
Appeal Decision

Site visit made on 13 June 2017

by Andrew McCormack BSc (Hons) MRTPI

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

Decision date: 24 July 2017

Appeal Ref: APP/Z2830/W/17/3168679

86 Larkhall Lane, Harpole, Northamptonshire NN7 4DF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr and Mrs Vlad against the decision of South Northants District Council.
 - The application Ref: S/2016/2608/FUL, dated 13 October 2016, was refused by notice dated 1 December 2016.
 - The application sought planning permission for demolition of existing dormer bungalow and construction of dwelling with altered vehicular access without complying with a condition attached to planning permission Ref: S/2015/2257/FUL, dated 23 November 2015.
 - The condition in dispute is No 2 which states that: The development shall not be carried out otherwise than in complete accordance with the approved plans Drawing number VLA 154 SUR 10; VLA 154 PA 10; 20; 30 received 18 November 2015 and 40 received 20 November 2015 unless a non-material amendment is approved by the local planning authority under the Town and County Planning (Development Management Procedure) (England) Order 2015.
 - The reason given for the condition is: To clarify the permission and for the avoidance of doubt.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mrs Ioana Vlad against South Northants District Council. This application is the subject of a separate Decision.

Procedural Matters

3. The appellant states that the appeal relates solely to the installation of solar panels on the appeal property. As such, I consider matters relating to the impact of the proposed boundary walls, pillars, gates and railings on the character and appearance of the area and on highway safety to be no longer in dispute. Accordingly, I have not considered such matters any further. This decision therefore relates to the matters regarding the effect of the solar panels on the character and appearance and visual amenity of the area.
4. At the time of the site visit, the solar panels were installed on the appeal property. As such, I have assessed and determined the appeal on that basis.

Background and Main Issues

5. This appeal has been made in relation to an application to vary Condition No.2, as attached to planning permission Ref: S/2015/2257/FUL, which relates to approved plans, in order to make alterations to the boundary wall and gates of the appeal property and to include solar panels on its roof.
6. The Council refused the application to vary Condition No.2 due to the excessive height, inappropriate materials and prominence of the proposed brick wall, pillars and railings which would have a detrimental visual impact on the streetscene. The Council also considered that the brick pillars would be positioned within the visibility splay of the access which would restrict visibility and provide an unsatisfactory means of access. In addition, the Council found that the number, size and prominence of the proposed solar panels would have a harmful impact on the character, appearance and visual amenity of the area.
7. Having had regard to the above, I consider the main issue to be the effect of varying Condition No.2 attached to planning permission Ref: S/2015/2257/FUL, and with regard to solar panels, on the character, appearance and visual amenity of the surrounding area.

Reasons

8. The appeal property is a newly constructed replacement dwelling which faces onto Larkhall Lane. This is characterised as a semi-rural lane with the majority of development along its south side. To the north, and opposite the appeal site, is predominantly open countryside which is designated as a Special Landscape Area. The property is adjacent to existing detached bungalows to the east and an access lane to the west which serves properties at 84a and 84b Larkhall Lane, located to the south and behind the main frontage of Larkhall Lane. Beyond the access lane to the west, there are large one and two storey detached properties which are set back from Larkhall Lane and positioned on spacious plots. Notwithstanding the nearby properties, the appeal site lies on the edge of Harpole and is outside of the village confines. As such, in policy terms, it is in open countryside.
9. Having had regard to saved Policies G3 and EV1 of the South Northampton Local Plan 1997 (Local Plan), I find them to be broadly consistent with the relevant sections of the National Planning Policy Framework (the Framework). As such, I have given significant weight to these policies in determining this appeal.
10. The appellant states that the appeal property is sought to be as carbon neutral as possible. It is therefore argued that the Council should be supportive of such endeavours, including the provision of solar panels. Whilst I acknowledge this, such provision must be assessed against other material considerations such as visual impact and the effect on the character and appearance of the local area.
11. The appellant argues that the Council sought to remove permitted development (PD) rights unnecessarily and without proper justification. The installation of solar panels is normally PD provided that the impact on buildings and the surrounding area is minimised as far as practicable. However, I note that the Council attached Conditions 11 and 12 (Nos.11 and 12) to planning permission Ref: S/2015/2257/FUL which removed certain PD rights. Whilst the Council did

not specifically remove PD rights for solar panels under Part 14 of the General Permitted Development Order (GPDO), Schedule 2 Part 1 Class C.1, as covered by Condition No.11, does not permit development if, amongst other things, it would consist of, or include the installation, alteration or replacement of solar photovoltaics or thermal equipment.

