



Appeal Decision

Site visit made on 24 July 2024 by T Morris BA (Hons) MSc

Decision by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 August 2024

Appeal Ref: APP/N4720/D/24/3345421

3 Moss Gardens, Alwoodley, Leeds LS17 7BJ

- 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 Mrs Nighat Khan against the decision of Leeds City Council.
 - The application Ref is 23/07115/FU.
 - The development proposed is described as 'Partial retrospective application for freestanding ground mounted solar panels to front; solar panels to front of roof; installation of solar panels and associated freestanding structure to rear'.
-

Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. The development description on the application form is extensive and also includes wording that is not a description of development, rather seeking to explain the reasons for the development. Therefore, while I have had regard to this text in my assessment, in the interests of conciseness and clarity the description of the development within the banner heading above is taken from the appeal form and the Council's decision notice.
4. At the time of the site visit, the freestanding ground mounted solar panels to the front of the property, the solar panels to the front roof slope and posts in the approximate position of the proposed freestanding structure to the rear were already in place. I have therefore considered the proposal on the basis that the appeal is substantively made on a retrospective basis.
5. The reasons for refusal on the decision notice are specific as to the parts of the development which the Council considers would be harmful. It is also clear that the Council's concerns do not relate to the solar panels on the front roof slope of the dwelling. I have taken these matters into account in defining the main issues.

Main Issues

6. The main issues are the effects of:
 - (i) the ground mounted solar panels located to the front of the property on the character and appearance of the area; and

- (ii) the proposed solar panels and associated freestanding structure located to the rear of the property on the living conditions of occupiers of No 5 Moss Gardens, with particular regard to outlook and light.

Reasons for the Recommendation

Character and Appearance

7. The site is located towards the top of Moss Gardens close to the junction with The Avenue. Moss Gardens is a suburban residential cul-de-sac comprising semi-detached houses of similar style. Front gardens mainly include low brick walls to front boundaries and either wooden fences or planting to side boundaries. Where the boundaries between the front gardens are taller, these are typically through soft landscaping, hedges and trees.
8. The ground mounted solar panels are not highly visible from the neighbouring street, The Avenue. Even so, they are sited along a side boundary and are markedly taller than other hard boundary features in the local vicinity. Consequently, on Moss Gardens their substantial scale, dark coloured materials, and prominent upright position within the front garden of the host dwelling gives them a conspicuous presence, jarring with the domestic appearance of neighbouring gardens on this street. In addition, I saw on my site visit that the panels are mounted on corrugated steel backing sheets which exhibit an industrial aesthetic and this further detracts from the residential character of the street scene.
9. The appellant has drawn my attention to the outbuilding within the front garden of 2 Moss Gardens (No 2) which is situated opposite the site. From my own observations, while that building is prominently sited, it is within a wider corner plot and its form, scale and materials are more typical of the type of structures more commonly seen within front gardens. In these respects, the outbuilding at No 2 does not make the ground mounted solar panels appear any less incongruous.
10. I conclude, the ground mounted solar panels located to the front of the property have a significantly harmful effect on the character and appearance of the area. The development therefore conflicts with Policies P10 (Design) and P12 (Landscape) of the Leeds Core Strategy (2019), Policies GP5 (Requirement of Development Proposals), N25 (Development and Side Boundaries) and LD1 (Landscaping Schemes) of the Leeds Unitary Development Plan (Saved Policies 2009) and Policy Energy 2 (Micro-generation Development of the Natural Resources and Waste Local Development Plan Document (2013) which seek amongst other things high quality design which is appropriate to its context, that boundaries of sites should be designed in a positive manner, that the character of townscapes will be conserved and enhanced and that micro-generation development will be encouraged where it would have an acceptable impact on visual amenity.
11. For the same reasons the development does not adhere with the Householder Design Guide Supplementary Planning Document (2012) (the SPD), which at Policy HDG1 requires that alterations respect the character and appearance of the locality.

Living Conditions

12. Third-party concerns have been raised in respect of the composition of the solar panels and associated freestanding structure to the rear of the host dwelling. Based on the drawings it would have a canopy form and the solar panels would be laid flat on the roof of the structure. Due to its overall height above the fence line, the canopy would undoubtedly be visible from the rear windows and garden serving No 5 Moss Gardens. In combination with the existing single storey extension at No 3, it would result in a substantial cumulative projection of structures alongside the shared boundary with this neighbouring property.
13. However, the structure would be single storey in height and would have open sides. Consequently, it would not result in any unacceptable massing of built form when experienced from the neighbouring property. Its open sides would also allow for light to pass through the structure and as the Council's delegated report acknowledges, the siting of the structure to the north of No 5 would limit the potential for overshadowing effects on this property. For these reasons, I am satisfied that there would be no material loss of outlook or light for occupiers of No 5.
14. I conclude, the proposed solar panels and associated freestanding structure located to the rear of the property would have an acceptable relationship with the living conditions of occupiers of No 5 Moss Gardens, with particular regard to outlook and light. In that regard, it would comply with Policy P10 (Design) of the Leeds Core Strategy (2019) and Policy GP5 of the Leeds Unitary Development Plan (2009), which collectively seek to protect residential amenity.
15. For the same reasons, the proposal would adhere with the guidance at Policy HDG2 of the SPD which requires that all development proposals should protect the amenity of neighbours.

Other Matters

16. The appellant refers to the Council having declared a climate emergency and suggests that a benefit of the appeal development is that it would provide a source of renewable energy for the host dwelling, with any excess energy to be sent back to the grid. I also note the appellant's reasons for the position of the panels in terms of seeking maximum solar exposure. However, any renewable energy benefits would likely be modest in terms of wider aspirations to address climate change and would not outweigh the harm identified under the first main issue.

Conclusion and Recommendation

17. For the reasons given above, I recommend that the appeal should be dismissed as the harm identified under the first main issue indicates conflict with the development plan.

T Morris

APPEAL PLANNING OFFICER

Inspector's Decision

18. I have considered all the submitted evidence and my representative's report and on that basis the appeal is dismissed.

M Russell

INSPECTOR