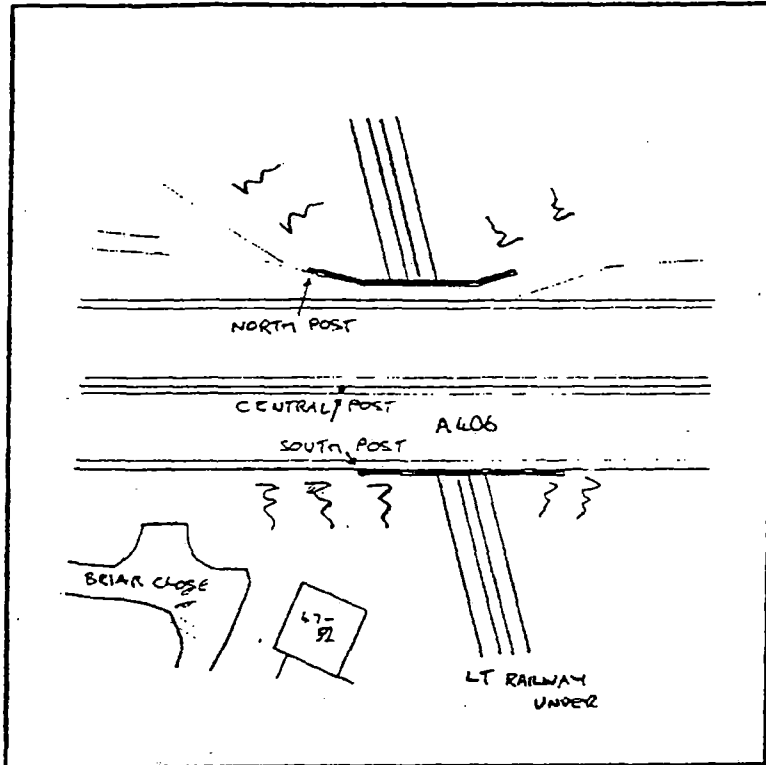
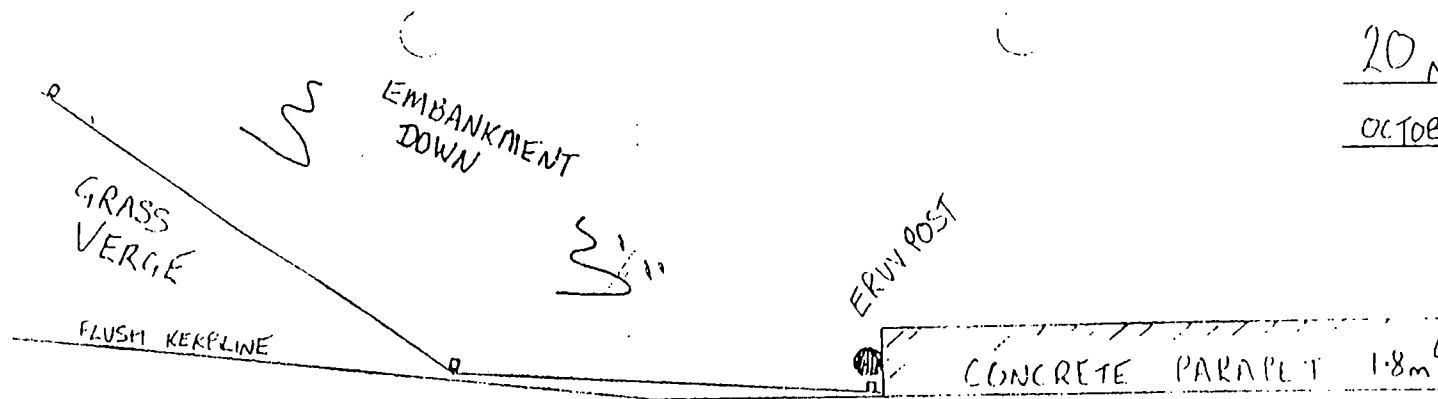


