
Appeal Decision

Site visit made on 13 June 2017

by R A Exton Dip URP MRTPI

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

Decision date: 29th June 2017

Appeal Ref: APP/V2004/W/17/3171300

Garness Jones Limited, 79 Beverley Road, Kingston-upon-Hull, East Yorkshire HU13 1XR

- 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 Garness Jones Limited against the decision of Kingston-upon-Hull City Council.
 - The application Ref 16/00883/FULL, dated 7 June 2016, was refused by notice dated 15 September 2016.
 - The development proposed is described as to install a solar PV installation to the front roof of the office building at 79 Beverley Road, Kingston-upon-Hull HU3 1XR
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Decision

1. The appeal is dismissed.

Procedural Matter

2. At the time of my site visit the solar PV panels were installed and appeared to be as shown on drawing No 2641-1 dated 20 July 2016. I have determined the appeal based on this drawing and my observations.

Main Issue

3. The main issue is the effect of the proposal on the Beverley Road Conservation Area, paying special attention to the desirability of preserving its character or appearance.

Reasons

4. The application site is situated on the western side of Beverley Road within the Beverley Road Conservation Area (BRCA). The host building is a late Regency double fronted, 2 storey Grecian style villa. It has a shallow pitched hipped roof. The building forms part of York Terrace, a row of 4 buildings of similar appearance. This is described in the BRCA Character Appraisal as an attractive group which the Council consider is a rare surviving example in Hull. I do not consider that No 79 Beverley Road not being individually identified in the character appraisal diminishes its status in any way. It has clearly been recognised as contributing to the character and appearance of the BRCA as part of the group which it forms part.
 5. The solar PV panels are installed on the roof slope facing Beverley Road and are highly visible within the street scene when viewed from directly in front of
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the site. Their appearance contrasts harshly with the simple form of the roof and they also prevent views of that sympathetic roof form. The terrace of which the appeal site forms part is set back from the road and this creates the opportunity for longer distance views from both the north and south. The solar panels are also visible within these views which make them prominent within the BRCA. From viewpoints to the north and south the upstand of the panels above the roof tiles is also apparent thereby emphasising their presence. Trees on the appeal site frontage and others on neighbouring frontages were in leaf at the time of my visit. They filtered the longer distance views to a limited extent but would have a much lesser effect in autumn and winter months. The general uniformity of the roofscape of York Terrace and the lack of similar installations on the other buildings within it emphasise the prominence and discordance of the panels.

6. The appellant considers that the dark colour of the solar panels blends well with the dark colouring of the roof and eaves of the host building. Whilst this may be true to an extent in dull weather, the opposite was evident on the sunny day of my site visit. The reflective nature of the panels and the shadow they cast on the roof beneath made them particularly prominent within close and longer distance views. Their symmetrical arrangement did little to mitigate this effect.
7. The overall effect of the proposal would be an incongruous addition to the host building which, combined with its prominence in the wider area, fails to preserve the character or appearance of the BRCA. Consequently, the proposal is contrary to policies BE1, BE5, BE18 and BE19 of the Hull City Plan 2000. These seek to ensure that new development has an acceptable relationship with its surroundings with particular regard to preserving the character or appearance of conservation areas. They are consistent with the aims of the National Planning Policy Framework (the Framework) insofar as it relates to the requirement for good design and conserving and enhancing the historic environment.
8. The Council also consider that the proposal harms the setting of listed buildings, albeit this is not clearly reflected in its refusal reason. I understand that the closest listed buildings are the terrace on the opposite (eastern) side of the street. Beverley Road is relatively wide and the listed buildings are of a different character and appearance to the appeal site and the terrace of which it forms part. This separation and difference in character and appearance means that the listed buildings and appeal site are not readily viewed in the same setting. Consequently, I do not consider that the proposal would harm the setting of the listed buildings.

Balance

9. I consider that the overall effect of the proposal would not preserve or enhance the character and appearance of the BRCA and consequently would result in less than substantial harm. Having identified harm I must give this considerable importance and weight. Paragraph 134 of Framework requires that where development will lead to less than substantial harm, this should be weighed against the public benefits of the proposal with a presumption that preservation of character and appearance is desirable.
10. The appellant considers that the proposals contribution to the promotion of renewable energy was not addressed in the Councils assessment of the proposal and should carry considerable weight in its determination. Policy BE2

of the city plan promotes high standards of energy efficiency, including the introduction of solar collectors. This is consistent with the aims of the Framework in supporting the move to a low carbon future by actively supporting energy efficient improvements to existing buildings. The content National Planning Practice Guidance in relation to climate change, design and the historic environment is also a material consideration. Policies ME7 and ME8 do not form part of the development plan and consequently carry very limited weight.

11. The proposal would make a contribution, albeit small, to the promotion of renewable energy. This would mostly be of benefit to the applicant as part of its sustainable energy strategy for the whole building. There would be a small public benefit derived from the lesser reliance on non-renewable forms of energy. Although laudable, this limited public benefit does not outweigh the harm to the BRCA and the statutory presumption in favour of the preservation of its character and appearance.

Other Matters

12. I note the appellant's reference to other buildings nearby in the BRCA with solar panels. I have very limited details of when and how these developments came about and so can afford them only very limited weight. Although I have taken this into account in terms of how they affect the character and appearance of the area, I have determined this appeal on its own merits based on the evidence before me and the presence of the development referred to does not lead me to a different conclusion.

Conclusion

13. Although the proposal does offer some limited public benefits in the promotion of renewable energy and would have a neutral effect on the significance of nearby listed buildings these factors do not outweigh or alter the failure to preserve the character and appearance of the BRCA and conflict with the development plan. For these reasons I conclude that the appeal should be dismissed.

Richard Exton

INSPECTOR