



Appeal Decision

Site visit made on 27 November 2024

by A Knight BA PG Dip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 January 2025

Appeal Ref: APP/M3645/D/24/3345003

Tree Tops, Broadham Green Road, Oxted, Surrey RH8 9PF

- 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 Heather Payne against the decision of Tandridge District Council.
 - The application Ref is 2023/334.
 - The development proposed is installation of 10 solar panels to the front elevation.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. For clarity, I have used the description of development from the decision notice, less the word 'retrospective', as that is not a form of development.
3. The application form confirms that the development has started, and I was able to see this during my site visit.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the area, with particular regard to the extent to which it would preserve or enhance the character or appearance of the Broadham Green and Spring Lane, Oxted Conservation Area.

Reasons

5. The appeal site is within the Broadham Green and Spring Lane, Oxted Conservation Area (the CA). The statutory duty set out in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.
6. Paragraph 11 of the National Planning Policy Framework (the Framework) requires a presumption in favour of sustainable development, including an aim to mitigate climate change and adapt to its effects, unless *the application of policies in the Framework that protect areas or assets of particular importance* [my emphasis] provides a strong reason for restricting the overall scale, type or distribution of development in the plan area; or, any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. If either exception applies, then the presumption in favour of sustainable development does not.

7. Footnote 7 in the Framework states that policies within the Framework relating to, amongst other things, designated heritage assets (which includes conservation areas) are those that protect areas or assets of particular importance. As the site is in the CA, the presumption in favour of sustainable development does not apply if the development harms its character or appearance.
8. The CA is notable for an eclectic mix of mostly residential properties, often located in clusters, and scattered around a quiet, picturesque, bucolic setting. Dwellings are often set back from the road but at least partly visible from it and are built in a range of traditional styles and materials. Local properties generally have pitched, tiled roofs, and the absence of modern, contemporary designs, materials, and features is notable.
9. The significance of the CA therefore, insofar as it relates to the appeal proposal, is in the marked predominance of traditional styles and materials, and the notable absence of modern features, in residential dwellings.
10. The appeal site includes an end-of-terrace dwelling (the dwelling) positioned towards the centre of a small group of homes facing Broadham Green (the green) and Broadham Green Road (the road). The dwelling is gable-ended and, because of its orientation, presents a significant expanse of roof towards the green and the road. The front roof slope, which is made using tiles, is a prominent feature of the dwelling, therefore. The tiles appear well-weathered, as does a stout, brick-built chimney that straddles the boundary with the attached neighbouring home. The traditional materials and design of the roof are such that, though the dwelling is simple and modest, it adheres and contributes to the CA.
11. The proposed development includes ten solar panels on the front roof slope of the dwelling. The panels are located so close together that the roof cannot easily be seen between them, and they occupy most of the slope, leaving only small sections of roof visible around the edges. The panels are black, with a reflective surface. They have a precise, machine-made appearance, free of imperfections.
12. The panels dominate the appearance of the dwelling, preventing sight of most of the roof below. The proposed development thereby undermines the contribution the dwelling makes to the character and appearance of the area, and the CA. Furthermore, the development introduces a distinctly modern feature that is incongruous in the setting, contrary and harmful to the essential character of the area and of the CA.
13. Existing greenery to the front of the site partially screens views of the panels, as does the projecting front gable wall of Stone Cottages. The combination of these two is most effective from parts of a public footpath that runs to the north of Stone Cottages. Even so, the part of the green in front of the site is largely free of trees and tall hedges, and as a result, the panels are clearly visible from most of the approach to the dwelling, from the access leading to neighbouring homes, and from most of the road near the site when travelling in either direction. The height above ground of the panels draws attention to them, as does the effect of light on their reflective surface; even on an overcast day I found the reflection of the sky on the panels to be noticeable.
14. My attention has been drawn to the presence of solar panels on the roof of a property on the opposite side of the green to the site. I have no evidence that those panels were approved by the Council or, if they were, that the approval was

recent enough to have been made against current development plan policies. In any event, the panels in question do not face directly out onto the road and are not directly comparable to the appeal proposals, therefore.

15. The proposed development harms the character and appearance of the area, and fails to preserve or enhance the character or appearance of the Broadham Green and Spring Lane, Oxted Conservation Area. As such, it conflicts with Policies CSP18 and CSP21 of the Tandridge Core Strategy 2008 and Policies DP7 and DP20 of the Tandridge Local Plan, Part 2: Detailed Policies 2014, where they require a high standard of design that reflects and respects local character, setting and context, and which conserves or enhances the character of conservation areas and their setting.

Other Matters

16. I note the appellants concerns as to the Council's handling of the application. I must determine the current appeal against relevant policies, and the performance of the Council in respect of timeliness is not material in my determination, therefore.

Planning Balance

17. Paragraph 212 of the Framework advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. Paragraph 213 goes on to advise that significance can be harmed or lost through the alteration of those assets and that this should have a clear and convincing justification.
18. Given the scale of the development, I find the harm to be less than substantial in this instance. Under such circumstances paragraph 215 of the Framework advises that this harm should be weighed against the public benefits of the proposal.
19. The development assists in providing renewable energy and, as such, contributes positively to one of the fundamental aims of the Framework. Whilst the provision of renewable energy sources is part of a significant wider public benefit, in this instance that benefit is tempered by two factors. Firstly, even if the energy generated by the panels can be stored, returned to the national grid, or power an electric motor vehicle, it will be a relatively small amount of energy in the context of national requirements. Moreover, and whilst I have no reason to doubt that the appellant placed the panels on the front elevation following advice from the energy company, I have no evidence to show that the panels must be placed on the front roof slope to generate energy, or the difference in energy generation if they were placed in a less conspicuous position, whether in the rear garden or on the rear roof slope, notwithstanding it is a different shape to the front.
20. Overall, given the moderate scale of the proposal and the public benefits it provides, and the lack of justification for the position of the panels, I find the public benefits do not outweigh the great weight that should be given to the asset's conservation.
21. I conclude that the proposal fails to preserve the character or appearance of the CA and, as such, fails to satisfy the requirements of the Act, and the historic environment protection policies of the Framework, as set out above.

Conclusion

22. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. The appeal is therefore dismissed.

A Knight

INSPECTOR

