



Appeal Decision

Site visit made on 8 November 2023

by S Pearce BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 May 2024

Appeal Ref: APP/F2415/D/23/3324332

43 Gardiner Street, Market Harborough, Leicestershire LE16 9QN

- 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 Mrs Maureen Douglas against the decision of Harborough District Council.
 - The application Ref is 23/00186/FUL.
 - The development proposed is described as "placing solar panels with GPS system in garden."
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Since the determination of this application, a revised National Planning Policy Framework (the Framework) was published on 19 December 2023 and updated on 20 December 2023. Those parts of the Framework most relevant to this appeal have not been amended. As a result, I consider that there is no requirement for me to seek further submissions on the Framework, and I am satisfied that no party's interests would be prejudiced by my taking this approach. Where I have referred to specific paragraphs of the Framework, the numbering used is that of the revised version.

Main Issues

3. The main issues are the effect of the proposed development on:
 - the character and appearance of the area, and
 - the living conditions of the occupiers of existing properties, with particular regard to outlook, noise and light.

Reasons

Character and appearance

4. The appeal site lies within a predominately residential area. Properties on the same side of Gardiner Street as No 43 typically have long, narrow gardens, with hedges and fences of varying heights, along the boundaries. While outbuildings and other structures are a feature of the area, these are relatively modest in height and size. As a result, the area has a relatively open and verdant character.
5. The appeal scheme seeks to erect two substantial sets of solar panels within the rear garden of No 43. Each set would be elevated and mounted on a pole.

Due to the GPS tracking system, the panels would rotate and tilt to follow the path of the sun. As such, the height and position of the solar panels would alter during daylight hours.

6. While noting the long gardens, detached neighbouring properties and changes in land levels, due to the substantial height and width, the proposed development would appear incongruously tall and bulky. The narrow width of the appeal site and movement of the panels would further exacerbate the prominence and dominance of the proposal. As such, the appeal scheme would result in an imposing and conspicuous form of development, that would contrast markedly with the surrounding area.
7. While the appeal scheme would require less panels and materials when compared to static systems, it would, nevertheless, harm the character and appearance of the area.
8. It has been highlighted that the technology is longstanding, and a significant proportion of the manufacturer's tracker systems have been deployed into domestic settings within the UK, in primarily rear gardens. Such systems have also been installed internationally. While noting there have been no refusals to date, there is limited information in respect of the planning background for each installation. However, the evidence suggests that the locational context of these deployments differs.
9. In addition, the appellant contends that the proposal would be similar in height, scale and massing to a neighbouring children's trampoline. However, the appeal proposal differs in appearance in respect of its solidity and mass. Moreover, the solar panels would tilt and rotate throughout the day, whereas a trampoline is a largely static feature. Consequently, these other installations and neighbouring trampoline are not directly comparable. In any case, I have determined this appeal on its own merits.
10. For these reasons, I conclude that the proposed development would result in harm to the character and appearance of the area, contrary to Policies GD8 and CC2 of the Harborough Local Plan 2011 to 2031 Adopted April 2019 (LP). Collectively, these seek, among other things, to ensure development respects the context and characteristics of the individual site and wider local environment and is an appropriate technology for the site.

Living conditions

11. No 43 and neighbouring properties, including 41 and 45 Gardiner Street, have long, narrow rear gardens. Combined with varying heights of boundary treatments, occupiers of these properties have a relatively open outlook to the rear.
12. The solar panels would be almost horizontal when the sun is at its highest in the sky, which is when the appellant asserts the majority of people would be enjoying their gardens. However, due to the height of the supporting poles, the solar panels would still be of a substantial height and width when at their lower height and near horizontal position. As such, the proposal would result in a visually dominant and overbearing form of development.
13. While the panels are designed to only follow the path of the sun and any movement would be marginal, they are, nevertheless, designed to rotate and tilt. Therefore, the height and orientation of the panels would alter during

daylight hours. This movement would further exacerbate the visual impact of the appeal scheme. As such, there would be a material loss of outlook for the aforementioned neighbouring occupiers.

14. While my site visit represents only a snapshot in time and was carried out during a quieter part of the day, the rear gardens serving the properties on the same side of Gardiner Street as the appeal site, together with the wider area, was relatively peaceful.
15. While the appeal scheme is described as virtually silent, with no whirring or motor noise, there is a regular chirrup. The evidence indicates that this would be audible within a metre of the proposed development. In view of this and the proximity of the proposal to neighbouring boundaries, the appeal scheme would not materially increase noise levels in the area, to the detriment of the living conditions of neighbouring occupiers.
16. Nos 41 and 45 have long, narrow gardens and the proposed development would be sited some distance from the rear elevations of these properties. The appeal scheme would be sited closer to the shared boundary with No 45, than the shared boundary with No 41.
17. The orientation, siting and height of the appeal scheme is such that there would be some overshadowing of the rear garden of No 45 for most of the day. However, having regard to No 45's garden depth, siting and height of the proposal, the overshadowing would affect only a relatively small area.
18. The orientation, siting and height of the proposed development means that there would be very little overshadowing of the garden associated with No 41. On this basis, there would be no significant impact on daylight or sunlight reaching these neighbouring gardens, or the ability of the occupants of Nos 41 and 45 to enjoy the space.
19. Notwithstanding my conclusions in respect of noise and light, the proposed development would have a harmful impact on the living conditions of the occupiers of existing properties, with respect to outlook. This is contrary to LP Policy GD8 which seeks, among other things, to ensure development is designed to minimise the impact on the amenity of existing residents.

Other Matters

20. Paragraph 163 of the Framework advises that planning applications for renewable and low carbon development should be approved if its impacts are, or can be made, acceptable. While it has been suggested that the adjacent evergreen hedge and fence would mitigate against the visual impact of the proposal, the evidence indicates that these features are not within the appellant's control. However, even if the hedge were maintained at the higher height, alongside the fence, due to the substantial height of the appeal scheme, these features would not satisfactorily mitigate against the harm identified in respect of the main issues.
21. The appeal scheme would have a lower carbon footprint when compared to static ground systems, would reduce the appellant's energy expense and help minimise the appellant's exposure to any future energy price increases. In addition, the system allows for further wild fauna and flora for pollinating insects to be introduced, in addition to that already planted within the garden of No 43. Nevertheless, and even with the significant weight that the

Framework places on the need to support energy efficiency and low carbon heating improvements, these benefits do not outweigh the harm found in relation to the main issues.

22. It has been highlighted that the Council's pre-application response was supportive of solar panels. While I have limited details in respect of this enquiry, the Council's delegated report highlights that this advice was given based on fixed mounted solar panels. In any case, I have considered the appeal on its own merits.

Conclusion

23. Notwithstanding my conclusions on living conditions of the occupiers of existing properties, with regard to noise and light, the harm identified in respect of the character and appearance of the area and the living conditions of the occupiers of existing properties, with regard to outlook, are determinative. Therefore, the appeal proposal would conflict with the development plan as a whole. There are no material considerations that indicate I should conclude other than in accordance with it. Consequently, the appeal is dismissed.

S Pearce

INSPECTOR