

Delegated Report

Planning Ref: 23/00295/P14J

Applicant: Mr Frazer

Ward: Barwell



Hinckley & Bosworth
Borough Council

Site: Quorn House 28 Shilton Road Barwell

Proposal: Installation of solar panel to the roof of annexe

1. Recommendations

1.1. Prior approval not required.

2. Planning application description

2.1. This application is made under the provisions of Class A of Part 14 of Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO). The Applicant seeks to determine whether the installation of solar photovoltaic (PV) panels on the roof of the residential annexe at Quorn House, 28 Shilton Road, Barwell requires prior approval.

2.2. 15 2kW solar PV panels are proposed on the residential annexe within the site. These solar PV panels are located a minimum of 1m away from the gable edges of both structures.

2.3. For the assessment of this type of application, the Local Planning Authority are restricted to expressing opinions on matters of design, external appearance, and glare impact upon neighbouring occupiers only.

3. Description of the site and surrounding area

3.1. The 785sqm application site is in the settlement boundary of Barwell and comprises of 28 Shilton Road and the existing garage subject to this application. The existing garage is single storey in massing, and it has a footprint of 113sqm. Located at the rear of 28 Shilton Road and 24.2m from the highway, the garage is adjacent the south and west boundaries of the site.

3.2. 28 Shilton Road is a detached property with two-storey and single-storey features and lies within a predominantly residential area with pockets of industry and business use within the wider area of Barwell. The character of Shilton Road is typically residential terraced housing, with a variety of brick and rendered finishes. However, there is a prominent three-storey building adjacent to the host dwelling and opposite the property is a church that has been converted into apartments.

3.3. The three-apartment residential annexe was approved via planning permission 22/00823/FUL, and the roof configuration of the structure was further amended via the non-material amendment application 23/00013/NMA.

3.4. Documents submitted with the application:

- Proposed PV Panel Layout, Elevations and Site Plan (22-2452-(90)002-P02 (submitted: 10.05.2023))

4. Relevant planning history

23/00013/NMA

- Non material amendment to planning permission 22/00823/FUL. Amendment to configure and pitch the roof

- Permitted
- 08.02.2023

22/00823/FUL

- Conversion of an existing garage into a three-apartment annexe for supported living use
- Permitted
- 25.10.2022

5. Publicity

5.1 No comments have been received.

6. Consultation

6.1 Barwell Parish Council have no objections to the scheme.

7. Policy

7.1 Core Strategy (2009)

- Policy 3: Development in Barwell

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) (2021)
- Planning Practice Guidance (PPG)
- National Design Guide (2019)

7.4 Other relevant guidance

- Good Design Guide (2020)
- The Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) (as amended)

8. Appraisal

8.1 The key issues in respect of this application are therefore:

- Whether the proposal meets the criteria contained within Class A of Part 14 of Schedule 2 of the GPDO
- Design and external appearance
- Conditions

The criteria contained within Class A of Part 14 of Schedule 2 of the GPDO

8.2 Class A of Part 14 of Schedule 2 of the GPDO permits the installation or alteration etc of microgeneration solar equipment on domestic properties subject to certain criteria being met.

8.3 This application is relevant to both Class A(a) and (b) because the application is for the installation of microgeneration solar PV equipment on a dwellinghouse, and on a building that is situated within the curtilage of a dwellinghouse.

8.4 Section 82(8) of the Energy Act 2004 defines 'microgeneration' as the generation of electricity within a capacity of 50kW, or the production of heat within a capacity of 25kW thermal.

8.5 The development is considered to be within the limitations of the definition of 'microgeneration.'

8.6 The criteria of Class A of Part 14 of Schedule 2 of the GPDO is as follows:

A.1 Development is not permitted by Class A if—

(a) the solar PV or solar thermal equipment would protrude more than 0.2 metres beyond the plane of the wall or the roof slope when measured from the perpendicular with the external surface of the wall or roof slope;

The solar PV equipment does not protrude more than 0.2 metres beyond the roof slopes of the residential annexe when measured perpendicular with the external surface of the roof slope.

