



Appeal Decision

Site visit made on 14 May 2020

by S J Papworth DipArch(Glos) RIBA

an Inspector appointed by the Secretary of State

Decision date: 20 May 2020

Appeal Ref: APP/C1435/Y/19/3242844

The White House, Whitesmith Lane, Whitesmith BN8 6JD

- 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 Mr Peter Brooke-Ball against the decision of Wealden District Council.
 - The application Ref WD/2019/1991/LB, dated 16 September 2019, was refused by notice dated 26 November 2019.
 - The works proposed are installation of an 18 panel/6kw solar pv system to side/south facing roof pitch of listed asset.
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Decision

1. I dismiss the appeal.

Reasons

2. The building is listed Grade II and the main issue is the effect of the works on the architectural or historic significance of the designated heritage asset. Section 38(6) of the Planning and Compulsory Purchase Act 2004 and the primacy of the Development Plan do not apply to applications and appeals made under the Planning (Listed Buildings and Conservation Areas) Act 1990. Section 16(2) of the latter Act requires special regard to be had to the desirability of preserving the listed building or its setting or any special architectural or historic features it possesses. These duties are reflected in Policy SPO2 of the Wealden Core Strategy Local Plan 2013 which seeks to protect the intrinsic quality of heritage assets.
3. Paragraph 193 of the 2019 National Planning Policy Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
4. The Council have referred to the Wealden Design Guide and further Development Plan policies concerning design and layout, together with Core Strategy Policy SPO13 which states that proposals will be expected to make a real contribution to addressing climate change issues.
5. The Historic England publication '*Energy Efficiency and Historic Buildings*' includes the statement that it is generally not considered sympathetic to a building's appearance to have a solar panel or other equipment fixed to its main elevations; that is, the face or faces seen from the direction from which it is most commonly viewed.

6. The significance of the listed building lies in its architectural presentation of a house and former shop, and the historic significance is high, clearly indicating its one-time commercial use. It is to the south-facing roof of this latter part that the solar panels are proposed to be fitted.
7. The Council accept the evidence presented at appeal as to the more recent age, and limited significance, of the roof structure over the previous shop, and the appearance from the road is of a regular roofline. Whilst there is no record of the work being given consent, the fact is that no historic structure would be affected by the fixings. The photographs appear to show a reasonable depth of insulation over ceiling level and hence a 'cold roof' construction, again aiding fixing to the rafters.
8. The Council continue to be concerned over a risk of the panels impeding preventative maintenance, but that would be true of any such installation, even if concealed in a way advocated in the Historic England publication. Limited adverse weight can be attached to this concern, with access being available to inspect the underside of the roof as shown in the appellant's Appeal Statement.
9. However, that south facing roof slope is a prominent and architecturally significant element of the listed building, and that prominence in street views, is not only fleetingly from the main road but also would feature in the view of road users waiting to leave Broomham Lane, bus users stationary at the stop at the triangle, as well as walkers and users of Whitesmith Lane itself. In any event, the preservation of listed buildings does not rely on a public view.
10. The proposed solar panels would introduce an alien shape, texture and reflective quality in place of the tiled roof finish, and would disrupt the robust, solid form of the roof slope, with the joggle to avoid the chimney to the rear further confusing the appearance of the presently plain roof form. Notwithstanding the lack of harm to historic structure, the installation would cause harm to the architectural and historic significance of the listed building through the introduction of a jarring features to the roof-scape in this prominent location.
11. The level of harm would be 'less than substantial', a differentiation required between paragraphs 195 and 196 of the Framework. In this case the latter applies, and this states that this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
12. Whilst the viable use as a dwelling does not appear to be at risk, there are public benefits in the conservation of energy and the reduction in carbon emissions, an aim of local and national planning policies as well as international action. As stated by the appellant, listed buildings rarely benefit from the in-built energy conservation measures of modern buildings, although the statement that this penalises owners is a matter of balance; living in an attractive listed building often bringing non-monetary benefits.
13. It is appropriate to consider the alternative promoted by the Council of siting panels on the south facing garage roof, and this was seen at the unaccompanied site inspection. However, whilst not having a harmful effect on the listed building, the benefits would likely be less through not being in full sun to the same extent due to the proximity and height of the main house to the south of much of the roof slope. That balance of benefit over cost is however a matter for the householder to consider.

14. In the balance required under Framework paragraph 196 in regard to the appeal proposal, and taking account of the Historic England advice, the conclusion is that whilst weight attaches to the public benefits, they are insufficient to outweigh the great weight that should be given to the conservation of the listed building and a feature of such prominence. The proposal would be contrary to the aims of local and national policies that seek the preservation of listed buildings and would fail the statutory test in section 16(2) of the 1990 Act. For the reasons given above I conclude that the appeal should be dismissed.

S J Papworth

INSPECTOR