

PART A	
Report of: Head of Development Management	
Date of committee:	25th January 2017
Site address:	5 Newlands Walk
Reference Number:	16/01577/FUL
Description of Development:	Installation of a telescopic amateur radio mast.
Applicant:	Mr T Baldwin
Date Received:	16th November 2016
8 week date (minor):	11th January 2017 (extended by agreement to 27th January 2017)
Ward:	Woodside

1.0 Site and surroundings

- 1.1 Newlands Walk is a small cul-de-sac of 11 houses which is located on the north side of and adjacent to the A405 North Orbital Road and runs parallel to it. It is accessed from the North Orbital Road via a left-in, left-out junction which also serves Trevellance Way. To the east are 2 blocks of flats, The Gables and Dean Court, and beyond that the junction with Horseshoe Lane.
- 1.2 The houses on Newlands Walk are semi-detached, with the sole exception of no.11 which is detached. All are typical of the houses built in the inter-war period, incorporating hipped roofs and bay windows. To the rear, Trevellance Way comprises 2 storey maisonettes in a white painted render.

2.0 Proposed development

- 2.1 The installation of a telescopic amateur radio mast on the rear elevation of the single storey rear extension of the property. The mast will have a height of 4m above ground when retracted and 12m above ground when fully extended. It is proposed that a variety of different aerials may be mounted on the mast up to 3.4m long and 2.6m wide. It is common practice for this hobby that different aerials are used for different purposes and for experimentation. It is stated that the mast will only be extended at times when it is in use and that this will largely be at night.
- 2.2 Comments from surrounding residents indicate the mast has previously been

installed and used by the applicant although the use has now ceased following advice from the Council's Planning Enforcement team.

3.0 Relevant planning history

- 3.1 There is no planning history of relevance to the current application.
- 3.2 The applicant has referred to a similar installation at 8, Evans Avenue in the Borough which was allowed on appeal in 1996 and is still in use as a reference.

4.0 Planning policies

4.1 Development plan

In accordance with s.38 of the Planning and Compulsory Purchase Act 2004, the Development Plan for Watford comprises:

- (a) *Watford Local Plan Core Strategy 2006-31*;
- (b) the continuing "saved" policies of the *Watford District Plan 2000*;
- (c) the *Hertfordshire Waste Core Strategy and Development Management Policies Document 2011-2026*; and
- (d) the *Hertfordshire Minerals Local Plan Review 2002-2016*.

- 4.2 The *Watford Local Plan Core Strategy 2006-31* was adopted in January 2013. The *Core Strategy* policies, together with the "saved policies" of the *Watford District Plan 2000* (adopted December 2003), constitute the "development plan" policies which, together with any relevant policies from the County Council's *Waste Core Strategy* and the *Minerals Local Plan*, must be afforded considerable weight in decision making on planning applications. The following policies are relevant to this application.

4.3 Watford Local Plan Core Strategy 2006-31

UD1 Delivering High Quality Design

4.4 Watford District Plan 2000

No relevant policies.

4.5 Hertfordshire Waste Core Strategy and Development Management Policies Document 2011-2026

No relevant policies.

4.6 Hertfordshire Minerals Local Plan Review 2002-2016

No relevant policies.

4.7 **Supplementary Planning Documents**

The following Supplementary Planning Documents are relevant to the determination of this application, and must be taken into account as a material planning consideration.

4.8 *Watford Character of Area Study*

The Watford Character of Area Study was adopted in December 2011. It is a spatial study of the Borough based on broad historical character types. The study sets out the characteristics of each individual character area in the Borough, including green spaces. It is capable of constituting a material consideration in the determination of relevant planning applications.

4.9 **National Planning Policy Framework**

The National Planning Policy Framework sets out the Government's planning policies for England. The following provisions are relevant to the determination of this application, and must be taken into account as a material planning consideration:

Achieving sustainable development

The presumption in favour of sustainable development

Core planning principles

Section 7 Requiring good design

Decision taking

5.0 **Consultations**

5.1 **Neighbour consultations**

Letters were sent to 31 properties in Newlands Walk and Trevellance Way.

5.2 The following is a summary of the representations that have been received:

Number of original notifications:	31
Number of objections:	4
Number in support:	0
Number of representations:	4

The points that have been raised are summarised and considered in the table below.

Representations	Officer's response
Interference with TV signals.	Licences for amateur radio operation are granted by OfCom who are also responsible for ensuring equipment is periodically checked for EMC interference. Any interference to signals from a licenced radio operator should be reported to OfCom. As there is a separate licensing regime it is not appropriate for the planning system to seek to duplicate this control.
Potential noise when the mast is raised.	As the mast is raised and lowered manually, and takes only a short period of time, any noise is likely to be insignificant.
No guarantee mast will only be used at night and no set limit to the time the mast can be raised.	The Council would not be able to control the time or length of use.
Will appear as an intrusive and incongruous feature in the street scene.	See discussion in paragraph 6.2.
Will appear as an eyesore from adjoining properties.	See discussion in paragraph 6.3.

In addition to these letters, a petition has also been received signed by 14 persons. The petition accompanied one of the letters of objection and is merely referenced as 'Protest against planning application reference no. 16/01577/FUL for the installation of a telescopic amateur radio mast at 5, Newlands Walk'.

5.3 **Statutory publicity**

No statutory advertisement was required for this application.

5.4 **Technical consultations**

No technical consultations were necessary in respect of this application.

6.0 **Appraisal**

6.1 **Main issues**

The main issues to be considered in the determination of this application are:

- (a) Impact on the character and appearance of the area.
- (b) Impact on the amenities of surrounding residents.