FIGURE 20

NORTH CIRCULAR ROAD
EAST FINCHLEY

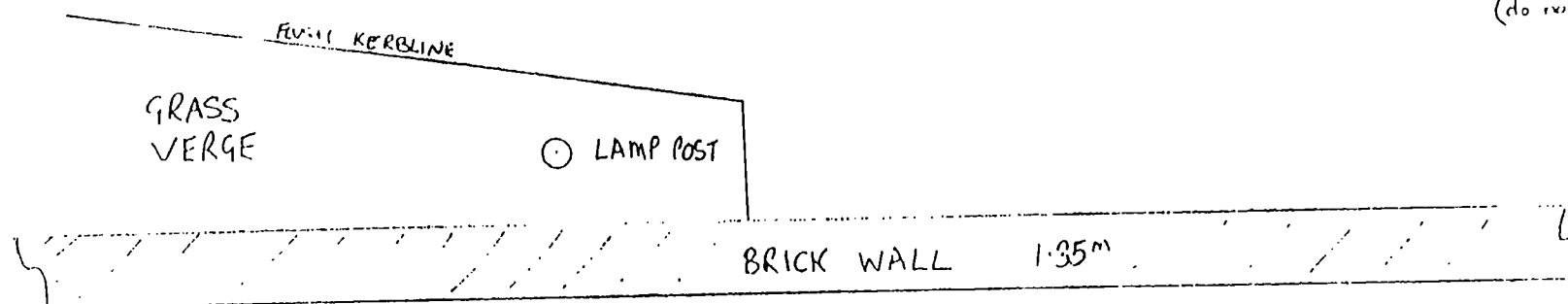
(plan currently unavailable from OS
new road scheme not yet re-surveyed
for national database)

20 NOV 1997
OCTOBER 1997



ASPHALT
FOOTPATH

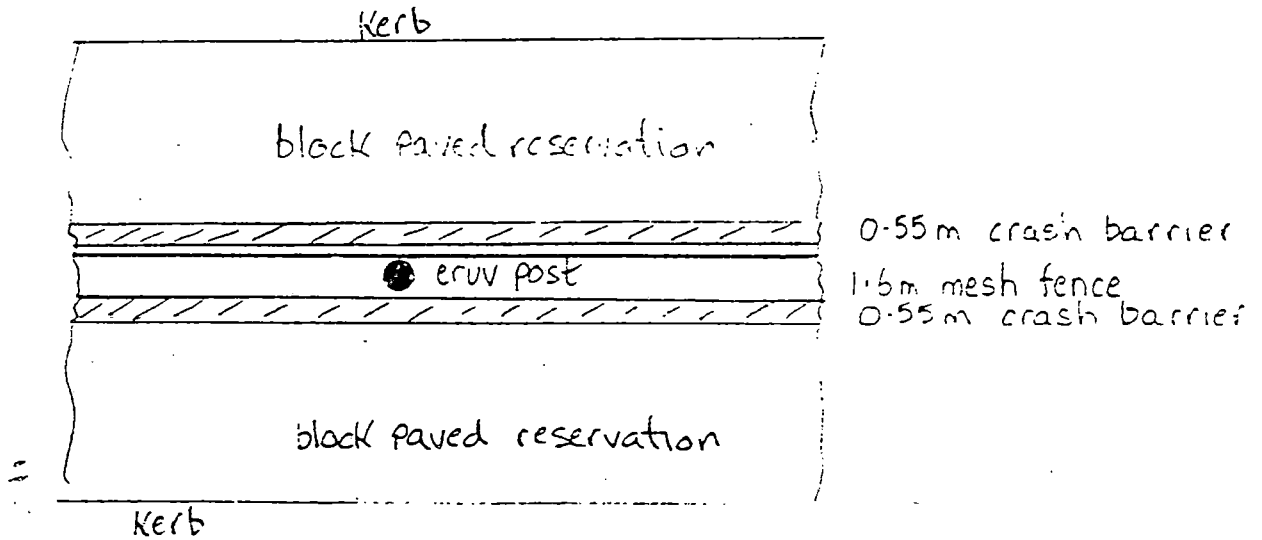
1m
(do not scale)



