



**Horsham
District
Council**

PLANNING COMMITTEE REPORT

TO: Planning Committee

BY: Head of Development

DATE: 24 November 2020

DEVELOPMENT: Retrospective application for the retention of roof mounted solar panels

SITE: New Spinney Spinney Lane West Chiltington Pulborough West Sussex RH20 2NX

WARD: West Chiltington, Thakeham and Ashington

APPLICATION: DC/20/1547

APPLICANT: **Name:** Mr and Mrs Saheid **Address:** New Spinney, Spinney Lane West Chiltington RH20 2NX

REASON FOR INCLUSION ON THE AGENDA: One of the applicants is a District Councillor

RECOMMENDATION: To approve planning permission, subject to appropriate conditions

1. THE PURPOSE OF THIS REPORT

1.1 To consider the planning application.

DESCRIPTION OF THE APPLICATION

1.2 The application seeks retrospective planning permission for the retention of solar panels on the east and west elevations of the dwellinghouse and the east elevation of the detached garage at New Spinney, Spinney Lane, West Chiltington. The panels appear as black rectangular shaped tiles with approximate sizes of 1.7m by 1m and protrude some 0.35m from the plane of the roof. Some six solar panels have been provided to the eastern roof slope of the garage, with six panels provided to the eastern roof slope of the dwelling and three to the western roof slope.

1.3 The installation of solar panels is permitted development under Part 14, Class A of Schedule 2 of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended) however there is a condition that requires such panels to be '...so far as practicable they are sited to minimise effect on the amenity of the area'. In this case, following the receipt of a complaint about the installation of the panels, it was considered, on balance, that the installation would not benefit from the relevant permitted development rights and an application was requested to regularise the works.

DESCRIPTION OF THE SITE

1.4 The application site is located within a semi-rural location, surrounded by large detached dwellings set within verdant generously proportioned plots. The narrow course of the

highway, together with formal/informal planting verging Spinney Lane, and the general amount of vegetation, gives rise to aspects of a rural character deemed typical to an edge of settlement location. Dwellings along the course of the highway vary significantly in terms of scale, form and design, with no uniform character that could be said to be typical of this locale. There is no consistent building line in this location, with dwellings set at inconsistent distances/orientations relative to the highway. The total site area is of approximately 0.13 hectares and consists of a regular, rectangular shape block of land, located off Spinney Lane. The property and neighbouring properties are not listed, nor are they within a Conservation Area, however they have architectural significance in that some of surrounding properties are 'Wells Cottages'.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

RELEVANT PLANNING POLICIES

- 2.2 The following Policies are considered to be relevant to the assessment of this application:

2.3 National Planning Policy Framework

2.4 Horsham District Planning Framework (HDPF 2015)

Policy 32 - Strategic Policy: The Quality of New Development

Policy 33 - Development Principles

Policy 34 - Cultural and Heritage Assets

Policy 35 - Strategic Policy: Climate Change

Policy 36 - Strategic Policy: Appropriate Energy Use

RELEVANT NEIGHBOURHOOD PLAN

- 2.5 West Chiltington Parish submitted their Submission draft plan to Horsham District Council on 19 November 2018. In accordance with legislation, the Council is in the process of considering whether the plan meets the Basic Conditions and can progress to Regulation 16 consultation and formal examination.

PLANNING HISTORY AND RELEVANT APPLICATIONS

- 2.6 There is no recent or relevant planning history relating to this site

3. OUTCOME OF CONSULTATIONS

- 3.1 Where consultation responses have been summarised, it should be noted that Officers have had consideration of the full comments received, which are available to view on the public file at www.horsham.gov.uk

CONSULTATION RESPONSES

- 3.2 **Conservation Officer:** 'I agree that they are conspicuously placed and do undermine opportunities to appreciate the adjacent Pixies and Blue Cedar, both Wells cottages. The Wells cottages should be considered non-designated heritage assets but in terms of the fitment of solar panels there is no constraint in this regard. I believe the fitment is permitted development under Part 14, Class A with the condition that so far as is practicable they are sited to minimise effect on the amenity of the area. Arguably the siting of these panels does not

minimise the effect on the amenity. An alternative would be for the more conspicuous panels to be moved to frames placed in the garden’.