12. Furthermore, the Council considered whether the solar panels are PD under Part 14 of the GPDO and refers to Paragraph A.2 of Part 14 which states that development is permitted by Class A subject to a number of conditions. These conditions include minimising the effect on the external appearance of the building and on the amenity of the area, so far as practicable. Having had regard to the relevant matters in this appeal, I find that the solar panels do not meet these conditions and, therefore, are not PD.
13. The appellant states that given the aspirations for the appeal property to be as carbon neutral as possible, not enough solar panels can be accommodated on the flat roof to provide the required electricity for the appeal property. However, the submitted drawing no. VLA-154-PA-20 – 'Roof Plan As Proposed' indicates that a significantly greater proportion of the solar panels could be accommodated on the flat roof of the appeal property in order to minimise visual impact. I note that space for maintenance and repair of the roof is required. However, it is evident to me that space exists on the flat roof to accommodate more solar panels. I appreciate that the 29 solar panels may be necessary to provide the requisite amount of electricity for the property and note the first bullet point of Paragraph 98 of the Framework. Nonetheless, there is no substantive evidence before me to support the appellants view.
14. Notwithstanding the appellant's points regarding the materials, appearance and benefits of the solar panels, I find their extent, visual impact and presence to be significantly detrimental to the surrounding area. The panels appear in stark contrast to the appearance and materials of surrounding properties and are at odds with the character and appearance of the locality.
15. Although located at the rear of the appeal property and mostly visible when travelling eastwards along Larkhall Lane, the extent of the panelling, particularly on the west facing roof slope, is highly apparent and draws the eye. As a result, the solar panels have an adverse impact on the character and appearance of the area. The panels on the west facing roof slope are also visible from the access lane serving Nos 84a and 84b Larkhall Lane. Moreover, the presence and proximity of the access lane creates an open and spacious area to the west of the property which allows the solar panels to be seen from a greater distance along Larkhall Lane. Furthermore, the visual impact is exacerbated by the setting back of neighbouring properties and the open and spacious pattern of development in the area.
16. From the evidence before me, I find the provision of 29 solar panels on this single dwelling to be visually excessive. It creates a distinct, prominent feature which is significantly harmful to its surroundings, particularly where no solar panels are evident on other dwellings in the immediate area. Whilst the property is not within a special landscape area or conservation area, I find that the character and appearance of the area, as open countryside, and the context it provides is adversely affected by the extent and location of the solar panels. Furthermore, I find that their appearance and extent is harmful to visual amenity in the area.

17. I appreciate that the installation of the solar panels has no adverse impact on highway safety and that it provides some limited economic benefit resulting from local labour installing the panels. I also appreciate that the property is sought to be as carbon neutral as possible. However, I find that the harmful impact of the solar panels I have identified significantly outweighs the benefits.
18. Consequently, I conclude that varying the disputed condition would have a significant detrimental impact on the character, appearance and visual amenity of the streetscene and the surrounding area. Therefore, it is contrary to Policies G3(A) and EV1 of the Local Plan and the Council's Supplementary Planning Document on Low Carbon and Renewable Energy. Amongst other matters, these policies and guidance seek to ensure that development has no significant detrimental effect on the character, appearance and visual amenity of its surroundings in terms of scale, siting, design and materials.

Other considerations

19. The appellant states that no objections were received from neighbours regarding the installation of the solar panels. Therefore, it is argued that it is difficult to see how the Council finds harm with regard to the visual amenity of residents. Notwithstanding this, a lack of objection does not necessarily lead to the automatic approval of a proposal. Planning is concerned with the wider public interest and therefore all interests relevant and material to the proposal must be given due consideration and weight.
20. The appellant identifies several dwellings with solar panels in Harpole and argues that these have a greater impact on the character and appearance of their surroundings than the appeal scheme given their proximity to listed buildings and the local conservation area. I have had due regard to these. However, I must assess the proposal before me on its own merits. The appeal property lies outside of the village confines and is in open countryside. It is adjacent to an area of high landscape value, designated as a Special Landscape Area, where development should be sympathetic to the character of the area. It is within this context that I have assessed the proposal.
21. Notwithstanding this, the examples provided are not within the immediate area of the appeal site but within the built up area of Harpole. Having visited the other properties, I find that the characteristics of their surroundings differ from the appeal property. Moreover, none of the properties appeared to have flat roofs to accommodate the solar panels or have as many panels as the appeal property. Therefore, having given due consideration to these examples, I give only limited weight to them in determining this appeal.

Conclusion

22. For the above reasons, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Andrew McCormack

INSPECTOR