PAVEMENT

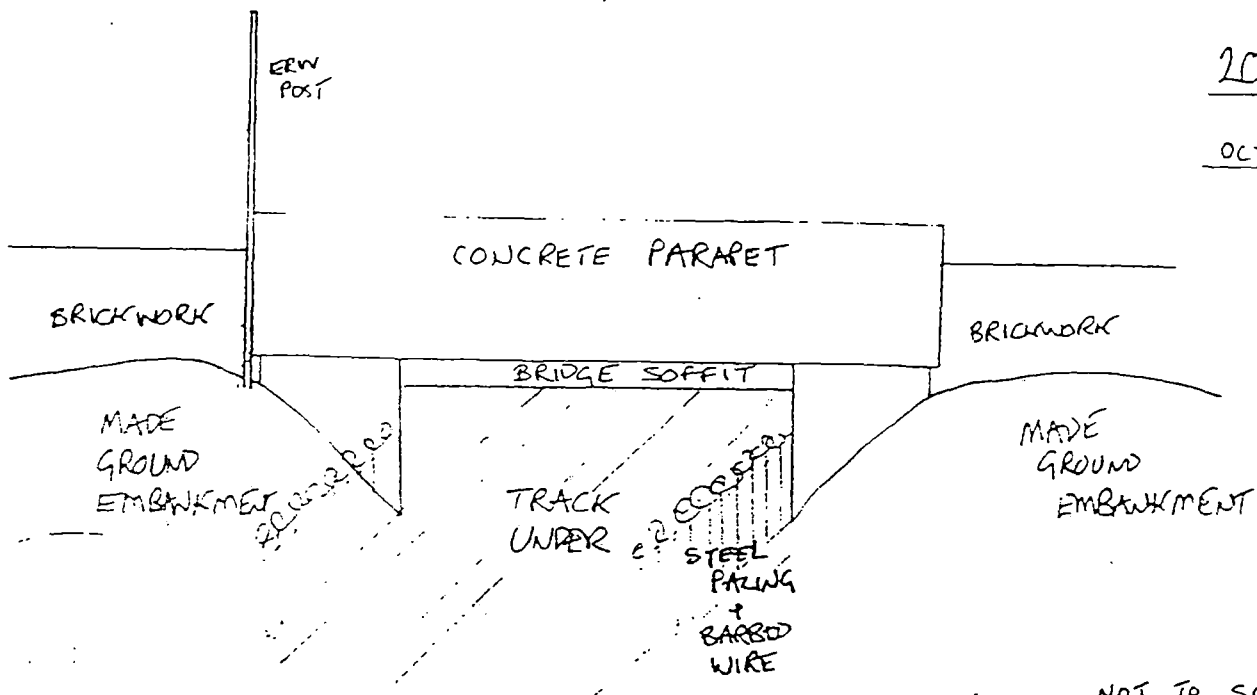
EAST CARRIAGEWAY

OCTOBER 1997



detail of central reservation

1m do not scale



20 SOUTH

OCTOBER 1997

NOT TO SCALE
FOR ILLUSTRATIVE
PURPOSES ONLY

VIEW NORTH FROM
MANOR COTTAGE APPROACH
N.2

REVISED PLAN
