



Appeal Decision

Site visit made on 18 February 2020

by Stephen Normington BSc DipTP MRICS MRTPI FIQ FIHE

an Inspector appointed by the Secretary of State

Decision date: 25th February 2020

Appeal Ref: APP/A2470/D/19/3241273

Hillside Lodge, 7A Main Street, Ridlington, Rutland LE15 9AU

- 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 Russell Nearn against the decision of Rutland Council.
 - The application Ref 2019/0790/FUL, dated 21 July 2019, was refused by notice dated 3 October 2019.
 - The development proposed is the retention of a single solar thermal panel on south facing roof.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. At the time of my visit it was clear that the development proposed in the planning application, the subject of this appeal, had been completed. The Council dealt with the application as being retrospective. I have no evidence to suggest that the installation of the solar thermal panel has been otherwise undertaken than in accordance with the submitted plans. I have therefore determined this appeal on the basis of the plans considered by the Council.
3. In light of the retrospective nature of the development, the Council changed the description of application Ref 2019/0790/FUL from that contained on the application form to 'retention of a single solar thermal panel on south facing roof'. This is a more accurate description of the development which I have therefore used in the determination of this appeal.
4. The appellant suggests that the installation of the panel should be considered as permitted development. However, the Council indicates that this part of the Conservation Area is subject to an Article 4 Direction pursuant to the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). The effect of the Article 4 Direction removes some of the permitted development rights normally attributed to domestic dwellings with a consequence that a planning application is required to be submitted for work which normally does not need one. I have no other evidence to suggest that the Article 4 Direction has not been made and I have determined this appeal on the basis of the planning application as submitted and the subsequent decision of the Council.

Main Issue

5. The main issue is whether the development preserves the character and appearance of the Ridlington Conservation Area.

Reasons

6. The appeal property comprises a two-storey stone built detached dwelling with slate roof located on the northern side of Main Street and lying within the Ridlington Conservation Area. The first floor of the property appears to be incorporated into the roof space in views of the south facing elevation from the road. As such, the property displays a considerable mass of roof slope in views from the road. A Grade II Listed Building comprising a stone built dwelling with slate roof is located to the east of the appeal property. A further Grade II Listed Building is located to the west of the property at No. 5 Main Street.
7. The development has involved the installation of a modest sized solar thermal panel on the south facing roof slope and sited above a first floor window. I recognise that consideration has been given to the siting of the panel on the roof as, in views from the road, it appears to be symmetrically aligned above the window.
8. Adjacent buildings restrict views of the panel to those from the road frontage in front of the appeal property. However, such views of the property frontage contributes to the character of the Conservation Area. Although of modest scale, the design and materials used in the construction of the panel contrast markedly with the mass of slate roof on this part of the dwelling. This has the effect of 'drawing the eye' to the panel in views from the road.
9. In such views, the panel appears as a discordant and incongruously prominent feature which unacceptably contrasts with the traditional materials used in the construction of the dwelling and which are common to this part of the Conservation Area. Consequently, it forms a stark and isolated modern addition to the roof-scape and appears as an uncharacteristic feature in this part of the Conservation Area.
10. Against that background, I conclude that the development neither preserves nor enhances the character or appearance of the Ridlington Conservation Area. In the context of the National Planning Policy Framework (the Framework) great weight should be given to the conservation of a designated heritage asset. Although I consider the harm to be less than substantial, any harm should require clear and convincing justification.
11. I have taken into account the contribution that the solar thermal panel can make to a reduction in climate change and the appellant's contention that this may be a public benefit. However, I do not consider that the modest contribution that this single panel would make to offsetting the effects of climate change would constitute a public benefit of an extent that outweighs the great weight that the Framework places on the conservation of designated heritage assets. In this case there are no other public benefits that would outweigh the harm.
12. Accordingly, the proposal conflicts with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and would not accord with paragraphs 192 and 193 of the Framework. It would also be contrary to Policy CS22 of the Rutland Core Strategy Development Plan Document (2011) and

Policy SP20 of the Rutland Site Allocations and Policies Development Plan Document (2014). These policies, amongst other things, state that the quality and character of the built and historic environment of Rutland will be conserved and enhanced and that particular protection will be given to the character and special features of Conservation Areas. In addition, development in Conservation Areas will only be acceptable where the scale, form, siting and design of the development and the materials proposed would preserve or enhance the character or appearance of the area.

Other matters

13. I have taken into account the examples of properties in the vicinity of the appeal site identified by the appellant where solar panels have been installed on the roof. I also note that the Parish Council raised no objections to the development. I do not have details of the circumstances relating to the installation of these other panels which, in some cases, reinforce my concerns of the incongruous nature these can have on the appearance of the roof-scape within the Conservation Area. In any case, I have determined this appeal on its own merits.
14. I have also taken into account the content of the Council's Officer Report regarding the effect on adjacent heritage assets. However, the extent and nature of this alleged effect is not set out within the report nor is the effect on the setting of nearby listed buildings specifically identified as a reason for the refusal of planning permission. Nevertheless, I am required to have regard to the statutory duty to consider the effect of the development on such assets.
15. In applying the statutory test as set out in Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 I have had regard to the desirability of preserving or enhancing the designated heritage assets. Given the separation distance between the appeal property and the Listed Building at No 5 Main Street and the presence of the intervening dwelling at No 7, I am satisfied that the development preserves those interests.
16. Although the development is located in close proximity to the Listed Building at No 11, the visual impact of the panel is predominantly limited to views of the appeal property from the road and it is not widely seen in the context of the setting of this Listed Building. Consequently, I consider that the development preserves the setting of the Listed Building at No 11.

Conclusion

17. For the above reasons, taking into account the development plan as a whole based on the evidence before me and all other matters raised, I conclude that the appeal should be dismissed.

Stephen Normington

INSPECTOR