The Planning Inspectorate

Appeal Decision

Site visit made on 13 June 2023

by Sarah Colebourne MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 July 2023

Appeal Ref: APP/M2840/D/23/3320066
2 Castle Lane, Wellingborough, Northamptonshire, NN8 1LB

- 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 Ankush Jain against the decision of North Northamptonshire Council.
- The application Ref NW/22/00849/FUL, dated 29 November 2022, was refused by notice dated 26 January 2023.
- The development proposed is the installation of a solar PV system.

Decision

1. The appeal is dismissed insofar as it relates to the panels on the rear south-facing roofslope.

2. The appeal is allowed insofar as it relates to the panels on the side west-facing roofslope only and planning permission is granted for the installation of a solar PV system at 2 Castle Lane, Wellingborough, Northamptonshire, NN8 1LB in accordance with the terms of the application, Ref NW/22/00849/FUL, dated 29 November 2022 subject to the following conditions:-

    1) The development hereby permitted shall begin not later than three years from the date of this decision.

    2) The development hereby permitted shall be carried out in accordance with the following approved plans: 202212-001 Rev A insofar as it relates to the west elevation only.

Reasons

3. The main issue in this appeal is whether the proposal would preserve or enhance the significance, character and appearance of the Wellingborough Town Centre Conservation Area (CA). As the proposal is in a conservation area, I have had special regard to section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act). The development plan includes policy 2 a) and b) of the North Northamptonshire Joint Core Strategy (CS) which seeks to ensure that proposals conserve and enhance historic significance through their form, scale, design and materials. National policy in the National Planning Policy Framework (the Framework) has a similar objective.

4. The Wellingborough CA is a large area whose historic medieval core together with areas of Victorian and Edwardian architecture contributes to its significance. The appeal site comprises a modern, detached dwelling with a

wide elevation and a hipped roof, located towards the southern end of the CA. It is accessed from Castle Lane, a narrow side street, but its rear elevation faces onto Castle Road, an attractive and well-used route between the eastern and southern ends of the town centre.

5. As Castle Road winds down from the A5193, the historic and steeply pitched roofs of buildings in this street form an important part of its character and contribute to the architectural significance of the CA. Although there are mature trees in gardens along the street, the tiled roof of the appeal dwelling can be clearly seen, set back in its garden behind a high brick wall. Whilst it does not make the same contribution as some of the more historic steeply pitched roofs, it does not detract from those roofs and sits quietly in the street scene.

6. At my visit, I noted the presence of solar panels on both the front and rear roofslopes of the dwelling at Castle Lodge which sits in a corner position to the east of the appeal site. I have not been told that those have planning permission and from what I have seen, they make little contribution to the character or appearance of the CA.

7. Eleven of the proposed panels would be sited on the south-facing rear roofslope and would be clearly seen in the approach down Castle Road. The roofing materials are small red tiles and these would be disrupted by the presence of eleven panels whose dark colour would contrast with that roof. Given the width of the dwelling, their number and siting across the whole of that roofslope, they would be unduly prominent in the street scene. As such, would fail to preserve or enhance the significance of the CA and would be contrary to CS policy 2 a) and b) and to the Framework.

8. Whilst the harm in this case would be less than substantial, it carries considerable weight and the Framework requires that any harm to, or loss of, the significance of a designated heritage asset (including from development within its setting), should require clear and convincing justification. Where the harm is less than substantial, it should be weighed against the public benefits of the proposal. The proposal would undoubtedly provide sustainability benefits, mainly for the property itself and both the Framework and CS policy 9 seek to reduce carbon emissions. However, in this case, given the wider harm that would arise to the CA, I am not persuaded that those benefits are sufficient to outweigh that harm.

9. I have had regard to the other appeal decisions referred to by the appellant but those have significant differences from this case. In appeal refs APP/C3620/W/21/3281976 & 3281976, the solar panels were on a rear roofslope that did not face a road and on a flat roof. The Inspector found that 'the location of the panels and the topography of the site and boundary treatment' resulted in a lack of harm. In appeal ref APP/A5840/D/21/3288323, only one panel was proposed and the Inspector found that it was 'of modest size and form'. In appeal ref APP/H5960/D/22/3301470, the Inspector found that the 'large front projection would partly conceal the panels from view'. Those circumstances do not apply in this case and those decisions do not therefore set a precedent for this proposal.

10. Five of the proposed solar panels would be sited on the west facing side slope. Those would not be clearly seen from surrounding roads and given their limited number and distance from the nearest listed buildings at 6,7,8 and 9 London

Road and the Rose Hill Flats 1, 2 and 3, I am satisfied that they would not harm the setting of those buildings and would preserve the significance of the CA. Those panels would therefore accord with the development plan policies referred to above and with the Framework. They are clearly severable from the rear panels and a split decision can be issued, subject to the standard conditions for time period and compliance with the plans.

Conclusion

11. For the reasons given above, I conclude that the proposed solar panels on the side west-facing roofslope would accord with the development plan and there are no material considerations that would outweigh this. The appeal should be allowed insofar as it relates to those panels.

12. The proposed solar panels on the rear south-facing roofslope would be contrary to the development plan and there are no material considerations that would outweigh this. The appeal should be dismissed insofar as it relates to those panels.

Sarah Colebourne

Inspector