
Appeal Decision

Site visit made on 16 December 2013

by S J Papworth DipArch(Glos) RIBA

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 19 December 2013

Appeal Ref: APP/Q1255/A/13/2201370
Infospeed, 47 Commercial Road, Poole BH14 0HU

- 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 C Morris against the decision of Poole Council.
 - The application Ref APP/13/00422/F, dated 11 April 2013, was refused by notice dated 17 June 2013.
 - The development proposed is the erection of 24 photovoltaic panels to centre and southern roof elevations.
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Decision

1. I dismiss the appeal insofar as it relates to front elevation roof panels. I allow the appeal insofar as it relates to central roof panels and grant planning permission for the erection of 12 photovoltaic panels to the centre roof elevation at 47 Commercial Road, Poole BH14 0HU in accordance with the terms of the application, Ref APP/13/00422/F, dated 11 April 2013, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans so far as relevant to that part of the development hereby permitted: plan 0428/ARJN/1 and elevations 0431/AR.
 - 3) No development shall take place until full details of the fixing method for the solar panels have been submitted to and approved in writing by the local planning authority and the development shall be carried out as approved.

Reasons

2. The main issue in this appeal is the effect of the installation on heritage assets and whether that effect might be outweighed by the benefits. Core Strategy Policy PCS23 seeks high quality design and the appellant has also drawn attention to Policy PCS31 and Development Plan Document Policy DM02 giving support for the generation of renewable energy and mitigation of the effects of climate change. The site is within the Ashley Cross Conservation Area and adjacent to the listed Tower House, the occupier of which has written in response to the appeal. The Council's reason for refusal concerns the effect on the character and appearance of the conservation area, and Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires

- special attention to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.
3. However, Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 also requires special regard to be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. There is therefore a statutory duty on the decision maker to consider the effect on the setting of Tower House as a designated heritage asset.
 4. The proposal is to place rectangular panels on the sloping road-facing roof, as well as on the rectangular central roof area as shown on the plan drawing referenced 0428/ARJN/1, 22/04/13. It appears from the elevation drawing 0431/AR that the panels on the central roof would not be visible in straight elevational view, and hence would not be visible from ground level. For that reason they are acceptable subject to confirmation of the method of fixing and hence the degree of up-stand.
 5. Those to be placed on the front elevation roof slope however would be plainly visible and would not appear well integrated with the hip-end form of the roof, being rectangular panels on a trapezoid roof shape. This would appear intrusive to views within the conservation area and alongside the listed building. The form and shape of the panels would cause harm to the presentation of the building and hence to the character and appearance of the conservation area, and would draw the eye, eroding the value of the listed building's appearance. Whilst trees would filter the view, there are sufficient plain views as to cause the harm.
 6. This harm to designated heritage assets is less than substantial; a differentiation required between paragraphs 133 and 134 of the National Planning Policy Framework. Paragraph 134 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
 7. There are benefits of the installation, both to the company and to the wider community and population in reducing dependency of fossil fuels, generating on-site with reduction in transmission losses and with the aim of the property and business becoming self sufficient. In addition there are references in the Framework to sustainable development including the three dimensions set out in paragraph 7. In this case the economic and social roles are fulfilled by this type of installation, while the environmental role is fulfilled so far as helping to use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy. However, the other strand of the environmental role, contributing to protecting and enhancing our built and historic environment, is not accorded with.
 8. A balance is required to be struck between the benefits and the harm, as set out in paragraph 134. The panels on the flat roof do no harm, but the appellant states that these alone are insufficient for the requirement. Those to the front facing roof are plainly seen and do cause harm, that harm being insufficiently mitigated by the trees. No further information has been provided as to possible alternatives or less intrusive methods of generating energy. In the balance, it is concluded that the harm is not outweighed by the public

benefits, as opposed to the private ones, and that the placing of the panels on the front elevation roof should not be permitted.

9. As stated, there is no reason to withhold permission for the central roof panels. Notwithstanding the statement of the appellant that they are not likely to be placed on their own, that part of the proposal is separable and planning permission can be granted with a condition requiring further details of the fixings to avoid them being seen as stated. For the reasons given above it is concluded that the appeal should be allowed in part and dismissed in part.

S J Papworth

INSPECTOR

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