



Appeal Decision

Site visit made on 18 December 2017

by S Jones MA DipLP

an Inspector appointed by the Secretary of State

Decision date: 14th March 2018

Appeal Ref: APP/Y2736/W/17/3186316

54 Westlands, Pickering, North Yorkshire YO18 7HJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Philip Catterall against Ryedale District Council.
 - The application Ref 17/00482/HOUSE, is dated 10 March 2017.
 - The development proposed is To re-erect the same wind down mono-pole mast (with minor modification of the masthead unit and aerials) which received planning permission from the Local Planning Authority under reference 98/00085/FUL on 9 April 1998. The original development was completed in April 1998 but was dismantled in January 2000. It is now intended to re-erect the mast one metre further away from the western elevation of the property than the previous position. This is due to the building of a conservatory adjacent to where the mast was previously located.
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Decision

1. The appeal is allowed and planning permission is granted for erection of radio mast and aerials to the rear of the property at 54 Westlands, Pickering, North Yorkshire YO18 7HJ in accordance with the terms of the application, Ref 17/00482/HOUSE, dated 10 March 2017, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Buy A Plan Site Location Plan, Site Layout Plan, Revised Elevation Drawings dated 23 June 2017, Amended Plan for Shorter Mast View from South, Amended Plan for Shorter Mast View from West, Sight Lines on the East Side of 54 Westlands.
 - 3) The mast and antenna shall not exceed 12m in height. When not in operation the mast and two antenna which are the subject of this permission shall be maintained in the lowered position as indicated on the revised elevation drawings dated 23 June 2017.

Procedural Matter

2. Although the Council did not make a decision on the application under the statutory timescales, they have submitted evidence in response to the proposal for consideration in determining the appeal. The original plans submitted were superseded in June 2017 by amended plans which reduced the height of the mast to 9m lowered and 12m raised, and I have determined this appeal based on those plans.

Main Issues

3. The main issues are the effect of the proposed development on the character and appearance of the appeal property and the area, and on the living conditions of nearby residents with regard to disruption and health risks.

Reasons

Character and Appearance

4. The appeal property is a detached two storey dwelling in an area of mixed style dwellings including some bungalows. The appellant lived at the appeal property until 2000 and in 1998 obtained planning permissions 98/00812/FUL for a radio mast aerial 7.8m tall and 98/00085/FUL for a 12.2m radio mast and aerials. The appellant sold the property in 2000 and the mast was removed. The new owners purchased adjoining land and extended the garden area.
5. In 2016 the appellant repurchased the appeal property including the larger garden and wishes to erect a single radio mast with two aerials. When operative the mast and aerials would be 12m high but when lowered would be 9m high. The appellant supplied photographs showing the two original aerials at the appeal property in 1998 viewed from the street. These show the appeal property with a two aerials visible several metres above the roof. I noted at my site visit that by 2017 several properties in the vicinity have one or more large TV aerials or other such equipment and satellite disks visible in the streetscene.
6. The appellant's existing TV aerial projects about 2.5m above the roofline, and is 10m in height measured from ground level. The new mast would be behind the dwelling. When at full height it would be about 2m higher than existing aerials. The mast at full height would be noticeable and it would have a metallic utilitarian appearance. However it would have that in common with such structures in general. In the lowered position it would be largely at the same height or lower than other surrounding aerials and equipment. Viewed from the frontage at present the proposal would not have any adverse effect set amongst the current streetscene.
7. The rear of the property is set in large gardens with mature trees and shrubs. The gardens are larger since when the appellant last owned the property. The mast would run close to the downpipe and brickwork of the rear of the dwelling and the top section would be seen above the roof. It would be visible at 12m and at 9m in views towards the rear of the house and could predominate. However, as the development would be located towards the centre of the rear elevation, there would be a reasonable distance between it and the adjacent detached properties. From their rear gardens the mast and aerials would be visible, but I consider that because of the height restriction and the two aerials, its size and scale would not be excessively dominant because it consists of a series of relatively slim metal components that do not create a solid profile.
8. The nearest dwellings are large detached and sited some distance from the rear of the appeal site, and further separated by their own intervening gardens so that the mast and aerials even at 12m height would not have an adverse impact because of the distances involved and the mature trees and vegetation around the rear generally. It would be in the lowered position unless in use, and viewed amongst other aerials and receiving equipment. Pickering Town Council objected to the visual impact of the development. I appreciate that if

there were to be a proliferation of masts and aerials, or excessive height, this could become more dominant and unsightly. However due to the size, height and siting of the proposed radio mast and aerials, I consider that the visual impact of this mast and aerials would preserve the character and appearance of the appeal property and the surrounding area.

9. Pickering Castle is in a Conservation Area but lies a short distance away from the appeal property separated by several houses. It is raised on a hill above the town. I consider that at the height of the castle and distance involved the mast would be generally indistinguishable from general views, including surrounding TV and other receiving equipment. It would also be a relatively slim and permeable structure rather than having a solid profile. Consequently I am satisfied that views from or towards the castle would not be adversely affected by the radio mast.
10. On the basis set out above I consider that there would be no unacceptable adverse impact from the development on the character and appearance of the appeal property or the area. I conclude therefore it would not conflict with Policies SP16 and SP20 of the Ryedale District Council Ryedale Plan-Local Plan Strategy 2013 (LP), since these aim to secure appropriate development that respects its location.

Living Conditions of Residents

11. Policy SP20 of the LP refers to the amenity and safety of residents including risks to health. The Council advise that there is no proven link to harm arising from these activities. The radio mast is not a mobile phone installation and the radio equipment installed is only capable of about half the power that the appellant's Amateur Full Radio Licence permits him to use, thereby reducing the risk. It would also be situated at the recommended separation distance from other properties.
12. I have carefully considered the comments of residents regarding disturbance from the effect of radio activities on TV reception or other electrical interference. I can appreciate that there is a level of concern and disturbance arising from such incidents. With the exception of one incident of triggering a burglar alarm, it appears there is no evidence linking the radio activity to specific problems with local signal reception or electrical interference.
13. The appellant states that he uses the equipment hundreds of times in a year but there are few reports of interference or other incidents. On that basis there would not appear to be any direct correlation between his radio activity and domestic local incidents in general. If there were any interference, it would not be at a significant level because the evidence from objectors to the development refers only to occasional incidents. No questions have been raised of any other interference with national or commercial electrical equipment.
14. The radio activities are also under separate regulation by Ofcom, which would provide an added safeguard for residents with regard to any difficulties arising from the radio activities. Overall, I am satisfied that the proposal would not harm the living conditions of local residents.
15. I conclude that there would be no conflict with Policies SP16 and SP20 of the LP with regard to their aim to protect the living conditions and well-being of residents.

Other matters

16. I find, on the basis of the evidence before me, that the proposal would not have an adverse impact on local wildlife.

Conclusion

17. For the reasons given above I conclude that the appeal should be allowed, and planning permission should be granted for the development subject to conditions that are necessary in the interests of certainty and to minimise the impact of the development.

S Jones

INSPECTOR