The Planning Inspectorate

Appeal Decision

Site Visit made on 23 August 2021

by T Gethin BA (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 September 2021

Appeal Ref: APP/Z3825/D/21/3271364
New Spinney, Spinney Lane, West Chiltington RH20 2NX

- 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 and Mrs Jack and Lyla Saheid against the decision of Horsham District Council.
- The application Ref DC/20/1547, dated 17 August 2020, was refused by notice dated 17 February 2021.
- The development proposed is described as Retrospective application for the installation of solar panels.

Decision

1. The appeal is allowed and planning permission is granted for the installation of solar panels at New Spinney, Spinney Lane, West Chiltington RH20 2NX in accordance with the terms of the application, Ref DC/20/1547, dated 17 August 2020, and subject to the following conditions:

    1) The development hereby permitted shall be carried out in accordance with the following approved plans: site location plan; Drawing No 01 (south elevation); Drawing No 02 (east elevation); Drawing No 03 (east elevation of garage); Drawing No 04 (north elevation); Drawing No 05 (west elevation); Drawing No 06 (roof plan); and Drawing No 07 (block plan).

    2) The solar panels hereby permitted shall be retained in accordance with the approved details. In the event of the solar panels ceasing to be used, they shall be removed from the roof, and the roof made good, as soon as is reasonably practicable and no later than six months after the cessation of their use.

Preliminary Matters

2. At the time of my site visit, I saw that the solar panels had been installed. I have dealt with the appeal on this basis, albeit omitting the text 'retrospective application for' from the description of development because such words do not describe acts of development.

Main Issues

3. The main issues are:

    - the effect of the proposed development on the character and appearance of the surrounding area and non-designated heritage assets; and
    - the effect of the proposed development on the living conditions of adjoining occupiers.

Reasons

Character and appearance

4. The appeal site contains a detached dwelling set back from Spinney Lane behind a driveway, soft landscaping and trees. Situated within a leafy suburban environment, built form in the locality is reasonably varied in terms of scale, form and design. With its multi-red stock brick and brown plain clay tiles, New Spinney appears to be a relatively modern addition compared to some other properties in the surrounding area, particularly the Wells Cottages on either side. The significance of those cottages, as non-designated heritage assets, stems from, amongst other aspects, their architecture and striking appearance.

5. Due to their position and the presence of extensive soft landscaping, the solar panels on the west elevation are not particularly visible in public views and appear as reasonably discreet additions. The eastern-facing solar panels on the dwelling and the garage are closer to the Lane and more visible from it. These panels therefore have a greater prominence, particularly on the garage roof given their lower position and proximity to the site's boundary.

6. However, they are situated on an existing roof and do not protrude significantly from it. Combined with the variety of built form in the surrounding area and the size of New Spinney and its relatively modern appearance, the eastern-facing panels therefore neither appear as especially significant nor unacceptably prominent or intrusive features within the streetscene. With solar panels becoming an increasingly common feature in residential areas, particularly given that they can often be installed under permitted development rights, it seems to me that their presence on the site is also therefore not particularly unexpected or out of character with the suburban context.

7. Accordingly, despite their contemporary appearance and darker colour compared to the roof tiles, the panels do not read as incongruous additions in public views nor do they undermine opportunities to appreciate the adjacent Wells Cottages in their own right. For these reasons and due to the nature of the proposed development and the positions of Pixies and Blue Cedars, the appeal proposal would also not harm the verdant suburban setting of those adjoining properties, whose significance as non-designated heritage assets would be preserved.

8. In coming to this view, I have taken into account the differing views about whether or not the solar panels installed on the site are permitted development and the queried accuracy of the distances shown on the submitted block plan. Whether southerly-facing solar panels would be more efficient in relation to solar gain does also not lead me to a different conclusion.

9. For the above reasons, I conclude that the proposed development would not harm the character and appearance of the surrounding area or non-designated heritage assets. I therefore find that it accords with Policies 33 and 34 of the Horsham District Planning Framework (HDPF). Amongst other aspects, these require development to relate to and respect the character of the surrounding area and seek to sustain and enhance the district's historic environment.

Living conditions

10. The positions of the neighbouring dwellings and the elevated siting of the solar panels on the main roof of New Spinney means that those panels are

sufficiently removed from adjoining properties. The panels on the garage roof are notably closer to the property known as Pixies and appear as relatively large additions. That property is on higher ground and I observed on my site visit that the panels are directly visible from Pixies' front door and garden and also obliquely visible from some of its front fenestration.

11. However, as I have found above, the solar panels do not appear as unacceptably intrusive features and simply being able to see them does not make them harmful per se. Although there may well be occasions where some sunlight is reflected towards Pixies, it seems to me that any such glare is unlikely to be particularly significant or prolonged, particularly due to the panels' eastern orientation and dark colour. Given their nature and their siting on the existing roof of the garage, the solar panels also do not result in loss of privacy or outlook for adjoining occupiers.

12. For the above reasons, I conclude that the proposed development would not harm the living conditions of adjoining occupiers. I therefore find that it accords with HDPF Policy 33 which, amongst other things, requires development to avoid unacceptably harming the amenity of nearby occupiers.

Other matters

13. It has been put to me that the panels could have been better sited elsewhere on the site. However, given my findings above, it is not necessary for me to consider this matter any further.

Conclusion and Conditions

14. For the above reasons, the appeal is allowed.

15. I have not imposed the standard time limit condition because the development has already been carried out. However, I have imposed a condition requiring the carrying out of the development in accordance with the approved plans in the interests of certainty. In the interests of good planning and making best use of resources, and in recognition of a similar requirement under permitted development rights, I have also imposed a condition requiring the removal of the solar panels if they cease to be used.

T Gethin

INSPECTOR