6.2 (a) Impact on the character and appearance of the area

There are no planning policies specifically relating to amateur radio masts at a national or local level. However, national planning policy in the NPPF relating to telecommunications development does not exclude masts and other structures supporting antennas from residential areas. Indeed, it is now common for residential areas to support telecommunications masts up to 15m in height. In Watford, masts within residential areas are generally 10-12m in height and of a slender monopole design.

6.2.1 It is also common for most residential properties to support TV aerials on chimneys and satellite dishes and this is the case for properties in Newlands Walk and Trevellance Way. Existing TV aerials are approximately 11-11.5m high.

6.2.2 The height of the mast will take the antennas above the ridge line of the houses (at 8.7m) and to a similar height as the existing TV aerials. The proposed antennas that are commonly used by amateur radio operators vary in size up to 3.4m by 2.6m and generally have a flat, horizontal profile. Occasionally curved antennas are used. In all cases, these are made of thin metal rods in the same way as TV aerials.

6.2.3 The slender nature of the mast will ensure that it will not appear unduly prominent or visually intrusive when in its raised position. The proposed antennas are generally larger than a normal TV aerial but will be thin and lightweight in appearance and will only be visible from the public realm when the mast is raised. Along the southern side of Newlands Walk, where it adjoins the North Orbital Road, is a line of trees that screen the houses from view.

6.2.4 For comparison, there is an existing amateur radio operator at 8, Evans Avenue in Leavesden Green, who operates 2 masts (granted on appeal in 1996). These are clearly visible from Evans Avenue and Clarke Way but are not considered to have any significant adverse impact on the character and appearance of the area.

6.2.5 Overall, having regard to the nature of the proposal, comprising a single, slender mast which is retractable, the type and size of antennas proposed to be used, and the presence of the line of trees along the southern side of Newlands Walk, it is not considered that the proposed mast will have any significant, adverse impact on the character and appearance of the area.

6.3 (b) Impact on the amenities of surrounding residents

The proposed mast and antennas will be visible from adjoining properties in Newlands Walk and from the maisonettes in Trevellance Way to the rear. It will have no adverse impact on natural light or privacy to these properties. In terms of outlook, the mast and antennas will be visible from the windows of adjoining

properties, particularly those in Trevellance Way which directly face the rear elevation of the application property. The distance between the rear windows and the mast is 21m. However, whilst being visible, it will not affect outlook directly but will affect the view. When the mast is raised, direct horizontal views from ground and first floor windows are unlikely to be affected. When the mast is in the lowered position, the antennas will be seen against the rear elevation of the house. The mast and antennas will also be seen in views from adjoining gardens towards the application property. Whilst the mast and antennas are larger than the aerials normally visible from residential properties, it is not considered that the proposal would have any significant adverse impact on the amenity of adjoining properties.

7.0 Community Infrastructure Levy and planning obligation

7.1 Community Infrastructure Levy (CIL)

The Council introduced the Community Infrastructure Levy (CIL) with effect from 1 April 2015. The CIL charge covers a wide range of infrastructure as set out in the Council's Regulation 123 list, including highways and transport improvements, education provision, youth facilities, childcare facilities, children's play space, adult care services, open space and sports facilities. CIL is chargeable on the relevant net additional floorspace created by the development. The charge is non-negotiable and is calculated at the time that planning permission is granted. Liability to CIL does not arise in the case of this development.

7.2 S.106 planning obligation

The Council introduced the Community Infrastructure Levy (CIL) with effect from 1 April 2015. On and from this date, s.106 planning obligations can only be used to secure affordable housing provision and other site specific requirements, such as the removal of entitlement to parking permits in Controlled Parking Zones and the provision of fire hydrants. There is no requirement for a planning obligation in this case.

8.0 CONCLUSION

8.1 The proposed mast and antennas are associated with an amateur radio hobby. Although larger than the TV aerials normally seen on residential properties, the mast is slender and the antennas of a thin and lightweight design, similar to TV aerials. The mast is retractable to a height of 4m when not in use. Overall, it is not considered that the proposal would have any significant adverse impact on the character and appearance of the area or on the amenities of adjoining residential properties.

9.0 Human Rights implications

9.1 The Local Planning Authority is justified in interfering with the applicant's human rights in order to alleviate any adverse effect on adjoining properties and their occupiers and on general public amenity. With regard to any infringement of third party human rights, these are not considered to be of such a nature and degree as to override the human rights of the applicant and therefore warrant refusal of planning permission.

10.0 Recommendation

That planning permission be granted subject to the following conditions:

1. The development to which this permission relates shall be begun within a period of three years commencing on the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved drawings:-

S001, E001, P001

Reason: For the avoidance of doubt and in the interests of proper planning.

3. The antennas to be attached to the mast shall not exceed 3.4m in length and 2.7m in width.

Reason: To minimise the visual impact of the antennas on the character and appearance of the area and the views from adjoining properties.

4. The mast and antenna/s hereby approved shall be removed as soon as reasonably practicable after it is no longer required for electronic communications purposes.

Reason: To ensure the visual impact of the mast and antenna on the surrounding area is removed at the point that the equipment is no longer required and to keep the amount of telecommunications equipment to a minimum in accordance with Policy UD1 of the Watford Local Plan Core

Strategy 2006-31 and paragraph 43 of the National Planning Policy Framework.

Drawing numbers

S001, E001, P001

Case Officer: Paul Baxter

Email: paul.baxter@watford.gov.uk

Tel: 01923 278284