



Appeal Decisions

Site visit made on 13 February 2024

by R Catchpole BSc (hons) PhD MCIEEM IHBC

an Inspector appointed by the Secretary of State

Decision date: 16 May 2024

Appeal A: APP/Y1110/W/23/3319354

25 Monmouth Street, Topsham, Exeter EX3 0AJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Nick Holder against the decision of Exeter City Council.
 - The application reference is 22/1122/FUL.
 - The development proposed is the "installation of six black PV solar panels on rear roof slope".
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Appeal B: APP/Y1110/Y/23/3319355

25 Monmouth Street, Topsham, Exeter EX3 0AJ

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) against a refusal to grant listed building consent.
 - The appeal is made by Mr Nick Holder against the decision of Exeter City Council.
 - The application reference is 22/1123/LBC.
 - The works proposed are the "installation of six black PV solar panels on rear roof slope".
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Decision

Appeal A

1. The appeal is dismissed.

Appeal B

2. The appeal is dismissed.

Preliminary Matters

3. As the proposal is in a conservation area and relates to a listed building I have had special regard to sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) (the Act).
4. The Council has an emerging plan that is yet to be adopted. Consequently, this appeal will be determined in accordance with the extant development plan having regard to the emerging policies, insofar as they may be relevant, and the National Planning Policy Framework 2023 (the Framework).
5. The Government revised the Framework on the 20 December 2023, after this appeal was submitted. This took effect from the day of publication and applies to all subsequent decision-making. I have consulted the main parties over these changes and I am satisfied that they have had an opportunity submit additional comments concerning relevant changes.

6. In the statement of case, the appellant indicated that part of the installation would include the removal of the slates on the western end of the roof to enable the rafters to be strengthened and roofing felt to be installed. Whilst not part of the description of the proposal, these works were nevertheless outlined in the design and access statement that was placed before the Council. I have considered these appeals accordingly.

Main Issues

7. The main issues are whether the proposal would preserve a Grade II listed building, "24-28, Monmouth Street" (Ref: 1380693) (the LB), and any of the features of special architectural or historic interest that it possesses and the extent to which it would preserve or enhance the character or appearance of the Topsham Conservation Area (the CA).

Reasons

8. The CA occupies a significant proportion of a peninsula located near the head of the Exe estuary where the River Clyst joins the River Exe. Its character is strongly influenced by the adjacent estuary in both historic and visual terms. It encompasses an important area of historic townscape, containing a high proportion of listed buildings and several locally listed buildings. It has a variety of historic buildings dating from the 17th century which includes substantial Georgian terraces reflecting the mercantile affluence of that period. The main building materials are render and stucco, with areas of brick and stone. Roofs are mostly either covered by natural slate or red clay tiles. Given the above, I find that the significance of the CA, insofar as it relates to these appeals, to be primarily associated with the architectural value of traditional roof coverings that support the visual integration and consistency of its historic townscape.
9. The LB dates from the mid-17th century and comprises a terrace of five separate dwellings of unequal size. It is two storeys high with an attic and dormer windows of varying proportions projecting from each roof slope. Welsh slate covers the majority of the rear roof slope, as well as the rear outriggers. The appeal property is the only dwelling that still retains its historic, Devon slate roof covering although some Welsh slate has been used on the side of the associated dormer window. Given the above, I find that the special interest of the listed building, insofar as it relates to these appeals, to be primarily associated with the evidential and architectural value of the remaining section of Devon roof slate.
10. The proposal comprises the installation of six, matt black solar photovoltaic panels (PV) panels on the rear roof slope. They would wrap around the dormer window and be fixed directly to the roof timbers with fixing brackets that would be mounted on lead flashing. Tiles around the fixing point are typically removed during this process but then replaced. There would be a total of 16 brackets with notches cut in each of the associated slates to accommodate the fixing.
11. The panels would be located approximately 160 mm above the roof slope with the depth of the brackets measuring around 130 mm and the panels an additional 30 mm. Some of the historic roof tiles have previously been removed and refitted to enable the installation of under felting on the eastern end of the roof. This process would be repeated and the rafters would be

strengthened on the western end where the tiles are still attached to the original battens.

