



Appeal Decision

Site visit made on 3 May 2023

by Matthew Jones BA(hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 May 2023

Appeal Ref: APP/D0840/Y/22/3303771

2 Regent Square, Penzance, Cornwall

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr Mat Green of Naked Solar Ltd against the decision of Cornwall Council.
 - The application Ref PA22/02023, dated 25 February 2022, was refused by notice dated 18 May 2022.
 - The works proposed are described as *'installation of a photovoltaic (PV) array to the rear facing east and west elevations of the listed building. Panels will not be visible from the highway and can be removed at the end of their life. Panels have been chosen to minimise their visual impact by using a black framed module with dark silicone. Not silver framed with blue silicone. Panels will be mounted approximately 80mm off the perpendicular of the roof line to minimise their visual impact. The panels will be mounted centrally on the roofs to remain aesthetically pleasing which will also allow rain water run off to be caught in the gutters. The panels will not exceed to height of the properties ridgeline'*
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Decision

1. The appeal is dismissed.

Main Issue

2. 2 Regent Square forms the northeast corner of the circa 1840 Grade II listed building 1-21 Regent Square. It is inside the Penzance Conservation Area (CA). As such, the main issue is the effect of the works on the special architectural and historic interest of the listed building and, linked to that, whether they would preserve or enhance the character or appearance of the CA.

Reasons

3. The significance of the listed building lies principally in its planned, Regency style architecture, with its terraced houses grouped around a secluded square. However, whilst the ornate facades of the terraces are of particular interest, the architecture of the rear elevations, with traditional stuccoed walls and timber sash windows set under slated roofs, also contributes to significance.
4. These rear elevations are by and large publicly visible from a few intimate back lanes around Regent Square. The rear of No 2 is in prominent view from one such, highly picturesque, lane which flows from behind Regent Square directly into the lush, contemplative churchyard of St Mary's Church. The rear of No 2 therefore also contributes to the character and appearance of the CA.
5. Even with dark finishes, the panels would be obvious, proudly set additions to No 2. They would fill much of, and thus dominate, the rear roofslopes of the

property. As modern and clinically mass manufactured items, the panels would jar with the more handcrafted, traditional finish materials of the terrace. In the same manner, they would diminish the sensitive historic quality of the lane where it meets the churchyard. The panels would be removable at the end of their lifespan yes, but harm would still arise even if it was time limited, and I have no reason to doubt that the panels may then be replaced in any event.

6. Given the limited scale of the works relative to the listed building and CA, I would quantify the harm to both designated heritage assets as less than substantial. Paragraph 199 of the National Planning Policy Framework (the Framework) explains that great weight should be given to the conservation of designated heritage assets. Paragraph 202 goes on to require decision makers to weigh any less than substantial harm to a designated heritage asset against the public benefits of the scheme, including securing its optimum viable use.
7. That balancing exercise must take place in the context of s.16(2) and s.72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, which set a strong presumption against a grant of listed building consent for works that would cause harm to the special interest of a listed building and fail to preserve or enhance the character or appearance of a conservation area.
8. The works present public benefits in that they would allow for a reduction in the use of fossil fuels, aiding our transition to a low carbon society, and there would also be small economic benefits accrued through the installation phase. However, these benefits would be very limited in scale and therefore fall decisively short of justifying the harm that would be caused; harm that must be given considerable importance and weight in the balancing exercise.
9. Moreover, that conclusion brings the proposal into conflict with Policies 2, 12 and 24 of the Cornwall Local Plan Strategic Policies 2010-2030 (adopted 2016) insofar as they seek for the design of proposals to protect the historic environment generally, listed buildings, and conservation areas respectively.
10. For these given reasons, and taking all other matters raised into account, I conclude that the appeal should be dismissed.

Matthew Jones

INSPECTOR