



Appeal Decision

Site visit made on 4 October 2022

by J D Clark BA (Hons) DpTRP MCD DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 October 2022

Appeal Ref: APP/Z2315/D/22/3305651

84 Low Bank, Burnley, Lancashire BB12 6PP

- 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 Bridge against the decision of Burnley Borough Council.
 - The application Ref HOU/2022/0241, dated 21 April 2022, was refused by notice dated 8 June 2022.
 - The development proposed is replacement of amateur radio antenna.
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Decision

1. The appeal is allowed and planning permission is granted for the replacement of an amateur radio antennae at 84 Low Bank, Burnley, Lancashire BB12 6PP in accordance with the terms of the application, Ref HOU/2022/0241, dated 21 April 2022, and the details submitted with it.

Preliminary Matters

2. The radio antenna has already been installed. It is attached to the roof of the garage at 84 Low Bank and so I was able to view it in situ on my site visit. No plans have been submitted with the appeal documents but photographs are included. In particular, the photograph identified as Photo 1. My decision is based on this submitted photograph and my observations on site.

Main Issue

3. The main issue is the effect of the radio antenna on the character and appearance of the area.

Reasons

4. The appeal site is a semi-detached house located at the end of a cul-de-sac in a residential area. The garage is set back from the front of the house and the radio antenna projects upwards above the ridge of the garage. I saw on my site visit that there are three masts visible on or around the garage. The proposal is referred to as being a replacement for earlier equipment and though there appears to have been some form of radio antenna previously, there is some disagreement about the details of this.
5. There are limited views of the radio antenna from the cul-de-sac although it is clearly visible from the footpath to the rear of the house¹. Although high, the radio antenna is not of a scale that causes undue harm to this residential area. Furthermore, although utilitarian in its design, it does not appear as an incongruous feature within the residential setting.

¹ Referred to as The Greenway or Padiham Greenway.

6. I therefore find that the proposal would not unduly harm the character or appearance of the area. As such, it would comply with Local Plan² policies SP5, HS5 and IC6 which seek to ensure that the development is of a high standard of design, respects its setting and that telecommunications apparatus minimise its impact on the visual amenity, character or appearance of the landscape/townscape. It would also accord with the objectives of the National Planning Policy Framework³ in relation to communications systems.

Other Matters

7. Other matters have been raised including a loss of privacy resulting from the radio antenna. However, I have no substantive evidence to support the view that the antenna intrudes on the privacy of the occupiers of neighbouring properties. I have considered all other matters raised but none alter my conclusion.

Conditions

8. The Council has suggested the standard time limit condition for commencement and a condition requiring the development to be carried out in accordance with the approved plans. However, the antenna has been erected and no plans have been submitted as such as the application includes only photographs of the installation already erected. These conditions are not therefore necessary.

Conclusion

9. For the reasons given above, having regard to the development plan as a whole and all other relevant material considerations, the appeal is allowed.

J D Clark

INSPECTOR

² Burnley's Local Plan July 2018, Adopted 31 July 2018.

³ Ministry of Housing, Communities and Local Government National Planning Policy Framework, 2021 (the Framework).