



Appeal Decision

Site visit made on 2 December 2025

by Guy Davies BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 December 2025

Appeal Ref: APP/Y9507/D/25/3370589

67 The Avenue, Lewes, East Sussex BN7 1QU

- 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 Robert Whitehead against the decision of South Downs National Park Authority.
 - The application Ref is SNDP/25/00510/HOUS.
 - The development proposed is installation of 6 solar PV panels on the west elevation on the main house, 4 solar PV panels on the garden cabin, and 6 solar PV panels on the garage.
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Decision

1. The appeal is dismissed insofar as it relates to the installation of 6 solar PV panels on the west elevation on the main house.
2. The appeal is allowed and planning permission is granted insofar as it relates to the installation of 4 solar PV panels on the garden cabin and 6 solar PV panels on the garage at 67 The Avenue, Lewes, East Sussex BN7 1QU in accordance with the terms of the application SNDP/25/00510/HOUS so far as relevant to the part of the development so permitted and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans insofar as they relate to the development so permitted:
 - 67TAL.07 location and block plan
 - 67TAL.05 proposed out building plans and elevations

Main Issue

3. The main issue is whether the proposed development would preserve or enhance the character or appearance of the Lewes Conservation Area.

Reasons

4. The Lewes Conservation Area covers a wide range of character areas within the town of Lewes. The area in which the appeal site lies, referred to as The Wallands in the Lewes Conservation Area Appraisal and Management Plan 2023, is characterised by substantial late Victorian and Edwardian villas. Those along The Avenue are predominantly semi-detached with hipped or gabled main roofs and two storey gabled fronted bay windows or projecting wings. Materials are varied but are generally of brick under clay tiled roofs, with some rendering at first floor level or on gable ends. Fenestration is mainly white painted sash windows, in

some cases with leaded toplights. The significance of this part of the conservation area lies in its history as part of the incremental growth of Lewes and the consistent design and appearance of the buildings within it.

5. 67 The Avenue is a typical example of the style of villas in the area and is recognised in the conservation area appraisal as a building that contributes positively to the character and appearance of the area.
6. The Council has served an Article 4 Direction removing permitted development rights for a range of works on buildings in the conservation area including any alteration to a roof which fronts a highway, for example the introduction of roof lights or solar panels. The purpose of the direction is to control the introduction of clutter or alterations which cumulatively would erode the visual qualities of the area, in particular the traditional roof forms and roof coverings.
7. The solar panels proposed on the main roof of the house would be on a wing at the rear of the property. Because the building occupies a corner plot, this side elevation is effectively a public elevation facing the road. The panels would be clearly seen from The Avenue above the fence and boundary foliage and would cover a large part of the roof slope. Other than for a roof light and a small duct, the roof slope is currently unbroken. The solar panels would therefore introduce a significant amount of clutter to the roof slope, obscuring the clay tiling and interrupting the clean sweep of the roof. It would as a result detract from one of the features that is characteristic of the conservation area.
8. The panels proposed for the roof of the garage would have a lesser impact. Approaching the side of the property from the south, views of the garage roof are screened to a degree by boundary foliage. When the roof of the garage does become visible it is seen more obliquely, lower and at a shallower angle than adjacent buildings. As a modern structure the garage does not contribute positively to the area and obscuring its mineral felt roof with solar panels would not cause harm in the same way as those proposed on the main roof would. I acknowledge that it would introduce more clutter visible from part of the public realm, but its impact would be limited.
9. The panels proposed on top of the garden cabin would not be readily visible from The Avenue, and no objection is raised to them.
10. The appellant has drawn attention to solar panels on a number of properties in the conservation area. The nearest of those are on the side roof plane of 38 The Avenue opposite the appeal site, and the rear roof plane of 32 The Avenue to the south. Other examples can be seen on the rear elevations of dwellings across intervening land at Bradford Road and at 20 and 22 The Avenue. In all cases, none of the roof planes front a highway and therefore are not subject to the Article 4 Direction. While the panels can be seen obliquely or across open space, they are not as prominent in immediate views as would panels erected on elevations fronting the road. There is therefore a distinction to be drawn between them.
11. My attention is also drawn to solar panels on a terraced property at 22 St Johns Terrace. I have no details of when these were installed or what policies were in place at the time. St Johns Terrace lies outside The Wallands character area and therefore I do not consider this example to be directly comparable to that of the appeal site.

12. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special regard to the desirability of preserving or enhancing the character or appearance of the Lewes Conservation Area. Policies SD5, SD12 and SD15 of the South Downs Local Plan and Policies HC3A and HC3B of the Lewes Neighbourhood Plan require similar regard in respect of design, the historic environment and conservation areas.
13. Using the terminology in the National Planning Policy Framework I consider the solar panels on the roof of the house would lead to less than substantial harm to the significance of the conservation area, but which nevertheless attracts great weight in my decision. The same applies to the solar panels on the roof of the garage, although the harm caused would be to a lesser extent. The panels on the roof of the garden cabin would cause no harm to the significance of the conservation area.
14. Where development would lead to less than substantial harm to a heritage asset, national policy requires that it should be weighed against the public benefits of the proposal. As well as benefitting the occupier personally, the solar panels would have wider public benefit by introducing a renewable form of energy generation making the property less reliant on carbon-based forms of energy. That attracts significant weight from national planning policy, which supports low carbon heating improvements to existing buildings (including solar panels), and Policy SD48 of the South Downs Local Plan which encourages the sustainable use of resources.
15. A balance therefore needs to be struck between the harm the installation of solar panels would cause to the character and appearance of the conservation area, and the public benefits they would bring in helping to support the transition to net zero by 2050. I conclude that for the solar panels on the roof of the house, the harm to the conservation area would be greater than their benefit. Conversely, for the solar panels on the roof of the garage, I conclude that the more limited harm they would cause to the conservation area would be outweighed by their benefit. There is no need to apply a balance to the solar panels proposed on the garden building as it is agreed they would cause no harm.

Other Matters

16. The site lies within the South Downs National Park, in which I have a duty to seek to further the purposes of the park. The purposes are to conserve and enhance its natural beauty, wildlife and cultural heritage, and promote opportunities for the public understanding and enjoyment of the special qualities of the area. Other than for cultural heritage, which I have addressed in my reasoning, the proposal would not materially impact on any of the other purposes of the park.

Conditions

17. For those elements which are allowed, I have imposed a time limit condition and a condition requiring the solar panels be installed in accordance with the approved plans in the interests of certainty. There is no need to impose a condition requiring external surfaces to match those used in the existing building.

Conclusion

18. The findings I have reached above lead me to conclude that I should make a split decision, allowing the solar panels on the roofs of the garage and the garden cabin, but dismissing the solar panels on the roof of the main house.

Guy Davies

INSPECTOR