

## **Development Control Committee 5 January 2022**

### **Applications DC/21/1806/HH & DC/21/1807/LB – Calford Green Cottage, Calford Green, Kedington**

<b>Date registered:</b>	27 September 2021	<b>Expiry date:</b>	22 November 2021 EoT 7 January 2022
<b>Case officer:</b>	Sarah Drane	<b>Recommendation:</b>	Refuse application
<b>Parish:</b>	Kedington	<b>Ward:</b>	Clare, Hundon and Kedington
<b>Proposal:</b>	Householder planning application - Installation of dark framed solar panels to the front elevation  Listed building consent application - Installation of dark framed solar panels to the front elevation		
<b>Site:</b>	Calford Green Cottage, Calford Green, Kedington		
<b>Applicant:</b>	Mr Ian Evans		

**Synopsis:**

Application under the Town and Country Planning Act 1990 and the (Listed Building and Conservation Areas) Act 1990 and associated matters.

**Recommendation:**

It is recommended that the Committee determine the attached application and associated matters.

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## **Background:**

1. These current proposals have been referred to the Development Control Committee following consideration by the Delegation Panel.

## **Proposal:**

2. Planning permission and listed building consent is sought for dark framed solar panels on the front roof of the side extension of Calford Green Cottage, which is a Grade II listed building.
3. The solar panels would be on a later addition to the property, located on the west side. The solar panels will be visible from within the curtilage of the listed building itself as well as public vantage points.
4. The solar panels will measure 5m X 3.3m.

## **Site details:**

5. The application site is within the hamlet of Calford Green, which does not have a settlement boundary. The property fronts the Green and is visually prominent from the public realm, especially when approaching from the south. The property is Grade II listed, but is not within a Conservation Area.

## **Planning history:**

6. Planning permission and listed building consent was sought for solar panels to the front elevation of the property in January 2021 under references DC/21/0065/HH and DC/21/0066/LB. Both of these applications were refused on the grounds of being contrary to Joint Development Management Policy DM15, Core Strategy Policy CS3, the National Planning Policy Framework (2019) and being at odds with the duties imposed by Section 66 of the Planning (Listed Buildings and Conservation Act) 1990. During the consideration of these applications it was suggested that the possibility of ground mounted solar panels be considered as an alternative, however the applicant confirmed they did not wish to consider this option.
7. The following are the most relevant applications:

<b>Reference</b>	<b>Proposal</b>	<b>Status</b>	<b>Decision date</b>
DC/21/0065/HH	Householder planning application - Installation of dark framed solar panels on the front elevation to west side	Application Refused	15 April 2021
DC/21/0066/LB	Application for listed building consent - Installation of dark framed solar panels on the front elevation to west side	Application Refused	15 April 2021

## **Consultations:**

### **8. Kedington Parish Council**

"No objections".

### **9. Ward Councillor**

Would like to call the application into Delegation Panel (Councillor Nick Clarke)

### **10. Conservation Officer**

"The application is a resubmission of a former application proposing the installation of solar panels to the front roof slope of a side extension to Calford Green Cottage.

Additional information has been submitted to include an updated design and access statement; reference to the release of the Intergovernmental climate change report; an updated Justification Statement to include a copy of a letter from the Minister of State for Energy, Clean Growth and Climate Change, together with reference to the installation of panels elsewhere. Whilst the additional information is helpful unfortunately it does not address or change the concerns or harm previously identified and for clarity these have been detailed below.

The proposed development includes the provision 'dark framed solar panels' to the front roof slope of a side extension to Calford Green Cottage a grade II listed building, views of which will be appreciated from Calford Green and within the curtilage of Calford Green Cottage itself.

Calford Green Cottage is referred to within the list description as a C17 timber framed and plastered house with thatched roof and diagonally shafted chimney stack. Whilst remodelled in the C20 it still retains much of its original character. The special architectural and historic interest of the building lies in its simple vernacular form.

