



Appeal Decision

Site visit made on 29 August 2024

by S Pearce BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd December 2024

Appeal Ref: APP/B5480/W/23/3334650

Burns Court, 102 Balgores Lane, Havering, Romford RM2 5JU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant consent, agreement or approval to details required by a condition of a planning permission.
 - The appeal is made by Mr Phillip Wright of Troy Homes against the decision of the Council of the London Borough of Havering.
 - The application Ref Q0190.23 sought approval of details pursuant to condition No 18 of planning permission Ref P1439.15, granted on 8 September 2016.
 - The application was refused by notice dated 16 October 2023.
 - The development proposed is the redevelopment of 110 and 120 Balgores Lane comprising demolition of all existing buildings with construction of a new build 2.5 storey 14 unit residential scheme with associated parking and landscaping.
 - The details for which approval is sought are: A renewable energy system for the development shall be installed in accordance with details previously submitted to and agreed in writing by the Local Planning Authority and shall be made operational prior to the first occupation of the development and retained permanently thereafter.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal site is located within a conservation area. I am therefore required to have special regard to section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
3. The development proposed under planning application reference P1439.15 appears substantially complete and occupied. A number of photovoltaic panels have been installed on the roof of this development. The appeal scheme seeks to remove five of these and retain the remaining panels, as shown on the submitted roof plan. Therefore, the application is partially retrospective, and I have considered the appeal on that basis, having regard to the development applied for and the plans submitted.
4. The appeal site has been subject to a dismissed appeal¹ (the previous appeal), which, among other things, sought permission for a renewable energy system, comprising photovoltaic panels. The appellant has sought to address the concerns of the previous Inspector through this revised scheme. The previous appeal decision is, therefore, a material consideration in the determination of this appeal.

¹ Previous appeal reference APP/B5480/W/19/3243668 and 3243821

Main Issue

5. The main issue is whether the development would protect or enhance the character or the appearance of the Gidea Park Conservation Area.

Reasons

6. The appeal site lies within the Gidea Park Conservation Area (CA). The CA covers a largely suburban area that contains well designed houses from the early part of the twentieth century. Nearly all the houses are detached, with a variety of designs and roofscapes, generous roads and mature planting in streets, gardens and open spaces. The significance of the CA, insofar as is relevant to this appeal, is derived from the landscaped setting of the built development, architecture and generally unaltered and uncluttered roofscapes.
7. The appeal site comprises three detached, 2.5 storey apartment buildings (the appeal buildings). They are located in a prominent position at the corner of Balgores Lane and Woodfield Drive. The appeal buildings, while relatively recent additions, contribute towards the CA, due to their design and layout.
8. In line with the Planning Practice Guidance, the appellant has sought the views of the occupants of the development, who wish to re-explore the retention of some of the photovoltaic panels. The appellant has submitted evidence² to support their assertion that the introduction of air source heat pumps at this stage would not be beneficial or sustainable. In view of this, they have discounted air source heat pumps, which they consider has had a fundamental impact upon their ability to satisfy the requirements of condition No 18 of planning permission P1439.15.
9. The submitted roof plan shows the layout of the photovoltaic panels proposed for retention, which includes those on the flat roofs of the appeal buildings and those on the flank roof slopes. Moreover, the appellant states that five of the most visually prominent photovoltaic panels would be removed.
10. In addition to the roof plan, a number of CGI images have been submitted. However, these do not accurately reflect the layout of the photovoltaic panels to be retained, as shown on the roof plan, as not all the photovoltaic panels on the flank roof slopes are illustrated. Therefore, the CGI images underplay the prominence of the photovoltaic panels.
11. The photovoltaic panels create a visible, large mass on the flank elevations of the appeal buildings, due to their design, colour and proportions. As such, they comprise utilitarian features, which contrast starkly with the even and uncluttered appearance of the relatively simple tiled roofs. This is particularly conspicuous on the two flank buildings which have been finished with roof tiles of a contrasting colour to the photovoltaic panels. Even accounting for the removal of the most visible panels, the photovoltaic panels on the flank elevations are, nevertheless, visible in public views from adjacent roads.
12. In the absence of elevational or sectional drawings, from my observations during the site visit, the majority of the photovoltaics on the flank elevations of the buildings appear flush with the roof plane. However, those installed on the south easterly flank roof plane of the detached building that fronts solely

