

Planning Committee 12th December 2023

APPLICATION NUMBER		23/01120/FUL	
SITE ADDRESS:		33 Rockside View, Matlock, Derbyshire, DE4 3GP	
DESCRIPTION OF DEVELOPMENT		Retention of 5m amateur radio aerial mast holding a rotator with 3m aerial mounting pole	
CASE OFFICER	Mr. G. A. Griffiths	APPLICANT	Peter Watts
PARISH	Matlock	AGENT	N/A
WARD MEMBERS	Cllr. M. Burfoot Cllr. S. Burfoot Cllr. S. Wain	DETERMINATION TARGET	18 th December 2023
REASON FOR DETERMINATION BY COMMITTEE	Requested by Ward Members	REASON FOR SITE VISIT (IF APPLICABLE)	To assess the impact of the development in the public and private domains given concerns raised by neighbours

MATERIAL PLANNING ISSUES

- Planning policy
- Impact on the character and appearance of the area
- Impact on neighbours' amenity

RECOMMENDATION

That the application be approved.

1. THE SITE AND SURROUNDINGS

- 1.1 The application property is a detached dwelling on Rockside View, which is set within a residential estate of other detached dwellings. The properties are set above other residential properties on the north side of Cavendish Road. To the south of Cavendish Road is the boundary of the Matlock Bank Conservation Area. The property is within the Settlement Boundary for Matlock.



2. DETAILS OF THE APPLICATION

- 2.1 Retrospective planning permission is sought for a 5m high radio aerial mast holding a rotator with a 3m aerial mounting pole amounting to a structure height of some 8m. The development cannot be considered as permitted development as the structure exceeds 3m in height. The mast itself has been purchased ready-made and is constructed out of 80mm steel box section with winches for tilting over.

- 2.2 The mast replaces a previous mast which was screened to a large extent by a tall hedge in views from Cavendish Road. The previous mast did not benefit from planning permission but would have likely be deemed lawful as it appears to have been in situ in excess of 4 years. The applicant advises that the former mast was installed in 2006 and held one aerial, with a second aerial added a couple of years later. The mast was replaced for a winch operated version with three aerials in 2021.
- 2.3 The applicant advises that the base for the mast was installed in 2006. At that time, a home built, manually tilted mast, using an 18ft aluminium scaffolding pole below the rotator, was used to support a beam and rotator and that configuration was in place until 2021 when he purchased a commercial unit with a winches to allow tilting and maintenance, which was becoming increasingly difficult to do manually. The applicant advises that, among amateur radio equipment, a 5m mast is the smallest configuration commercially available.
- 2.4 The applicant also advises that the property was purchased 25 years ago, on top of the hill, in order that he could partake in his hobby from a high location. It is also advised that, in July 2019, a wooden structure was replaced with an office building, where he works from and uses for hobbies; this was granted planning permission under ref: 19/00779/FUL. It is advised that, during a routine visit by the Building Regulations Inspector, it was recommended that the line of conifers be removed on account of the potential impact to the buildings foundations.

3. PLANNING POLICY AND LEGISLATIVE FRAMEWORK

3.1 Adopted Derbyshire Dales Local Plan (2017)

S1	Sustainable Development Principles
S2	Settlement Hierarchy
S3	Development within Defined Settlement Boundaries
PD1	Design and Place Making
PD2	Protecting the Historic Environment
PD9	Pollution Control and Unstable Land

3.2 National Planning Policy Framework

3.3 National Planning Practice Guidance

4. RELEVANT PLANNING HISTORY

19/00779/FUL Replacement shed/workshop in rear garden PER 23.08.2019

5. CONSULTATION RESPONSES

Town Council

- 5.1 - no objection.

6. REPRESENTATIONS RECEIVED

- 6.1 Two representations have been received (29 Rockside View and 31 Rockside View) which are summarised as follows:

- the mast is a replacement for one originally in place before the removal and development of a shed/office
- is at least 8 meters (26'3") high, with 3 large aerials (antennas) in the top section and a motor drive unit which enables the top aerials to rotate laterally

