

Appeal Decision

Site visit made on 26 July 2022

by J Bell-Williamson MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 August 2022

Appeal Ref: APP/W3520/D/22/3295615

43 Spencer Way, Stowmarket, Suffolk IP14 1UB

- 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 Michael Melwani against the decision of Mid Suffolk District Council.
 - The application Ref DC/21/06877, dated 20 December 2021, was refused by notice dated 16 February 2022.
 - The development proposed is installation of solar panels on a plain red brick wall.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Although the application sought planning permission for the proposal described above, the appellant contends that this is not required as the proposal is permitted development. However, whether or not such permission is required is not a matter for me to decide in the context of this appeal.
3. The alternative description of development included on the appeal form more succinctly reflects the proposal than the original description on the application form. For this reason, the shorter version from the appeal form has been used above.
4. Installation of the solar panels has been undertaken and, therefore, I have dealt with the appeal on the basis that it involves an application for retrospective permission.
5. An application for costs was made by Mr Michael Melwani against Mid Suffolk District Council. This application is the subject of a separate decision.

Main Issue

6. The main issue is the effect of the solar panels on the character and appearance of the host dwelling and street scene.

Reasons

7. The appeal property is a two storey detached dwelling located in a residential estate of similar properties and semi-detached dwellings.
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8. Policies GP1 and H16 of the Mid Suffolk Local Plan (1998), Policy CS5 of the Mid Suffolk Core Strategy (2008) and Policy FC1.1 of the Core Strategy Focused Review (2012) all include the requirement that development should maintain or enhance the character and appearance of its surroundings.
9. The appeal property and neighbouring dwellings on the northern side of Spencer Way are laid out perpendicular to the road in small groups. For those dwellings closest to the road, including No 43, this results in the side elevation being a prominent feature in views from the surrounding area, both the public realm and dwellings opposite.
10. The solar panels that have been installed are of conventional design and appearance and are positioned on the upper part of the side elevation of the appeal property, facing Spencer Way. Their black surface together with the extent of their coverage of a large part of the elevation contrasts unfavourably with the remaining visible brick wall of the original side elevation. Moreover, the position of the panels in three rows results in the bottom row including a panel either side of the only window in the side elevation. This heightens the incongruous appearance of the panels resulting from their unconventional position compared to their more characteristic location on the roof of a dwelling.
11. The contrast of the appeal property's appearance with the original, unaltered side walls of neighbouring dwellings is also particularly apparent within the street scene. As such, the panels are a significant and highly prominent feature which are harmful to the character and appearance of the host dwelling as well as upsetting the otherwise uniform and planned appearance of this part of the residential estate.
12. I acknowledge that the panels are principally functional features and that the south-facing side elevation is the most effective place to locate them. Furthermore, I acknowledge that the appellant has undertaken this development in the interests of environmental sustainability, including addressing climate change and energy costs through renewable energy generation. These matters are, as contended by the appellant, strongly promoted through national and local policies and initiatives. However, important as they are, such matters must also be balanced with the effects of development in any particular location, which is also a clear requirement of national and local planning policies. In the particular circumstance of this appeal, I find for the reasons given that the panels have a materially harmful effect in this location, which is not outweighed by their environmental benefits.
13. The appellant contends that there is no conflict with a number of the development plan policies referred to above, particularly as they concern residential amenity, which is to do with living conditions. However, all the policies referred to, including Policy H16 which is titled 'protecting existing residential amenity', include the requirement that development should not erode the character of the surrounding area. I acknowledge that the appeal property is not within a conservation area or subject to another specific designation, but this is not sufficient reason to overcome the above findings.
14. The appellant makes a number of substantive points relating to the expectation that the proposal would be acceptable due to engagement with the Council. However, these arguments are more appropriately considered with regard to

the costs application, rather than in relation to the planning merits of the appeal proposal.

15. Accordingly, for the above reasons, I conclude that the solar panels that have been installed have an unacceptably harmful effect on the character and appearance of the host dwelling and street scene. As such, the proposal is contrary to Policies GP1 and H16 of the Mid Suffolk Local Plan, to Policy CS5 of the Mid Suffolk Core Strategy and to Policy FC1.1 of the Core Strategy Focused Review, as described above.

Conclusion

16. For the reasons given above it is concluded that the appeal should not succeed.

J Bell-Williamson

INSPECTOR