

<u>APPLICATION NO:</u>	24/00113/FUL	<u>CASE OFFICER:</u>	Andrew Hunt
<u>WARD:</u>	Shevington	<u>PARISH:</u>	N/A
<u>LOCATION:</u>	89 Bearwood Road, Tower Hill, Kirkby, Knowsley, L33 2AF		
<u>PROPOSAL:</u>	RETROSPECTIVE APPLICATION FOR ANTENNA		

Site Description

The application site is a two storey detached dwelling in a relatively new residential area at Bearwood Road, Kirkby. There are dwellings to the north south, east and west of the site. The large majority of dwellings are two storey dwelling of consistent height interspersed with occasional 3 storey dwellings. There is a brook to the north east of the housing site with extensive open fields beyond.

Proposal

The proposal is a retrospective application for antenna. The mast would be 5.5 metres high when erected and 8.5 metres high when fully extended.

Consultations

N/A

Representations

This application has been publicised by letters sent to 6 neighbours. One objection has been received consisting of the following main points:

- The antenna is unpleasant to look at and causes interference with mobile phone signals and electronics.
- We are unable to make calls from half our house due to interference.
- No one was consulted before it was erected.
- It is problematic to sell our properties and it may cross over our boundary line.
- The structure makes noises when raised or lowered and during high winds.
- We have suffered from power problems since its installation.

Planning History

None Relevant

Relevant Policy

Paragraph 11 of the National Planning Policy Framework (NPPF) states that planning decisions should apply a presumption in favour of sustainable development. This

means approving development proposals that accord with an up-to-date development plan without delay; or where the development plan is absent, silent or out of date planning permission should be granted unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

Paragraph 12 of the NPPF clarifies that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan, permission should not normally be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

The development plan in Knowsley comprises the Saved Policies of the Replacement Unitary Development Plan, the Core Strategy Local Plan and the Joint Waste Local Plan. The following policies are relevant to the determination of this application.

KNOWSLEY LOCAL PLAN: CORE STRATEGY

CS2 - Development Principles

CS19 - Design Quality and Accessibility in New Development

SAVED POLICIES - KNOWSLEY REPLACEMENT UNITARY DEVELOPMENT PLAN (ADOPTED JUNE 2006)

ENV8 – Telecommunications

Article 35 Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason for the refusal, approval has not been possible.

Assessment

Planning Policy

Part 1 a) of Core Strategy Policy CS19 states that development within Knowsley will be expected to Respond to and integrate positive characteristics of immediate surroundings, including local materials, scale, mass, form, layout, alignment and density of the existing built environment;

NPPF para 135 c) requires that planning decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting and avoid unacceptable impacts on existing residents.

NPPF para 139 states that Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.

UDP Policy ENV8 states that telecommunications development will not be approved if the development would by reason of its scale, siting or design, have an unacceptable impact on the character or appearance of the surrounding area, or the amenity of nearby residents.

Character of Area

The character of the area is of a quiet suburban detached housing typical of a relatively new housing estate. There are no antenna or mast of similar scale in the immediate vicinity. The mast is a dominant and disproportionately large feature, that towers above all other dwellings when fully extended. Its height and width dominate neighbouring properties. It is a jarring, alien and incongruous feature, industrialising what was a quiet residential area. When fully extended, the mast is highly visible and prominent from all directions.

Overall, it is considered that the development would fail to match the character of the surrounding buildings or provide an attractive residential environment. Therefore, the development is contrary to Core Strategy Policy CS19, UDP Policy ENV8 and NPPF paras 135 and 139.

Neighbour Amenity

In relation to loss of light and privacy, there are no material impacts on neighbours. However, in relation to outlook, the mast is visible from several neighbouring properties and has an overbearing and looming presence when viewed from habitable rooms and rear gardens. It is directly visible from habitable room windows on dwellings at the rear (8,10 and 12, Hoylake Grove) and would also be in close proximity to 87 and 91. It would be a dominant and looming presence over the gardens of 87 and 91, which it would overshadow, causing loss of outlook. Overall, the large height and width of the proposed mast, combined with its proximity to neighbours, would cause significant harm to amenity from loss of outlook. Therefore, the development is contrary to Core Strategy Policy CS19, UDP Policy ENV8 and NPPF paras 135 and 139.