20th February 1997

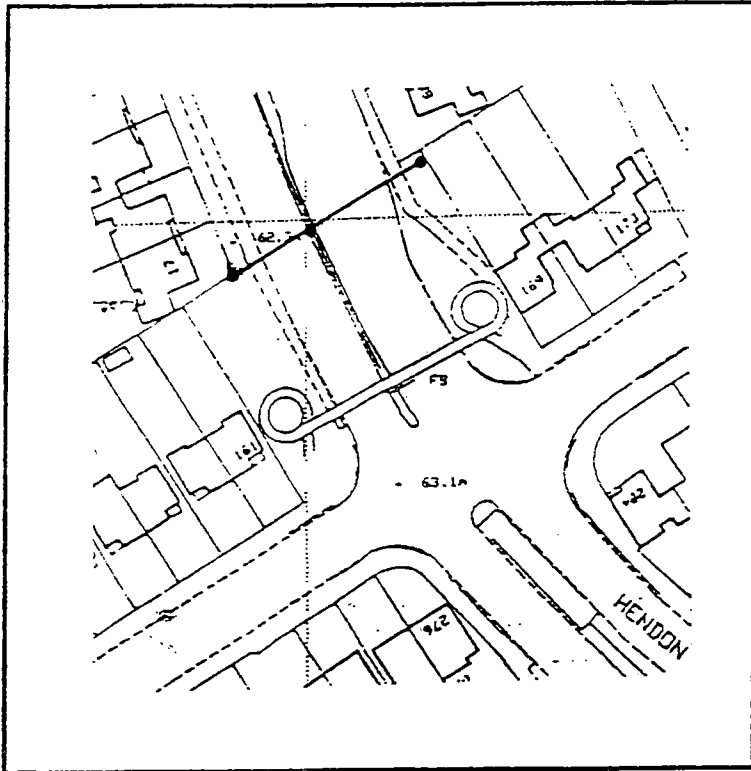


FIGURE 41a

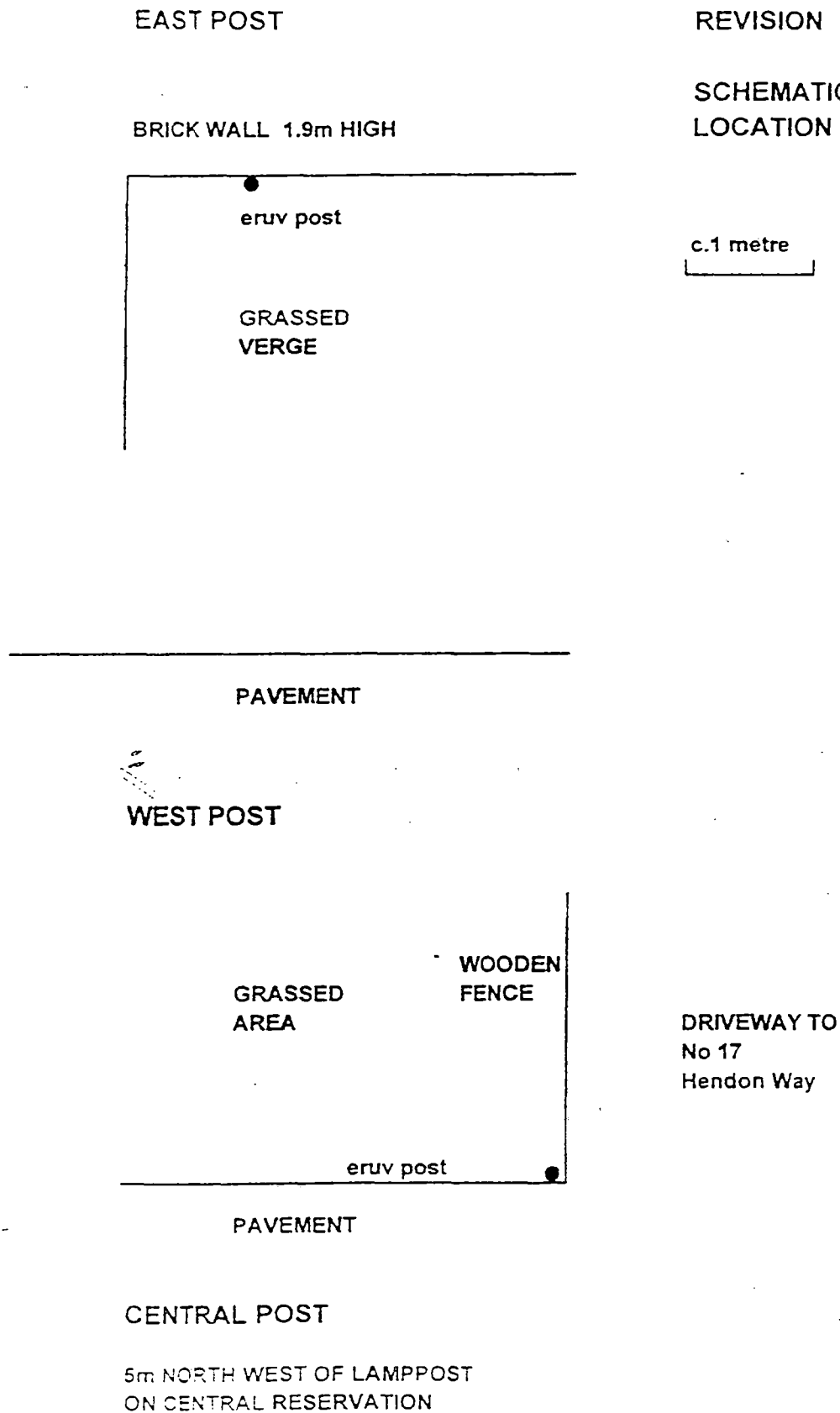
HENDON WAY, NW2

EXTRACT FROM TQ 2486 SE

1:1250

FIGURE 41a
REVISION 20/2/97

SCHEMATIC SHOWING
LOCATION OF POSTS



REVISED PLAN

