

Delegated Report

Planning Ref: 23/01005/HOU

Applicant: Mr Earl Chilton

Ward: Cadeby Carlton Market Bosworth & Shackerstone

Site: 19 Main Street Congerstone Leicestershire



Hinckley & Bosworth
Borough Council

Proposal: Installation of 13 solar panels to rear and side roof elevations

1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report

2. Planning application description

- 2.1. This householder application seeks planning permission for the installation of two arrays of solar panels, nine on the south facing roof elevation and four on the west facing roof elevation of a dwelling, 19 Main Street, Congerstone both of which would face into its enclosed rear/side garden. The panels would appear black in colour, each measure 1.724 metres x 1.134 metres, and be arranged in a mix of vertical and horizontal orientation in continuous rows with only very minimal gaps between. The arrays would be set in from all roof edges.

3. Description of the site and surrounding area

- 3.1. The application dwelling lies within the settlement boundary of Congerstone and occupies the rear corner of a courtyard development of two storey and single storey dwellings with dual pitched roof form arranged around a square yard/parking court. The application dwelling is single storey with an 'L' shaped footprint and is constructed with red multi facing bricks, small brindle plain clay roof tiles and light brown uPVC windows and doors. The 'L' shaped rear/side garden is enclosed by 2 metres high solid close boarded timber panel fencing.
- 3.2. There are adjoining two storey dwellings to the north and east with rear gardens extending to the west and south respectively and other residential gardens to the south and west of the application site.

4. Relevant planning history

07/00488/FUL

- Extensions and alterations to existing dwelling
- Refused
- 14.06.2007

08/00002/PP

- Extensions and alterations to existing dwelling
- Appeal Dismissed
- 21.04.2008

08/00095/FUL

- Extension and alterations to dwelling (amended scheme)
- Permitted
- 26.03.2008

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents.
- 5.2. One response has been received as a result of public consultation supporting the installation of solar panels.

6. Consultation

- 6.1. No objection has been received from Environmental Health (Pollution).
- 6.2. No response has been received from Shackerstone Parish Council.

7. Policy

- 7.1. Core Strategy (2009)
 - No relevant policies
- 7.2. Site Allocations and Development Management Policies (SADMP) DPD (2016)
 - Policy DM1: Presumption in Favour of Sustainable Development
 - Policy DM2: Delivering Renewable Energy and Low Carbon Development
 - Policy DM10: Development and Design
- 7.3. National Planning Policies and Guidance
 - National Planning Policy Framework (NPPF) (2023)
 - Planning Practice Guidance (PPG)
- 7.4. Other relevant guidance
 - Good Design Guide (2020)
 - National Design Guide (2019)

8. Appraisal

- 8.1. Key Issues
 - Assessment against strategic planning policies
 - Design and impact upon the character of the area
 - Impact upon neighbouring residential amenity

Assessment against strategic planning policies

- 8.2. Paragraph 157 of the NPPF (2023) states that the planning system should support renewable and low carbon energy and associated infrastructure. Paragraph 163 of the NPPF (2023) states that '*When determining planning applications for renewable and low carbon development, local planning authorities should: a) not require applicants to demonstrate the overall need for renewable or low carbon energy and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and b) approve the application if its impacts are (or can be made) acceptable.*'
- 8.3. The development plan in this instance consists of the adopted Core Strategy (2009), and the SADMP (2016). Whilst there are no specific policies relevant to the proposal within the Core Strategy, Spatial Objective 12: Climate Change and Resource Efficiency does seek to minimise the impacts of climate change by, amongst other measures, increasing the use of renewable energy technologies and minimising pollution, including greenhouse gas emissions.

- 8.4 Policy DM1 of the adopted SADMP and paragraph 11 of the NPPF (2023) provide a presumption in favour of sustainable development whereby development proposals that accord with an up-to-date development plan should be approved without delay unless material considerations indicate otherwise.
- 8.5 Policy DM2 of the adopted SADMP states that the Borough Council is committed to reducing its environmental impact through carbon reduction measures and through the support of appropriately designed and sited renewable energy and low carbon developments. It further states that planning applications for the development of renewable energy and low carbon development installations at the domestic, community and commercial scales will be supported where all reasonable steps have been taken to avoid or mitigate any adverse impacts including, but not limited to, landscape, noise, visual and cumulative impacts.
- 8.6 It is therefore considered that there is strong support in principle within both local and national planning policies for the development of domestic scale renewable energy installations such as that proposed subject to all other planning matters being satisfactorily addressed.

