



Appeal Decision

Site visit made on 4 October 2023

by P B Jarvis BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 November 2023

Appeal Ref: APP/W0530/D/23/3327627

49 Station Road, Fulbourn CB21 5ER

- 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 Graham Brown against the decision of South Cambridgeshire District Council.
 - The application Ref 23/00310/HFUL, dated 27 January 2023, was refused by notice dated 14 June 2023.
 - The proposed development is additional first floor and side and rear extensions.
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Procedural Matter

1. The Council has used the following description "*single storey front, side and rear extensions, roof extension to create one and a half storey with front and rear dormer windows*". This more accurately describes the development.

Decision

2. The appeal is dismissed.

Main Issue

3. The main issue is the impact of the roof extension on the light received by the solar panels on the adjoining property.

Reasons

4. The appeal site comprises a detached bungalow which is currently undergoing refurbishment. It lies along a main road through the village which is characterised by predominantly residential properties of varying age, size and style. No. 51 Station Road to the north is also a bungalow though it has been extended to the front with a dormer to provide some accommodation within the roofspace. It has a hipped roof with a number of solar panels sited on the southern facing roofslope which face towards the appeal site.
5. The Appellant has provided a shadow study showing the effect of the proposed roof extension on the sun light received by the neighbouring solar panels. It shows that in mid-June there would be no impact on the sunlight received by the panels but by mid-December / January the increased roof height would have the effect of overshadowing about two thirds of the panels. It also shows that by mid-February the height of the sun is such that only the lowest part of the panels would be in shadow.
6. The Council contends that this study shows that the panels will be 'severely' overshadowed on the basis that approximately two thirds of the panels would be blocked during winter months. However, that does not seem to be an

entirely accurate assessment given that the study only suggests that to be the case during December and January described by the Appellant as mid-winter. It seems to me that the study does not provide a comprehensive assessment of the impacts in this respect.

7. Furthermore, whilst the study shows the effect of the roof extension on sunlight at certain times of the year, it does not explain how that affects the energy production of the solar panels themselves notwithstanding that there is undoubtedly a connection between the amount of sunlight received by the panels and the energy that is generated.
8. On this basis, it seems to me that it is not possible to conclude the extent to which roof extension affects the efficiency of the solar panels and therefore whether there would be an unacceptable impact.
9. The Appellant suggests that the solar panels should be treated as temporary structures that are not subject to any 'right to light'. However, whilst they may have been erected under permitted development rights that does not mean that they should be treated as temporary. With regard to the relevance of the impacts, I note that the Council has referred to a High Court case¹ which confirms that the effect on activities aimed at mitigating climate change can be a material consideration.
10. I therefore conclude that it has not been demonstrated that the proposal would not have a harmful effect on the light received by the solar panels on the adjoining property. As such there is conflict with Policy HQ/1 of the South Cambridgeshire Local Plan (2018) which seeks to ensure high quality design that is compatible with its location which ensures that development protects the amenity of occupiers and delivers flexibility that allows for adaptation to climate change, including through location, orientation and design of buildings.
11. The Council has referred to the Fulbourn Neighbourhood Plan, though does not cite any specific policies. However, Policy FUL/11 relates to Housing Design Quality and expects development proposals to, amongst other things, observe high standards of energy efficiency and optimise natural light and winter solar gain. As above, compliance with this policy has not been demonstrated.
12. I acknowledge that the proposal would provide an enhanced unit of residential accommodation that in other respects would contribute positively to the local area. However, these factors do not outweigh the conflict with policy.

Other Matters

13. The site lies within setting of a listed building, no. 53 Station Road, but the Council concludes that there would be no harmful impact. I concur and the character and appearance of the heritage asset would be preserved.

Conclusions

14. For the reasons set out above, I conclude that this appeal should be dismissed.

P B Jarvis

INSPECTOR

¹ William Ellis McClennan v Medway Council and Ken Kennedy [2019] EWHC 1738