



Item No.

# *Walsall Metropolitan Borough Council*

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## DEVELOPMENT CONTROL COMMITTEE 22<sup>nd</sup> November 2005

### REPORT OF HEAD OF PLANNING AND TRANSPORTATION

9 Goodall Grove, Pheasey, Walsall.

Reference number E05/0056

#### 1.0 **PURPOSE OF REPORT**

- 1.1 To inform Members regarding the installation of two amateur radio masts at this site and to request authority to take planning enforcement action in respect of one of them.

#### 2.0 **RECOMMENDATIONS**

- 2.1 That authority is granted for the issuing of an enforcement notice, to require remedial actions to be undertaken as shown below in 2.3.
- 2.2 That the decision as to the institution of legal proceedings in the event of non-compliance with the Notice, or the non-return of Requisitions for Information, be delegated to Head of Legal Services.
- 2.3 That authority be delegated to the Head of Planning and Transportation and the Head of Legal Services to amend and add to or delete from the wording set out below, stating the nature of the breach the reason for taking enforcement action, the requirement(s) of the Notice or the boundaries of the site.

#### Details of the Enforcement Notice

The Breach of Planning Control;-

Erection of an amateur radio mast (comprising pole and horizontal 'H' form antenna) within a residential curtilage.

Steps required to remedy the breaches;-

Remove the radio mast and antenna, or alternatively alter the mast and antenna so it can not exceed 3 metres in height, overall.

Period for compliance;-

2 months

The reasons for taking enforcement action:

By reason of its height, appearance and location, the mast (comprising a pole and 'H' form antenna) is prominent from a number of viewpoints and is harmful to the outlook of adjacent properties and their visual amenities, in this residential area. It is therefore contrary to policies GP2(I), 3.16, ENV32 and in the Walsall Unitary Development Plan.

**3.0 FINANCIAL IMPLICATIONS**

None arising directly from this report.

**4.0 POLICY IMPLICATIONS**

The report recommends enforcement action in order to seek compliance with UDP policies.

**5.0 LEGAL IMPLICATIONS**

Non-compliance with an Enforcement Notice is an offence and if this occurred it would be open to the Council to instigate legal proceedings.

**6.0 EQUAL OPPORTUNITY IMPLICATIONS**

None arising directly from this report.

**7.0 ENVIRONMENTAL IMPACT**

The report seeks enforcement action to remedy adverse impacts.

**8.0 WARD(S) AFFECTED**

Pheasey Park Farm

**9.0 CONSULTEES**

None

**10.0 CONTACT OFFICERS**

Helen Smith & Philip Wears – Planning Enforcement Team  
Tel; 01922 652411.

**11.0 BACKGROUND PAPERS**

Planning Enforcement File – Reference E05/0056 – Not published

HEAD OF PLANNING AND TRANSPORTATION

**DEVELOPMENT CONTROL COMMITTEE**  
**22<sup>nd</sup> November 2005**

**9 Goodall Grove, Pheasey, Walsall.**

**12.0 BACKGROUND AND REPORT DETAIL**

**Introduction**

12.1. A complaint was received following the erection of an amateur radio mast in the rear garden of this semi-detached house. A plan showing the location of the house and mast is attached to this report. The rear gardens on Goodall Grove back onto the rear gardens of houses in Doe Bank Lane, and there is a slight down-slope in that direction. I have also received representations from a ward councillor, making representations on behalf of the residents in Doe Bank Lane, that

- the masts can be seen directly by a number of residents
- they are obtrusive
- the owner has erected the masts without any consideration towards his neighbours
- it is blighting the lives of those residents
- I support enforcement action to remove the said masts.

12.2. One mast, which is not the subject of any complaint, comprises a thin vertical pole attached to the side of the house. In view of its overall length, officers consider that it is substantial enough to be treated as an alteration to the house. As it extends above the roof it requires planning permission. However in view of its thin and relatively unobtrusive construction, and resulting modest impact on the surroundings, officers do not consider it expedient to pursue its removal. It may also be lawful by the passage of time.

12.3. The other mast is attached to the side of a brick-built shed and has a height of approximately 5.5 metres. It comprises a pole with a horizontal 'H' form antenna. The two main horizontal elements in the antenna are about 2.5 metres long and each has 6 ring elements which add to the perceived bulk. The mast requires planning permission as it exceeds the maximum 3 metres in height allowed under the permitted development provisions of Part 1 E of Schedule 2 of the General Development Order. The householder has been advised of the opportunity to submit an application but this has not been forthcoming.

12.4. The mast is lower than the ridge line of the house roof, and from certain directions it is seen partly against this backdrop, which reduces its visual impact. However from other directions the horizontal antenna is seen entirely against the sky, which greatly increases its visual impact. The prominence of the mast is increased by the relatively bulky profile of its antenna, and because it is on slightly higher ground than the gardens in Doe Bank Lane. Fast growing conifers in one garden screen much of the lower section of the mast from the residents in

Doe Bank Lane, but it is understood that these conifers have been allowed to grow, against their owner's preference, purely to provide some screening of the mast.

- 12.5 In the view of officers, the mast is an unduly intrusive feature in its setting. Furthermore, when viewed from Goodall Grove through the gap between numbers 9 and 10, the mast is seen in conjunction with the other, slim mast, and together they create a rather cluttered and obtrusive feature in the street scene (notwithstanding the modest nature of the slim mast in its own right).
- 12.6. Government guidance in PPG8 states that amateur radio masts usually present few potential planning problems in terms of size and visual impact over a wide area. Mitigating factors which can arise with such masts are the light and unobtrusive construction of some types of antenna, and also a facility to lower a mast at those times of the day when it is not in active use. However, in this particular case officers consider that the 'H' form antenna is relatively bulky, and there is no evidence of the mast being lowered in this way.
- 12.7. The owner of the mast has been approached and advised regarding making a planning application for consideration but this has not been forthcoming despite initial co-operation and dialogue with officers. This householder is an amateur radio operator and needs the mast to continue to enjoy his hobby to the full, but the issues of visual impact outweigh this.

## HEAD OF PLANNING AND TRANSPORTATION