



Appeal Decision

Site visit made on 14 March 2013

by S J Papworth DipArch(Glos) RIBA

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

Decision date: 8 April 2013

Appeal Ref: APP/U1430/A/12/2186183

Methodist Church, Sackville Road, Bexhill on Sea TN39 3JA

- 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 Ernest Wheeler for Sackville Road Methodist Church against the decision of Rother District Council.
 - The application Ref RR/2012/447/P, dated 27 February 2012, was refused by notice dated 24 April 2012.
 - The development proposed is installation of 9.75kWp photovoltaic system.
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Decision

1. I dismiss the appeal.

Main Issue

2. This is the effect of the installation on the character and appearance of the Bexhill Town Centre Conservation Area.

Reasons

3. The proposal relates to an unlisted building in a conservation area, and clarification follows of the terms used in policy and guidance. The conservation area is a designated heritage asset as referred to in section 12 of the National Planning Policy Framework. The church is a prominent and distinctive architectural feature of the conservation area and has historic interest as part of the development of that area. In the absence of a local list of buildings that are considered to be of architectural or historic interest, it is concluded that the appeal premises are a heritage asset, which is a term used in the national guidance distinct from a designated heritage asset. Paragraph 135 uses the term 'non-designated heritage asset' and that applies to this building.
4. Local Plan Policy GD1 contains criteria for development, (iv) to respect and not detract from the character and appearance of the area, (vi) to respect the topography, important views to and from the site and retain site features that contribute to the character or amenities of the area, and (viii) not to prejudice the conservation area and other buildings of historic importance. The emerging Core Strategy has progressed since the Council's refusal of the application and Policy BX2 seeks to respect and enhance the Victorian/Edwardian character, while Policy EN2 looks for stewardship of the historic built environment. The Council also adopted the Conservation Area Appraisal in 2003.
5. 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, and other documents relevant to this appeal are the English Heritage guidance '*Microgeneration in the Historic Environment*' and the practice note to PPS5, '*Historic Environment Planning Practice Guide*' which remains extant guidance.
6. The building is prominent due to its corner location. It is attractive and well proportioned, and provides a point of interest in the run of tall commercial premises along Sackville Road and the lower more domestic style of properties along Parkhurst Road. It is markedly different in style and layout to those nearby buildings, as befits its different use, and that use is clearly signalled by the roof covering the worship space. Whilst not included in a list of the *most* important individual buildings in paragraph 3.1 of the conservation area appraisal, it is nevertheless important to the streetscene and the wider area.
 7. It appears from the 'screenshots' supplied that the proposed photovoltaic solar panels would be placed in an array grouped to the east end of the roof, reducing at their lower edge over the top of the tall window bay and continuing less deep to a point towards the Sackville Road end of the main roof. There is doubt over the precise arrangement as in fact the tall window bay is not central to the south elevation and the segmented east end, with its interesting and attractive roof form, is not shown on the 'screenshot'.
 8. The addition of the rectangular panels would appear a discordant feature in relation to the sloping hips of the segmented end and in relation to the tall window bay, and whilst grouped more at the far end in views from Sackville Road, would disrupt the attractive tiled roof form to the detriment of views along both roads. It is accepted that these views are cut-off by other buildings and by the church itself but those that remain would be significant and would be harmed. It is also acknowledged that there are various items of street furniture in the vicinity, and modern fittings on nearby buildings. But, the size and shape of this building and in particular its roof, makes a positive contribution to the character and appearance of the conservation area and the area would be harmed by the addition of the panels as proposed.
 9. Paragraphs 133 and 134 of the Framework concern differing levels of harm to designated heritage assets, that is to say the Bexhill Town Centre Conservation Area in this case. Whilst the harm to the building is significant, it is considered that the harm to the conservation area is less than substantial and paragraph 134 applies. This harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. Paragraph 135 concerns non-designated heritage assets where the effect of an application on its significance should be taken into account in determining the application. In weighing applications that affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
 10. Turning to the English Heritage guidance on microgeneration, proposals for such equipment attached to historic buildings in conservation areas will generally be acceptable if all of the criteria are met;
 - *The change will not result in loss of special interest.* This is not the case here in view of the contribution of the roof form to this special interest.
 - *The visual impact of the equipment is minor or can be accommodated without loss of special interest.* That is not true either due to the prominent position of the building and its contribution to the conservation area.

- *In fixing the equipment to the building there is no damage to significant historic fabric and installation is reversible without significant long-term impact on historic fabric.* This appears to be the case and were permission being granted, conditions could secure compliance.
- *The cabling, pipework, fuse boxes or other related equipment can be accommodated without loss of, or damage to, significant historic fabric.* As for the previous criterion.
- *That as part of the justification, the applicant can demonstrate that other energy-saving measures or other locations with less impact on the historic fabric and the special interest have been considered and are not viable.* Whilst the justification as required by paragraph 134 of the Framework will be considered next, there does not appear to be evidence of other measures, only a reference to high energy costs. It is accepted that the south facing main roof is a likely best place if solar cells were being considered.
- *The applicant can demonstrate that the proposal has net environmental benefit.* The appellant states this, with grid electricity being described as 'a non-renewable energy source and very expensive'. However, there are renewable energy tariffs available for mains electricity although an increase in the amount of electricity generated from renewable sources would be a benefit. The financial benefits are private rather than public, although the effect on the future of the church and building will be discussed next.
- *The local authority imposes a condition requiring removal of the equipment, including cabling and boxes, and making good of the historic fabric as soon as it falls out of use.* That could be done, but the long term nature of these types of installations and feed-in tariffs could mean the harm persisting over the long term also.

Hence it is not possible to conclude that all of the criteria are met as required.

11. Various benefits are cited, and it is clear that there is a connection between the financial well-being of the church and its continuing ability to provide facilities in this sustainable town centre location. However, on the information provided it is not possible to make a definite connection between the need for these panels and the future of the uses. Weight does attach to the continuing beneficial occupation of the building for the purpose for which it was built, with the risk of other uses or even vacancy having an adverse effect on the building and the character and appearance of the area, as well as on the social wellbeing of the town. However, there has been little evidence provided to be able to judge whether this harmful proposal may be justified because other less harmful measures have been investigated and found impractical.
12. In conclusion, there are likely to be benefits and some of them would be public, but in the balance, the harm has not been shown to be outweighed by the public benefits. The proposal would fail to accord with Development Plan policy, national guidance and the statutory test in the 1990 Act and hence, for the reasons given above the appeal should be dismissed.

S J Papworth

INSPECTOR

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