In relation to Noise impacts, when moved mechanically, the mast is relatively loud. However, the mast would be extended and retracted relatively infrequently and it takes only a short time. Overall, it is considered that whilst this does have some negative impacts on amenity, the level of harm is not significant enough to warrant refusal on its own.

Other Matters

In relation to inability to sell a property, this is not a material planning consideration that can be taken into account. In relation to interference, this is not a material planning consideration that can be taken into account and is dealt with under separate regulations.

Hours of Operation

An attempt was made to clarify the hours of operation of the mast with the applicant including on site where it was understood that hours were typical of a 9-5 weekday with occasional night time use. However, the applicant has differed from this in their email and stated use of 1 to 2 days per week. Given this, the precise hours of operation of the mast are uncertain, and given the mast is retractable, any limits would be difficult to enforce in practise. In addition, the applicant has provided only limited detail of why the mast is required or what the mast is used for, despite being given an opportunity to do so. Therefore, there is no clear justification provided by the applicant of what the mast is used for, why it has to be located at its present location and why it could not be located in a more suitable place.

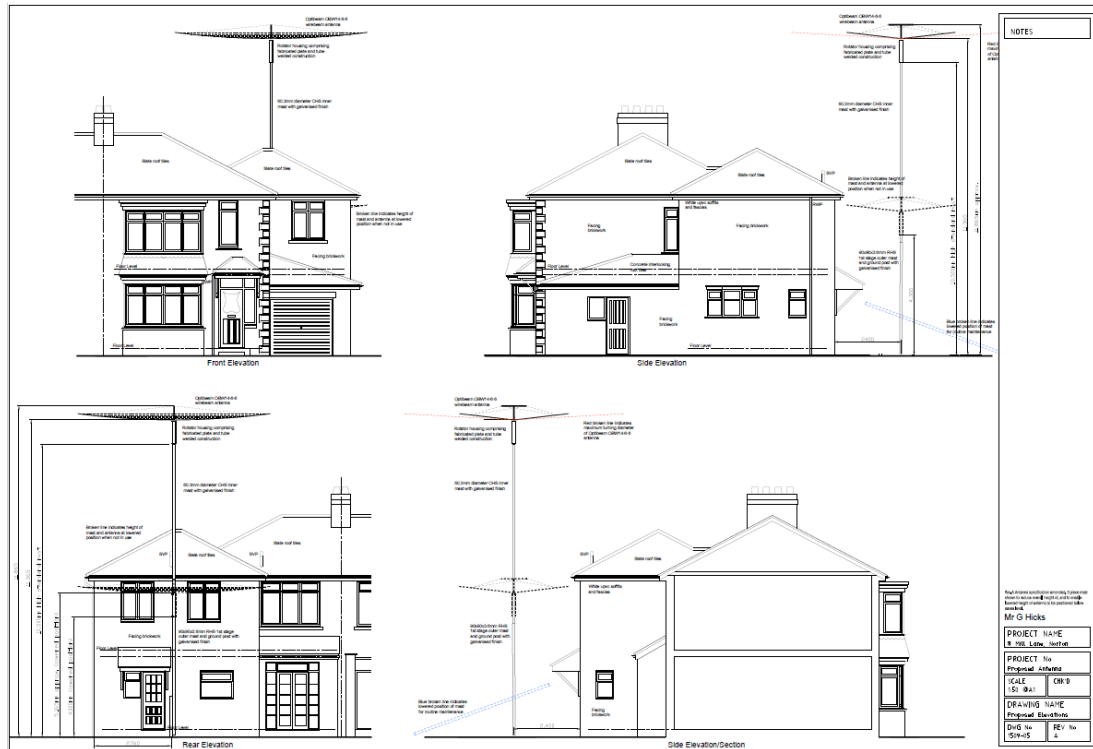
Other Appeals

Whilst there are relatively few examples of such masts in residential locations, the council's view has also been supported by other appeal decisions where similar masts have been dismissed at appeal.

Stockton Appeal Decision

A similar mast (slightly smaller in height and width) was dismissed at planning appeal (APP/H0738/D/16/3161569 8 Mill Lane, Norton TS20 1LG) on the grounds that it would harm the outlook of neighbouring properties.

