



Appeal Decision

Site visit made on 13 May 2025

by **J J Evans BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 4th July 2025

Appeal Ref: APP/D1265/Y/24/3354626

19 North Square, Dorchester, Dorset DT1 1JF

- 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 Nigel Hayes of Dorchester Town Council against the decision of Dorset Council.
 - The application Ref is P/LBC/2024/03197.
 - The works proposed are the installation of 13 solar PV panels on roof of 19 North Square. 6 on the west facing roof and 7 on the east facing roof.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised version of the National Planning Policy Framework (the Framework) was published on 12 December 2024, and comments of the main parties have been sought. Consideration has been given to those received in reaching the appeal decision.
3. 17, 18, 19, 20, and 21 North Square are grade II listed buildings in the Dorchester Conservation Area. As required by Sections 16(2) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), special regard has been paid to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses, and of preserving or enhancing the character or appearance of a conservation area.

Main Issue

4. The main issue for this case is whether the solar panels would preserve a listed building or its setting and any features of special architectural or historic interest which it possesses, and linked to that whether it would preserve or enhance the character or appearance of the conservation area.

Reasons

5. 19 North Square (No 19) is a mid-terraced building within a long row of buildings that front the public highway. Positioned within an area that comprises a mix of uses that includes residential properties, No 19 is currently occupied by the Town Council. To the rear of the property there is a shared area of parking and communal uses that is accessed via an undercroft from Friary Lane.
6. The property is one of several listed buildings that form a consecutive group that curves around one side of the square. No 19 abuts the footway and is an early

nineteenth century building with a high-quality, historic appearance. The front elevation has a rusticated stucco ground floor with brick walls, contrast brick detailing above the sash windows, and a pair of round-headed doorways under fanlights. The visual focus of the building is its frontage, with the roof having a modest subservience to the elegance of the front elevation, and this and its construction of the building from historic materials are such that it makes a positive contribution to the area. The rear of the building also has an ordered appearance, again with decorative brickwork emphasising the windows and a recessive roofscape. These features are all part of the special architectural and historic interest of this listed building, as is its position within a row of similarly elegant, historic buildings.

7. No 19 is part of a long row of high-quality historic buildings that define the eastern side of the square. Many of these buildings are three-storey, and they also have mannered frontages. Some are constructed of brick with contrasting brick detailing, and most have shallow, slate pitched roofs. Taken as a whole, this consecutive linear group of listed buildings gives an attractive, imposingly elegant definition to the street scene. Given their similarity of heights, materials and styles, they form a cohesive, harmonious visual group in which no one building dominates, with each building complementing and contributing to the setting of those nearby.
8. This terrace also positively contributes towards the character and appearance of the conservation area. North Square historically formed a secondary commercial centre to the town that functioned as a marketplace. The presence and importance of a secondary commercial centre demonstrates the functional and social historic importance of the town within the area, and this importance is reflected in the prolific number of high quality commercial, community and residential buildings present, including those around and near to North Square. Many of these buildings front the public footways and the long rows of high-quality, historic buildings is a distinct element of the character and appearance of the conservation area.
9. Solar panels would be installed upon both the front and rear facing roof-slopes of the building. Those to the front would be positioned to one side, leaving some of the historic roof-scape visible. Despite this clustered positioning, the panels would appear as a dominating and incongruous addition upon this historic building, and their striking impact would be conspicuously apparent from long distances away when viewed from Colliton Street. Whilst a suggestion has been made that the panels should be black in colour, this would not mitigate the harmful impact of such a large area of the roof being covered by shiny, reflective panels with an overtly modern appearance.
10. This harm would be particularly noticeable as the panels would make a strident contrast to the weathered roof materials found upon the host building and those nearby. The panels would be intrusively conspicuous, eroding the recessive nature of the roof, and their dominance would make them unacceptably prominent, thereby impacting upon the special interest of this listed building. They would also be a harsh and intrusive interruption of the visual cohesion of the combined roofscape created by this row of listed buildings, and would also detract from the contribution the terrace makes to the character and appearance of the conservation area.