Design and impact upon the character of the area

- 8.7 Policy DM10 of the adopted SADMP requires new development to complement or enhance the character of the surrounding area with regard to scale, layout, mass, design and for building material to respect existing/neighbouring buildings and the local area generally.
- 8.8 The site is located within the settlement boundary of Congerstone and the application dwelling is single storey in scale and located to the rear corner of a square courtyard development of two storey and single storey dwellings. In general, the utilitarian appearance of solar panels is not particularly sympathetic to a buildings appearance or the visual amenities of the surrounding area. However, in this case, the two roof slopes on which the proposed solar panels would be installed face into its own rear/side garden with other neighbouring residential gardens beyond the well enclosed boundaries of the site. By virtue of their siting to the rear/side and single storey elevation, the panels would not be visually prominent within the surrounding area and therefore any visual harm would be limited. In addition, the dark appearance of the panels would complement the dark roof tiles on which they would be installed. The proposal would also contribute positive environmental benefits in terms of renewable energy generation and contribute to the reduction of carbon emissions which would offset any limited visual harm arising from their installation.
- 8.9 There is strong support for the provision of renewable energy installations of all scales within Policy DM2 of the adopted SADMP and paragraphs 157 and 163 of the NPPF (2023) and this is a material consideration in favour of the proposal. Therefore, on balance, by virtue of their siting, design and appearance it is considered that reasonable steps have been taken to avoid or mitigate any significant adverse impacts arising from the development and that the environmental benefits of the proposal would offset any limited visual harm to the dwelling or surrounding area. The proposals are therefore considered to be a sustainable development and in accordance with Policies DM2 and DM10 of the adopted SADMP.

Impact upon neighbouring residential amenity

- 8.10 Policy DM10 of the adopted SADMP requires that development would not have a significant adverse effect on the privacy and/or amenity of nearby residents and occupiers of adjacent buildings.

- 8.11 The proposed solar panels would face directly into the applicant's own rear/side garden and towards the rear gardens of neighbouring residential properties beyond. However, by virtue of their single storey elevation, being set inside the garden boundaries of the application dwelling by 8.5 metres and separation distances of approximately 22 metres to the rear elevations of the neighbouring dwellings to the west and south it is considered that they would not result in any significant adverse visual or noise impacts on the residential amenity of any neighbouring properties. The proposals would therefore be in accordance with Policy DM10 of the adopted SADMP.

9. Equality implications

- 9.1 Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-
- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 9.2 Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.
- 9.3 There are no known equality implications arising directly from this development.
- 9.4 The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

10. Conclusion

- 10.1. Policy DM1 of the adopted SADMP and paragraph 11 of the NPPF (2023) provide a presumption in favour of sustainable development. Policy DM2 of the adopted SADMP and paragraph 157 of the NPPF (2023) support appropriately designed and sited renewable energy and low carbon developments. The site is located within the settlement boundary of Congerstone where there is a presumption in favour of sustainable development.
- 10.2. By virtue of the nature of the development for the generation of renewable energy, their discreet siting, relatively small scale, design and appearance, it is considered that the environmental benefits of the proposals and contribution towards the reduction of carbon emissions would offset any limited visual harm to the appearance of the dwelling and the visual amenities of the surrounding area. By virtue of their siting, elevation and separation distances it is considered that the proposals would not result in any significant adverse impacts on the residential amenity of any neighbouring properties. It is considered that the proposals would be a sustainable development and in accordance with Policies DM1, DM2 and DM10 of

the adopted SADMP and the overarching principles of the NPPF (2023) and are therefore recommended for approval subject to conditions.

11. Recommendation

11.1 Grant planning permission subject to:

- Planning conditions outlined at the end of this report

11.2 Conditions and Reasons

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Location Plan at scale 1:1250 and Elevations and Solar Panel Roof Plans Layout Drawings received by the local planning authority on 28 March 2024.

Reason: To ensure a satisfactory form of development in accordance with Policies DM1, DM2 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

3. Should the solar panel arrays hereby permitted no longer be required for the purposes of electricity generation or cease to operate for a continuous period of 6 months then they shall be removed from the roof within 3 months after the end of the 6 months cessation period.

Reason: In the interests of visual amenity and to protect the character and appearance of the application dwelling and surrounding area in accordance with Policies DM2 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

11.3 Notes to applicant

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at building.control@blaby.gov.uk or call 0116 272 7533.