12. I accept that the existing roof covering would be retained but find potential for a loss of in-situ, historic fabric. The appellant recognises that some of the slates may be broken in the process. A small number are available to offset any potential losses and it is suggested that further replacements could be sourced from reclamation yards. However, these may not have the same patina or geological composition if derived from a different quarry which could be visually disruptive.
13. I am also mindful that the tiles on the western end of the roof are still attached to "original battens" according to the appellant which means there could be a potential loss of historic Georgian fabric. Added to this is the potential harm that could be caused to internal fabric through the installation of ancillary electrical equipment and wiring. In this respect I have insufficient information before me to determine whether or not further harm would occur in this respect.
14. In addition to the loss of fabric, the proposal would lead to the introduction of a highly incongruent feature that would disrupt the architectural integrity of the rear roof elevation. Although the lifespan would be limited to 25 years, it is likely that it would either be replaced or repaired after this time and thus become a permanent fixture. It would obscure the majority of what remains of the historic roof covering and add to the cumulative harm that has already been caused by the use of Welsh slate and the insertion of larger dormer windows on another part of the terrace. The proposal would consequently continue to erode the evidential authenticity of this roof slope.
15. The appellant helpfully provided a summary of the locations from which the proposed panels would be visible. I was able to clearly see the rear roof slope of the appeal property from the end of a private road which is a continuation of North Street. More restricted views are also present from the cul-de-sac at the end of Higher Shapter Street. Bearing in mind the fact that neither location forms part of a thoroughfare and that views would be kinetic, I find that the proposal would only be glimpsed and therefore have a negligible degree of prominence from the public domain.
16. Views from the private domain would be limited to the upper storey windows of a number of dwellings to the south as well as from the end of the rear gardens associated with the terrace itself. I observed that the panels would be clearly visible from the rear garden of the appeal property and consequently also from the gardens of the adjoining properties. Added to this are the views that would be present in relation to upper storey windows of nearby dwellings. As such, it would have a moderate degree of prominence from the private domain.
17. I observed that the rear roof slope has a variable patina arising from the different types of slate and the re-hanging of the Devon slates at the eastern end of the appeal property. However, the use of these traditional materials still supports the architectural integration of the building as a whole and consequently its contribution to the appearance of the wider, historic townscape that characterises the CA. The placement of the uncompromising, stridently incongruent panels would undermine this contribution. As such, I

find that the proposal would be detrimental to the character and appearance of the CA as a whole.

18. Given the above, I find that the proposal would fail to preserve the special interest of the listed building and the significance of the CA. Consequently, I give this harm considerable importance and weight in the planning balance of these appeals.
19. Paragraph 205 of the Framework advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to the asset's conservation. Paragraph 206 goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets and that any such harm should have a clear and convincing justification. Given the scope of the works and the retention of slates, I find the harm to be less than substantial in this instance but nevertheless of considerable importance and weight. Where a proposal would lead to less than substantial harm to the significance of designated heritage assets, paragraph 208 of the Framework advises that this harm should be weighed against the public benefits of the proposal, including, where appropriate, securing its optimal viable use.
20. The appellant is of the opinion that the proposal would be beneficial because it would lead to improved energy efficiency, reduce carbon emissions, enable the building to adapt to climate change and improve the weather proofing on the western end of the roof. I accept that these would be public benefits. I give significant weight to the need to support energy efficiency and low carbon heating because this is required by paragraph 164 of the Framework. I give limited weight to the improved weather proofing because I have no evidence before me of water ingress or deterioration of building fabric that has resulted from its absence on the western part of the roof.
21. Bearing in mind the great weight that is to be attributed to harm in the heritage balance, I do not find that the public benefits are sufficient to outweigh the harm that I have identified in this instance. Furthermore, the continued viable use of the appeal property, as a residential dwelling, is not dependent on the proposal as the building has an ongoing residential use that would not cease in its absence.
22. Given the above and in the absence of public benefits that would outweigh the harm that would be caused, I conclude that, on balance, the proposal would fail to preserve the special historic interest of the Grade II listed building and that the character or appearance of the Topsham Conservation Area would be neither conserved nor enhanced.
23. This would fail to satisfy the requirements of the Act, paragraph 203 of the Framework and conflict with saved policies DG1(h), C1 or C2 of the Exeter Local Plan First Review 1995-2011 (2005) and policy CP17 of the Exeter Local Development Framework Core Strategy (2012) (CS). These seek, among other things, to ensure the preservation of listed buildings, the preservation or enhancement of conservation areas, the promotion of local distinctiveness and visual richness of townscapes and proposals that compliment character, local identity and cultural diversity.

Other Matters

24. The appellant has identified a number of other matters that are suggested as weighing in favour of the proposal. These include the emerging plan, a consent order and a Historic England consultation document.
25. The emerging plan includes carbon reduction targets and stresses the need to increase onsite renewable energy production. However, it is at an early stage and its content is still being consulted upon. Consequently, there is a high degree of uncertainty that it will be submitted in the same form and even if it were, it would still need to be tested through public examination which could also alter its final wording. Therefore, the emerging policies and supporting text carry little weight as a material consideration at the current time.
26. A Local Listed Building Consent Order that has been issued by the Royal Borough of Kensington and Chelsea allows the installation of PV panels on certain listed buildings in the Borough, subject to conditions. The appellant suggests that the current proposal would meet all of the necessary conditions. However, this is of limited relevance because the Order has no legal effect or weight outside the area to which it applies. Planning law requires applications to be determined in accordance with the adopted development plan unless material considerations indicate otherwise. The presence of an Order in another part of the country that differs significantly in terms of both its character and building material merits no such material consideration.
27. The consultation document that was issued by Historic England¹ was submitted in response to an invitation to comment on changes to the Framework after the appeal had been submitted. I accept that in circumstances similar to this appeal, it suggests that the installation of PV panels may be acceptable. However, their visual impact and the effect the installation may have on roof fabric is a matter of fact and degree and I have therefore judged this proposal on its individual merits. As a consultation draft, it will also be subject to amendment and therefore carries limited weight at the current time.

Conclusion

28. Given the above and considering all other matters raised, the appeals should be dismissed.

R Catchpole

INSPECTOR

¹ Climate Change and Historic Building Adaptation (2023)