11. The panels to the rear would wrap around the sides and bottom of an existing flat-roofed dormer and would be positioned lower down the roof than those on the front elevation. The impact of the panels would be more immediate rather than long distance due to the presence of other tall buildings along Friary Lane. Nevertheless, they would still harmfully draw the eye when viewed from the lane, and like those on the front elevation they would appear as a modern, alien addition to the building that would interrupt the visual cohesion of the historic roofscapes and the contribution they make to the conservation area.
12. The appellant has pointed out that there are permitted development rights for solar panels on non-listed buildings and has provided other examples of panels that impact upon the historic environment. Irrespective of national policy to encourage sustainable energy forms, solar panels cannot be installed on listed buildings as permitted development, thereby limiting the weight of such a comparison. Of the other examples cited, those on the listed Corn Exchange are positioned on the rear of the building, being on a shallow roof which is partially screened by other roofs, all of which serves to minimise their visual impact. As regards those on the Whetstones houses, this is a complex of modern residential buildings within the conservation area and near to a variety of designated heritage assets. However, these houses are positioned within an area that does not have the same tight grain of contiguous historic buildings as is the case with the appeal property. Given these differences neither comparison forms a binding precedent for allowing the appeal.
13. The appellant has requested consideration of a split decision in that the works could be separated into two discrete elements. Although development plan policies are not determinative in listed building cases, they have been referred to by the main parties, and so have been taken into account as material considerations in the determination of the appeal. The installation of solar panels would accord with the requirements of Policy ENV13 of the West Dorset, Weymouth and Portland Local Plan (2015) (LP) in seeking to achieve high standards of environmental performance, and help towards achieving a net zero target as advised in the Council's Planning for Climate Change Interim Guidance and Position Statement (2023). Historic England's Advice Note 18 – Adapting Historic Buildings for Energy and Carbon Efficiency, advises that solar panels may be acceptable on roof slopes of less prominence even if visible.
14. However, both this advice note and the supporting text to LP Policy ENV13 advises that historic fabric should not be irreversibly damaged and that the building should be able to take the loading from the panels. Although the appellant considers the works would be reversible, how this would be achieved and has not been demonstrated, nor what the impact of the panels on the historic fabric would be. Given the findings above along with the ambiguities concerning the impact of the scheme on the historic fabric and structural integrity of the building, conditions would not overcome this uncertainty, and a split decision would not be appropriate.
15. The Framework requires that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to its conservation. For the reasons given above the works would have a harmful impact upon the special interest of the listed building, upon the setting of those nearby and also upon the character and appearance of the conservation area. These harms would be less than substantial as the scheme would affect only part of the building, the settings of the nearby listed buildings, and the conservation

area, although such harms would be of considerable importance and weight. Under such circumstances, the Framework advises that where development would lead to less than substantial harm, this harm should be weighed against the public benefits of the works.

16. The installation of the panels would result in improved energy efficiency for the building, reducing its carbon footprint and reliance upon fossil fuels, with an associated financial saving. Such public benefits would be important, and in accordance with the Framework's requirements to support energy efficiency and low carbon heating improvements to existing buildings. Whilst the Framework gives significant weight to such objectives, the Framework also requires great weight to be given to the conservation of designated heritage assets. In this case the harm to the special interest of the listed building, including the uncertainties regarding the impact upon its fabric and structural integrity, the harm to the settings of those nearby, and the harm to the conservation area, would be considerable, and would outweigh the weight that would occur from the public benefits.
17. For these reasons the works would fail to preserve a listed building and its special interest and the settings of those nearby, nor would the works preserve or enhance the character or appearance of the conservation area. The works would conflict with the Act and the Framework, and with the requirements of LP Policy ENV4, as it requires, amongst other things, that development should conserve the significance of designated heritage assets. There would also be conflict with LP Policies COM11 and ENV10 as these require, amongst other things, that proposals for generating heat or electricity from renewable energy sources should satisfactorily assimilate any adverse impacts upon the townscape or areas of historic interest, and that development should contribute positively to the maintenance and enhancement of local identity and distinctiveness.
18. The decision notice refers to Policy E2 of the Dorset Local Plan. Although the Council has confirmed this policy was referred to in error, the appellant contends that the Council attributed weight to this policy. However, the Dorset Plan is at an early stage of preparation having been through an options consultation, and is some time away from being adopted, thereby significantly limiting the weight that can be attached to this policy.

Other Matters

19. The Council has suggested an alternative position for the panels upon the rear extension to the building, but the consideration of any such alternatives would be for the parties to consider outside of the appeal.
20. Finally, the appellant's concerns regarding the Council's handling of the application fall to be pursued by other means separate from the appeal process.

Conclusion

21. The works would fail to preserve a listed building and its special interest, would harm the settings of those nearby, nor preserve or enhance the character or appearance of the conservation area. Thus, for the reasons given above, and having considered all other matters raised, the appeal is dismissed.

J J Evans

INSPECTOR