



Appeal Decision

Site Visit made on 14 September 2021

by K A Taylor MSC URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 September 2021

Appeal Ref: APP/A2335/D/21/3278393

8 Crag Bank Crescent, Carnforth LA5 9EQ

- 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 Darren Owen against the decision of Lancaster City Council.
 - The application Ref 21/00155/FUL, dated 6 February 2021, was refused by notice dated 18 May 2021.
 - The development proposed is originally described as '*installation of a telescopic mast and amateur radio aerials within my site boundaries. The mast is fixed internally to my garage and formed of several sections of steel box section raised to full height via an electrically operated winch. A motor is mounted to the top of the mast (rotator) to allow the aerials to be rotated to a selected direction. The Aerials consist of a directional multi band High Frequency (HF) Beam and a combined Very High Frequency (VHF)/ Ultra High Frequency (UHF) vertical antenna*'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. A revised version of the National Planning Policy Framework (the Framework) was published on 20 July 2021. I have had regard to the Framework in my decision and I am satisfied that this has not prejudiced any party.
3. Notwithstanding the description of development set out above in the banner heading, which is taken from the application form, it is clear from the plans and accompanying details that the development comprises the installation of a telescopic mast and amateur radio aerials. For clarity, and that the Council dealt with the proposal on this basis, so shall I.
4. The telescopic mast and amateur radio aerials have been erected. I am therefore considering the appeal as retrospective.

Main Issue

5. The main issue is the effect of the proposal upon the character and appearance of the area.

Reasons

6. The appeal site is a semi-detached bungalow with a detached single-storey garage set back within the rear garden. The site is within a predominantly residential area, with a variation and mix of property types being both two-storey houses, single storey and one ½ storey bungalows. At present the

telescopic mast is sited on the garage roof and extends upwards with the appearance of an upturned umbrella '*hexbeam antenna*' above.

7. Although retractable, the antenna has a substantial diameter, and the mast protrudes a considerable height when fully raised above the garage. In considering the overall height of the structure and the garage itself, it would result in the structure being some 8metres from ground level. Even, in a lowered position when not in use this would still be excessively high, by some 5 metres from ground level.
8. Given that the mast and antenna is positioned at a high level on the roof of the garage, it is a prominent feature in the street scene, with views afforded from along both Crag Bank Crescent and Crag Bank Road. There are a number of trees to the northern boundary of the site. Due to the time of the year these were leafy but did not stop views being afforded of the overall structure from along Crag Bank Road between gaps in properties between No's 17, 19 and 19A. Whilst, once fully extended the mast and antenna would be well above the height of neighbouring bungalows in the vicinity of the site, and as I observed at the time of the site visit, the structure is visible from neighbouring garden areas.
9. As such, the mast and antenna due to the scale and siting appear as an alien feature, and incongruous structure within the street scene to the detriment of its residential character and appearance. Furthermore, the design and materials of the antenna does not respond well to the domestic characteristics of the area which is dominated by residential dwellings and limited domestic paraphernalia at similar heights.
10. The appellant has indicated that they would agree to a condition to minimise the visual impact, requiring the mast to remain in its retracted position during certain hours of the day. However, given the siting, position and height even when not fully extended it would still cause visual harm to the character and appearance of the immediate and wider area. I also consider that this would be difficult to enforce, open to exploitation, and in my view would not satisfy the tests as set out in paragraph 56 of the Framework.
11. For the reasons given above, I conclude that the proposal causes significant harm to the character and appearance of the area. It is contrary to Policy DM29 of A Local Plan for Lancaster District 2011-2031 Part Two: Review of the Development Management DPD, 2020. Amongst other things this policy requires new development to make a positive contribution to the surrounding landscape / townscape; contribute positively to the identity and character of the area through good design, having regard to local distinctiveness, appropriate siting, layout, palate of materials, separation distances, orientation and scale.
12. Moreover, it does not accord with Chapter 12 of the Framework in that it seeks the creation of high-quality, beautiful and sustainable buildings and places; good design is a key aspect of sustainable development. Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.

Other Matters

13. I acknowledge that the appellant is a keen fully licensed amateur radio operator, and that the proposal would be for personal use which helped them through the pandemic. I recognise that the mast and antenna need to be within that location at the appeal site, in regard to design, height and siting to allow the appellant to undertake his hobby, to avoid interference.
14. I have no substantive evidence that the proposal would be for the benefit of supporting the community or in helping to support emergency services during times of crisis. I have no evidence that the appellant's rights have been violated under the Human Rights Act 1998, for the Council to refuse the application, and I do not consider this argument to be well-founded.
15. The appellant may make use of permitted development rights to install alternative systems, but this would be likely to be significantly less harmful than the proposal before me due to its siting and height. I acknowledge the letter of support from RSGB, reference is made to Planning Policy Guidance 8, but this document was superseded by the Framework and the Council did not refuse the application on harm to living conditions, outlook or loss of view. However, these matters do not alter or outweigh my findings on the proposal before me, which I have considered on its individual merits.

Conclusion

16. The proposal conflicts with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding. Therefore, for the reasons given, the appeal should not succeed.

K A Taylor

INSPECTOR