~~20th February 1997~~

24th September 1997

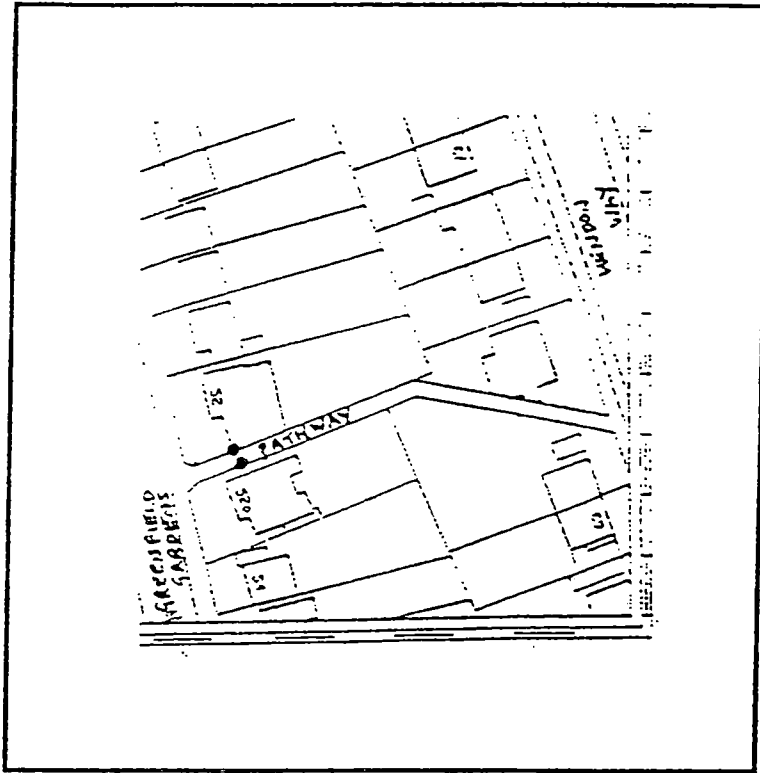


FIGURE 42a

FOOTPATH BETWEEN
HENDON WAY AND
GREENFIELD GARDENS, NW2

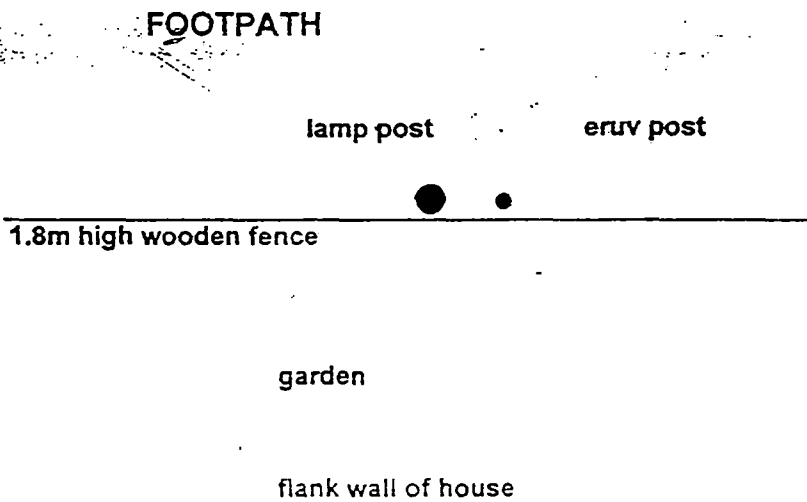
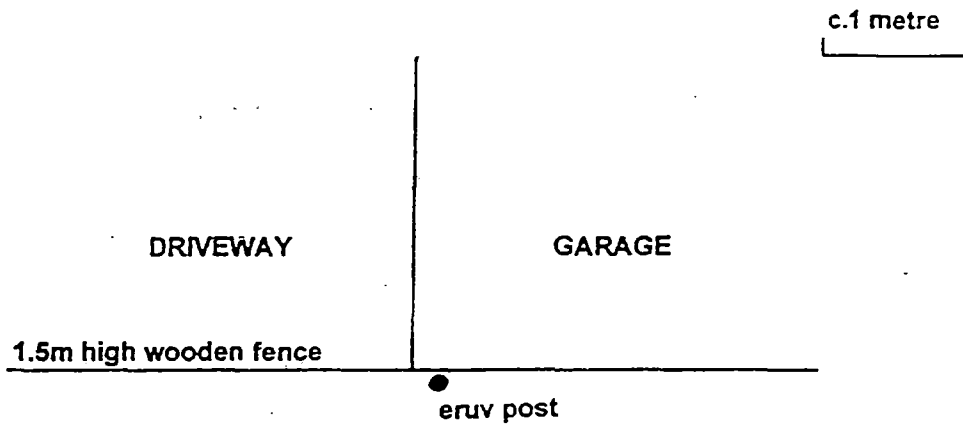
EXTRACT FROM TQ 2486 SW

