



Appeal Decisions

Site visit made on 6 November 2024

by Neil Pope BA (HONS) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 November 2024

Appeal A Ref: APP/X1165/W/24/3347465

18 Teignmouth Road, Torquay, Devon, TQ1 4EA

- 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 Douglas Mobbs against the decision of Torbay Council.
- The application reference is 23/0778.
- The development proposed is a solar panel system to be added onto roof with associated electrical works and battery storage in loft-space.

Appeal B Ref: APP/X1165/Y/24/3347251

18 Teignmouth Road, Torquay, Devon, TQ1 4EA

- 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 Douglas Mobbs against the decision of Torbay Council.
- The application reference is 23/0777.
- The works proposed are a solar panel system to be added onto roof with associated electrical works and battery storage in loft space.

Decisions

1. The appeals are dismissed.

Preliminary Matter

2. The appeal site forms part of a grade II listed building (listed as Belmont, 18, Teignmouth Road). The provisions of sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 are engaged.

Main Issue

3. The main issue in both appeals is whether any harm to the heritage interest (significance) of 18 Teignmouth Road would be outweighed by the benefits of providing energy from a renewable resource.

Reasons

4. 18 Teignmouth Road is a large, two storey villa with an attic, that dates from the 1830s. The significance of this designated heritage asset is derived from its special architectural and historic qualities. These include: its plastered walls, slate roof, window arrangement with sash windows (some of which have floating cornices on consoles and some have internal shutters), rectangular plan form, chimney stacks, projecting entrance with Doric columns, surviving original fabric and; its contribution to the enduring record of Torquay's development and growth during the Georgian era.
5. This listed building has been altered and extended over time and there have been numerous changes within its setting. These include the insertion of steel

beams within the roof space¹, a small rooflight in the south east facing roof slope and some neighbouring residential development.

6. Nevertheless, as I noted during my visit, 18 Teignmouth Road remains an attractive and interesting building. The composition of the south east elevation² is especially pleasing. In particular, the first floor 12 pane sash windows with shutters, set above the 15 pane ground floor sashes and their floating cornices, all set within a plastered wall below a simple and largely uncluttered slate roof with chimney stacks. I note the assessment within the planning officer's report, that these are the windows to the principal rooms within the building and have a distinct relationship with the garden.
7. Due to boundary vegetation, the south east elevation of this listed building is not readily visible to public view. However, when seen from the garden area alongside, it affords an appreciation and understanding of some of the most important architectural and historic attributes of this Georgian building³. I concur with the LPA that the garden elevation is particularly sensitive and disagree with the appellant's assertion that this elevation "consists of very limited architectural features".
8. The proposed development/works would include the installation of 20 x 425w solar panels⁴. This symmetrical array would be set down below the roof ridge, mounted on an aluminium rail and affixed to the south eastern roof slope⁵. The panels would protrude about 20mm above the plane of the roof and would be coloured black with an anti-reflective coating to reduce glare. I recognise the attempt to limit the impact of the proposals.
9. However, the proposed array, by virtue of its positioning on a main roof slope, size, overtly modern materials of construction/manufactured form and appearance, would be a conspicuous addition to this listed building. This would contrast awkwardly with the form and appearance of the traditional slate roof and considerably detract from the pleasing aesthetic qualities and architectural interest of the south eastern elevation of the building. I agree with the Council that it would comprise a discordant and visually incongruous addition to a nationally important building/building of special interest.
10. In the context of the National Planning Policy Framework (the Framework), the proposal would result in less than substantial harm to the significance of this designated heritage asset. If there is a spectrum of harm within this category, the proposal would lie somewhere in the middle. However, less than substantial harm does not amount to a less than substantial planning objection. Great weight should be given to the conservation of such assets. I attach considerable weight to the harm that I have identified above.
11. Where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset this harm should be weighed against the public benefits of the proposal. In this regard, the appellant has informed me that the proposed array would have a 7kWh capacity and would result in an estimated annual carbon offset of 1.637Kg. The proposal would

¹ I note from the planning history that permission was granted in 2003 for repairs to the roof, including the removal and reinstatement of the slates (ref. P/2003/0882).

² Whilst this elevation does not include the main entrance it is angled towards the public highway.

³ As set out within the officer's report, the ability of the public to view or experience elements of a proposal does not define the impact upon the significance of a listed building.

⁴ I note that the submitted plans only appear to show 18 solar panels.

⁵ I agree with The Georgian Group that this comprises the principal roof slope.

assist in meeting the demand for electricity by occupants of the property, including electric vehicle charging and would contain a battery storage facility.

12. The appeal scheme would reduce local demand on the grid, help to increase the security of supply and reduce the reliance on fossil fuels. It would accord with those aspects of the Framework that are aimed at increasing the use and supply of renewable and low carbon energy. The public benefits of the scheme weigh in favour of an approval. I afford this moderate weight.
13. My attention has been drawn to Historic England Advice Note 18 'Adapting Historic Buildings for Energy and Carbon Efficiency' (HEAN). Amongst other things, this recognises that historic buildings must continue to change and evolve if they are to contribute to a greener future and be fit for purpose. The HEAN seeks to balance improvements in energy efficiency and support for carbon reduction with the conservation of the significance of heritage assets.
14. I note the appellant's argument that the proposed array would accord with the HEAN as it would not be located on the front or main/principal elevation. Even if the appellant is correct, the HEAN states that in some cases, other elevations and their associated roof slopes will be equally, or more, sensitive. Given the harm that I have identified above to the significance of this listed building, the proposal is at odds with the aims and objectives of the HEAN.
15. In undertaking the 'heritage balance', I am mindful that the proposed development/works would be reversible. However, an approval is sought for the 30 years performance guarantee associated with the solar panels. This is a considerable period of time and would result in the harm to this important building persisting for many years.
16. Whilst I understand that the Council has approved solar panels on other listed building elsewhere in Torbay, I do not have all the details, such as information on the significance of these buildings or their context. Furthermore, each case must be determined on its own merits and I am not bound by the Council's decisions in respect of other sites.
17. Given all of the above, I find that the 'heritage balance' tips against an approval. In so doing, the proposal would be at odds with the most relevant provisions of the development plan⁶ and the Framework when read as a whole.
18. Having regard to all other matters raised, I conclude that the harm to the significance of 18 Teignmouth Road would not be outweighed by the benefits of providing energy from a renewable resource. These appeals should not therefore succeed.

Neil Pope

Inspector

⁶ Policies HE1, SS10 and ES2 of the Torbay Local Plan and policy TH10 of the Torquay Neighbourhood Plan.