



Appeal Decision

Site visit made on 13 December 2023

by Ian McHugh DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02.02.2024

Appeal Ref: APP/R1038/D/23/3330635

29 Main Road, Higham, Alfreton, DE55 6EH

- 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 Norman Wall against the decision of North East Derbyshire District Council.
 - The application Ref 22/01134/FLH, dated 18 November 2022, was refused by notice dated 13 July 2023.
 - The development proposed is the installation of 12 panel solar pv system to roof pitches of detached garage.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on the setting of the appeal property and the neighbouring dwelling; and whether the proposal would preserve or enhance the character or appearance of the Higham Conservation Area (CA).

Reasons

3. The appeal property (number 29) is a two-storey stone-built dwelling, which is situated within the CA. The property is listed, as is the neighbouring dwelling to the south, Cross House. A detached stone-built garage, with a gabled roof, situated within the curtilage of number 29 is positioned between the two properties. The garage is a relatively modern structure, which (according to the officer's report) was built in the 1980's. Nevertheless, it matches and complements the host dwelling and the surrounding area in terms of its design and external materials.
4. A distinctive and significant characteristic of the CA in the vicinity of the appeal site is the external materials of the properties, which are mainly stone walls with either slate or clay tiled roofs. I observed at my site visit that the roof areas are largely free from any attachments and their plain simple form contributes positively to the appearance of the CA.
5. The proposal is to erect solar panels on both roof slopes of the garage. They would be black, fixed on rails and cover much of the roof area. No structural alterations are proposed. The Council considers that the proposal would unacceptably impact on the setting of the two listed buildings and on the

- character of the CA, because of the position, design, and materials of the panels.
6. The Council's decision notice cites conflict with five policies of the adopted North East Derbyshire Local Plan (LP). Amongst other things, these policies seek to ensure high quality design that responds to local character (SDC12) and protect and enhance heritage assets and their setting (SS1, SDC5 and SDC6). In addition, Policy SDC10 promotes renewable energy, provided there are no significant adverse effects on heritage assets. I consider that these policies accord with the provisions of the National Planning Policy Framework 2023 (The Framework), with particular reference to Chapter 16 of that document.
 7. Although the garage is set-back from the road, the relatively wide gap between number 29 and Cross House means that the panels on the southern facing roof slope would be clearly visible. The panels on the northern facing section would be less so. Nevertheless, the proposal would appear as a disruptive and incongruous feature that would be harmful and at odds with the prevailing character and appearance of this part of the CA.
 8. The setting of heritage assets is generally regarded as the surroundings in which the asset is experienced. In this case, the proposal would also detract from the setting of the two listed buildings, because of their close visual and spatial relationship with the garage. Accordingly, the proposal would conflict with the provisions of the LP, as referred to above.
 9. Having regard to paragraph 208 of The Framework, I consider that the harm to the heritage assets would be less than substantial. Consequently, I am required to consider whether the harm would be outweighed by any public benefits resulting from the proposal.
 10. I have attributed weight to the benefits of renewable energy and I have taken into account paragraph 157 of The Framework, which states that the planning system should support the transition to a low carbon future. However, paragraph 164 goes on to state that where such proposals affect heritage assets then decision makers should also apply the policies set out in Chapter 16 of The Framework. Paragraph 205 of Chapter 16 states that when considering the impact of a proposed development on the significance of a heritage asset, great weight should be given to the asset's conservation.
 11. There would undoubtedly be benefits to the appellant from the proposal and some benefit to the public should any excess energy be sent back to the national grid. However, on balance, I am not persuaded that the benefits outweigh the harm to the character and appearance of the CA and to the setting of the listed buildings that I have identified above.

Conclusion

12. For the reasons given above, it is concluded that the appeal be dismissed.

Ian McHugh

INSPECTOR