



# Appeal Decision

Site visit made on 6 June 2023

**by K L Robbie BA (Hons) DipTP MTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 28 June 2023**

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**Appeal Ref: APP/N1350/D/23/3318020**

**28 Neville Road, Darlington, Durham DL3 8HY**

- 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 Clive Davies against the decision of Darlington Borough Council.
  - The application Ref 22/01121/FUL, dated 7 October 2022, was refused by notice dated 5 January 2023.
  - The development proposed is provision of retractable telescopic radio mast at rear with removal of two existing radio masts (non-retractable).
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## Decision

1. The appeal is allowed, and planning permission is granted for the provision of retractable telescopic radio mast at rear with removal of two existing radio masts (non-retractable) at 28 Neville Road, Darlington, Durham DL3 8HY in accordance with the terms of the application, Ref 22/01121/FUL, dated 7 October 2022, and the plans submitted with it, subject to the conditions set out in the attached schedule.

## Preliminary Matter

2. During the course of the planning application the appellant submitted amended plans to the Council. The planning application was determined on the basis of these amended plans and therefore I shall determine the appeal on that basis.

## Main Issues

3. The main issues are the effect of the proposed development on the:
  - Character and appearance of the surrounding area; and
  - The living conditions of the occupiers of neighbouring properties with regard to outlook.

## Reasons

### *Character and Appearance*

4. The appeal property is a detached house situated within an established residential area. The property currently has two radio masts, one on the side elevation and one on the rear. Both are fixed in position with guy wires. It is agreed by both parties that the masts are lawful by virtue of the passage of time.
5. The existing masts are visible from Neville Road. Longer range views are restricted by the presence of street trees and established vegetation in surrounding gardens. The rear garden of the appeal property and surrounding

properties contain mature trees limiting views of the existing masts from properties on Elton Road behind.

6. The proposal involves the erection of a telescopic radio mast with large antennae on the rear elevation of the property. When in its fully extended position it would be approximately 5 metres higher than the ridge of the house. In its upright and retracted position, it would be approximately 1.9 metres above the ridge. However, it would be a relatively slim form, the bulk of which, due to its telescopic design would reduce as it gains height. The antennae element though wide would, due to its slender form have minimal mass, and would allow visibility between its various parts.
7. Although the proposed mast would be high when in its fully extended position, it would be retracted when not in use. In its retracted and upright position, its antennae would remain visible above the ridge of the appeal property. Even though the antennae and part of the mast would be visible from the public realm, I do not consider that, as a whole, it would look unduly incongruous or industrial in this residential area where there are a number of visible television aerials attached to, for example, chimneys. The mast would be relatively thin, and the antennae would have a skeletal appearance, not unlike a television aerial. Whilst not common in residential areas it is not unusual for such structures to be seen occasionally as they are a necessary adjunct to a hobby activity that is carried out by many in their homes throughout the country.
8. Accordingly, the proposal would not result in harm to the character or appearance of the area. It would therefore accord with Policy DC1 of the Darlington Local Plan 2022 (DLP) which seek to prevent the visual dominance of development, to ensure that development reflects the local environment, and that development responds positively to local context.

#### *Living Conditions*

9. Nearby residents of properties on Neville Road would be aware of the mast, whether retracted or not, when using their rear gardens or in the road. It would be visible from windows to the front of properties opposite. However, the relatively insubstantial form of the mast and its antennae, and its similarity to domestic television aerials leads me to conclude that it would not create a sense of enclosure or oppressiveness which would dominate the views or be overbearing for nearby residents. The separation distance from buildings in Elton Road would be very approximately 53m which I consider to be sufficient to prevent any loss of outlook or overbearing effect from this particular proposal. Neither would the structure be likely to cast significant shadows which would cause any undue loss of daylight or sunlight.
10. Whilst I acknowledge that the appearance of the structure may not be to everyone's taste, equally I do not consider that it would result in harm to their living conditions. I therefore conclude that the proposal would not unduly harm the living conditions with regard to the outlook, of nearby residents. Accordingly, the proposal would be in keeping with DLP Policy DC4 which seeks to protect the amenity of neighbouring residents.

#### **Other Matters**

11. Concern has been raised with regard to the television interference. However, concerns of this nature would need to be investigated by an alternative agency

and are not for my deliberations in this appeal. I have also considered the concerns raised regarding the safety of the structure. I have not been provided with any substantive evidence that the structure would pose any undue risks to neighbouring properties or that any necessary maintenance of the mast would cause noise which would not be otherwise normally acceptable and expected in a residential environment.

### **Conditions**

12. I have considered the Council's suggested conditions in the light of the tests in the National Planning Policy Framework and the advice in Planning Policy Guidance. I have attached a condition which requires the development to comply with the submitted plans, in the interests of certainty.
13. I have considered the Council's suggested condition that the mast be retracted when not in use. However, as the Council point out in their officer report, this would not pass the tests of enforceability, neither would it be necessary to make the proposal visually acceptable. Therefore, it would be unreasonable to impose such a condition.

### **Conclusion**

14. For the reasons given above, having considered the development plan when read as a whole and all other issues raised, I conclude that the appeal should be allowed subject to the conditions set out in the attached schedule.

*K L Robbie*

INSPECTOR

### **SCHEDULE OF 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: 001 Block Plan; 002 Existing Elevations; 003A Proposed Elevations: Fully Extended; 004A Proposed Elevations: Retracted; 005A Site Location Plan; 006A Proposed Front Elevations.
- 3) Prior to the installation of the retractable telescopic sliding radio mast hereby approved, the two existing non-retractable radio masts shall be removed from the dwelling.

**End of Schedule**