



Appeal Decision

Site visit made on 14 February 2023

by J White BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 April 2023

Appeal Ref: APP/V3310/D/22/3309716

Dorford House, Road through Goathurst, Goathurst, Bridgwater, Somerset TA5 2DF

- 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 Roles against the decision of Sedgemoor District Council.
 - The application Ref 29/22/00004, dated 23 May 2022, was refused by notice dated 9 September 2022.
 - The development proposed is installation of black solar panels to the roof of the detached double garage/workshop – to East and West elevations.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires special regard to be paid to the desirability of preserving listed buildings or their setting.

Main Issues

3. The main issues are the effect of the proposed development on:
 - the character and appearance of the local area; and
 - the settings of the nearby Grade II listed building, Dorford House, the Grade I listed Church of St. Edward King and Martyr, and the Grade II* listed Willis family monument.

Reasons

Character and appearance

4. The proposed solar panels would be installed on the east and west roof slopes of the garage outbuilding, which lies in the southwest corner of the Dorford House site and next to the crossroads junction. The existing garage building is typical of the locality and is a relatively recently constructed building within the context of the site. Its plain form and traditional materials mean it sits comfortably within its setting, despite its proximity to the road. The Laurel hedge boundary largely screens the side elevations of the building. However, the roof is much more visible. The predominance of traditionally clad and less elaborate roofs, which the appeal site includes, as appreciated from the street contributes positively to the character and appearance of the area.

5. The terrace of dwellings alongside the road, to the east of the site, provides some obstruction to views of the garage from positions to the east. However, the solar panels proposed on the west roof slope would be readily apparent from public vantage points and notably in views from the southwest, including from the crossroads junction and the public right of way to Robin Hood's Hut.
6. The solar panels would introduce a modern architectural feature, dominating the roof of the garage. The level of visual clutter at roof level would not be consistent with the largely uninterrupted tiled roofs nearby and would detract from the character and appearance of the area.
7. I noted during my site visit that there is a smaller range of solar panels on the garage building to the opposite side of the road and on a dwelling set back from the street to the north, but I do not have any evidence whether these benefit from planning permission. Nevertheless, the proposed solar panels at the appeal site would be more prominent within the historic built context, causing a greater level of visual intrusion.
8. For the above reasons, the introduction of solar panels, with their inherently modern design and materials, would be at odds with the setting of largely clear roof slopes covered with traditional materials. They would be a clear and prominent modern intervention that would harm the character and appearance of the area, notwithstanding the black colour chosen, nearby landscaping, the positioning of the panels flush within the roof slope and the presence of some solar panels in the wider setting. The longevity of the hedge could also not be guaranteed to screen the development. The proposal would thus conflict with Policy D2 of the Sedgemoor Local Plan 2011-2032 (Local Plan), which amongst other things, seeks development that responds positively to and reflects the particular local characteristics of the site and the identity of the surrounding area, as well as taking into account climate change.
9. My attention has been drawn to Local Plan Policy D4 which is supportive of projects that maximise the generation of energy and heat from renewable or low carbon sources. However, this is on the basis that the scheme's impacts can be satisfactorily addressed. In this case for the reasons set out above, I consider that the harm identified could not be satisfactorily addressed. As such there would also be conflict with this policy.

Nearby listed buildings

10. Dorford House is a Grade II listed building (List Entry No 1307436) along with the Almonry, which is its semi-detached neighbour. The houses were originally built as almshouses. Dorford House is two storeys with a random rubble frontage, brick return, stone-mullioned windows with leaded lights and a clay tile roof. The significance and special interest of the dwelling as a designated heritage asset is drawn, in-part, from its historical and architectural interest, its age, relevance to the history of the village, its ornate architectural features, and its traditional construction materials.
11. The Church of St. Edward and Martyr is a Grade I listed building (List Entry No 1177353) to the northeast. Its significance and special interest as a designated heritage asset is drawn, in-part, from its fourteenth century origins, its various architectural features, its number of high-quality funerary monuments and its relevance to the history of the village. The Grade II* listed monument (List Entry No 1344967) within the churchyard dates from 1765 and commemorates

various members of the Willis family. Whilst at the time of my site visit the column had been removed awaiting restoration, its significance and special interest as a designated heritage asset is drawn, in-part, from its classical design, sculptural quality and group value with the Church.

