



Appeal Decision

Site Visit made on 8 February 2021

by Mr Andrew Smith BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th February 2021

Appeal Ref: APP/E3715/D/20/3264693

The Cottage, North Street, Marton CV23 9RJ

- 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 Dr Joe Walsh against the decision of Rugby Borough Council.
 - The application Ref R20/0833, dated 2 October 2020, was refused by notice dated 16 November 2020.
 - The development proposed is described as: 'Conversion of office and store to a residential annex. Replacement of roof and some external alterations'.
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Decision

1. The appeal is allowed and planning permission is granted for conversion of office and store to a residential annex, replacement of roof, addition of solar panels and external alterations at The Cottage, North Street, Marton CV23 9RJ in accordance with the terms of the application, Ref R20/0833, dated 2 October 2020, subject to the conditions set out at the end of this decision.

Preliminary Matters

2. I have used the description of development as stated upon the Council's Decision Notice and the appeal form, as opposed to that given on the application form. This is because it is comprehensive and correctly identifies the intended addition of solar panels.
3. It is evident from the Council's reason for refusing planning permission that its objections are focussed upon the property's west-facing roof slope (the roof slope) where it is intended that solar photovoltaic panels (the panels) be installed. There are no objections from the Council to any other external alteration that is proposed, nor to the intended creation of a residential annex. I have formulated the main issue in this appeal on this basis.

Main Issue

4. The effect of the panels upon the setting of the Church of St Esprit (the Church), a Grade II* Listed Building.

Reasons

5. The significance and special interest of the Church as a designated heritage asset is drawn, in-part, from its early thirteenth century origins, its various ornate architectural features, its relevance to the rural history of the village and its open setting.
6. The panels would be affixed to a part of the appeal property's roof that is intended to be replaced and retiled and that abuts the Church's grounds/cemetery. The roof slope is of relatively limited expanse, occupies a

setback position relative to the Church and sits in proximity to elements of established planting. Even so, the panels would be visible from within the Church's grounds, which accommodates a public footpath, and from North Street vantage points. The panels would thus have some influence upon the Church's setting.

7. Nevertheless, each of the panels would be limited in size and set in from the various edges of the west-facing roof slope. Indeed, the tiled composition of the roof slope would remain readily appreciable. Furthermore, the panels would protrude only a short distance beyond the plane of the roof slope. Notwithstanding their modern attributes and anticipated non-textured finish, the panels would appear as relatively discreet modern additions.
8. Indeed, the anticipated low-impact nature of the panels is reflected through the provisions of Schedule 2, Part 14, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO), which sets out circumstances where solar equipment can be installed on domestic premises without planning permission. Indeed, when considered in isolation, the panels would not obviously fail to accord with any of the various relevant requirements and conditions laid out under Schedule 2, Part 14, Class A of the GPDO.
9. For the above reasons, the panels would have a minor adverse effect upon the setting of the Church and the associated harm caused to the heritage significance of the designated asset would be less than substantial. As set out in the National Planning Policy Framework (February 2019) (the Framework), any less than substantial harm to a designated heritage asset should be weighed against the public benefits of the proposal. Indeed, the Framework also states that any harm to the significance of a designated heritage asset should require clear and convincing justification.
10. The panels would form part of a renewable energy system aimed at removing the appellant's reliance upon carbon fuels. This aim is consistent with the Government's desire, as set out within the Framework, to support the transition to a low carbon future in a changing climate.
11. Even when acknowledging the potential suitability of alternative roof slopes at the site to accommodate the panels, I find that the proposal's public benefits in a carbon reduction/climate change context attract a moderate and meaningful degree of weight. It is also the case that the proposed conversion would deliver additional habitable/useable residential floorspace. This is a benefit that attracts limited weight given the scale of conversion works under consideration.
12. The proposal's benefits, considered cumulatively, would be sufficient to outweigh the minor level of less than substantial harm that I have identified would be caused to the heritage significance of the Church through bringing forward development within its setting.
13. Reference is made in the Council's Officer Report to an appeal decision¹ in the Richmondshire District where it was found that a proposal would make a very minor contribution to national targets in favour of sustainable energy generation and would thus produce an extremely modest public benefit.

¹ APP/V2723/D/13/2209609

However, full details of the equipment proposed in that case are not before me and it is evident that the scheme's benefits were weighed against harm identified to heritage assets of particularly high heritage value. This decision is thus of limited relevance to my considerations. Indeed, any development proposal must be considered upon its own individual merits and in the context of its own local environment.

14. The proposal accords with Policy SDC3 of the Rugby Borough Council Local Plan 2011-2031 (adopted June 2019) and with the Framework in so far as these policies set out that, where development will lead to less than substantial harm to the significance of a designated heritage asset, this harm will be weighed against the public benefits of the proposal. Indeed, the proposal accords with the development plan when read as a whole and material considerations do not lead me to a decision otherwise.

Conditions

15. In the interests of certainty, a condition specifying the approved plans is required. In the interests of protecting the heritage significance of the Church and the character and appearance of the area, a condition is reasonable and necessary requiring the external-facing materials to be used to match existing. I have excluded the solar panels from this requirement given that they would not be anticipated to closely match any existing external surface at the site.
16. A condition securing full details of the panels in advance of their installation is both reasonable and necessary. This would be in the interests of protecting the heritage significance of the Church by ensuring that the panels would indeed form modest and discreet additions to the roof slope. There is no obvious reason to consider that any future discharge of this condition would be unreasonably withheld. Indeed, indicative size and layout details are depicted upon approved plan 02B and these details would act as a useful and clear reference point for the Council as determining authority. The Council has provided a copy of a brochure² submitted by the appellant at planning application stage. Whilst this is useful in providing assurances that the panels would indeed be slimline additions, I am mindful that a plan depicting the final confirmed size and layout of the panels is not before me.
17. The Council has suggested a condition to secure the submission of a Preliminary Ecological Appraisal related to bats and nesting birds, which I have adjusted in the interests of clarity and securing the implementation of any related mitigation measures ultimately identified. The appellant has stated his acceptance in writing, and I am satisfied that such a condition is reasonable and necessary in the interests of safeguarding biodiversity/protected species. Indeed, the Council's Ecological Assistant has noted records of bat roosts nearby and has referred to on-site features that could potentially provide roosting/nesting opportunities.
18. A planning condition confirming that the approved residential annex is to be used only for purposes ancillary to the use of the existing dwellinghouse is also required. This would be in the interests of ensuring that planning permission is granted upon the terms applied for, and of ensuring that a high standard of development is brought forward and retained in perpetuity.

² JAM60S17 320-340/MR

Conclusion

19. For the reasons given above, the appeal is allowed subject to conditions.

Andrew Smith

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 04; 03; 01; 02B.
- 3) No development shall take place until a Preliminary Ecological Appraisal (PEA) focussed upon the potential presence of bats and nesting birds has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in full accordance with any recommendations/mitigation measures identified in the PEA.
- 4) Notwithstanding indicative solar panel details depicted upon approved plan 02B, full specification details (including confirmation of size and layout) shall be submitted to and approved in writing by the Local Planning Authority prior to the installation of any solar panel hereby permitted to the west-facing roof slope. Development shall be carried out in full accordance with the approved details.
- 5) The materials to be used in the construction of the external surfaces of the development hereby permitted (with the exception of any solar panel hereby permitted) shall match those used to the existing building.
- 6) The residential annex hereby permitted shall only be used for purposes ancillary to the use of the dwellinghouse and shall not be used as an independent unit of accommodation.