
Appeal Decision

Site visit made on 15 November 2017

by Sarah Colebourne MA, MRTPI

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

Decision date: 30th November 2017

Appeal Ref: APP/F2415/W/17/3181264

34 Coales Gardens, Market Harborough, Leicestershire, LE16 7NY

- 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 Rivers against the decision of Harborough District Council.
 - The application Ref 17/00496/FUL, dated 27 March 2017, was refused by notice dated 14 June 2017.
 - The development proposed is erection of mast with rotatable amateur radio antenna.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are the effect of the proposed development on:-
 - the character and appearance of the area;
 - the living conditions of the neighbouring occupiers;

Reasons

3. The development plan includes policy CS11 in the Harborough District Core Strategy (CS). This seeks to ensure that development is of a scale that does not damage the character or amenity of the area and that the amenity of neighbouring occupiers is protected. It accords with national policy in the National Planning Policy Framework ('the Framework') which seeks to ensure that new development is visually attractive.

Character and appearance

4. The appeal property comprises a modern two storey detached house on a residential estate. The proposed mast would be sited in the centre of the rear elevation of the dwelling. The telescopic mast and antenna at its lower height of 7.1m would not be visible above the ridge height of the dwelling when seen from the street or public open space to the front of the property. When seen from a cul-de-sac to the side and rear of the property, it would be partly screened by existing trees. Whilst it may be possible to see it in this position from the junction with the cul-de-sac, it would not be prominent. Therefore in its lowered position, the proposal would not harm the character and appearance of the area.

5. In its extended position, the mast and antenna would project above the ridge by 2.25m. This would be clearly seen in the main approach from the lower end of Coales Gardens but given the curve in the road it would not be seen until in close proximity to the appeal site and its impact would be localised. However, from the public open space opposite the property, given the lack of screening and the high ground on which the property is sited, it would be seen against the skyline and would be unduly prominent. Although I noted at my visit numerous television aerials within the area, the width of the proposed antenna at 3.6m would be considerably greater than most of those as would its impact. It would, therefore, result in significant harm to the character and appearance of the area in its extended position.

Living conditions

6. At my visit, I saw that there are two dwellings to the rear of the property that have bedroom windows overlooking the appeal site. From there the proposal at its lowered height would be seen against the backdrop of the house and would not cause significant harm. Whilst it would not be visible from the windows of the adjacent dwellings at nos 32 and 36 Coales Gardens due to their siting and orientation, it would be clearly seen from their rear gardens. Although from the end of those gardens it would be seen against the backdrop of the house, from the side of the gardens it would be seen, in close proximity due to the tapering side boundaries, projecting 0.45m from the back wall of the house. Therefore by reason of its width and proximity it would be unduly dominant in the outlook from the gardens of nos 32 and 36 and would significantly harm the living conditions of those occupiers.
7. In the extended position, by reason of the proposed height and width, the impact on the neighbouring occupiers at nos 32 and 36 and to the rear would be even greater, causing further unacceptable harm to their outlook and living conditions. I have noted that the neighbour at no 32 has raised no objection but there could be a change of ownership in the future and planning policy seeks to protect the living conditions of future as well as existing occupiers.

Other matters

8. There has been some support for the proposal from other individuals and organisations with amateur radio interests. I have also noted that the appellant is an experienced, licensed amateur radio operator who does voluntary work with young people and that in some instances amateur radio operators have assisted the emergency services. However, I have insufficient compelling evidence to conclude that these matters are significant public benefits that would outweigh the harm identified in this case.

Conditions

9. The Council considered that a condition which sought to limit the raising of the mast to a maximum of two hours a week would not be enforceable. The appellant has suggested instead a condition limiting the use of the mast and antenna at its maximum height to a total of six weekends per year for periods of 48 hours and the Council would be notified in advance of the specific dates. For the year 2018 to 2022 those dates are in March, July, September and October. However, as the dates are between spring and autumn when neighbouring residents are most likely to want to spend time in their gardens,

the suggested condition would not reduce the impact sufficiently and would not overcome the harm I have identified.

Conclusion

10. For the reasons given above, I conclude that the proposed development would result in significant harm to both the character and appearance of the area and to the living conditions of the neighbouring occupiers at nos 32 and 36 Coales Gardens and to the rear of the appeal site. It would be contrary to the Council's policy CS11 and the development plan as a whole and there are no material considerations that justify determining the appeal otherwise. The appeal should be dismissed.

Sarah Colebourne

Inspector