Under section 66 of Planning (Listed Buildings and Conservation Areas) Act 1990 the Local Planning Authority is required to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

The proposed panels would be located on the southern (front) roof slope of the slate roofed side extension views of which would be possible not only from within the curtilage of the cottage but the wider public realm. From the information provided it would appear the panels would sit proud of the roof plane incorporating a black glass face with each panel subdivided into 60 cells the appearance of which would prove to be a stark contrast to the more mellow and natural colour and softer texture of both the existing slate roof, currently appreciated, and the thatch roof of the original dwelling alongside which they would be appreciated. As a result, I consider their provision would appear as an incongruous addition to a designated heritage asset and would detract from and cause harm to its significance.

The visual harm caused by the panels themselves would appear to be acknowledged by the applicant referring to proposals to site the panels within

the curtilage of the cottage as *'.....detracting from the beautiful cottage garden setting of the building'*.

Consequently their provision would fail to have regard to the duties imposed by section 16 and 66 of the Planning (Listed buildings and conservation areas) Act 1990 and would prove contrary to policy DM15 incorporating the use of unsympathetic materials which fail to respect the character of the building causing harm to its significance.

...I appreciate their provision may help to reduce carbon emissions, resulting in some benefits to the environment. In addition, on the assumption the panels are to be positioned on top of the existing roof finish I appreciate it is unlikely their provision will cause material harm to the fabric of the building (noting also the works relate to a later extension). However para 199 of the NPPF requires great weight to be given to the asset's conservation and para 200 states any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction or from development within its setting) should require clear and convincing justification. The harm identified would I believe result in less than substantial harm and the tests of para 202 should therefore apply.

Whilst I appreciate the applicant has undertaken a number of measures to help reduce carbon emissions, I do not consider this justifies the harm caused by the installation of the panels. Similarly, whilst the provision of the solar panels may result in some public benefits, I consider these public benefits are likely to be relatively small and consequently such public benefits are not considered to outweigh the harm caused to the significance of the designated heritage asset.

Whilst I note reference is made to solar panels on a neighbouring property, this property however is not a listed property. It would be inappropriate to comment on other examples either inside or outside the district as each case must be considered on its own merit.

And whilst there may be a reduction in co2 emissions from their provision in this particular instance... this does not override the requirement to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses

In the absence of public benefits which outweigh the harm identified the application is recommended for refusal".

### **Representations:**

11. A total of two comments from neighbouring residents have been received, in support of the application. Comments have been summarised below:
  - Should be positively encouraged to benefit from solar gain.
  - Works are on the later addition rather than the main building itself.
  - Agree with preserving heritage but shouldn't ignore issues around global warming.
  - Recent years have highlighted the urgency of this problem.

### **Policy:**

12. On 1 April 2019 Forest Heath District Council and St Edmundsbury Borough Council were replaced by a single authority, West Suffolk Council. The

development plans for the previous local planning authorities were carried forward to the new Council by regulation. The development plans remain in place for the new West Suffolk Council and, with the exception of the Joint Development Management Policies Document (which had been adopted by both councils), set out policies for defined geographical areas within the new authority. It is therefore necessary to determine this application with reference to policies set out in the plans produced by the now dissolved St Edmundsbury Borough Council.

13. The following policies of the Joint Development Management Policies Document and the St Edmundsbury Core Strategy 2010 & Vision 2031 have been taken into account in the consideration of this application:

- Policy DM1 Presumption in Favour of Sustainable Development
- Policy DM2 Creating Places Development Principles and Local Distinctiveness
- Policy DM15 Listed Buildings
- Policy DM24 Alterations or Extensions to Dwellings, including Self Contained Annexes and Development within the Curtilage.
- Core Strategy Policy CS3 – Design and Local Distinctiveness

**Other planning policy:**

14. National Planning Policy Framework (NPPF)

The NPPF was revised in July 2021 and is a material consideration in decision making from the day of its publication. Paragraph 219 is clear however, that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the revised NPPF. Due weight should be given to them according to their degree of consistency with the Framework; the closer the policies in the plan to the policies in the Framework; the greater weight that may be given. The policies set out within the Joint Development Management Policies have been assessed in detail and are considered sufficiently aligned with the provision of the 2021 NPPF that full weight can be attached to them in the decision making process.

