
Appeal Decision

Site visit made on 17 December 2019

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 April 2020

Appeal Ref: APP/K3415/D/19/3237339

18 Curlew Close, Lichfield WS14 9UL

- 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 David Clift against the decision of Lichfield District Council.
 - The application Ref 19/00339/FUL, dated 3 March 2019, was refused by notice dated 6 September 2019.
 - The development proposed is retention of a 13.7m (45ft) Telescopic pole.
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Decision

1. The appeal is allowed and planning permission is granted for retention of a 13.7m (45ft) Telescopic pole at 18 Curlew Close, Lichfield WS14 9UL in accordance with application 19/00339/FUL, dated 3 March 2019, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan and Block/Site Plan; and the technical specifications e-mailed to the local planning authority on 14 March 2019.

Procedural Matter

2. I have used the description of the proposal from the Council's decision notice. It adequately and simply describes it instead of the much longer and detailed description given on the application form.
3. At the time of my site visit the scheme applied for was already in place. I have determined the appeal on that basis.

Main Issues

4. The main issues are the effect of the proposal upon the character and appearance of the area and the effect of the proposal upon the living conditions of nearby occupiers, with specific regard to outlook.

Reasons

5. The appeal site comprises a mid-terrace property located within a modern housing estate. The property has a U shaped garden that extends behind and to the side of No 16 Curlew Close and includes a detached garage. Generally, properties are set back from the road with landscaped buffers creating a sense of spaciousness. A number of properties neighbouring the site benefit from

detached garages, rear extensions and outbuildings which are visible from within the surrounding area.

6. The appellant has indicated that the telescopic pole extends to a maximum height of 13.7m (45ft) and could be retracted when not in use. The pole can be moved to three fixed positions within his garden area although the main location is behind the detached garage.
7. I acknowledge that there are no details of how frequently the pole is used or its height when retracted. However, whilst taller than the host property, when fully extended, the telescopic pole and supporting wires are slender and domestic in appearance. Taking its appearance into account and its position in the rear garden, behind the dwelling, the pole and supporting wires do not appear as an incongruous or intrusive structure from within the surrounding area. The pole is viewed against a backdrop of existing dwellings and associated paraphernalia and is largely screened by existing dwellings, boundary treatments and trees. This results in a development that does not unduly harm the character and appearance of the area.
8. Views of the pole and supporting wires are localised to the area around the dwelling and its immediate neighbours. Notwithstanding the overall height of the pole, when fully extended, the slender appearance of it means it is not a solid or dominant structure and it is possible to see past it. The development does not result in the loss of enjoyment of neighbouring gardens or significantly diminish or interrupt views from them. As such the development is not an overbearing structure and the living conditions of neighbouring occupiers are not harmed by it.
9. Consequently, I find that the development accords with Core Policy 3 and Policy BE1 of the Lichfield District Local Plan Strategy (2015) which, amongst other things, promotes development that carefully respects the character of the surrounding area and avoids disturbance to amenity.

Other Matters

10. I note the representations made in respect of the planning application. Reference has been made to the potential for the installation of a wind turbine on the pole. This is not before me as part of the appeal thus I am not in a position to comment on it or its potential impact with regard to noise.
11. Reference has been made that other masts have been refused in the area. I have not been made aware of the individual circumstances that led to them being refused. In any event every appeal must be considered on its own merits, which is what I have done, and give this aspect negligible weight in coming to my decision.
12. I have based my decision on the evidence before me and there is nothing to suggest that the pole is not located within the appellant's garden or that the information is ambiguous. There is no evidence before me to suggest that the development would adversely impact on health. The effect on property values is a matter which falls outside of what I consider in my decision.

Conclusion

13. For the reasons set out above the appeal is allowed.

B Thandi

INSPECTOR