

Appeal Decision

Site visit made on 30 January 2017

by **C L Humphrey BA (Hons) DipTP MRTPI**

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

Decision date: 2nd February 2017

Appeal Ref: APP/H0738/D/16/3161569

8 Mill Lane, Norton TS20 1LG

- 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 Gareth Hicks against the decision of Stockton-on-Tees Borough Council.
 - The application Ref 16/1549/REV, dated 13 June 2016, was refused by notice dated 5 August 2016.
 - The development proposed is erection of radio antenna and mast to rear garden.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the appeal proposal upon the living conditions of the occupiers of neighbouring residential properties at 10 and 8a Mill Lane, with particular regard to outlook.

Reasons

Living conditions

3. The appeal site comprises a 2 storey semi-detached house located on Mill Lane in a predominantly residential area on the edge of Norton Conservation Area (the Conservation Area), which wraps around the appeal site to the north, west and south. The Conservation Area is characterised by the historic core of Norton village which is focussed around an expansive area of open space known as The Green and the linear form of the High Street.
 4. The appeal proposal is a radio antenna and mast within the back garden of 8 Mill Lane. The mast would be telescopic and the combined height of the mast and antenna when fully extended would be approximately 11.9m, which would be significantly higher than the roof of the house. When not in use, the mast and antenna would be 'parked' at a height of around 5.7m which would broadly align with the eaves of the appeal property. The antenna would be fixed to the top of the mast with rotator housing and would be rectangular, formed by a series of steel posts and feed lines, with a length of 6.9m and a width of 3.9m. In its fully extended position, the antenna would be able to rotate. When 'parked', the antenna would be around 2.5m from the boundary with the back garden of the adjoining semi to the east at 10 Mill Lane and around 5m from the boundary with the dormer bungalow to the west at 8a Mill Lane.
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5. During my site visit I observed that No 10 has a small back garden and a considerable number of what appear to be habitable room windows on both the main rear elevation and the side elevation of the single storey rear extension, which faces west towards the back garden of the appeal property. The dormer bungalow at No 8a is positioned at an angle to and slightly higher than the appeal site, with a fairly shallow triangular shaped back garden enclosed to the south by a detached garage. It has no first floor rear windows, but there is a conservatory and windows serving habitable rooms at rear ground floor level.
6. The appellant has stated that the use of the apparatus in the active position is likely to be limited, and predominantly in the evening hours when dark, and that for the majority of the time it would be in the 'parked' position. In this lower position at eaves height, the antenna would be closer to neighbouring houses and gardens.
7. The substantial length and width of the proposed radio antenna together with its significant 'parked' height, sited in such close proximity to the east and west boundaries of the appeal site, would result in a dominant and overbearing form of development. This would have an oppressive effect upon outlook from the rear habitable room windows and the already enclosed back gardens of adjacent residential properties at Nos 10 and 8a.
8. I note that the neighbours at No 10 confirmed that they had no objections to the planning application. However, I must have regard to the effect of the appeal proposal upon all existing and future neighbours. Accordingly, I have given this matter little weight.
9. For the reasons set out above, I conclude that the appeal proposal would have a harmful effect upon the living conditions of the occupiers of neighbouring residential properties at 10 and 8a Mill Lane, with particular regard to outlook. The Council has not cited conflicts with any relevant development plan policies however the appeal proposal would be contrary to the core planning principles set out in paragraph 17 of the National Planning Policy Framework (the Framework) which, amongst other things, requires that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

Other matters

10. As set out above, for the majority of the time, the proposed radio antenna and mast would be 'parked' at eaves height. Based on the submitted evidence and my observations on site, due to its back garden location and the siting and scale of development surrounding the site, views of the appeal proposal from Mill Lane and the surrounding Conservation Area would be extremely limited when it was in this lower position. The appellant has stated that the apparatus is likely to be used at night when it would not be readily discernible in its fully extended position. If I was minded to allow the appeal, hours of use could be controlled by condition. Accordingly, the appeal proposal would not have a harmful effect upon the setting of the Conservation Area or the significance of the heritage asset as a whole.
11. The appellant makes the case that there are technical difficulties which limit the ability to reduce the height of the mast and antenna, and makes reference to Planning Policy Guidance 8: Telecommunications (PPG8) which advised that due regard should be paid to technical limitations as part of the planning

process. PPG8 has been cancelled and replaced by the Framework, and Part 5 of the Framework which relates to supporting high quality communications infrastructure does not repeat this element of the earlier policy guidance. In any event, I have not been provided with evidence regarding the nature of any such technical limitations. Therefore, I have given this matter little weight.

12. I have had regard to the appellant's right to undertake a leisure pursuit incidental to the occupation of the appeal property, and to the community value of the appeal proposal as a means of emergency communication. However, these matters do not outweigh the harm which I have identified in respect of the main issue.

Conclusion

13. For the reasons given above, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

C L Humphrey

INSPECTOR