- a small pinnacle aerial is also fixed to the top and below this are numerous smaller aerals, together with spinning wind speed/direction devices
- is located near to the edge of a natural ridge which rises above the rear gardens of houses on Cavendish Road
- the mast has been an almost permanent feature and appears to be only lowered on rare occasions for alteration or to avoid severe storms
- believe the mast is taller than that previously in place and contains more aerial hardware than before
- mast was erected in 2021 without the necessary planning permission or any consideration to neighbours; certainly never gave any information or discussed the mast with anyone at my address
- erection of the mast followed the applicant clearing his garden for a revised layout with new buildings
- a high conifer hedge at the bottom of the garden, and a small tree on the east side were removed
- since first installation, more aerals and equipment have gradually been added to the mast and two further tapered pole antennas erected, approximately 8 and 6 meters in height, located west of the main mast which are not mentioned in the application
- applicant appears to work regularly from an office building located beside the mast - it is not known if any of the mast's equipment is for commercial use
- it has an overbearing, high visual impact, detrimental to the landscape and character of the area
- is an unnecessary and prominent clutter of galvanised steel poles which reflect in sunlight, spoiling what should be a reasonable south westerly outlook of the skyline and hillside opposite, when looking from the rear windows and garden of family home
- top half of the mast, bearing the large lateral aerals and other equipment, is not hidden from view, or camouflaged in any way and has a strong outline against the sky
- even the untidy cables hanging from it and draped across the garden are clearly visible - there is no question of any sympathetic design
- from a health and safety point of view, have no idea of the purpose or use of the aerals and other equipment on this mast - presumably radio waves are transmitted as well as received
- could there be an effect on our health, especially in the medium to long term?
- no details of any amateur radio licence, a requirement of which is to work with neighbours who could potentially experience interference
- no evidence has been mentioned or produced that transmissions from this mast do not interfere with existing household equipment
- regularly have issues with TV and smart meter losing signal
- note that the Planning Portal states a ground mounted antenna in a garden is allowed only up to 3 meters in height, obviously this installation far exceeds this (this is presumably considered appropriate and reasonable for a domestic dwelling and garden) and no more than two antennas on the property overall
- applicant already has a tv aerial and a satellite dish fixed to his house
- if installing the (allowed) two antennae, one is not more than 100 centimetres in any linear dimension and the other is not more than 60 centimetres in any linear dimension - the size of the 3 large aerals towards the top of the mast all exceed this and the largest aerial has a span given as 3.8 metres
- planning application box is ticked 'No' to the question '*Can the site be seen from a public road, public footpath, bridleway or other public land*' - this is incorrect as the mast is clearly visible from both Rockside View and Cavendish Road public roads
- have no problem with people pursuing their hobbies but this current installation does have a significant visual impact.

6.2 One representation has been received from a neighbour (35 Rockside View) advising of support for the application.

7. OFFICER APPRAISAL

Planning Policy

- 7.1 The principal matters for consideration are the impact of the mast on the character and appearance of this residential area, the amenity of neighbouring residents, and whether the operation of the equipment could lead to an impact on health. To this end, regard has to be given to what are deemed to be the relevant policies of the Adopted Derbyshire Dales Local Plan (2017) by which the proposals need to be assessed.
- 7.2 Policy S1 (Sustainable Development) of the Adopted Local Plan (2017) advises that development sustainable development will be achieved by seeking to secure developments which provide a high standard of amenity for all existing and future occupants of land and buildings and seeking to secure high quality, locally distinctive and inclusive design and layout in all development.
- 7.3 Policy S3 (Development within Defined Settlement Boundaries) advises that , planning permission will be granted for development where: a) the proposed development is of a scale, density, layout and design that is compatible with the character, appearance and amenity of the part of the settlement in which it would be located;
- 7.4 Policy PD1 (Design and Place Making) requires development to contribute positively to an area's character, history and identity in terms of scale, height, appearance, materials, and the relationship to adjacent buildings and landscape features. It also requires that that development achieves a satisfactory relationship to adjacent development and does not cause unacceptable effects by reason of visual intrusion or other adverse impacts on local character and amenity.
- 7.5 The Matlock Bank Conservation Area boundary is relatively nearby and, therefore, regard should be given to Policy PD2 (Protecting the Historic Environment) and to whether the development has any impacts on its setting. As there are often concerns with regard to transmissions from masts regard should also be given to PD9 (Pollution Control and Unstable Land) which advises that the District Council will protect people and the environment from unsafe, unhealthy and polluted environments.

Impact on the Character and Appearance of the Area

- 7.6 There is concern with regard to the impact that the replacement mast is having on the character and appearance of the area. It is advised that the previous mast was erected in 2006 without the benefit of planning permission, nor with it being deemed to be permitted development. Officers are not aware of having any objections raised with regard to the former mast, which should have prompted investigation. Over the passage of time, the former mast would have become immune from enforcement action, as it appears to have been in situ for a continuous period in excess of 4 years. Nevertheless, as the mast was replaced as recently as 2021, the current mast cannot be deemed to be lawful development.
- 7.7 Google Streetview shows that, in 2019, the upper part of the previous mast was visible above the former hedge in views between properties on Cavendish Road. It is advised that the hedge was removed at the time the applicant installed the shed/workshop, which was granted planning permission in 2019 (ref: 19/00779/FUL). In addition, the mast is visible between the applicant's dwellinghouse and 35 Rockside View and from the rear gardens and windows of neighbouring properties at Rockside View and Cavendish Road.
- 7.8 Research has been undertaken to establish the need for such a tall structure. It is found

that antennas that are clear from surrounding objects have a better chance of radiating as much power as possible in the required direction. Sometimes signals are blocked by objects and antennas are therefore constructed in order to get the signal over any obstacles. To this end, the previous mast appeared above the former hedge but, with this hedge now removed, and the mast being higher, it is clearly more open to view from the neighbouring properties on Cavendish Road. The mast is also visible to the residents of neighbouring properties on Rockside View; this would have evidently been the case with the previous mast given that this was not screened in the same manner that it was to Cavendish Road.

