



Appeal Decisions

Site visit made on 27 June 2017

by A J Mageean BA (Hons) BPI PhD MRTPI

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

Decision date: 14th August 2017

Appeal Ref: APP/K5600/W/17/3171661

19 St James's Gardens, London W11 4RE

- 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 Sir Andrew Morritt against the decision of The Council of The Royal Borough of Kensington & Chelsea.
 - The application Ref PP/16/08280, dated 6 December 2016, was refused by notice dated 1 February 2017.
 - The development proposed is the installation of 6 solar panels on the south elevation of the roof.
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Appeal Ref: APP/K5600/Y/17/3171656

19 St James's Gardens, London W11 4RE

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Sir Andrew Morritt against the decision of The Council of The Royal Borough of Kensington & Chelsea.
 - The application Ref LB/16/06174, dated 19 September 2016, was refused by notice dated 1 February 2017.
 - The works proposed are the installation of 6 solar panels on the south elevation of the roof.
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Decisions

1. The appeals are dismissed.

Procedural Matters

2. I have used the appellant's full name and title as provided on the appeal forms, rather than the shortened version used on the application forms in the interests of clarity.
3. The appellant has requested that consideration be given to revised plans submitted with the appeal documentation which slightly alter the location of the proposed solar panels, as well as additional details about their appearance. This request must be considered in the context of the sensitive nature of this environment and the representations received from some local interests. As I cannot be sure that the amended scheme would be significantly less visible in the private views experienced by the occupiers of neighbouring properties, my view is that the appeal should be determined on the basis of the scheme and the plans which were before the Council when it made its decision.

Main Issues

4. The appeal building is a Grade II listed building, surrounded by other listed buildings within the Norland Conservation Area (CA). The main issues in both appeals are whether the proposal would preserve the listed building or any feature of special architectural or historic interest that it possesses, and whether it would preserve or enhance the character or appearance of the Norland Conservation Area.

Reasons

Significance of the listed building

5. The appeal property is a three storey plus basement town house located on the northern side of St James's Gardens, facing onto the central garden area which was established in the late 1840's as part of the Norland Estate. It is on the northern side of the square and is the central property in a group of three, with recessed outer bays joining the rest of the terrace. The classically proportioned front elevations of these period properties are characterised by stuccoed ground floors and basements with brick above, round headed windows to the ground floor and architrave surrounds and cornices to first and top floor windows. They are topped with parapet walls in front of shallow pitch slate roofs.
6. The listing of these properties is as a group including 14-24 (consecutive), noting the fact that they form part of a unified scheme with No's 1-13 and No's 42-54. The appellant notes the design variations between groups of properties, and also the various small scale alterations and additions to these frontages, including satellite dishes, TV aerials and soil stacks protruding into the roofline. However, these elements do not undermine the unity of appearance of these terraces, which overall remain little altered. More specifically, I note that a small rooftrap door has been placed in the south roof slope of the appeal property, and that part of this can be deciphered from street level. However this small addition does not undermine the integrity or appearance of the roof structure to any significant degree.
7. As such a key aspect of the architectural interest and significance of the appeal property and its neighbours resides in the visual coherence of the relationship between these terraced rows, including their setting adjacent to the community gardens. These qualities are also of importance to the character and appearance of the wider CA.

Impact of the works

8. The proposed solar panels would be located on the front south facing roof slope, occupying much of one side by extending from the gutter to close to ridge height. The shallow roof pitch coupled with the front parapet and chimney buttresses would mean that there would be only partial visibility of the panels from street level, limited to a section of pavement in front of the terrace on the opposite side of the gardens.
9. I accept that the panels would have a slim profile and that they would sit below ridge level, and as such they would not change the main roofline. I also accept that some aspects of public views would be partially masked by the central garden's mature trees during the spring and summer months. However there would also be views of the panels from first and second floor windows of private properties to the south and west of the appeal site. These views would also be

partial due to the presence of the parapet and chimney buttresses. Nonetheless the solar panels would represent a sizable and alien addition to this roof which, apart from the trapdoor, is unaltered from its original form.