12. The setting of a heritage asset, which can contribute to its significance, is defined in the glossary to the National Planning Policy Framework (the Framework) as the surroundings in which a heritage asset is experienced. The garage lies in Dorford House's garden, which is the proximate surroundings in which the house is experienced.
13. Moreover, the former almshouses have a historical connection to the Church and its churchyard and vice versa, and are within the setting of each other contributing to the legibility of the group of interrelated buildings, which is of value to their special interest and significance. As such, the garage forms the immediate and wider setting of these listed buildings.
14. The garage presently has a neutral effect on the setting of these nearby listed buildings being constructed of timber with a tiled roof, which reflects the appearance and the predominance of traditionally clad and less elaborate roofs as appreciated from the street. It is also of a scale that is secondary and clearly subservient to the dwelling that it serves.
15. The solar panels would introduce a modern architectural feature, dominating the roof of the garage, and the level of visual clutter at roof level would harmfully erode the setting of Dorford House. Furthermore, even taking account of elements of established planting between the garage and the Church and its grounds, which provide some screening of it from the churchyard, the proposed panels would be visible from the Church's grounds, including the monument. The proposal would also be prominent in views of the church tower from the crossroads. The panels would thus also have a harmful influence upon the setting of the Church and the monument.
16. For the above reasons, the introduction of solar panels, with their inherently modern design and materials, would draw the eye, as an unwelcome anomaly. They would be a clear and prominent modern intervention that would harm the significance of the listed buildings by way of impact upon their setting. This harm would not be compensated by the black colour chosen, the positioning of the panels flush within the roof slope or by allowing the roadside hedge to grow up, particularly because the longer-term management and survival of the hedge is not guaranteed. In any event, listed buildings are safeguarded for their inherent architectural and historic interest irrespective of whether or not public views can be gained. In terms of 'setting' the Planning Practice Guidance (PPG) advises that: *'The contribution that setting makes to the significance of the heritage asset does not depend on their being public rights of way or an ability to otherwise access or experience that setting. The contribution may vary over time.'*¹
17. Paragraph 199 of the Framework states 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 (and the more important the asset, the greater the weight should be). Paragraph 200 of the Framework goes on to advise that significance can be harmed or lost through the alteration

¹ Paragraph: 013 Reference ID: 18a-013-20190723

or destruction of those assets or from development within their setting and that this should require clear and convincing justification.

18. While noting the Council's report refers to the potential for substantial harm to the significance of the listed buildings, I have had regard to the PPG which makes clear that substantial harm is a high test which may not arise in many cases². Having regard to the specific harm arising from the proposed solar panels on this property, given its limited scale, I find that the proposal would result in less than substantial harm to the setting of the listed buildings but nevertheless of considerable importance and weight. The Framework does not require me to look at less than substantial harm on a spectrum.
19. Under such circumstances, Paragraph 202 of the Framework advises that this harm should be weighed against the public benefits of the proposal, which includes the securing of optimal viable use of listed buildings where applicable.
20. The appellant has highlighted how the solar panels would enable them to reduce their reliance on an oil-based heating system and generate a sustainable source of energy for their property. The Framework highlights that domestic scale projects can make a valuable contribution to cutting greenhouse gas emissions. Paragraph 158 indicates that development should be approved if its impacts are (or can be made) acceptable. But this implies that development may equally be refused where such impacts are not (and cannot be made) acceptable, which is the case here.
21. Therefore, whilst recognising that the solar panels would provide some limited public benefit in terms of cutting greenhouse gas emissions, I conclude that any public benefits of the proposal would not be significant enough to outweigh the harm identified.
22. Taking the above matters into consideration, I conclude that the proposal would harm the character and appearance of the local area and fail to preserve the setting of the Grade II listed building, Dorford House, the Grade I listed Church of St. Edward King and Martyr, and the Grade II* listed Willis family monument. The development would thus fail to satisfy the requirements of the Act and paragraph 197 of the Framework. The proposal would also conflict with Policies D2, D4 and D26 of the Local Plan, which together seek to avoid harm to the significance of heritage assets and their setting and allows renewable energy schemes only where their impacts can be satisfactorily addressed.

Other Matter

23. I acknowledge that the appellant has explained that an alternative provision for solar panels at the property is restricted. However, I have considered this appeal on its own merits and concluded that it would cause harm for the reasons set out above.

Conclusion

24. I have found that the proposal fails to accord with the statutory provisions of the Act in respect of listed buildings. Public benefits do not outweigh the harms identified leading to conflict with the historic environment policies of the Framework. Conflict also arises with the development plan as a whole. Material

² Paragraph: 018 Reference ID: 18a-018-20190723

considerations do not indicate that I should make a decision other than in accordance with the development plan.

25. For the reasons given above I conclude that the appeal should be dismissed.

J White

INSPECTOR