PUBLIC CONSULTATIONS

3.3 Two letters of objection were received from two separate households. The nature of these objections can be summarised as follows:

- The panels are visible for windows with the neighbouring property, invade privacy and overlooking neighbouring properties
- Detract from enjoyment of neighbouring properties
- Harm amenity of surroundings and are clearly visible
- Stark contrast to a ‘Wells Cottage’
- Not in keeping with character of Spinney Lane and have a futuristic design
- No evidence provided to suggest this is the best location for the panels
- The panels do not absorb sunlight and are highly reflective, causing a blinding reflection at certain times of the day
- Stark contrast to muted terracotta of the tiled roof, cladding and surrounding green vegetation

PARISH COUNCIL

3.4 **West Chiltington Parish Council: Objection**

‘The Parish Council objects to this application on the grounds that the panels are fitted to the East and West slopes of the roofs, directly impacting neighbours and aesthetically affecting their enjoyment of their own properties. The low level of the panels on the garage roof makes them particularly prominent for the neighbour at Pixies. Had the panels been fitted to the south facing slopes (as is the norm), neighbour impact would be minimised.’

4. HOW THE PROPOSED COURSE OF ACTION WILL PROMOTE HUMAN RIGHTS

4.1 Article 8 (Right to respect of a Private and Family Life) and Article 1 of the First Protocol (Protection of Property) of the Human Rights Act 1998 are relevant to this application, Consideration of Human rights forms part of the planning assessment below.

5. HOW THE PROPOSAL WILL HELP TO REDUCE CRIME AND DISORDER

5.1 It is not considered that the development would be likely to have any significant impact on crime and disorder.

6. PLANNING ASSESSMENTS

6.1 The main issues are the principle of the development in the location and the effect of the development on:

- The character of the development and the visual amenities of the street scene
- The amenities of the occupiers of adjoining properties

Principle of development

6.2 Policy 35 of the Horsham District Planning Framework (HDPF) states that development will be supported where it makes a clear contribution to mitigating and adapting to the impacts of climate change and to meeting the District's carbon reduction targets. Measures which should be used to mitigate the effects of climate change includes improved energy efficiency in new developments; and the use of decentralised, renewable and low carbon energy supply

systems. However, such schemes will also need to ensure that they do not have significant adverse effect on landscape character, biodiversity, heritage or cultural assets or amenity value.

- 6.3 Policy 36 of the HDPF relates to the development of renewable and low carbon energy as a key means of reducing the district's contribution to climate change. This policy sets out the requirement for development to minimise its energy use in accordance with the energy hierarchy and to incorporate renewable and low carbon energy supplies.
- 6.4 The solar panels at New Spinney contribute to mitigating and adapting to the impacts of climate change and help reduce carbon emissions as set out in Policy 35 of the HDPF. The aim of policies 35 and 36 of the HDPF is to reduce energy consumption with both policies recognising the benefits of renewable energy and encouraging proposals to utilise opportunities to reduce reliance on fossil fuels. On the basis the solar panels at New Spinney are considered, in principle, acceptable due to the core purpose, function and overall value to the environment.

Character and appearance

- 6.5 Policies 32 and 33 of the HDPF seek to promote development of high quality and inclusive design for all development in the district, ensuring that it is complementary of local distinctive character and heritage, integrating with their surroundings. Furthermore, these policies ensure that the scale, massing and appearance of the development is of a high standard of design and layout and where relevant, relates sympathetically with the built surroundings. Policy 34 of the HDPF seeks to sustain and enhance the historic environment of the district through positive management of development affecting heritage assets through appropriate siting, scale, form and design; including the use of traditional materials and techniques, and retaining and improving the setting of heritage assets, including views, public rights of way, trees and landscape features, including historic public realm features.
- 6.6 The application site comprises a detached two storey dwelling with a separate detached garage located to the south of Spinney Lane, within the built-up area of West Chilmington. This application seeks to regularise the installation of solar panels on the east and west roof slopes of the dwelling and the eastern roof slope of the detached garage. The panels are sited below the ridge height of New Spinney and its associated detached garage.
- 6.7 The panels appear as black rectangular shaped tiles (1.7m by 1m). As the host property and garage are also set back from Spinney Lane some 10m, and the solar panels are seen within the context of and against the host property and its associated garage, it is not considered that the panels result in harm to the character of the host property or the wider streetscene sufficient to warrant refusal of the application.
- 6.8 The wider area is characterised by detached dwellings varying in scale, design and appearance. There are a number of 'Wells Cottages' within the locality, considered to be non-designated heritage assets. Paragraph 197 of the NPPF states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application and that in weighing applications that directly or indirectly 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.
- 6.9 The Council's Conservation Officer, having been consulted on the application, has advised that the panels are conspicuously placed and do undermine opportunities to appreciate the adjacent Pixies and Blue Cedar, both of which are Wells Cottages. Whilst it is noted that the adjacent properties are Wells Cottages, the fitment of solar panels to either the properties themselves or neighbouring properties is not restricted. It has been noted by the Council's Conservation Officer however that whilst the fitment of solar panels is permitted development under Part 14, Class A of Schedule 2 of the Town and Country Planning (General Permitted