10. The appellant refers to the clutter already present at roof level around the appeal site, as well as other 'modern' additions such as cars parked outside these houses. I accept that some of these additions are more visible than the current proposal. However, in accordance with the current measures in place to ensure the protection of heritage assets, these existing additions do not create precedents, or undermine the requirement that any further additions must be discretely located so as to be sensitive to the special qualities of these heritage assets.
11. The appellant has also referred to other examples of solar panels being attached to a range of buildings, including Gloucester Cathedral, with varying degrees of visibility in public and private views. More specifically, the appellant notes that panels at Gloucester Cathedral are only visible to those visiting the tower, and are not therefore disruptive to public or any particular private views. Photographs of other examples appear to relate to isolated buildings, most of which appear to be modern. As the concern in the present case is the effect of the proposal on the visual coherence of the appeal property and its setting, these examples do not appear to be directly comparable.
12. On the basis of the information submitted with the applications I share the concerns of objectors about the reflective qualities of typical solar panels which could draw attention to their presence by contrasting with the matt finish of the traditional slate roof tiles.
13. The appellant notes that the panels would be non-permanent and could be easily removed, causing little harm to the historic fabric of the building. I have been provided with basic information about the proposed fixing method involving the introduction of intermediate rafters and plywood into the roof structure to accommodate the solar panel clips. It is reasonable to assume that the panels could be easily removed and as it appears that these fixing methods would not be unduly invasive, this aspect of the proposal would not be harmful to the special interest of the listed building.

Consideration

14. Sections 16(2) and 66(1) of the Act¹ require that when considering whether to grant listed building consent for any works affecting a listed building or its setting, special regard must be had to the desirability of preserving or enhancing the building or its setting, or any features of architectural or historic interest it possesses. Paragraph 132 of the National Planning Policy Framework (the Framework) states that when considering the impact of a proposal on the significance of a designated heritage asset, great weight should be given to its conservation.
15. The relevant development plan policies include the Royal Borough of Kensington and Chelsea Consolidated Local Plan 2015 Policies CL1, CL2, CL3, CL4, CL6, CL8 and CL11. Taken together these Policies require that roof alterations preserve the heritage significance of the building and its setting, including resisting the cumulative effect of small scale alterations on the character and appearance of

¹ Planning (Listed Buildings and Conservation Areas) Act 1990

an area. Specific reference is made in supporting text to Policy CL11 to the fact that *residents appreciation and enjoyment... of the special character and appearance of conservation areas in particular derives from both public viewpoints and views from within their dwellings*.

16. Representations in support of the proposal have been received from local interests. All points of relevance to the determination of this case have been taken into consideration in the evaluation of the proposal and the overall balancing set out below. In this context I accept that objectors' reference to the guidance from the Planning Portal² is misleading. This does not guide against solar panels *per se*, but rather makes the point that planning permission (in addition to listed building consent) is required if it is proposed that solar panels be installed on a listed building. Planning permission is also required if solar panels are proposed in a conservation area and would be fitted to a wall which fronts on to a highway.
17. Against the requirements of statute and policy, I find that as a result of the disruptive effect of the proposal on the visual coherence of the terrace, which would be apparent in both public and private views, the solar panels would fail to preserve the special architectural interest and significance of the listed building. As such, it would fail also to preserve the character and appearance of the Conservation Area.

The planning balance

18. In accordance with paragraphs 133 and 134 of the Framework, having identified harm to these designated heritage assets I am required to consider the magnitude of that harm. In this case I conclude that this would be less than substantial when considered in the context of the significance of the assets overall. In these circumstances the Framework requires that any identified harm is weighed against public benefits which the proposal might secure.
19. It is clear that a public benefit of the panels would be to make some contribution to the production of renewable energy and the lowering of carbon emissions. In this respect the appellant refers to the goal of the proposal being to ensure the sustainable future of the building by reducing its reliance on the national grid and on the environment as a whole through the production of its own 'green' energy. Such aspirations are firmly supported by the Framework.
20. However, whilst the appellant notes that 'every little helps', no details of the level of electricity generation possible or likely from this scheme is indicated. Even though public benefits of this nature have been accepted as outweighing the harm to heritage assets in other areas, given the small scale of the current proposal the public benefits would at best be modest, and would not therefore be sufficient to outweigh the harm to these heritage assets.

Conclusion

21. For the reasons given and having regard to all other matters raised, I conclude that the appeals should be dismissed.

AJ Mageean INSPECTOR

² <https://www.planningportal.co.uk>