



6 October 2009

To: Councillor P Andrews – Chair, IBAC (Planning)
Councillor S Fisher – Chair, IBAC (Monitoring)

From: Rosemary Bunce + Christine Diwell on behalf of The Isleworth Society

UNAUTHORISED SATELLITE DISHES IN CONSERVATION AREAS

The purpose of this paper is to highlight the increasing problem of the siting of unauthorised satellite dishes in Conservation Areas with very little evidence that Hounslow Council is taking the necessary enforcement action to address this issue. We do not wish to appear presumptuous in presenting this paper but our concerns are genuine.

The Isleworth Society, whose rationale is to preserve and enhance the unique character of the Isleworth Riverside Conservation Area (IRCA) and surrounding areas, has grave concerns about this problem. Although our concerns relate primarily to the IRCA the problem is borough-wide and needs to be addressed as such a matter of priority because a continued lack of action on the part of Hounslow Council is resulting in the gradual erosion of the borough's conservation areas.

English Heritage recently announced findings following its Conservation Areas at Risk survey, highlighting unsightly satellite dishes as being among the top threats, and urges councils to make more use of the powers they have to protect conservation areas.

Councillor Peter Thompson gave assurances at the **initial** Leader's Question Time that more attention would in future be given to protection of Conservation Areas. However, in spite of his assurances this is not happening as there is an obvious reluctance on the part of the Enforcement Team to take action in respect of instances reported to them. The Isleworth Society and The Old Isleworth Four Roads Residents' Association have both reported unauthorised dishes within the IRCA to Enforcement but their responses have been far from satisfactory (please refer to details listed under Addendum).

There appears to be a certain amount of hair-splitting by Hounslow Council on the legal issues and a clear reluctance to do anything about the problem. The legal situation under Class H(d) of the GPDO 2008 is as follows:

- (d) in the case of article 1(5) land (*which includes conservation areas*) the installation of a satellite dish on a dwelling-house is **NOT PERMITTED** if it is installed –
 - (i) *on a chimney, wall or roof slope which faces onto, and is visible from, a highway*
 - (ii) *on a building which exceeds 15 metres in height.*

It is not illegal to install a satellite dish to the front of the building sited in a conservation area as it only becomes an illegal act when the owner does not comply with an enforcement notice. However, the installation of a satellite dish on the front of a building in a conservation area is specifically '**not permitted**' under Class H(d) of the Town and Country Planning Act (General Permitted Development) (Amendment) Order 2008 and therefore the onus is on the local planning authority to take action if it considers that such an action harms the amenity of an area. If no action is taken to invite the owner to submit an application for the retention of a satellite dish then within four years it becomes permitted or authorised which makes Enforcement's attitude even more worrying.

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The current situation with regard to Hounslow Council is that Gerard McCormack presented a paper to IBAC (Planning) on the 10 September which sought to update Members about his team's enforcement of unauthorised satellite dishes in conservation areas. Unfortunately the paper submitted omits vital information which we attempt to address as follows.

Mr McCormack's (IBAC) paper – Item 2.0 POLICY CONSIDERATIONS – 2.1. states *“satellite dishes are permitted under Class H of the Town and Country Planning Act 1990 (General Permitted Development Order as amended 2008)* and then lists the provisos. However, if one reads the relevant Act it will be seen that the words **‘DEVELOPMENT NOT PERMITTED BY CLASS H’** should follow on but these have been omitted from the IBAC paper. This omission is a cause for concern.

Class H of the Town and Country Planning Act 1990 (General Permitted Development Order as amended 2008) reads as follows:

Permitted development

H. The installation, alteration or replacement of a microwave antenna on a dwelling-house or within the cartilage of a dwelling-house.

Development not permitted

H.1 Development is not permitted by Class H if,

- (d) in the case of Article 1(5) land** (designated areas such as Conservation Areas) **it would consist of the installation of an antenna**
- (i) on a chimney, wall or roof slope which faces onto, and is visible from, a highway;**
- (ii) in the Broads, on a chimney, wall or roof slope which faces onto, and is visible from a waterway, or**
- (iii) on a building which exceeds 15 metres in height.**

You will note from the above that the omission of the words **‘development not permitted’** from the IBAC paper renders its contents to at odds with the contents and intention of the Act.

The diagrams included in the IBAC paper are misleading as they relate to the siting of satellite dishes generally and not specifically in conservation areas. The diagrams are available on the Government Planning Portal but if one accesses them a question is asked **‘Do you live in a Designated Area (i.e. a Conservation Area, a National Park, an Area of Outstanding Beauty, or the Norfolk Broads?’** If one responds with **‘YES’** a message shows stating **‘It is your responsibility for seeking, or not seeking, planning permission. If required, planning permission should be granted before installation’.**

It is obvious from the foregoing information that, in respect of conservation areas, planning permission must be sought before installing a satellite dish on a chimney, wall or roof slope which faces onto, and is visible from, a highway, and such applications should be refused. It is also obvious - in respect of an unauthorised dish sited on a chimney, wall or roof slope which faces onto, and is visible from, a highway – that enforcement action should be taken.

