
Appeal Decision

Site visit made on 27 July 2026

by **Robin Buchanan BA (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 31st July 2026

Appeal Ref: APP/N0410/X/25/3365583

16 Hampden Hill, Beaconsfield, Buckinghamshire HP9 1BP

- The appeal is made under section 195 of the Town and Country Planning Act 1990, as amended (the Act) against a refusal to grant a certificate of lawful use or development.
 - The appeal is made by Mr Chris Jagusz against the decision of Buckinghamshire Council.
 - The application ref PL/24/3816/SA, dated 12 December 2024, was refused by notice dated 7 March 2025.
 - The application was made under section 192(1)(b) of the Act.
 - The development for which a certificate of lawful use or development is sought is 'installation of Solar PV array on roof pitch facing highway'.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Council's decision notice includes non-compliance with Part 14, Class A, limitation A.1(a) of The Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (the GPDO). The parties agree that this was an error and I have no reason to find otherwise.

Main Issue

3. The main issue is whether the Council's decision to refuse the application for a lawful development certificate was well founded.

Reasons

4. The application sought to establish whether the installation of a solar photovoltaic array (the array) would have been lawful, if begun when the application was made on 12 December 2024 (the relevant date). For the appeal to succeed, the onus is firmly on the appellant to demonstrate, on the balance of probability, that the proposal was lawful on the relevant date.
5. This turns on whether the array was permitted development, granted planning permission by Article 3(1) under Schedule 2, Part 14, Class A of the GPDO. Class A(a) permits the installation of microgeneration solar PV equipment on a dwellinghouse. But the in principle availability of this qualified permitted development right is, amongst other things, subject to conditions A.2(a) and A.2(b). Condition A.2(a) requires, in this case, that the array is, so far as practicable, sited so as to minimise its effect on the external appearance of the building. Condition A.2(b) requires the same outcomes in relation to its effect on the amenity of the area. The Council maintains that both conditions are not met and that the array is not permitted development for this reason and is therefore not lawful.

6. As the GPDO does not define 'so far as practicable' and 'minimise its effect', their application is largely a matter of planning judgement, informed by ordinary meaning. Dictionary definitions of 'practicable' include 'able to be done or put into practice successfully' and 'able to be used; useful' and 'minimise' includes to 'reduce something to the smallest possible amount or degree'.
7. No.16 is a detached house with a pronounced asymmetrical main dual pitched roof and a split level design that steps down the steep gradient of a slope at the rear. A garage outbuilding to one side in front has a matching roof design. This property is very similar in these regards to the other houses in Hampden Hill, which are mainly arranged along the outside of this long, circular cul-de-sac, around a central knoll. This discrete enclave of locally distinctive residential development is in Hampden Hill Conservation Area.
8. I have not been informed that Class A(a) permitted development rights in Hampden Hill have been withdrawn by an Article 4 Direction. The GPDO otherwise places no specific restriction on such development on the roofs of buildings for reason that they are located in a Conservation Area. But this designation remains relevant to my assessment because the character and appearance of Hampden Hill Conservation Area forms part of the amenity of the area.
9. The array would comprise 12 panels installed across the left-hand side of the main front roof slope of the house (viewed from the road). With the integrated mounting system inset into the structure or fabric of the roof, it would sit flush with the plane of the slope, level with the flat, low profile plain concrete tiles. This would not materially alter the physical form of the roof or the house overall.
10. However, at my site visit, the roof tiles appeared light grey, whereas the proposed 'all black' panels would create a clear visual contrast. This colour may be an intrinsic property of these particular panels or the standard, most efficient colour for generating electricity. Nonetheless, the array would cover virtually half of the front roof slope. Despite the retained narrow tiled margins to the ridge, eaves and gable, the absolute and proportionate extent of the array would materially adversely affect the external appearance of the roof and the house overall.
11. Furthermore, I appreciate that the southwest orientation of the main front roof slope of the house is more optimal for a solar PV array, including because it is pitched. But it means the array would also face towards the road and the knoll at the same angle as the roof. In addition, it would have an aspect to nearby houses in Hampden Hill which are in fairly close knit sequence.
12. Although the house is set back, lower down from the road edge, the minimal vertical front elevation means the main roof has a very low eaves (almost at adjoining ground level) and the pavement and the knoll provide elevated viewpoints. Despite some intervening trees and other planting, most of this side of the main front roof slope is not obstructed by the garage. It can be clearly observed, from ridge to eaves, essentially at eye level in short and longer distance views, including in the context of the main front roof slopes of the nearby houses.
13. The extent of the array and in this most visible part of the main roof would thus be an anomaly in the streetscene. Its discordant presence would be experienced by those who live in or visit Hampden Hill and such a conspicuous position would undermine defining features important to the individual and collective integrity and homogeneity of the houses in Hampden Hill.

14. I appreciate that some aspects of the arrays design would help to mitigate its physical and visual presence. I also accept that conditions A.2(a) and A.2(b) do not stipulate that there must be 'no impact'. However, there is little evidence that the array must be this size or in extent of black panels in this particular position on this side of the main front roof slope, as the only means to achieve meaningful, cost effective electricity generation.
15. Considering all the above, the array would not, so far as practicable, be sited so as to minimise its effect on the external appearance of the building or the amenity of the area. Consequently, the proposal was not permitted development and the appellant has not shown, on the balance of probability, that it was lawful on the relevant date.

Other Matters

16. The appellant refers to development plan policy and a claimed precedent of similar development (or other roof alterations) in Hampden Hill and elsewhere. However, these considerations are not relevant to a lawful development certificate application. My decision does not preclude another application if there was better evidence or for a different proposal. Furthermore, an application for planning permission could be made in which case relevant planning policy and precedent would be relevant considerations.

Conclusion

17. For these reasons, and on the evidence now available, I am satisfied that the Council's decision to refuse to grant a lawful development certificate for 'installation of Solar PV array on roof pitch facing highway' is well-founded. Accordingly, the appeal does not succeed and I will exercise the powers transferred to me in section 195(3) of the Act.

Robin Buchanan

INSPECTOR