Development)(England) Order 2015 (as amended), there is a condition that requires such panels to be ‘...so far as is practicable they are sited to minimise effect on the amenity of the area’. Whilst acknowledged that the siting of the panels does not minimise the effect on the amenity of the area, an alternative location as suggested by the Council’s Conservation Officer, to site the panels into the garden, is not considered reasonable or necessary in this case.

- 6.10 The solar panels have been installed on the eastern and western roof slopes of the host property and eastern roof slope of the detached garage, and the site is surrounded by mature screening. The rationale for the siting of the panels on the roof was to ensure the panels could take full advantage of sunlight whilst avoiding shading. Whilst siting the panels within the garden of the property would have made them less conspicuous in views from the streetscene, views of the panels are limited to those in close proximity to the property, and it is considered that any limited harm to both the setting of the Wells Cottages and the wider streetscene is outweighed by the public benefit of reducing the applicant’s dependence on centralised and carbon based energy, by introducing the use of decentralised renewable energy. The efficient and sustainable use of renewable resources to help protect the environment in the medium to long term is a strong material consideration in favour of the development.
- 6.11 Whilst the solar panels would appear visible in approaches from the east, it is considered that given the host property and detached garage are set back from Spinney Lane some 10m, and that only limited short distance views are available of the panels, the impact on the wider streetscene is, on balance, acceptable. It is noted that the panels have not been sited on the southern elevation of the property, which would have been a more appropriate location in terms of solar gain, and which is considered to be the more important elevation of the host property in terms of it being its principle/front elevation. Whilst the solar panels would have some impact in terms of the visual amenities of the streetscene, it is considered that the aim of reducing the applicant’s dependence on centralised and carbon based energy, by introducing the use of decentralised renewable energy, weighs in favour of approval of the application in this case.

The effect of the development on the amenity of adjoining properties

- 6.12 Policy 33 of the HDPF also seeks to ensure that the development is designed to avoid unacceptable harm to the amenity of occupiers/users of nearby property and land, for example through overlooking or noise.
- 6.13 In terms of the impact of the solar panels on neighbouring amenity, it is noted that the reflection of the solar panels has been raised as a concern by the residents of the neighbouring property. Whilst acknowledged that the solar panels are flat and somewhat shiny, they are designed to absorb daylight, rather than reflect it, and as such the panels are not considered to be significantly intrusive and to cause significant harm to the privacy and outlook of neighbouring properties.
- 6.14 Concern has also been raised in respect of the siting of the solar panels overlooking neighbouring properties given the topography of the area. Given that the detached garage at New Spinney is set forward of Pixies, and taking into consideration the nature and siting of the solar panels, it is considered that whilst the panels would be visible the impact on neighbouring privacy and amenity is acceptable, with the panels seen within the context of the roof of New Spinney and its associated garage. The application, and retention of the panels, is therefore considered to comply with Policy 33 of the HDPF in this respect.

Conclusion

- 6.15 Overall, the solar panels are not considered to raise any policy concerns and do not have a significant detrimental impact on the site or the visual amenities of the wider streetscene, or

on the setting of the neighbouring Wells Cottages which would warrant a refusal of the application. The panels do not result in any harmful impact on neighbouring amenity, with solar panels designed to absorb daylight rather than reflect it.

- 6.16 The application is therefore considered compliant with the requirements of policies 32, 33, 35 and 36 of the HDPF and it is considered that the scheme seeks to reduce carbon emissions. The efficient and sustainable use of renewable resources to help protect the environment in the medium to long term is a strong material consideration in favour of the development, and on this basis the application is recommended for approval.

7 RECOMMENDATIONS

- 7.1 It is recommended that planning permission is granted subject to the following conditions:

Conditions:

1. List of approved plans
2. **Regulatory Condition:** The panels hereby permitted shall be retained in accordance with the approved details. In the event of the solar panels ceasing to be used, the panels shall be removed and from the roof, and the roof made good, as soon as is reasonably practicable and be no later than six months after the cessation of the panels.

Reason: In the absence of demonstrable need, there is no justification for the retention of the panels and in accordance with Policy 33 of the Horsham District Planning Framework (2015).