

MC/13/0620

Date Received: 5 March, 2013

Location: 5 Lullingstone Close, Hempstead, Gillingham, ME7 3TS

Proposal: Retrospective application for the installation, within the rear garden of the property, of interchangeable aerials on existing 12m high retractable mast to a maximum height of 16m together with 2no. poles masts with vertical and horizontal aerials to a maximum height of 20m

Applicant: Mr Chipperfield

Agent:
Ward Hempstead & Wigmore

Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 8 January, 2014.

Recommendation - Refusal

- 1 The largest interchangeable mast/aerial combination, proposed for use on the existing retractable (ex-military) mast in the south western part of the garden, when installed on the mast and the mast is extended, appears as an imposing and alien feature in the residential street scene and this residential area. The proposal is contrary to policy BNE1 of the Medway Local Plan 2003 and the National Planning Policy Framework 2012.
- 2 From neighbouring gardens close to the ex-military mast, particularly that of 4 Lullingstone Close, the largest of the aerials, in combination with the mast, appears dominant and oppressive within the outlook from neighbouring properties. Any of the aerials being left on the ex-military mast, when the mast is semi or fully retracted, is imposing and dominant within the outlook from the neighbouring property 4 Lullingstone Close. The proposal is contrary to policy BNE2 of the Medway Local Plan 2003 and the National Planning Policy Framework 2012.

For the reasons for this recommendation for refusal please see Planning Appraisal Section and Conclusions at the end of this report.

Proposal

This is a retrospective application for the installation, within the rear garden of the property, of interchangeable aerials (onto an existing 12m high retractable mast) to a maximum height of 16m together with 2no. poles masts with vertical and horizontal

aerials to a maximum height of 20m.

The first proposed (rod) mast is attached to a pergola at the bottom of the garden. The mast extends to 10m in height and is retractable. From the top of the mast are strung a number of thin wires which run to the gutter of the house and other structures in the garden. These wires act as aerials.

The second proposed (rod) mast and aerial(s) are attached to a tree in the southeastern corner of the garden. The horizontal aerial is a single thin vertical type attached to the top of the mast. The total height of the mast/aerial(s) together is 12m. The mast is retractable.

The third mast within this garden is a large, solid metal structure (ex-military) with 4 splayed legs. This mast is situated in the south western area of the garden, close to the garden shed. The mast itself has been in place for over 4 years and is not part of this current application. In respect to this element the application relates to the installation of interchangeable aerials on the mast. This application proposes 3no. different aerials to be attached and used interchangeably on this mast. This mast extends at full height to about 12m. Of the 3 different aerials that are being applied for to be attached:

Option 1.- the first aerial is of a horizontal design with a central horizontal pole (1.6m length) and numerous parallel rods running across the central rod (0.4m length). The total height of the mast and this aerial is 15m;

Option 2 - the second aerial is again of a horizontal design with a central horizontal pole (2.5m length) and three parallel poles running across the central rod (3m length);

Option 3 - the third aerial is of a horizontal design with a central horizontal pole (3.5m length) and numerous parallel rods running across the central rod (1m width).

In the applicant's photographs it is also seen that there is a pole mast and aerials attached to the chimney of the main house which does not form part of this application and would seem to have been in situ for in excess of 4 years.

Representations

The application has been advertised by individual neighbour notification to the owners and occupiers of neighbouring properties.

Two letters of objection raise the following concerns:

- Some of the aerials used are excessively large for a domestic situation;
- The mast is often left extended to about 20ft and is rarely lowered;
- Health and safety issues about broadcasting;
- The broadcasting interferes with electrical equipment in neighbouring properties;
- There has been a gradual increase in the number and size of aerials at the property over the last 10 years;
- The large mast and aerials are not discrete;
- Use and appearance unsuitable for a residential area;
- Negative visual impact and setting a precedent;

- Not appropriate for a residential area.

'**Deputy Controller or Medway Raynet**' has written in support of the application explaining that the applicant is a member of Kent and Medway Raynet providing 'emergency radio communications at times when other communications have failed or to provide safety radio cover for charity events'.

A colleague from the local amateur radio club has written in support stating that the objections to the proposal received 'simply do not reflect my knowledge of the issues involved'. The letter goes on to offer the advice that 'amateur radio transmissions are mostly a few minutes in duration, and are normally on an occasional basis to one or two other people. They usually last for less than a typical phone call.'

1 letter has been received stating that the wire aerials are quite difficult to see and the retractable mast is only used occasionally.

All other matters raised in these letters are not material.

The applicant has supplied the following additional information :

- Generally the only changes made to the aerial layout is to the 'green' mast;
- Depending on the 'current activity' the green mast, mast in the tree and 'fishing rod' mast can be up together;
- The proposed conditions are 'unmonitorable and unreasonable';
- As part of RAYNET the equipment is at a key location to serve Medway and linking to other areas;
- Without the LPA taking up an invitation from County RAYNET controller to 'gain further insight into my role'...'that might be seen as not giving full consideration to this application';
- There are several other Radio Amateurs in Hempstead, some in areas of similar housing, with aerials that are not dissimilar, with conditions such as are being proposed and have seemed to have been accepted;
- I understand that planning decisions should not take into account interference, although they sometimes do;
- "The effectiveness and function of aerials are determined by the laws of physics. They are subject to physical variation according to the need of the moment."
- The retracted height of the green (ex-military) mast with an aerial [not identified which aerial] is 13'1";
- Health and Safety is not an issue with this form of apparatus;
- Insurance cover is in place;
- The applicant feels he has done all he can to resolve neighbours' concerns in regards to his apparatus and their operation but some neighbours are not receptive to his help;
- Some of the neighbours comments in relation to the history of aerials on the site is inaccurate;
- The landscaping in the site has been designed to hide most of the (retracted) mass of the green(ex-military) mast;

A full transcript of the various additional correspondences from the applicant will be made available to committee members prior to the planning committee.

