

Appeal Decision

Site visit made on 8 September 2021

by David Fitzsimon MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 October 2021.

Appeal Ref: APP/T5720/D/21/3276028

20 Ernle Road, West Wimbledon, London SW20 0HJ

- The appeal is made under section 78A of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr S Reid against the decision of the Council of the London Borough of Merton.
 - The application Ref 21/P0949, dated 9 March 2021, was refused by notice dated 24 May 2021.
 - The development undertaken is roof mounted photo voltaic solar panels.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The solar panels were in place at the time of my visit. This has no bearing on my decision which is based on the planning merits of the case.
3. As the appeal was submitted before the latest version of the National Planning Policy Framework (NPPF) was published in June 2021, both the Appellant and the Council have been invited to comment on its implications in the specific context of the appeal proposal.

Main Issue

4. The main issue in this case is the effect of the development on the character and appearance of the host dwelling and the street scene and Conservation Area within which it sits.

Reasons

5. The appeal relates to a large detached house sitting in a residential road which is home to other large dwellings. Although the dwellings are of a broadly common style, they exhibit variety in terms of their detailing. However, a noticeable element of the street scene is the uncluttered front roof profiles of the dwellings that sit within it. This in itself makes a positive contribution to the overall character and appearance of the Ernle Road street scene and the wider Wool Road Conservation Area (CA).
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6. The individual solar panels are large and collectively they occupy a considerable proportion of the front roofslope of the appeal dwelling. The large mass of solar panels sits proud of and contrasts starkly with the small clay tiles of the roof. As a result, the installation appears as an incongruous and unduly dominant feature on the roof of the dwelling when viewed from the public domain.
7. As explained, the absence of solar panels on the front roof profiles of the other dwellings within this part of Ernle Road is noticeable, with the exception of the solar panels at No. 18 Ernle Road. However, I understand that this installation does not benefit from planning permission. As a consequence, the solar panels fitted to the front roof profile of the appeal dwelling appear as a striking and incongruous addition, which detracts from the overall character and appearance of the dwelling and the wider roofscape and fails to preserve the character and appearance of the CA. Whilst I understand that solar panels have been fitted at Nos. 9 and 11 Ernle Road, these are located on the rear roof slopes. They are not a directly comparable form of development and they do not impact on the Ernle Road street scene. Nor do they impact on the CA in the same manner.
8. The harm to the heritage asset would be 'less than substantial' as directed by the Planning Practice Guidance, but I attach considerable importance and weight to the statutory duty imposed by section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 that special attention should be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
9. The NPPF explains 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. It goes on to say that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

Other considerations, including public benefits

10. The development provides renewable energy which reduces the carbon footprint of the dwelling. To my mind, this is both a private and wider public benefit and it is an important factor in the balancing exercise.
11. The appellant outlines the fact that a presumption in favour of sustainable development is at the heart of the NPPF. The NPPF explains that planning decisions should contribute to and enhance the natural and local environment by ensuring that new development deals appropriately with the environment both from an ecological perspective and a resource use perspective. It also advises that new development should be planned to reduce greenhouse gas emissions, recognising that even small scale projects provide a valuable contribution in this regard.
12. I have also been referred by the appellant to policies SI1, SI2 and SI3 of the London Plan (LP) which relate to improving air quality, minimising greenhouse gas emissions and energy infrastructure, along with Strategic Objective Policy 1 of the adopted Merton Local Development Framework Core Planning Strategy (CS). This policy outlines an aspiration to make Merton a municipal leader in improving the environment, taking the lead in tackling climate change, reducing pollution, developing a low carbon economy, consuming fewer resources and

using them more effectively. This policy explains that this will be achieved by, amongst other actions, promoting the retrofit of greater improved energy performance to existing buildings and greater connections with renewable and decentralised energy. In addition, I note policy CS14 of the CS promotes high quality sustainable design which, amongst other considerations, retains and adapts existing buildings where appropriate to reduce CO2 emissions and secure sustainable development, whilst policy CS15 explains that all minor and major development, including refurbishment, will be required to demonstrate how the development makes the fullest contribution to minimising carbon dioxide emissions.

13. Notwithstanding the national and local planning policy drive to promote renewable energy and to reduce CO2 emissions, the NPPF also explains that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. I have explained why the solar panels do not amount to 'good design' in the particular context of the appeal dwelling and the CA within which it sits. On this basis, the installation does not amount to sustainable development in the widest sense of the definition provided by the NPPF.
14. Furthermore, no compelling technical evidence has been advanced to persuade me that the fitting of solar panels to the front roof profile of the dwelling in the manner undertaken is the only option for generating renewable energy and reducing the carbon footprint of the appeal dwelling. On balance and in this particular situation, I therefore take the view that the environmental benefits of the renewable energy production do not outweigh the environmental harm caused by the adverse visual impact.

Overall Conclusion

15. I conclude that the solar panels unacceptably harm the character and appearance of the host dwelling and they fail to preserve the character and appearance of the CA. In such terms, the development conflicts with policy HC1 of the LP, policy CS14 of the CS and policies DM DM2, DM DM3 and DM DM4 of the adopted Merton Sites and Policies Plan 2014, which collectively require high quality design that respects, reinforces and enhances its context and which conserves and where appropriate, enhances heritage assets.
16. The arguments advanced on behalf of the appellant in favour of the development do not outweigh this harm and policy conflict therefore the appeal does not succeed.

David Fitzsimon

INSPECTOR