

Delegated Report

Planning Reference 26/00508/FUL
Applicant Mr Anthony Holles
Ward Burbage, St. Catherines and Lash Hill



Application Site 20 Sapcote Road, Burbage

Proposal Erection of a tilt-over amateur radio antenna, 6 metres high, standing on a reinforced 1 meter square concrete base (retrospective)

Case Officer Sullivan Archer (Senior Planning Officer)

1. Recommendations

- 1.1. **Grant planning permission** subject to planning conditions detailed at the end of this Report.

2. Planning Application Description

- 2.1. This planning application seeks full planning permission for the provision of a tilt-over amateur radio antenna that would be six metres in height and positioned on a reinforced one-square metre concrete base within the rear garden of 20 Sapcote Road, Burbage. The proposal would feature a G3TXQ six-band hex beam antenna, which would have a total width of six and a half metres. The development would be solely used for the private use of the Applicant for communication purposes with other amateur radio operators.
- 2.2. This is a retrospective application following enforcement case 26/00118/UNHOUS, and the Application Form states that the works were completed by 14 May 2023. The existing antenna is currently eight metres in height, which is proposed to be reduced to six metres as part this application.

3. Description of the Site and the Surrounding Area

- 3.1 The application site is located on the southern side of Sapcote Road to the east of, but within the settlement boundaries of, Burbage. The application site comprises a two-storey semi-detached dwelling, which is sited slightly higher than the public highway, and the property is constructed with a hipped concrete tiled roof and a red brick finish.

- 3.2 The site is wholly surrounded by residential properties and the southern side of Sapcote Road is predominantly characterised by two-storey semi-detached dwellings. Due to the variety of styles and designs of properties in the surrounding area, Sapcote Road is not considered to have a discernible unique character.

4. Relevant Planning History

- 4.1 There is no relevant planning history within this application site that would be applicable to the current development proposals.

5. Publicity

- 5.1 The application has been publicised by sending out letters to local residents. In total, four neighbours have objected to the development proposal. A summary of the concerns raised include harm to the character of the area, harm to neighbouring residential amenity including through poor visual outlook and loss of privacy, and safety concerns. No further responses have been received.

6. Consultation

- 6.1 No objections have been received from the Council's Environmental Health Department or Burbage Parish Council. No further responses have been received.

7. Policy

- 7.1 Core Strategy (2009):

- Policy 2: Development in Burbage

- 7.2 Site Allocations and Development Management Policies Development Plan Document ('SADMP') (2016):

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM7: Preventing Pollution and Flooding
- Policy DM10: Development and Design

- 7.3 Burbage Neighbourhood Plan 2015 – 2026 ('BNP') (2021):

- Policy 1: Settlement Boundary
- Policy 2: Design and Layout

7.4 National Planning Policies and Guidance:

- National Planning Policy Framework ('NPPF') (2026)
- National Design Guide ('NDG') (2019)
- Planning Practice Guidance ('PPG')

7.5 Other Relevant Local Authority Guidance:

- The Council's Good Design Guide ('GDG') (2020)

8. Appraisal

8.1 Microwave antennas within the curtilage of a dwellinghouse can represent Permitted Development under Class H of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) ('GPDO'). However, development is not permitted by Class H if a single antenna exceeds 1 metre in length in any linear direction and has a cubic capacity in excess of 35 litres. As such, by virtue of the size and scale of the development, the proposal would not be considered to benefit from Permitted Development.

8.2 Notwithstanding this, the proposal is located within the settlement of Burbage. In accordance with NPPF Policy S4, the development should therefore be approved unless the benefits of doing so would be substantially outweighed by any adverse effects, when assessed against the national decision-making policies in the Framework.

8.3 The key issues in respect of this application would therefore be:

- Design and impact upon the character of the area
- Impact upon residential amenity

Design and Impact upon the Character of the Area

8.4 NPPF Policy DP3(1) confirms that development proposals should respond to their context (the history, character and features of their site and its setting), so that they integrate with and enhance their surroundings.

8.5 Policy DM10(c) of the SADMP states that developments will be permitted where they complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features. Policy 2 of the BNP requires residential development to respect its surroundings.

