



Appeal Decision

Site visit made on 1 July 2024

by J Pearce MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th July 2024

Appeal Ref: APP/Y9507/D/24/3338555

24 Fitzjohns Road, Lewes, East Sussex BN7 1PS

- 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 Matt Tompsett against the decision of South Downs National Park Authority.
 - The application Ref is SDNP/23/04592/HOUS.
 - The development proposed is the installation of 6 x Solar Panels (1722mm L x 1134mm W) on existing dormer flat roof.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on:
 - the character and appearance of the area; and
 - the living conditions of occupants of neighbouring properties, with regard to safety.

Reasons

Character and appearance

3. The appeal site is a semi-detached two-storey dwelling to one side of Fitzjohns Road. Development in the area is typically two-storey in scale. There are large flat roof dormers to the rear of several dwellings in the area. The area is characterised by significant changes in land levels, with development at Fitzjohns Road being visible from the surrounding area, including Mildmay Road and Christie Road. The site is within the South Downs National Park.
4. The proposal is for the installation of six solar panels arranged in two rows positioned on the flat roof rear dormer of the dwelling. The panels would project above the ridge of the dwelling and would be clearly visible from Fitzjohns Road. The panels and the bulky landscape tubs would appear as unusual additions to the flat roof and would be discordant with the main part of the dwelling and the area. While there are solar panels on other properties in the area, these are typically parallel to the roof slope and less cumbersome.
5. Given the topography of the area, the panels would be visible from public vantage points within Mildmay Road and Christie Road. The visual effect of the development to the rear would be reduced by the intervening development in Mildmay Road and the presence of the mature trees to the rear of the site. In

addition, the proposal would be seen within the urban context of the area. Nonetheless, the solar panels and landscape tubs would add bulky clutter to the roofscape and would consequently be incongruous with the dwelling and the area.

6. I conclude that the proposal would harm the character and appearance of the area. The development therefore conflict with Policies SD4 and SD5 of the South Downs Local Plan 2019 (SDLP), Policy PL2 of the Lewes Neighbourhood Plan 2019 (NP) and the National Planning Policy Framework (the Framework), which collectively require proposals to be of a high quality design that make a positive contribution to the overall character of the area.

Living conditions

7. The solar panels would be attached to landscape roof tubs that would be positioned on the flat roof of the rear dormer. The Authority is concerned that if the development would not be securely fixed to the roof, the proposal would be a hazard to occupants of neighbouring properties.
8. The information before me in this respect is limited. Nonetheless, it would be necessary for the solar panels to be positioned securely on the roof to ensure their optimum operation. While it is not clear how the solar panels and landscape tubs would be secured, there would be options to secure the development to the roof, including fastening the tubs to the roof and filling the tubs with ballast. Moreover, in order for the panels to generate electricity it would be in the interests of the appellant to ensure that the solar panels and tubs are secure.
9. I conclude that the proposal would not harm the living conditions of occupants of neighbouring properties. The development therefore accords with Policy SD5 of the SDLP and the Framework, which collectively require proposals to have regard to avoiding harmful impact upon any surrounding uses and amenities and to ensure a high standard of amenity for all existing and future users.
10. The Authority has referred to Policy SD4 of the SDLP and Policy PL2 of the NP within its reason for refusal. These policies relate to landscape character and architecture and design and are not directly relevant to this particular issue.

Other Matter

11. The solar panels would deliver environmental benefits in terms of the renewable energy that they are likely to be producing. Such matters are supported at a national level as well as within the development plan. However, the benefits are only likely be very small given the scale of the proposal and would not outweigh the harm identified.

Conclusion

12. The proposal conflicts with the development plan. Material considerations do not indicate that a decision should be made other than in accordance with the development plan. For the reasons given above the appeal should be dismissed.

J Pearce

INSPECTOR