



## Appeal Decision

Site visit made on 23 March 2009

by **C Hughes BA (Hons) DipTP MRTPI**

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

The Planning Inspectorate  
4/11 Eagle Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN

☎ 0117 372 6372  
email: enquiries@pins.gsi.gov.uk

Decision date:  
29 April 2009

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### Appeal Ref: APP/H0738/A/09/2093783

#### 5 Brompton Grove, Stockton-on-Tees TS18 5HF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Philip Lawson against the decision of Stockton-on-Tees Borough Council.
- The application Ref 08/0757/FUL, dated 4 April 2008, was refused by notice dated 9 December 2008.
- The development proposed is a vertical amateur radio antenna and a mast for a rotatable antenna.

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#### Decision

1. I dismiss the appeal insofar as it relates to the vertical amateur radio antenna. I allow the appeal insofar as it relates to a mast for a rotatable antenna and I grant planning permission for a mast for a rotatable antenna at 5 Brompton Grove, Stockton-on-Tees, in accordance with the terms of the application, Ref 08/0757/FUL, dated 4 April 2008 and the plans submitted with it, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
  - 2) The mast hereby permitted shall not be erected until and unless the existing aerial in the rear garden of 5 Brompton Grove has been taken down.
  - 3) The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans relating to the dimensions (unless a smaller mast is erected), retractable nature, and location of the proposed mast in the position immediately adjacent to the house.
  - 4) The mast shall be kept in its lowest vertical position when the antenna is not in use.

#### Procedural Matters

2. The Council describes the proposal as the temporary retention of the antenna which already exists at the property, and the installation of a new mast for a rotatable antenna. The application and appeal details do not state that the existing antenna is intended to remain for a temporary period only, but, if necessary, the imposition of a planning condition could ensure that the existing antenna was removed before the erection of the mast. As the vertical amateur

radio antenna has been erected, I am treating that part of the application as being a retrospective application for a vertical amateur radio antenna.

**Reasons**

3. The existing aerial is located in the corner of the rear garden of No 5, away from the house. Its height, at 9.6m, ensures that it rises well above the fences and conifer hedge which bound the garden. With its guy ropes and umbrella-like extension part way up, the aerial is an obtrusive feature well seen from neighbouring properties. It harms the character of the area of houses and gardens between Reeth Road and Brompton Grove/Grinton Road.
4. The proposed mast could be located much closer to the house, as shown in one of the 2 positions indicated on the submitted plans, and from many viewpoints would thus be seen against the background of the building. When extended it would be higher than the existing aerial and higher than the house, at 10.7m. However it would be only 6.4m high when not in use, and would be composed only of a relatively thin vertical mast with a thin cross piece at the top. Because of its character, position and partly retractable nature, this mast would not be obtrusive, and would not harm the character of the area.
5. My overall conclusion is that the existing mast is ugly and obtrusive, and its retention, even for a temporary period, would conflict with saved Policy GP1 of the Stockton-on-Tees Local Plan. The proposed mast would not have these harmful effects. Interference with electrical equipment is a matter for OFCOM. I note that the new mast would be anchored in a concrete foundation, and no evidence is submitted to show that radio waves would cause harm. I consider that objections based on fears of the mast falling, or emitting dangerous radio waves, are of little weight.
6. I take account of the emergency communications use of amateur equipment, and the technical constraints which can affect antenna size, but these factors are outweighed by the planning objections to the existing aerial. I am therefore dismissing that part of the appeal which relates to the existing aerial. For the reasons given above I am allowing that part which relates to the proposed mast. However the erection of the new mast before the removal of the existing aerial would increase the clutter of tall features in the garden, and I am imposing a planning condition on the grant of permission for the new mast to prevent its erection before the removal of the existing aerial. Additionally, I am imposing conditions, also to protect the character of the area, to require the proposed mast to be lowered when not in use and to ensure that the new mast is located close to the house and built as shown on the submitted plans.

*C Hughes*