² Evidence which includes a letter from tdc surveying dated 1 November 2022 and letters from Turvey Development Consultants Ltd dated 3 June 2019 and 20 December 2019

onto Balgores Lane, sit proud of the roof plane. This siting further exacerbates the prominence of these panels, which are visible in public views and are particularly prominent when approaching the appeal site from Hare Hall Lane.

13. While the appellant asserts that the panels on the flat roof areas have been condensed to minimise their upward protrusion, nevertheless, the CGI images indicate that some of these panels, located to the front of the flat roofs, would still protrude above the roofline. This is consistent with my observations of the installed panels during my site visit and the views of the Inspector in the previous appeal. As such, they are visible in public views from adjacent roads and are harmfully at odds with the prevailing character of the area.
14. The appellant has offered an offset financial contribution. While the Council state this is acceptable in principle, there is no legal agreement before me to secure such a contribution. As such, this carries very little weight and, in any case, would not overcome the harm identified.
15. The appellant highlights that the siting of the panels needs to be balanced with the need to maximise the yield from solar technology. While they further assert that the appeal scheme would be a suitable compromise in this regard, limited substantive information has been submitted which demonstrates that the submitted layout is the least visually obtrusive arrangement available.
16. The removal of five of the most prominent photovoltaic panels, lightning rods and re-positioning of the tv apparatus, while reducing the overall harm in respect of heritage matters, would not overcome the harm identified in respect of the appeal scheme.
17. Consequently, the retained photovoltaic panels would appear harmfully at odds with the prevailing character and appearance of the CA. As such, the appeal scheme fails to preserve or enhance the character or the appearance of the Gidea Park CA as a whole. As a result, it would result in harm to the significance of the designated heritage asset.
18. As required by paragraph 205 of the National Planning Policy Framework (the Framework), great weight should be given to the conservation of a designated heritage asset, irrespective of the amount of harm identified. In this case, I consider that the harm to the significance of the heritage asset would be less than substantial.
19. Paragraph 208 of the Framework states that if a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, then this harm should be weighed against the public benefits of the proposal.
20. In respect of public benefits, the appeal scheme would contribute towards the Framework's aim of supporting the transition to a low carbon future in a changing climate. The Framework advises that even small-scale projects provide a valuable contribution to significant cutting greenhouse gas emissions. It further states that significant weight should be given to the need to support energy efficiency and low carbon heating improvements to existing buildings.
21. The previous Inspector concluded that the scheme before them would provide an improvement over the target emission rate and therefore the reduced

carbon dioxide emissions and lower energy use associated with the previous appeal were public benefits to which they attached significant weight.

22. However, in this case, while the renewable energy system is supported in principle by the development plan and the Framework, as previously highlighted, there is no mechanism before me to secure the offset financial contribution offered by the appellant. In light of this, the public benefits associated with the proposal carry modest weight.
23. Consequently, the benefits of the appeal scheme are insufficient to outweigh the great weight I must attach to the harm I have identified to the significance of the designated heritage asset.
24. For these reasons, the proposed development would fail to preserve or enhance the character or the appearance of the CA as a whole. This is contrary to the Act, Policies D4 and HC1 of the London Plan 2021 and Policies 26 and 28 of the Havering Local Plan 2021. Collectively, these seek, among other things, to secure well designed and high quality development that preserves or enhances Conservation Areas and contributes to local character.

Conclusion

25. For the above reasons, I conclude that the proposed development would conflict with the development plan as a whole. There are no material considerations, including the Framework, that indicate I should conclude other than in accordance with it. Therefore, I conclude that the appeal should be dismissed.

S Pearce

INSPECTOR