



Appeal Decision

Site visit made on 21 June 2024

by Eleni Randle BSc (hons) MSc FRICS FAAV MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 July 2024

Appeal Ref: APP/Y0435/D/24/3341933

3 Bewcastle Row, Kingsmead, Milton Keynes, MK4 4HG

- 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 Cris Tranfield against Milton Keynes City Council.
 - The application Ref is 23/02862/FUL.
 - The development proposed is installation of two solar panels fitted on the front elevation (retrospective).
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Decision

1. The appeal is dismissed.

Procedural Issues

2. I have utilised the Council's description of the development as per the decision notice as I feel it more concisely describes the development.
3. The appellant's statement of case references, and requests determination as to compliance with, The Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 14, Class A¹. The appeal before me is submitted as (and was determined by the Council as) a householder planning application and is not before me as an application for a Certificate of Lawful Development. It is not, therefore, within the scope of this appeal to determine whether or not the proposals before me would be permitted development. I have, therefore, determined the proposal upon its own merits against the relevant Local Plan policies as is starting point for determination in accordance with S38(6) of the Planning and Compulsory Purchase Act 2004.

Main Issue

4. The main issue is the impact of the proposal upon the appearance of the existing dwelling and character and appearance of the street scene.

Reasons

5. The appeal site stands within the middle of a terraced row situated on Bewcastle Row within a residential area. The appeal site is set back from the highway by a front garden with the proposal seeking permission for the retrospective installation of two solar panels to the front elevation. The Council's Local Plan policies do seek to ensure provision for low carbon and renewable energy generation, however, PLAN:MK 2019 (LP) Policy SC3 is clear

¹ Relating to the installation or alteration etc of solar equipment on domestic premises

that for such proposals to be accepted, there should not be unacceptable visual impact as a result of implementation.

6. The host dwelling consists of three storeys and is constructed of red brick material with symmetrical placement of tall windows with vertical red brick detailing above. The proposal seeks to retain the placement of two black solar panels between the first and second floor windows which are positioned in line with the symmetrical windows but would be orientated horizontally in contrast to the windows themselves. The panels, as a result of their overall size and orientation, obscure the brick detailing above the first-floor windows and their placement, in the middle of the front elevation, interrupts the symmetry of the host dwelling, and terraced row as a whole. This, combined with the contrasting colour, means that the panels significantly disrupt the appearance of the existing dwelling and row within which it stands.
7. The panels do not relate, visually or physically, to the host dwelling or the design of the terraced row, resulting in a design which negatively impacts upon both the character and appearance of the terraced row. The appeal site is in a highly visible, elevated, position which is easily visible within the surrounding street scene. The elevated placement, and position, fronting the highway means that I found, at the time of my site visit, the panels to be highly visible from the entrance to the street and within much longer, and general, views within and up Whittington Close.
8. Whilst I understand that there are examples of solar panels elsewhere within the residential area these have, generally, been placed on the roof of their respective host dwellings. Whilst they are visible within the street scene they do not result in the same negative visual impact as that within the proposal which is before me, and they do not attract attention with solar panels more conventionally located on roofs. I acknowledge that the proposals do not protrude more than 20 centimetres from the external brick wall, however this does not overcome the visual impact identified and the proposal before me is clearly visible, and incongruent, with the character and appearance of the street scene and the surrounding area. I acknowledge that the appeal site does not stand within a conservation area nor is the appeal site listed, however, a lack of designations of this nature does not reduce the requirement for character appropriate design taking into account the site setting.
9. The solar panels are not sited in a way to minimise the effect on the external appearance of the buildings which visually draws the attention away from other design elements, and surrounding dwellings, towards the panels themselves resulting in significant visual impact. Whilst I acknowledge that appearance must be balanced against the value of the proposals for sustainable energy provision, I have no evidence before me that there are no other solutions, with less visual impact, which could be implemented more appropriately on the host dwelling. I understand that the appellant has progressed arguments relating to the cost effectiveness of the installation compared to, for example, the roof but in this case, I am not convinced (based upon the evidence before me) that the installation of panels, vertically on the front elevation, would contribute to renewable energy generation as such a level that it would justify the currently proposed location.
10. I have taken into account the appellant's commentary regarding the application of varying policies which relate to, for example, design compared to the policies

which are specifically relating to low carbon and renewable energy generation. The Local Plan should be considered, as a whole, and policies cannot be considered in isolation. The appellant has made reference to LP Policy SC1, however, neither party have submitted a copy of this policy as part of this appeal for me to take into account the content of the policy in question. Overall, I note that the appellant contends that there are no policies or guidance stating that solar panels cannot be installed on a wall that fronts a public highway, however, the overarching policies relating to design, and character and appearance, are not, not applicable because of this.

11. I do not find that the proposal has been assessed in a one-sided manner and find that the Council have considered the potentially positive characteristic solar panels can bring, however, this does not offset the impact on the character and appearance of the dwelling which has been identified.
12. The proposal would be contrary to LP Policy D1 which requires development proposals to respond appropriately to the site and surrounding context, LP Policy D2 which requires proposals to ensure that the appearance of buildings exhibits a positive character or sense of place for development and LP Policy D3 which, whilst acknowledged to be largely geared towards buildings, requires that proposals contribute to the enhancement or creation of a positive character for the development. The proposal would also be contrary to LP Policy SC3 which outlines that planning permission will be granted for proposals to develop low carbon and renewable energy sources unless there would be unacceptable visual impact on the landscape.
13. Whilst I appreciate that LP Policy SC3 makes reference the landscape, I find that the overarching objective of the policy is to ensure unacceptable visual impact as a result of implementation of proposals of this nature. In a similar manner, LP Policy D1 and LP Policy D2, overall, seek to ensure that proposals respond appropriately to the site context and appearance as well as exhibiting a positive character which I do not find the proposal before me achieves.

Other Matters

14. I note third party comments made during the application process; however, I have dealt with the main points in relation to character, appearance, and visual impact within the main body of this decision notice.

Conclusion

15. For the reasons outlined above, and taking account all other matters raised, I conclude that the appeal should be dismissed.

Eleni Randle

INSPECTOR