(b) it would result in the highest part of the solar PV or solar thermal equipment being higher than the highest part of the roof (excluding any chimney);

The highest part of the solar PV equipment installed on the roof of the residential annexe are not higher than 1 metre above the highest part of the roofs (excluding any chimney).

(c) in the case of land within a conservation area or which is a World Heritage Site, the solar PV or solar thermal equipment would be installed on a wall which fronts a highway.

The application site is not within a conservation area or a World Heritage Site, and the solar PV equipment is not installed on a wall that fronts a public highway.

(d) the solar PV or solar thermal equipment would be installed on a site designated as a scheduled monument.

The application site is not designated as a scheduled monument.

(e) the solar PV or solar thermal equipment would be installed on a building within the curtilage of the dwellinghouse or block of flats if the dwellinghouse or block of flats is a listed building.

The application site does not contain any Listed Buildings and therefore the solar PV equipment is not installed within the curtilage of a Listed Building.

8.7 *Conditions*

A.2 Development is permitted by Class A subject to the following conditions—

(a) solar PV or solar thermal equipment is, so far as practicable, sited so as to minimise its effect on the external appearance of the building.

The solar PV equipment is sited on the eastern side elevation of the residential annexe, which is not visible from the public highway. Therefore, the equipment is considered to have a minimal effect on the external appearance of Quorn House, 28 Shilton Road Barwell, and its associated residential annexe.

(b) solar PV or solar thermal equipment is, so far as practicable, sited so as to minimise its effect on the amenity of the area.

The solar PV equipment is sited away from the western neighbouring dwelling, 26 Shilton Road, and the solar panels on the residential annexe do not face towards the property to the rear of the site on Willowdene Way. Therefore, the scheme is considered to minimise its impact on the neighbouring residential amenity of 26 Shilton Road and the properties along Willowdene Way.

In addition, the solar panels on the residential annexe are a minimum of 3.5 metres further to the rear than the rear elevation of the property to the east of the site, which is not considered to have a significant adverse impact on the residential amenity of this building.

Given the scale of the scheme, its location on the eastern side elevation of the single storey residential annexe, it is considered that the development minimises its effect on the residential amenity within the surrounding area.

(c) solar PV or solar thermal equipment is removed as soon as reasonably practicable when no longer needed.

Note to Applicant.

Design and external appearance

8.8 Paragraphs 148 and 154 of the NPPF state that the planning system should support renewable energy developments and approve them where their impacts are acceptable. Policy DM2 of the adopted SADMP supports appropriately designed and sited renewable energy and low carbon developments. Policy DM10 requires new development to complement or enhance the character of the surrounding area with regards to scale, layout, density, mass, design, materials, and architectural features.

8.9 The development is on the roof of the residential annexe to the rear of Quorn House, 28 Shilton Road, Barwell. The solar PV equipment on the property cannot be seen from the Shilton Road, and therefore, there is minimal impact to the character of the surrounding area and to neighbouring amenity. By virtue of these factors, the application respects the character of the existing dwellings and the surrounding area, which is in accordance with Paragraphs 148 and 154 of the NPPF, Policy 3 of the adopted Core Strategy, Policies DM1, DM2 and DM10 of the adopted SADMP, and the Good Design Guide.

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 The proposal meets the relevant criteria of Class A of Part 14 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) (as amended). The design, external appearance and glare of the proposed development does not have a significantly adverse impact upon the character of the site or neighbouring amenity. Therefore, this proposal is considered to be in accordance with Policies DM1, DM2 and DM10 of the SADMP, and prior approval of the Local Planning Authority is not required.

11. Recommendation

11.1 **Prior approval not required.**

a. 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 buildingcontrol@hinckley-bosworth.gov.uk or call 01455 238141.