



Appeal Decision

Site visit made on 20 September 2022

by James Blackwell LLB (Hons) PgDip

an Inspector appointed by the Secretary of State

Decision date: 26 September 2022

Appeal Ref: APP/Y3940/W/21/3289937

2 Chestnut Nepaul Road, Tidworth SP9 7EU

- 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 Robert Coleman against the decision of Wiltshire Council.
 - The application Ref PL/2021/03418, dated 5 May 2021, was refused by notice dated 9 July 2021.
 - The development proposed is the installation of an 11m retractable antenna support system (mast) and three antennas.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have used the Council's description of development as this more succinctly describes the proposal.
3. Since determination of the planning application, the 2019 iteration of the National Planning Policy Framework (Framework) has been superseded. I am satisfied that the updates to the Framework do not materially affect its content insofar as it is relevant to the main issues of this appeal. I have therefore determined this appeal with regard to the current version, published in July 2021.

Main Issues

4. The main issues are the effect of the proposal on the character and appearance of the area and on the living conditions of neighbouring occupiers.

Reasons

Character and Appearance

5. The appeal property is a modern detached dwelling which sits to the rear of a small terrace of dwellings along Nepaul Road. The property benefits from a separate detached garage to its south, and backs on to houses along Merrington Way to the east. The locality is distinctly residential in character, and is predominantly made up of two storey dwellings. This means the surrounding roofscape is broadly consistent in height.
6. The proposal would be sited in the rear garden to the appeal property, adjacent to the northern flank elevation of the garage. When the mast is retracted, its height would be roughly 3.4m. In this position, it would integrate reasonably

well within the context of the surrounding roofscape, which is punctuated by domestic aerals and satellite equipment.

7. Unfortunately, the impact would be materially different when the mast and associated antenna equipment are in operation, when its height would significantly increase (extending upwards to approximately 11m). At this height, the apparatus would sit significantly taller than the garage, protruding well above the roofscape of properties along the road. As a result, it would appear very prominent in the surrounding street scene.
8. When operative, some of the proposed antenna equipment affixed to the top of the mast would extend outwards. In this position, the mast would take on a distinctly industrial appearance, which would appear stark and alien in the residential context of the surrounding area. Due to the prominence of the mast, this juxtaposition with the prevailing residential nature of the area would be keenly felt throughout the surrounding streets, which would be visually disruptive to the area's character.
9. For these reasons, the development would harm the character and appearance of the area. It would conflict with Policy 57 of the Wiltshire Core Strategy (2015), which requires new development to respond positively to the townscape, through high quality design which is sympathetic to its immediate setting in terms of height, mass and scale. The development would also conflict with the overarching design objectives of the Framework.

Living Conditions

10. In terms of neighbouring properties, the mast would be readily visible from the garden of 1 Chestnut Nepaul Road, as well as internally from rooms along its frontage. Given the close proximity between the two, the substantial height and industrial appearance of the mast and associated antenna equipment would have an overbearing impact on the property, which would be harmful to the living conditions of its occupiers. This impact would also be felt within the rear gardens of dwellings along Nepaul Road to the west, and Merrington Way to the east, albeit to a lesser degree, given the greater levels of separation between the appeal dwelling and these properties.
11. For these reasons, the development would harm the living conditions of neighbouring occupiers. As above, it would conflict with Policy 57 of the Council's Core Strategy, which seeks to ensure new development safeguards an appropriate level of amenity for neighbouring occupiers. It would also conflict with the overarching amenity principles of the Framework.

Other Matters

12. I recognise the contribution that amateur radio can make to community life, particularly in terms of emergency communications. I also appreciate that the equipment is important to the appellant's wellbeing. Unfortunately, in this instance, these benefits would not be sufficient to outweigh the harm identified to the character and appearance of the area, nor to the living conditions of neighbouring occupiers.
13. Whilst it is alleged that the development has become lawful through the effluxion of time, any such lawful use would need to be established through a Lawful Development Certificate, which is separate and distinct from the planning application process.

14. I do acknowledge the examples of other radio masts within the area. However, there is no evidence before me to demonstrate that these examples are lawful. In any event, each application must be determined on its own merits, and these examples do not override nor justify the harm arising from the development.

Conclusion

15. The proposal would conflict 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 be dismissed.

James Blackwell

INSPECTOR