
Appeal Decision

Site visit made on 9 March 2015

by Mr Keri Williams BA MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 23 March 2015

Appeal Ref: APP/V2635/D/14/2229737

Kamway, Stanhoe Road, Docking, Kings Lynn, Norfolk, PE31 8NJ

- 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 R Edmondson against the decision of the Borough Council of Kings Lynn and West Norfolk.
- The application Ref.14/00552/F, dated 10 April 2014, was refused by notice dated 14 July 2014.
- The development proposed is described in the application as "Variation to 10/00131/F – change of antennas. Variation to 10/01555/F – change amateur radio mast from static height to tilting version and also change antenna. Application to erect free standing amateur radio mast and replacement antenna approved under 10/01555/F."

Summary of Decision: The appeal succeeds with regard to Masts A and B but fails with regard to the proposed new free-standing mast.

Preliminary Matters

1. The description of development in the planning application refers to variations to previous permissions. Nevertheless, the proposal amounts to the erection of a free standing amateur radio mast and the replacement of antennae on two other masts. That accords with the Council's description of the development in its decision notice. The proposals for Mast B entail the replacement of the mast as well as replacement antennae.

Main Issue

2. The main issue is the effect on the living conditions of the occupiers of the neighbouring property, Ffolkes Barn, with regard to outlook.

The Proposed Development

3. The appeal site comprises the bungalow Kamway and its plot. There are currently two amateur radio masts on the site, both attached to an outbuilding in the rear garden. Mast A is attached to the southern end of the building and Mast B to the northern end. In addition to alterations to Masts A and B, a new, free-standing mast, Mast C, would be erected near the north-eastern end of the garden.
4. Mast A and its antenna currently extend to 12 metres in height when in use. When lowered and not in use the total height is 8 metres. The mast can be rotated. It is proposed to retain the 12 metre mast but to replace the antenna with two new ones, both fitted horizontally. They would be seen at right angles

to the mast. Antenna WIMO WY209 would be 5 metres long and 1.05 metres wide. WIMO WY7023 would be 4.2 metres long and 0.34 metres wide.

5. Mast B is a static mast with a fixed height of 5.5 metres. It would be replaced with a galvanised steel mast, which can be rotated, together with antenna SteppIR DB11. When in use the total height would be 10.7 metres and when not in use the height would be 7.1 metres. The antenna's longest element would be 5.97 metres and the maximum width would be 3.35 metres. It would comprise three joined loops and would be fitted horizontally, appearing at right angles to the mast.
6. The new mast, Mast C, would be of galvanised steel, with a fixed height of 9.5 metres. It would be in line with the other two masts. Its antenna, a Diamond X700HNA, would have a height of 7.3 metres. It would extend vertically from the mast, giving a total height of mast and antenna together of 16.8 metres. A hinge point, at 3.3 metres would allow the mast to be pivoted for maintenance.

The Effect on Outlook

7. Amongst other things policy CS08 of the Council's Core Strategy, 2011 requires that new development should enrich the attraction of the borough as a place to live. The core principles of the National Planning Policy Framework (the Framework) include securing a good standard of amenity for the occupiers of buildings.

Masts A and B

8. The replacement Mast B and the proposed antennae for Masts A and B would be in locations where masts and antennas are already installed. That follows planning permissions 10/01555/F and 10/00131/F, granted in 2010. The mast height for Mast A would not change, although the antennae would be more extensive. The new Mast B would be significantly higher than the existing mast when in use and the proposed antenna would be extensive. Notwithstanding the extent of the antennas proposed, photographs and drawings submitted by the appellant suggest that they are of an open, lightweight character and are comprised of slender elements, which is likely to reduce their prominence.
9. Ffolkes Barn is a dwelling to the east of the appeal site, with its rear garden running along the boundary with Kamway. The boundary between the properties is a few metres from Masts A and B. Although the garden of Ffolkes Barn is significantly lower than that of Kamway, there are trees along part of the boundary which would reduce views of the masts to some extent. Masts A and B are also reasonably well separated from the patio area immediately outside the rear windows of Ffolkes Barn. Concern has been expressed about the effect of the development on the boundary trees. However, no substantive evidence is submitted to show that works to the trees would be required which would be likely to have a detrimental effect on them. Taking all this into account I conclude that, while there would be some effect on outlook for the occupiers of Ffolkes Barn, the additional effect resulting from the changes to the masts and antennas would not be sufficient to be overbearing. It would not conflict with policy CS08 or the Framework.

Mast C

10. The new mast would be a little over 3 metres from the boundary with Ffolkes Barn. It would be a monopole structure with no horizontal antenna. I

appreciate the view taken in the Council's Planning Committee report that, notwithstanding its height, the slender form would be sufficient to avoid harm to outlook. However, unlike Masts A and B, there is no existing mast on this part of the site. As I set out above, the garden of Ffolkes Barn is at a lower level. This would add to the structure's apparent height which, with its antenna extended, would reach almost 17 metres. Moreover, the mast and antenna would be very prominent when seen from the south facing rear patio of Ffolkes Barn, an area which is likely to be important to the residential amenity of the occupiers. Seen from there, notwithstanding its monopole construction, the perception of the mast and antenna is likely to be one of a towering feature, resulting in an overbearing effect and in material harm to outlook. That effect would not be consistent with the Framework or with policy CS08.

Other Matters

11. Notwithstanding the concern of the occupiers of Ffolkes Barn there is no substantive evidence that material harm would result from noise. The site is within the Docking Conservation Area. Having regard to the extent and character of development over and above the existing masts and to the limited public viewpoints, the character and the appearance of the Conservation Area would be preserved. The value of the proposed masts and antennas to the efficiency and performance of the appellant's radio equipment is endorsed by the Radio Society of Great Britain. However, that consideration does not outweigh my conclusion on the effect of the proposed Mast C on outlook.

Conclusion

12. Having regard to the above and to all other matters raised the appeal should succeed with regard to Masts A and B but should fail in respect of Mast C.

Formal Decision

13. I allow the appeal in respect of Masts A and B and grant planning permission for the replacement of the antenna on Mast A and the replacement of Mast B and of its antenna at Kamway, Stanhoe Road, Docking, Kings Lynn, Norfolk, PE31 8NJ in accordance with the terms of the application Ref.14/00552/F, dated 10 April 2014 and the plans submitted with it and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan, Drawing no.1 dated 10 April 2014 and Drawing no.2 dated 10 April 2014.
14. I dismiss the appeal in respect of the erection of a new free-standing, self-supporting mast in the north-east corner of the site.

K Williams

INSPECTOR