
Appeal Decision

Site visit made on 25 November 2019

by Gareth Symons BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 29 November 2019

Appeal Ref: APP/M5450/C/19/3222379

462 Alexandra Avenue, Rayners Lane, HA2 9TL

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Ms Jan Clark (Notemachine UK Ltd) against an enforcement notice issued by the Council of the London Borough of Harrow.
 - The enforcement notice was issued on 4 February 2019.
 - The breach of planning control as alleged in the notice is: Without planning permission the unauthorised installation of an ATM to the front elevation of a commercial unit ("Unauthorised development").
 - The requirements of the notice are: 1. Remove all materials associated with the installation of the ATM, including but not limited to the ATM and reinstate the pre-existing shop front; 2. Remove from the Land all materials and debris arising from compliance with the aforementioned requirements of the notice.
 - The period for compliance with the requirements is: One (1) calendar month after the notice takes effect.
 - The appeal is proceeding on the ground set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended.
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Decision

1. It is directed that the enforcement notice is corrected by deleting the plan and replacing it with the plan attached to this decision. Subject to this correction, the appeal is allowed and the enforcement notice is quashed. Planning permission is granted on the application deemed to have been made under s177(5) of the 1990 Act for the development already carried out, namely the installation of an ATM to the front elevation of 462 Alexandra Avenue, Rayners Lane, HA2 9TL.

The Notice

2. The Council has brought to attention that the plan with the enforcement notice identifies the property next door and not the appeal property. However, all parties are aware of the development that has been attacked and which property that relates to. Consequently, there has been no injustice caused by this minor error. I therefore intend to correct the notice by substituting the correct site location plan.

Main Issue

3. The main issue is the safety and security of users of the ATM and the occupiers of the site.

Reasons

4. The average numbers of withdrawals from the ATM during 2018 was approximately 135 per day. There is no evidence that the safety and security of users of the facility or the occupiers of the premises was at risk during those numerous occasions. Moreover, since around May 2015 when use of the ATM commenced, there is nothing to show any crime incidences associated with persons withdrawing cash from the ATM.
5. There is lighting built into the front face of the machine above the key pad and there are street lights along the pavement edge not far from the shopfront. Whilst my visit was during the day, it appears that the area around the cash machine is not dark or gloomy. There is an external CCTV camera which the appellant advises has two cameras covering the ATM. The ATM is not in a secluded space and I also noticed at my site visit that the area has numerous other shops and eateries and the Rayners Lane station is nearby. Consequently, the area is busy which allows for some natural surveillance and the pay point for customers inside the shop is next to the main shop window from where the till operator can see users of the ATM. I did not see a key pad shield or a privacy zone as such, but in the context of the above it has not been shown that these are necessary to be required by a planning condition.
6. For these reasons, I consider that the ATM is in a secure environment such that the safety and security of users of the ATM and the occupiers of the site, and adjacent sites, is not unduly at risk. The development therefore accords with the community safety and crime prevention aims of policies 7.3 of the London Plan (2015), CS1.E of the Harrow Core Strategy (2012), and DM1 of the Harrow Development Management Policies Local Plan (2013).
7. The Council has not objected to the ATM on design grounds. The Council's Conservation Officer also notes that the shopfront is not original, and no historic fabric has been removed. Consequently, the character and appearance of the Rayners Lane Conservation Area has been preserved.

Conclusion

8. For the reasons given above, I conclude that the appeal should succeed. I shall grant planning permission for the development as described in the notice as corrected by reference to the accurate location plan.

Gareth Symons

INSPECTOR



Plan

This is the plan referred to in my decision dated: 29 November 2019

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Land at: 462 Alexandra Avenue, Rayners Lane, HA2 9TL

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Scale: Do not scale