- 8.6 Due to the size of the structure and the proposed antenna design, the scheme would be visible from public views in the immediate vicinity of the site along Sapcote Road to the north of the site, and minor views of the site could be achieved from the end of Hinckley Road to the west of the site.
- 8.7 To justify the height of the development the Applicant has provided information from the manufacturer of the antenna, which confirms that the antenna should be six metres above ground to work efficiently. The Applicant has also submitted evidence from the Radio Society of Great Britain's Electromagnetic Field ('EMF') Zone Calculator, which identifies that a six-metre-high structure would require a ground level separation of 5 metres and a vertical separation of 4.2 metres above a 1.8 metre head height to comply with International Commission on Non-Ionizing Radiation Protection ('ICNRP') 2020 limits.
- 8.8 Whilst the structure would be six metres in height, the antenna's centre post stand would only be 0.6 metres in width, and although the antenna itself would be 6.5 metres in width, this size would only comprise eight wires connected between six fibreglass arms.
- 8.9 Ultimately, although the proposal is unusual, its proposed size, scale, height, and width would not be considered to result in any significant harm to the character of the surrounding area. Given the private use of the scheme, a planning condition could further reduce the impact of the development by ensuring that the structure is removed once the Applicant no longer requires it for their personal and private use.
- 8.10 By virtue of the above factors, the proposal would be considered to accord with NPPF Policy DP3, Policy DM10 of the SADMP and Policy 2 of the BNP in these site-specific circumstances.

Impact upon Residential Amenity

- 8.11 NPPF Policy P3 states that development proposals should be appropriate for their location, taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, whether these effects are on or off-site; and whether this is as a result of the development itself or the product of preexisting conditions in its vicinity
- 8.12 Policy DM10(a) and (b) of the SADMP states development will be permitted provided that it would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings, including matters of lighting and noise and that the amenity of occupiers would not be adversely affected by activities within the vicinity of the site.

- 8.13 It is noted that the Council's Environmental Health Department raised no objections to the scheme.
- 8.14 The radio antenna would be sited 22 metres from the rear elevation of the host dwelling, and between 19 metres and 20.5 metres from the neighbouring properties to the west and east, 18 and 22 Sapcote Road respectively. Based on the submitted details, the scheme would also be approximately 21 metres from 28 Woodbank to the south of the site, and the two sites would be separated by existing mature vegetation. This would exceed the Council's Good Design Guide's minimum 14 metres separation distance between habitable windows and two-storey blank side elevations. Whilst it is appreciated that the proposal is not for a two-storey property, the structure is proposed to be 6 metres in height and, with the exception of the antenna itself, the development would have a maximum width of 1 metre. By virtue of the design of the structure and the proposed antenna, the structure would not be considered to result in any loss of light to neighbouring properties.
- 8.15 It is appreciated that this form of development would be an atypical feature of a residential garden. Whilst the height of the structure may result in a degree of overbearing to the neighbouring residents, by virtue of its scale, design and appearance, and its separation from the rear elevations of these neighbouring properties, the development would not be considered to result in a level of harm that would have significant adverse effect on neighbouring residential amenity in these site-specific circumstances. Given the private use of the scheme, a planning condition could further reduce the impact of the development by ensuring that the structure is removed once the Applicant no longer requires it for their personal and private use.
- 8.16 Although concerns have been raised regarding overlooking and loss of privacy impacts during maintenance works to the structure, the Applicant had advised that maintenance works would only need to be undertaken on an annual basis. Notwithstanding this, the extent of works required to maintain the structure would not be considered to be so extensive that they would result in overlooking or loss of privacy impacts to the significant detriment of neighbouring residential amenity in these site-specific circumstances.
- 8.17 In light of the above, the proposal would not be considered to result in any impacts that would have a significant adverse impact upon the residential amenity of neighbouring properties in these site-specific circumstances. The scheme would therefore be considered to comply with NPPF Policy P3 and Policy DM10 of the SADMP, subject to planning conditions.

9. Equality Implications

9.1 Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states: -

(1) A public authority must, in the exercise of its functions, have due regard to the need to:

(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;

(b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

9.2 Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.

9.3 There are no known equality implications arising directly from this development.

9.4 The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

10. Conclusion

10.1 Taking national and local planning policies into account, and regarding all relevant material considerations, it is recommended that planning permission to be granted, subject to the imposition of appropriate conditions.

11. Recommendation

11.1 **Grant planning permission** subject to planning conditions detailed at the end of this Report.

11.2 Conditions and Reasons

1. The development hereby permitted shall be begun before the expiration of three years from 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 the Planning and Compulsory Purchase Act 2004.

2. The tilt-over amateur radio antenna hereby permitted shall be restricted to six metres in height and shall be constructed on a 1 metre square concrete base with a 0.6 square metre tower 22.5 metres to the rear of 20 Sapcote Road.

Reason: To ensure a satisfactory form of development in accordance with Policies DM1 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

3. The development hereby permitted shall only be used for purposes incidental to the enjoyment of the Applicant and the occupiers of the Applicant's dwellinghouse. The scheme shall not be used for any commercial or industrial purposes. Should the tilt-over amateur radio antenna become redundant, the structure shall be removed from the site within 12 months of the development last being used.

Reason: Permission has been granted on the basis that the structure is required for a purpose incidental to the enjoyment of the Applicant. Should that development no longer be required, its permanent retention within the application site would be unlikely to be supported in the interests of the amenity and character of the area in accordance with Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

a. Notes to Applicant

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at building.control@blaby.gov.uk or call 0116 272 7533.