



Appeal Decision

Site visit made on 24 January 2018

by **S Jones MA DipLP**

an Inspector appointed by the Secretary of State

Decision date: 15th March 2018

Appeal Ref: APP/H0738/D/17/3188920
28 Maria Drive, Stockton on Tees TS19 7JL

- 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 Peter Hall against the decision of Stockton-on-Tees Borough Council.
 - The application Ref 17/1472/REV, dated 1 June 2017, was refused by notice dated 18 August 2017.
 - The development proposed is erection of 8.5 metre high radio mast to support amateur radio transmitting aerials up to ten elements with maximum boom length of 5.25 rotating over a maximum circle diameter of 5.35m to rear.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The description of the development was amended to that above by agreement between the parties. I consider no disadvantage arises to any party from this change.

Main Issues

3. The main issues are the effect of the proposed development on the living conditions of neighbouring residents and the occupiers of 30 Maria Drive with regard to overbearing, and on the character and appearance of the area.

Reasons

Living Conditions

4. The appeal site is a modest two storey semi-detached dwelling in a built up area which comprises other modest semi-detached houses and bungalows. The rear of the appeal site is largely occupied by an existing pebble dashed garage. There are few trees or shrubs evident above the site boundaries, so there is little screening to the site. There are garages and outbuildings close to the rear boundary belonging to the bungalows predominating to the rear along Shannon Crescent and Kenville Grove.
5. No 28 has a steep pitched roof with front and rear dormers. The mast would have a metal pylon-style lattice framework set in concrete footings and a rotating boom with 'cobweb' aerials would operate at the top. Up to ten elements would be added to the aerial structure. It would be situated on the

- ground adjacent to the garage, roughly halfway along it. It would be folded down to a resting height of about 4m, roughly level with the first floor rear windows. When not in use it would be further lowered to about 1.8m height.
6. At a height of about 8.5m or 4m resting height, the large metal lattice structure would be readily visible from No 30 and the surrounding area. The relatively small distances and the projecting rear dormers would exacerbate the adverse impact of the mast and boom on No 30 because it would be situated in close proximity to the boundary with No 30. When in the resting position the mast and cobweb aerials would be close to the rear bedroom windows. The site location plan shows the relationship between the appeal site and the surrounding dwellings. The overall size and height of the mast and aerials would be dominant in views from the adjacent bungalows and surrounding rear gardens when fully extended or at resting height.
 7. However the appellant states that the development would not be harmful because during the daytime a condition could be imposed so that the mast would be kept at 1.8m high and extended only between sunset and sunrise. The appellant also suggests a condition restricting the cobweb aerial to 2.7m. At about 1.8m height the development would be largely hidden from view behind the dwelling, the garage and the boundary fences. However, although the height of the mast would be 1.8m at the lowest, it is not clear if the large cobweb aerials would be capable of being retractable or collapsible. The appellant refers to the fact that the antenna would still be visible above fence height at paragraph 26 of his appeal statement. The cobweb aerial is shown on the submitted plans partly above the rear fence line but the width is not illustrated. This indicates that the whole structure would not be at 1.8m or below.
 8. Consequently, I cannot be satisfied that a condition regarding keeping the mast in the lowered position during the daytime would address the overall visual impact of the aerials adequately. I cannot impose a condition if compliance would be unclear since amongst other things conditions must be necessary, enforceable and precise. Moreover, there are three different drawings of aerials on submitted Drawing 002. The appellant refers to a maximum boom length of over 5m. It is not clear from the drawings how these extra aerials would relate to one another or if they would increase the overall depth or massing of the cobweb aerial. This could increase the visual impact of the development when in the lowered position. Consequently I am not satisfied that conditions would regulate these issues adequately based on the information given in the appeal.
 9. The appellant suggests a condition restricting use to the hours of sunrise to sunset would address the impact of the mast when fully extended or at resting height. However, such hours would not be precise and enforceable –for example, sunset varies widely and can be as early as 3pm in winter. Having visited the site, I consider that even after sunset under garden lighting and street lighting the metallic shiny surface of the lattice mast and rotating cobweb aerials would still be likely to appear imposing. Consequently I consider that should No 30 and neighbouring residents wish to use their gardens, garages and outbuildings after sunset, a condition limiting the hours of operation as widely as sunset to sunrise would not necessarily overcome the visual impact of the development on the living conditions of residents satisfactorily.

10. I have also had regard to the previous application ref 16/1683/FUL. However I consider that it was materially different to this one insofar as it referred to a folded height of 4m and not lower. I appreciate that it was considered that some of the impacts of the previous application would be acceptable and that the appellant has tried to address matters arising from the previous application. However, in terms of determining this appeal on its merits, based on the evidence in this appeal I conclude the radio mast and rotating boom aerials would have an adverse effect on the living conditions of the occupiers of No 30 and neighbouring residents.
11. Consequently I conclude it would conflict with the aims of the National Planning Policy Framework to secure a good standard of amenity for all occupiers and protect the living conditions of local residents.

Character and Appearance

12. The top section of the lattice and the boom would be seen above the roof of the appeal site when fully extended as shown on the plan of the Proposed Front Elevation. The other TV aerials and receiving equipment in the vicinity are mainly modestly sized and attached to the chimneys. They have no moving parts. Furthermore the area is suburban and relatively close knit. I consider the mast and aerials would be conspicuous and dominant and would thereby have an unacceptable adverse impact in terms of character and appearance. A condition could mitigate the adverse impact of the development in this appeal but for the same reasons given above, I cannot impose one because the extent of the mast and the timings is unclear.
13. I conclude the development would conflict with Policy CS 3(8) of the Stockton on Tees Local Development Framework Core Strategy Development Plan Document and the Framework which together seek to secure high quality development appropriate to its surroundings.

Conclusion

14. I find the adverse impacts of the development would clearly and demonstrably outweigh the benefits of the appellant's private amateur radio hobby with regard to the Framework as a whole. There are no other considerations that would outweigh the harm identified. For the reasons given above I conclude that the appeal should be dismissed.

S Jones

INSPECTOR