



Appeal Decision

Site visit made on 31 May 2022

by Lynne Evans BA MA MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 6TH July 2022

Appeal Ref: APP/A5840/D/21/3288323

30 Date Street, Walworth, London SE17 2HQ

- 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 Miss Beverley Robinson against the decision of the Council of the London Borough of Southwark.
 - The application Ref: 21/AP/3084 dated 26 August 2021, was refused by notice dated 7 October 2021.
 - The development proposed is installation of energy efficient solar thermal panel on the front elevation of the roof facing the highway; 1 single panel (roof slope)
-

Decision

1. The appeal is allowed and planning permission is granted for installation of energy efficient solar thermal panel on the front elevation of the roof facing the highway; 1 single panel (roof slope) at 30 Date Street, Walworth, London SE17 2HQ in accordance with the terms of the application, Ref: 21/AP/3084 dated 26 August 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Photograph of Front roof slope with solar panel superimposed (titled Proposed Solar Panel) and 745075 - 1212411-F20 Flat Plate- Datasheet (5).pdf.
 - 3) The materials used for the solar panel shall be as set out on 745075 - 1212411-F20 Flat Plate- Datasheet (5).pdf.

Preliminary Matters

2. The appellant questions whether the proposed works would fall to be considered as permitted development. However, within the context of an appeal under Section 78 of the Act it is not within my remit to determine formally whether the proposed development requires planning permission as questioned by the appellant. If the appellant wishes to ascertain whether the development is lawful, they may make an application under section 191 of the Act.
3. Since the application was determined and the appeal submitted, the Council has adopted the Southwark Plan 2022 (SP 2022), which replaced the Core Strategy 2011 and Southwark Plan 2007 policies referenced in the decision

notice. I am required to determine the appeal in accordance with the development plan policies in place at the time of my decision. The Council has therefore, at my request, provided me with the replacement policies from the SP 2022 and an opportunity has been provided to both the Appellant and the Council to comment on these policies. No further comments have been received. I shall refer only to the policies in the SP 2022 and not to the now superseded Core Strategy 2011 and Southwark Plan 2007.

Main Issue

4. The main issue in this appeal is the effect of the proposal on the character and appearance of the Liverpool Grove Conservation Area.

Reasons

5. The appeal property is a mid-terraced house on the north side of and facing onto Faraday Gardens and within the Liverpool Grove Conservation Area. I agree with the Council that the Conservation Area is focussed on the Grade I listed St Peter's Church by Sir John Soane and residential development surrounding. The attractive residential streets, including Date Street, dating from the end of the nineteenth century contribute to the significance of the Conservation Area in terms of it being an example of social housing.
6. The proposal would seek to introduce one solar panel to the south facing front roof slope. It would measure 1730mm by 1222mm and would not be dissimilar in size and proportions to a rooflight. It would be a simple panel laid on the front roof slope and facing parallel with the roof slope. I agree with the Appellant that the use of renewable energy is to be encouraged and is supported at a national and local level, but this needs to be balanced at all times with other considerations, such as heritage impact related concerns.
7. Although I agree that there are unaltered front roofs along Date Street, a number have had one or more rooflights added, including the adjoining property at No.32. Given the proposed size of the one solar panel for which planning permission is sought, I consider that it would be discreetly located on the front roof slope and would be an acceptable addition which would not detract from the attractiveness of the existing property and the terrace within which it sits.
8. I have had regard to the guidance from the Conservation Area Appraisal which seeks to avoid installations away from principal elevations or dominant roof slopes. However, in this instance, the front facing roof slope is south facing and would therefore be most effective with this form of renewable energy technology. In addition, it would be of modest size and form, and would be seen in the context of adjoining roof lights.
9. I am therefore satisfied that the proposed solar panel would not harm the character and appearance of the existing building and terrace in which it is situated nor the significance of the Liverpool Grove Conservation Area. It would preserve the character and appearance of the Conservation Area. There would be no conflict with Policies D4 and HC1 of the London Plan 2021, Policies P13, P14 and P20 of the SP 2022 and the National Planning Policy Framework and in particular Section 18, all of which, amongst other things, seek a high quality of design which respects the local context and which protects the significance of heritage assets. Whilst I have taken into account the Council's view that the

proposal would not accord with some of the detailed guidance in its Conservation Area appraisal, in the particular circumstances of this case and taking into account the local context, I do not consider that this would on its own justify refusal of planning permission.

Conditions and Conclusion

10. In terms of conditions, materials should match those specified in the application in order to protect the character and appearance of the existing building and Conservation Area. A condition should be imposed to list the approved plans for the avoidance of doubt and in the interests of proper planning.
11. For the reasons given above and having regard to all other matters raised, including in representations, I conclude that the appeal should be allowed.

L J Evans

INSPECTOR