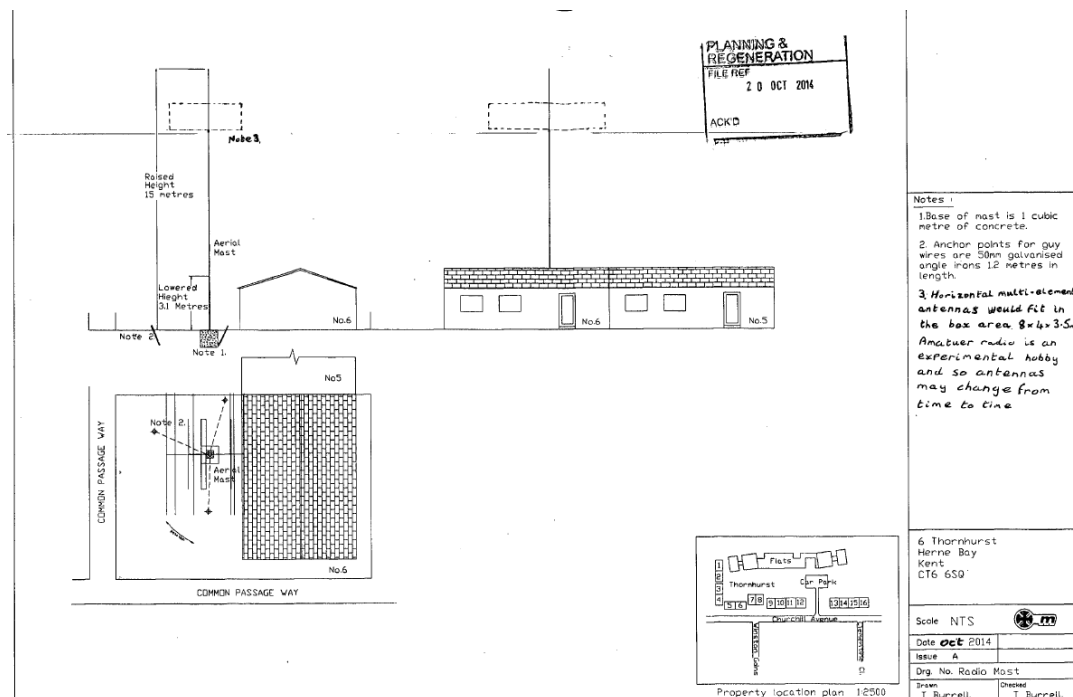
"7. The substantial length and width of the proposed radio antenna together with its significant 'parked' height, sited in such close proximity to the east and west boundaries of the appeal site, would result in a dominant and overbearing form of development. This would have an oppressive effect upon outlook from the rear habitable room windows and the already enclosed back gardens of adjacent residential properties at Nos 10 and 8a".



"Stockton Mast Proposed Elevations"

Canterbury Appeal Decision

Another similar mast was dismissed at planning appeal (APP/32210/D/15/3051141 - 6 Thornhurst, Churchill Avenue, Herne Bay, Kent, CT6 6SQ) on the grounds that it would harm the character of the area and the outlook of neighbouring properties.



"Canterbury Mast Proposed Elevations"

Conclusion

The proposal would cause significant harm to the character of the area and would cause significant harm to neighbour amenity through loss of outlook. The development is therefore contrary to policy.

Refusal

That Planning Permission be refused for the following reasons:

- 1) The size, scale, and location of the mast is significantly harmful to the character of the area due to it being an incongruous, dominant and disproportionate addition to the dwelling. The development is therefore contrary to Core Strategy Policies CS2 and CS19, Saved UDP Policy ENV8, NPPF para 135 and the Householder SPD.
- 2) The size, scale, and location of the mast would be significantly harmful to the amenity of neighbours through loss of outlook. The development is therefore contrary to Core Strategy Policies CS2 and CS19, Saved UDP Policy ENV8, NPPF para 135 and the Householder SPD.

Signed Case Officer¹:

Andrew Hunt

**Signed Authorising
Officer²:**

Date:

Informatives

N/A

1 I confirm that I do not have a personal relationship with the applicant, agent or other interested parties; I also confirm that I do not have a financial interest in the site or the development proposed

2 I confirm that I do not have a personal relationship with the applicant, agent or other interested parties; I also confirm that I do not have a financial interest in the site or the development proposed