1:1250

FIGURE 42a

REVISION ~~20/2/97~~
24/9/97

SCHEMATIC SHOWING
LOCATION OF POSTS



REVISED PLAN
20th February 1997

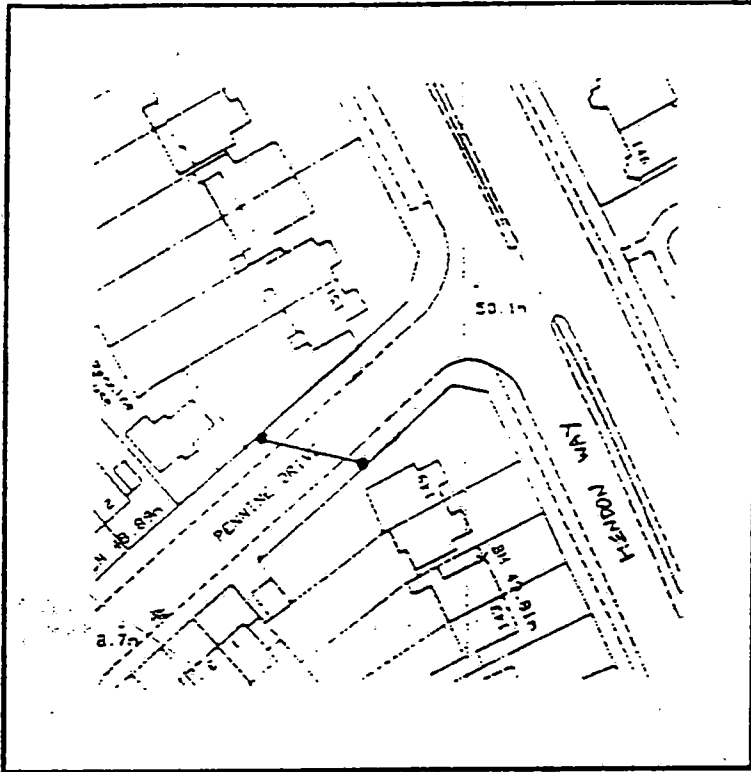


FIGURE 45a

PENNINE DRIVE, NW2

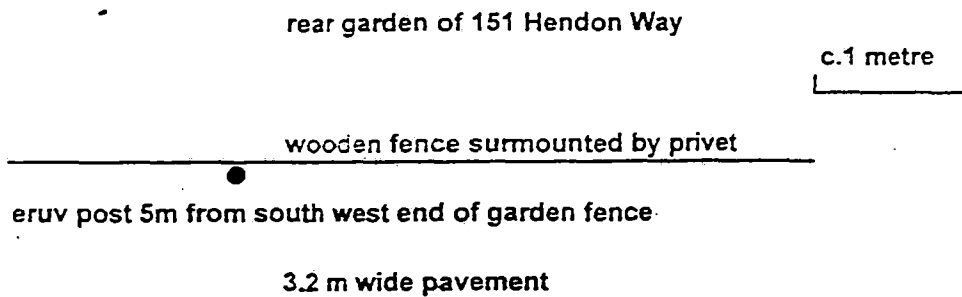
EXTRACT FROM TQ 2487 SW

1:1250

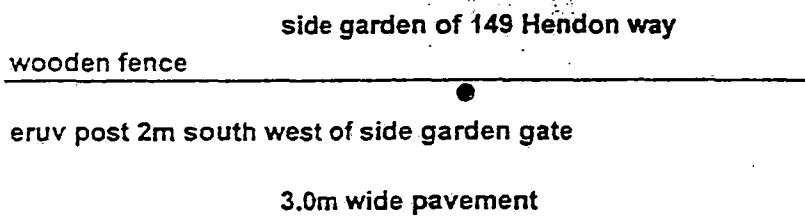
FIGURE 45a