Development Plan

The Development Plan for the area comprises the Medway Local Plan 2003. The policies referred to within this document and used in the processing of this application have been assessed against the National Planning Policy Framework, 2012 and are considered to conform.

Planning Appraisal

The main matters for consideration are:

- Design and appearance;
- Neighbours' amenities

Design and Appearance

In addition to the masts and aerials being applied for there is a further mast/aerial attached to the chimney of the house, which has been in place for a number of years and is therefore lawful.

The applicant has advised that at times the three masts can be up together but this is not necessarily always the case but depends on what activity is taking place. (It is understood from neighbours that these are not generally all used together.) If all of the aerials are raised at any one time, and especially for any extended period, then this would result in unacceptable visual clutter that is not appropriate for a residential area, in addition to the fixed aerial on the chimney of the property.

Two of the mast/aerial combinations (masts 1 and 2 - in the tree and attached to the pergola) are not as visually intrusive as the green (ex-military) mast and aerials but in combination these do create visual clutter. It is considered that when either of these lesser masts are not in use they should and could be fully retracted. However, the applicant has subsequently advised that the retraction and erection of the mast in the tree is not a straightforward matter when the tree is in leaf and after further consideration it is considered acceptable that this mast be left fully extended as its visual impact alone will be small.

In regard to mast 3 (ex-military mast), the mast itself is now exempt from planning permission due to the passage of time. However it is of a size that allows for the support of large aerials at a considerable height. When fully extended and with any of the proposed aerials in place the arrangement is very visible in this residential area from the street and from surrounding properties. The very large nature of some of the aerials this mast is able to support are of particular concern. The largest aerial in this application is about 3m by 2m in scale.

The neighbours also report that this mast is sometimes left for prolonged periods either fully extended or at 'half mast' and with the aerials left on the mast. (Although

the applicant has explained to the case officer that the mast 'slumps' over a few hours and will need 're-pumping' and states his practice is never to leave it at 'half-mast' for long periods.) Particularly when viewed from the garden of the adjacent property no. 4 Lullingstone Crescent, when at full extension, 'half mast' with an aerial attached on this mast, or even fully retracted but with an aerial left in situ, the apparatus appears dominant and oppressive. The landscaping does not overcome this sense of dominance or overbearing, from a feature that is not a 'normal' feature adjacent to a residential boundary fence.

The smaller two of the interchange aerials for mast 3 (Options 1 and 3) have a lesser visual impact and, subject to the mast being fully retracted, and these aerials being removed from the mast, when not in use, these two aerials are not of particular concern.

However, the largest of the aerials (Option 2) is not considered to be acceptable for a domestic situation as it is neither modest or in keeping with the residential street scene and character of the area.

The proposal is therefore contrary to the provisions of policy BNE1 of the Medway Local Plan 2003 and the National Planning Policy Framework 2012.

Amenities

The masts/aerials are not considered to result in harm to neighbours' amenities in terms of loss of privacy, daylight or overshadowing. However, the ex military mast and the aerials proposed for it, particularly options 2 and 3, are intrusive and harmful to the outlook of the occupiers of neighbouring property for the reasons set out above. This part of the application is therefore contrary to the provisions of policy BNE2 of the Medway Local Plan 2003.

In addition, it is not uncommon that the use of radio equipment in a residential area can cause interference to electrical equipment in neighbouring properties. In this case both numbers 6 and 4 Lullingstone Close have suffered interference from the operation of the radio equipment at the application property.

Initial interference that was occurring at no. 6 was resolved following the installation of a filter. The occupier of no.4 has also installed a filter recommended by the Radio and Television Investigation Service (RTIS) but this has not fully resolved the problems of interference experienced in the property, as observed by the planning case officer, post installation of the filter. While it is reasonable to have sympathy with the neighbour regarding the interference and it is a material planning consideration, the matter is most appropriately dealt with by the RTIS and the advice they give. In this respect the neighbour has advised he will be seeking advice from an expert assessor who he will appoint himself.

Local Finance Considerations

None relevant to this application.

Conclusions and Reasons for Refusal

The aerials used to connect to mast 3, particularly option 2, when installed on the ex-military mast and the mast is extended, appear as an imposing and alien feature in the residential street scene and this residential area. From neighbouring gardens close to this mast, particularly that of 4 Lullingstone Close, this combination of mast/aerial(s) appears dominant and oppressive within the outlook from their property and is considered to be harmful to the living condition of neighbours. The proposal is contrary to policies BNE1 and BNE2 of the Medway Local Plan 2003 and the National Planning Policy Framework.

The application would normally be determined under delegated powers but is being referred to Planning Committee for determination due to the extent of the representations received expressing a view contrary to the recommendation.

Background Papers

The relevant background papers relating to the individual applications comprise: the applications and all supporting documentation submitted therewith; and items identified in any Relevant History and Representations section within the report.

Any information referred to is available for inspection in the Planning Offices of Medway Council at Gun Wharf, Dock Road, Chatham ME4 4TR and here <http://planning.medway.gov.uk/dconline/AcolNetCGI.gov>