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Some of the diagrams included in the IBAC paper indicate Hounslow Council's acceptance of particular locations which are completely at odds with the information given in H.1(d) of the Town and Country Planning Act 1990. This confirms our opinion that the diagrams in the paper appear to be in respect of the siting of satellite dishes generally and not specifically in conservation areas. This again is misleading as the IBAC paper purports to address the issue of satellite dishes in conservation areas so should not include diagrams relating to siting dishes outside of conservation areas.

A booklet produced by Communities and Local Government entitled '***A Householder's Planning Guide for the installation of Antenna, including Satellite Dishes***' categorically states that a conservation area is classed as a designated area and advises that for houses and buildings both up to and over 15 metres in height in **designated areas** planning permission is not required '**as long as an antenna is NOT installed on a chimney, wall, or a roof slope which faces onto, and can be seen from, a road or a Norfolk or Suffolk Broads waterway**'.

It is clear from all the information available that satellite dishes in conservation areas cannot be sited on a chimney, wall or roof slope which faces onto, and can be seen from, a road. Thus the information given in the IBAC paper, presented on 10 September, is misleading.

It is time consuming and fairly difficult to access information on-line regarding the siting of satellite dishes in conservation areas and one queries whether many people would bother to seek this information, especially if they are unaware that their property falls within a conservation area. Suppliers/installers of satellite dishes appear to care very little about the planning system and we therefore respectfully suggest that far more information needs to be made available on Hounslow Council's website. Currently if one enters the words 'satellite dishes' on the Hounslow Council website one is directed to the Government Planning Portal. Many local authorities give specific information on their websites about the siting of satellite dishes both generally and within conservation areas. It is unfortunate that Hounslow Council does not make this information available on-line and one questions why when the result of not doing so has led to a vast increase in the number of unauthorised dishes being erected within conservation areas and thus eroding the special character of those areas.

A related problem that also needs addressing as a matter of urgency is that many householders/businesses are unaware that their properties fall within a conservation area. Information needs to be made available and one possibility could be a regular insert in Hounslow Matters.

We trust our comments and concerns will be addressed and urgent action taken to remedy this unacceptable situation. We welcome being involved in any future discussions and hope that any such discussions will involve representatives from all the borough's conservation areas.

Rosemary Bunce *and* Christine Diwell
THE ISLEWORTH SOCIETY

- cc. Members of the IBAC (Planning) and IBAC (Monitoring) Committees
- Councillor Peter Thompson – Leader of the Council
- Councillor Paul Lynch – Hounslow's Heritage Champion
- Michael Jordan – Director of Environment
- Maggie Urquhart – Urban Design and Conservation Officer, LBH
- Robert Della-Sala - Head of Customer Services LBH
- Denis Brown – Brentford Community Council
- Dominic West – St John's Residents Association
- Colin Marsh – Old Isleworth Four Roads Residents' Association

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ADDENDUM

Unauthorised satellite dishes reported to LBH Enforcement

Reported by	Site Address	No. of dishes	Date reported	Enforcement's response
The Isleworth Society				
	*Shrewsbury Walk	6	17.11.08	
	Millside Place, 20 Church St.	1	17.11.08	
	Bridge Wharf, Church St.	7	17.11.08	
	*Swann Court, South St.	4	17.11.08	
	9 Byfield Road	1	17.11.08	<i>Advised initially that no action would be taken but subsequent advice rec'd 11.6.09 that contact made with owners to either resite dishes or apply for planning permission. As at 4.10.09 dish still in-situ and no planning applications submitted.</i>
	*7 Byfield Road	1	17.11.08	<i>as above but dish now removed</i>
	17 Worple Road	1	17.11.08	<i>No response</i>
	21 Worple Road	1	17.11.08	<i>No response</i>
	Ferry House, Park Road	1	18.7.09	<i>No response</i>
	1a Park Road	1	18.7.09	<i>No response</i>
	2 Park Road	1	18.7.09	<i>No response</i>
	Gistelword House, North St.	8	17.11.08	<i>Letter sent to owners. Planning applications submitted in respect of 3 dishes. Permission refused under delegated powers. Dishes still in-situ. No update in respect of 5 dishes.</i>
The Old Isleworth Four Roads Residents' Association				
	3 Tolson Road	1	22.12.08	<i>No response</i>
	31 Algar Road	1	22.12.08	<i>Dish now removed</i>
<i>(in addition a reminder was included in same advice as to 17 + 21 Worple Road, chaser for reply sent 27.2.09 – no response)</i>				
<p><i>*These properties are owned by Hounslow Homes who are in the process of advising their tenants of the regulations applying to satellite dishes in conservation areas and arranging for communal aerials on apartment blocks. However, this process was to have commenced many months ago but to date no planning applications submitted. In addition there are some 19 dishes at Hounslow Homes properties in Percy Gardens, 5 now at Swann Court and 2 in Magdala Road. One is sited at the front of The Pines, 280 London Road (a listed building(</i></p>				