

Appeal Decision

Site visit made on 1 June 2017

by Megan Thomas Barrister-at-Law

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

Decision date: 14th June 2017

Appeal Ref: APP/Y1945/D/17/3170286
5 Newlands Walk, Watford WD25 0NA

- 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 T Baldwin against the decision of Watford Borough Council.
 - The application Ref.16/01577/FUL, dated 15 November 2016, was refused by notice dated 25 January 2017.
 - The development proposed is the installation of a telescopic amateur radio mast.
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Decision

1. The appeal is allowed and planning permission is granted for the installation of a telescopic amateur radio mast at 5 Newlands Walk, Watford WD25 0NA in accordance with the terms of planning application Ref.16/01577/FUL, dated 15 November 2016, 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 development hereby permitted shall be carried out in strict compliance with the following approved plans: S001 (Location and site plans), E001 (Existing plans and elevations) and P001 (Proposed telescopic mast).
 - (3) The antenna(s) to be attached to the mast hereby permitted shall not exceed 3.4m in length and 2.7m in width.
 - (4) The mast hereby approved shall be removed within 8 weeks of it no longer being required for electronic communication purposes.
 - (5) The planning permission hereby granted shall be personal to Mr T Baldwin and shall not enure for the benefit of the land or any other person or body whatsoever. If after the development has commenced Mr T Baldwin ceases to be an occupier of the appeal site, the mast hereby permitted shall be removed from the site, if it has not already been removed pursuant to condition 4 above.
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Main Issues

2. The main issues in the appeal are the effect of the proposal on the character and appearance of the area and the effect on the living conditions of occupants of nearby dwellings with particular regard to overbearing effect.

Reasons

Character and appearance

3. Newlands Walk is a small cul-de-sac of 11 dwellings which is located on the north side of and adjacent to the A405 north orbital road and runs parallel to it. The appeal site is a semi-detached house with a small rear garden. To its rear runs another residential road, Trevellance Way.
4. Amateur radio communication is a hobby of the current occupier/appellant of the appeal site. The proposal involves the installation of a telescopic amateur radio mast which would be retractable and would be fixed to the rear wall of the rear extension at the appeal site. It would have a height of about 4m above ground when retracted and a height above ground of about 12m when fully extended. It is proposed that a variety of different antenna(s) may be mounted on the mast up to 3.4m long and 2.6m wide.
5. The proposed mast would be reasonably slender in appearance and would be extended with a hand-operated mechanism giving rise to very little noise. The antenna(s) that are commonly used by amateur radio operators generally have a flat horizontal profile. Occasionally an antenna is curved in shape. They are generally made of thin metal rods and are lightweight in appearance.
6. When the proposed mast was in its retracted position it would be unlikely to be seen from the public parts of Newlands Walk and it would, at best, be glimpsed from the public parts of Trevellance Way between the dwellings along that road.
7. The height of the proposed mast when in its non-retracted position would result in the antenna(s) being above the ridge line of the host dwelling and other nearby dwellings. However, that would be a similar height to other existing television aerials in the area which are very approximately 11 to 11.5m high. Even though the antenna(s) and part of the mast would be visible from the public realm, I do not consider that they would look unduly incongruous or industrial in this residential area where there are a number of visible television aerials attached to, for example, chimneys. The mast would be relatively thin and the antenna(s) would have a skeletal appearance, not unlike a television aerial. Whilst not common in residential areas it is not unusual for such structures to be seen occasionally as they are a necessary adjunct to a hobby activity that is carried out by many in their homes throughout the country.
8. It is possible to control the basic dimensions of the antenna(s) that would be attached to the mast by way of a condition attached and I have done so in the formal decision above.
9. In relation to the first issue, therefore, I conclude that the proposal would not result in harm to the character or appearance of the area and would not be in conflict with policy UD1 of the Watford Local Plan Core Strategy 2006-31 (adopted 2013).

Living conditions of nearby residents

10. The orientation of nearby Newlands Walk dwellings is generally away from the location of the proposed mast. However, nearby residents of Newlands Walk would be aware of the mast, whether retracted or not, when using their rear gardens. Similarly, residents of Trevellance Way, particularly those close to the rear garden of the appeal site, would have views of the mast and its antenna(s). When the mast was retracted those views would tend to be against the backdrop of the existing dwelling. The relatively insubstantial character of the proposed development and its similarity to domestic television-related structures leads me to conclude, however, that it would not create a sense of enclosure or oppressiveness for nearby residents. The separation distance from buildings in Trevellance Way would be very approximately 23m which I consider to be sufficient to prevent any loss of outlook or overbearing effect from this particular proposal.
11. There have been several objections to the development based on past and potential future interference with television signals to televisions in nearby dwellings. I have borne those in mind along with the advice in NPPF but I am not persuaded on the evidence submitted to me that the proposal would cause interference on a scale which would warrant refusal of planning permission. I have taken into account that installations of radio masts such as those operated by, or proposed in this appeal to be operated by, the appellant are periodically checked for electromagnetic compatibility (EMC) interference. I am satisfied that there are licensing controls on the possession and use of the proposed development.
12. Overall, I conclude that the proposal would not unduly harm the living conditions and residential amenity of nearby residents.

Conditions

13. The Council and the appellant suggested some conditions in the event that the appeal might succeed. I have considered those conditions in the light of advice in NPPG. I have attached a condition which requires the development to comply with the submitted plans, for the avoidance of doubt. I have also attached a condition requiring the mast to be removed if it is no longer required for electronic communication purposes as this is in accordance with advice in paragraph 43 of the NPPF and would protect visual amenity. The character and appearance of the area would also be protected by a restriction on the dimensions of the antenna(s) and this is the reason for that condition. Given that the proposed development is closely associated with the personal hobby of Mr Baldwin I consider that a condition making the development personal to his occupation of appeal site justified and necessary.
14. It is likely that the mast would only be in its extended position at times when it was in use which is intended to be largely at night. This is not controllable under a planning condition as I consider that such a condition would be extremely difficult to enforce. However, I do not consider such a condition is necessary on this occasion given my conclusion relating to lack of harm.

Conclusion

15. Having taken into account all representations made, for the reasons given above I allow the appeal and grant conditional planning permission.

Megan Thomas

INSPECTOR