- 7.9 Given that the intervention of the hedge has now been removed, this raises the question as to why the mast now needs to be so high in order for the equipment to function effectively. To this end, the applicant has advised that the mast and antenna are at the lower end of the size spectrum for such installations.
- 7.10 With regard to the impact on the setting of the Conservation Area, it is considered that harm cannot be substantiated, given the view of the mast is a glimpse between dwellinghouses on from the opposite side of Cavendish Road. Nevertheless, regard has to be given to the actual harm of such a mast and antenna and whether this is so harmful that a recommendation of refusal could be justified. It is clearly a hobby of the applicant and a similar facility has been in situ for some 16 years without complaint. The applicant advises that it is the smallest mast that he can obtain. Considering all the above matters in the round, it is considered that the mast does not have such a significant impact on the amenity of local residents, nor in the public domain, that would otherwise justify a recommendation of refusal in terms of visual impact.
- 7.11 In addition, consideration has been given to appeal decisions with regard to such. An appeal was allowed for a similar shortwave amateur radio mast in Ilminster, Somerset (Appeal ref: APP/R3325/W/17/3169477) in 2017. The Inspector established that the main issues were the effect of the proposed mast and antenna on the character and appearance of the area and on neighbours' living conditions, particularly in relation to outlook. That application was also for the replacement of a previous mast that was a slim pole, of 9m in height, supported by guy wires and situated in the centre of the back garden of a terraced house. The proposed mast to replace it could reach 12.3m in height when fully extended with an 8m wide antenna atop.
- 7.12 Such a mast and antenna were not deemed an incongruous feature in the residential area by the Planning Inspector. It was not considered to significantly harm neighbours' living conditions, nor to seriously harm the outlook from their windows. However, conditions were attached that the rotary antenna would be lowered when not in use and that the mast and antenna approved would be dismantled and permanently removed from the site when it became redundant or not used in over a year.
- 7.13 It is appreciated that not all cases are the same, but the above appeal decision does give a guide as to what can be deemed acceptable. The applicant has advised that, in the manner in which he operates the installation, that it is in operation all the time and that he does not lower it; to this end it is not considered reasonable to attach such a condition. Nevertheless, it is considered reasonable to attach a condition, if planning permission is granted, that the mast be removed if no longer required or if it has not been used for a period of 12 months.
- 7.14 Concern has been raised that if permission is granted that this could allow similar masts to be provided that would serve to erode the character and appearance of the area. However, the masts are for a specific purpose, usually a hobby, and it is considered highly unlikely that the residential area would become awash with such structures.

Impact on Neighbours' Amenity

- 7.15 Research has been undertaken into the potential impacts of transmissions given the concerns raised. It is found that an antenna radiates energy in the form of an electric or magnetic field and that this is non-ionising radiation. Antennas are usually designed to send out the maximum signal power all round, or in a given direction. Simple vertical antennas radiate all of the power in a circular pattern around it. Most amateur radio operates at power levels many times lower than those required to cause any harmful physiological effect.
- 7.16 Amateur radios are designed to radiate limited, very low power levels in conjunction with a limited range of antennas, so there is no danger that these will form a hazard and little chance they will interfere with other services like broadband and television sets. If this is the case, as advised by one neighbour, it is considered that this is a matter which could be resolved between the neighbour and the operator in accordance with best practice advice that is given; it is not considered a reason in itself for justifying a reason for refusal, especially without the level of interference being clearly quantified or demonstrated.

Conclusion

- 7.17 There is clearly concern with regard to the impact that the mast and its attachments cause to the character and appearance of the area and the impact that the structure has on neighbouring residents from a visual perspective. It is also evident that the previous mast was likely to have been tolerated to a greater extent by reason of it being smaller in height, having fewer attachments and that it was previously largely screened by a substantial hedge from views from Cavendish Road. However, it is considered that the harm caused by the replacement mast cannot be deemed significant enough to justify a recommendation of refusal. Given the above, it is recommended that planning permission be granted with a condition requiring removal of the facility if it is no longer required to operate.

8. RECOMMENDATION

That planning permission be granted subject to the following conditions:

1. The mast shall be dismantled and permanently removed from the site when it becomes redundant or not used in over a year.

Reason:

The impact of the mast, albeit not significant, would nevertheless be no longer necessary and to comply with the aims of Policies S1, S3 and PD1 of the Adopted Derbyshire Dales Local Plan (2017).

NOTES TO APPLICANT:

1. The Local Planning Authority have during the consideration of this application engaged in a positive and proactive dialogue with the applicant which has resulted in the submission of further information by way of explaining the need for the height of the mast.
2. This decision notice relates to the following documents:

Site Location Plan 1:1250 received on 23rd October 2023

Block Plan 1:500 received on 23rd October 2023

Elevation and Floor Plan Drawings received on 23rd October 2023

Design and Access Statement received on 23rd October 2023

Photographs received on 23rd October 2023.