



Appeal Decision

Site visit made on 11 April 2022

By Andre Pinto BA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23RD May 2022

Appeal Ref: APP/G1630/D/22/3294313

18 Two Hedges Road, Bishops Cleeve, CHELTENHAM, GL52 8DT

- 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 Matthew Carus against the decision of Tewkesbury Borough Council.
 - The application Ref 21/00666/FUL, dated 24 May 2021, was refused by notice dated 6 January 2022.
 - The development proposed is installation of a telescopic amateur radio mast on the rear elevation of the property.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have adopted the description of the development included in the Council's Decision Notice as it more accurately and succinctly describes the proposed works.

Main Issues

3. The main issues are the effect of the proposal on:
 - The living conditions of adjacent residents with particular regard to outlook and nuisance;
 - The character and appearance of the area.

Reasons

Living Conditions

4. The appeal site is a semi-detached residential dwelling which, as it is characteristic of Hedges Road, is slightly set back from the highway with a garden to the rear of the property. The rear garden of the appeal site backs directly onto the rear garden of 10a Deans Way and sits between the rear garden of No 16 and No 20 Two Hedges Road.
5. The proposal is for the installation of a telescopic amateur radio mast, in the rear garden of 18 Two Hedges Road that would have an overall height of 6.7 metres when retracted and 11.7 metres when extended. It is also proposed that a variety of different aerials may be installed on the mast at different times with no aerial having any part extend more than 3.5 metres horizontally

from the centre line of the mast or more than 2.5 metres vertically from the top of the mast.

6. According to the Applicant's Site Plan, the distance between the proposed mast and the appeal site's boundary with 16 Two Edges Road is 3.5 metres. This is also the maximum horizontal extension of any proposed aerial. Consequently, although I accept that no aerial would overhang the air space of any adjoining property, it could still, potentially, hang in very close proximity to 16 Two Edges Road.
7. Although I accept, judging from the photographic evidence provided as part of the Grounds for Appeal statement, that the proposed aerials are not particularly solid visually and therefore have limited potential to obstruct views or outlooks, its dimensions are significant and would potentially hang in very close proximity to neighbouring properties.
8. Consequently, I do find that the proposed development would form a visually intrusive feature and would be harmful to the living conditions of adjacent residents, particularly in relation to outlook and visual nuisance and, in that regard, the contrary to Policy SD4 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (2017), which states that new development should avoid or mitigate potential disturbances, including visual intrusion, Policy HOU8 of the Tewkesbury Borough Local Plan to 2011 (2006) and Policy RES10 of the Pre-Submission Tewkesbury Borough Local Plan 2011-2031 (2019) which both seeks to protect residential amenity, and the National Planning Policy Framework.

Character and Appearance

9. The appeal site is located in a reasonably dense residential area dominated by a predominance of one storey and two storey high detached and semi-detached houses, set in similar, relatively shallow plots. This succession of residential dwellings and associated domesticity, gives the area a consistency and a coherence which defines its character and appearance.
10. As it is common in many suburban residential areas, there is a multitude of domestic paraphernalia associated with its use, such as antennas and aerials, wooden-pole mounted overhead power lines and street lights. Although the visible presence of this type of paraphernalia is not a dominant feature of the surrounding area when viewed from the rear garden of the appeal site, there are still a number of aerials, associated with nearby dwellings, that remain clearly visible.
11. Although the mast itself of the present proposal would be reasonably slim, the potential inclusion of an aerial extending up to 3.5 metres horizontally from the centreline of the mast and 2.5 metres vertically from the top of the mast could have a significantly impact on the character and appearance of the area as, even when retracted, the aerial would still be visible from public land. Furthermore, although other aerials are visible from the appeal site, these appear to be smaller and less conspicuous than those proposed.
12. I accept the dimensions referenced above are the maximum allowed if planning permission were to be granted. I also accept that the proposed mast could be retracted when not in use, noting, at the same time, the concerns expressed by the Council in relation to the enforceability of such a condition and,

consequently, not supporting it. Nevertheless, even if I were to accept that such a condition would be enforceable, it remain a fact that the proposed mast, even when retracted, would still be visible from public land, particularly through the existing gap between No 18 and No 20 Two Hedges Road, although perhaps not so easily perceived from the public footpath when obscured by the existing dwelling, as set out in the Side Elevation (view North West) Mast Lowered drawing.

13. The proposed maximum dimensions of any attached aerals would then further compound its visual impact, which would result in a development that would be unduly conspicuous within the context of a suburban, relatively close knit, residential area.
14. Therefore I find that the proposed development would harm the character and appearance of the area and therefore, in that regard, be in conflict with the contrary to Policy SD4 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (2017), which states that new development should respond positively to, and respect the character of, the surrounding area, Policy HOU8 of the Tewkesbury Borough Local Plan to 2011 (2006) and Policy RES10 of the Pre-Submission Tewkesbury Borough Local Plan 2011-2031 (2019) which both seek to ensure proposals respect the character and appearance of surrounding development and the National Planning Policy Framework.

Other Matters

15. The Appellant has drawn my attention, in its Grounds for Appeal Statement, to not only other examples of masts and aerals that are similar to those proposed, but also to the fact that two letters of support were received in relation to this application and that a number of residents, including the two immediate neighbours, did not object to the proposed development.
16. I have been provided with evidence by the Council in relation to the comments received on this specific application and I note a letter from the Chairman of the Radio Society of Great Britain and another from Andy Eustace, full licence holder and a Radio Society of Great Britain assessor, both in support of the application.
17. In addition, I also note an objection by Mr James Elston who identifies himself as resident at 16 Two Hedges Road.
18. Although I accept the points raised by both letters of support, for the reasons stated above, I do find the proposal to have negative effect on the living conditions of nearby residents and the character and appearance of the area.

Conclusion

19. For the reasons given above, I conclude that the appeal should be dismissed.

Andre Pinto

INSPECTOR