REVISION 20/2/97

WEST POST

SCHEMATIC SHOWING
LOCATION OF POSTS



EAST POST



REVISED PLAN
20th February 1997

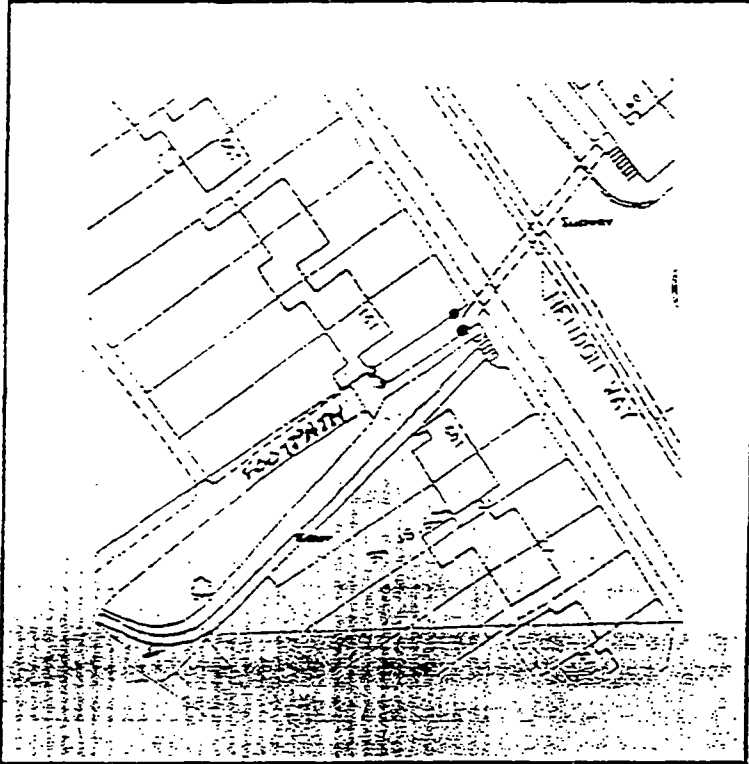


FIGURE 47a

ENTRANCE FOOTPATH
TO CLITTERHOUSE
PLAYING FIELDS, NW2

EXTRACT FROM TQ 2487 SW

1:1250

FIGURE 47a
REVISION 20/2/97

SCHEMATIC SHOWING
LOCATION OF POSTS

c.1 metre

