

SATELLITE DISHES – Delight or Blight?

The arrival of Sky satellite services in the UK in the late 1990s started a digital TV revolution, the effects of which are still much in evidence today. Although digital terrestrial TV (DTT) and cable offerings followed swiftly behind, pay-to-view satellite services offering dedicated sports, children's and entertainment channels were eagerly taken up by many households. For those whose TV viewing was limited due to poor reception, or who wanted access to foreign language channels, satellite TV was the answer.



As we moved towards the year 2000 it was universally recognised that digitally based-media and communications were the future. While On-digital (the first subscription DTT service) disappeared in 2001, this was quickly replaced by Freeview in 2002 - a non-subscription service that made digital television available through an aerial to around 75% of the UK. By 2006, 72.5% of households had digital TV on at least one of their televisions - 30% (7.7m) were Sky subscribers, 28% had Freeview and 13% used cable providers.

In 2005, Digital UK was set up by the public service broadcasters to lead the UK's switch from analogue to digital television. Analogue TV signals across the UK would be switched off between 2008 and 2012, region by region, allowing DTT to be extended to virtually all households. As well as co-ordinating the technical process, Digital UK's role has been to make the public's experience of switchover as simple as possible by providing clear and impartial information on making to move to digital TV.

Switchover has made both individuals and organisations think more about their options for receiving TV. For those viewers in houses and bungalows with few limitations on putting up aerials and satellite dishes, or accessing TV via cable, choice is generally unrestricted. For viewers in flats, however, dependent on a communal aerial and someone else making a decision, the options are not always so straightforward.



Many flats are served by a master antenna TV system providing access to analogue and digital TV services through a communal aerial. However, the arrival of Sky+ and Freesat+, with interactive services and recording facilities, together with an increase in diverse communities, has led to a demand for access to satellite TV. Property managers can find themselves under increasing pressure to allow access to these services.

Tenancy agreements and leases often prohibit residents acting unilaterally and erecting their own aerials and satellite dishes, although it is questionable whether this is enforceable when a property is neither listed, in a Conservation Area or the installation would not be in breach of the planning guidance. On a development with a maximum of 13.2 metres height at the ridge, up to two satellite dish installations would be 'permitted development' and on a building 15 metres or more in height, the current 'permitted development' is up to four antenna – usually three satellite dishes and an aerial.

There has been some concern in UK property circles recently, arising from a ruling from the European Court of Human Rights involving an couple in Sweden who, in breach of their

landlord's rules, erected a satellite dish on the outside of their flat. The decision suggests that tenants may have a human right to information and news, even if it can only be received via a satellite dish. However, this does not mean that everyone now has a human right to have a satellite dish, as decisions in the ECtHR are not binding on the UK courts, but, they must be taken into account if a similar case comes up in the UK.



It has been suggested that it is more likely that the decision could be used to challenge provisions in tenancy agreements or long leases which ban satellite dishes entirely. Long leasehold ownership is often seen as equivalent to buying the property, and it may therefore be that the ECtHR thinks that it is less appropriate for the landlord to interfere with the tenant.

Interestingly, the Communications Act 2003 s134 says that consent may not unreasonably be withheld where someone wishes to install equipment themselves. Understandably many landlords and property managers are concerned by the possibility of 'satellite rash' blighting their building, and the associated costs and problems that can arise - potential

damage to the fabric, inappropriate siting, infringement of planning requirements, increased insurance costs, health and safety issues.

The ECtHR decision is unlikely to mean that any resident who wishes can install a satellite dish regardless of the services already supplied by the landlord or the character of the building in which they live. If the landlord were to offer a sufficiently wide range of satellite services, even including access to foreign language services where required, it seems likely that they could maintain an absolute ban on residents' own satellite dishes.

Installing an Integrated Reception System (IRS) with a single aerial and satellite dish serving the building is a very popular option to address the issue. This provides all flats with Freeview, Sky and freesat services as a minimum, without the need for individual dishes or aerials. The property manager can then ensure that access to TV is maintained while meeting changing demands and expectations. If a tenant is allowed to put up their own aerial or satellite dish, however, they are still likely to be liable for any contribution to the costs of the communal TV aerial.

Sky offers a communal free shared dish option that is a popular low-cost solution in the private housing sector, although this requires everyone who wants to access the service to take up a minimum subscription.



The public's consensus appears to be that digital TV, which includes satellite, cable and digital terrestrial services, is a *delight*. Around 95% of viewers are now watching and enjoying a wide range and choice of programmes on digital TV and using, as standard, features only once dreamt of. Viewers have already switched onto the benefits of digital services and it will be difficult for property managers with communal aerials to limit those aspirations.