**Officer comment:**

15. The issues to be considered in the determination of the application are:

- Principle of Development
- Impact on Amenity
- Impact on the street scene
- Impact on the listed building

**Principle of Development**

16. The obligation set out in section 38(6) of the Planning & Compulsory Purchase Act 2004 requires decision makers to determine planning applications in accordance with the development plan unless material considerations indicate otherwise. The Framework does not displace this statutory duty and in fact seeks to re-enforce it. However, the policies in the Framework are themselves material considerations which need to be taken into account when determining planning applications. The Framework policies may support a decision in line with the development plan or they may provide reasons which 'indicate otherwise'.

17. Paragraph 152 of the National Planning Policy Framework (NPPF), revised February 2021, states "The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure."
18. Paragraph 158 of the NPPF states "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."
19. Policy DM8 of the Joint Development Management Policies Document encourages low carbon or renewable energy subject to acceptable landscape and visual impacts.
20. Policy DM24 states that alterations or extensions to existing dwellings will be permitted, provided that the proposals respect the character, scale and design of existing dwellings, and the character and appearance of the immediate and surrounding area, will not result in over-development of the dwelling curtilage; and will not adversely affect the residential amenity of occupants of nearby properties.
21. The proposed development seeks the installation of solar panels on a residential dwelling, which is located within the countryside. As such, the principle of solar panels in this context is acceptable, however, given the building is listed, a further assessment of the visual impacts and impacts on the heritage asset itself are required in order to determine the acceptability of the proposal.

### **Impact on Amenity**

22. Policies DM2 and DM24 state that proposals for all development should not adversely impact residential amenity, nor the amenities of the wider area. They should not create overlooking, overbearing, loss of light, noise, pollution or other general disturbance that will adversely impact nearby dwellings.
23. Given the scale of development and the nature of the proposal, it is not considered that impacts to residential amenity will arise. The proposal is considered to accord with policies DM2 and DM24 in this respect.

### **Impact on the street scene**

24. Policy DM2 states that proposals for all development should maintain or create a sense of place, recognise and address key features and characteristics, produce designs which respect the character, scale, form and massing of the locality, and not adversely affect the distinctive historic character and architectural or archaeological value of the area and/or building.

25. The proposed solar panels will be visible from Calford Green given their prominent location to the front of the dwelling. There is another example of a property with solar panels to the west (Rosegarth), however this property is not listed and is less visually prominent from the public realm given its location.
26. It is considered that the proposal will have a harmful impact on the heritage asset and therefore there will be an impact on the distinctive historic character of the area. Further analysis of this is set out within the following section of the report. The proposal therefore is not considered to comply with Policy DM2 in this respect.

### **Listed building impacts**

27. Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the decision maker to have special regard to the desirability of preserving or enhancing a listed building or its setting or any features of special architectural or historic interest which it possesses.
28. Policy DM15 refers to listed buildings, and states that proposals to alter, extend or change the use of a listed building, or development affecting its setting, will be permitted where they can demonstrate a clear understanding of the significance of the building, contribute towards the preservation of the building, are not detrimental to the buildings character or historic special interest, are appropriate in scale, form and design, use appropriate materials and respect the setting of the listed building (inward and outward views).
29. National policy guidance set out in the National Planning Policy Framework ('NPPF') confirms the great weight in favour of the conservation of 'heritage assets' such as scheduled monuments, listed buildings and conservation areas. The particular significance of any element of the historic environment likely to be affected by a development proposal should be identified and assessed. Any harm should require clear and convincing justification.
30. Since the previous application, additional information has been included within the design and access statement, including reference to an intergovernmental climate change report, an updated justification statement, references to the installation of panels elsewhere, and a copy of a letter from the Minister of State for Energy, Clean Growth and Climate change. The solar panels have also been reduced in scale in order to expose more of the existing slate roof. The additional information and changes are not considered to overcome the concerns previously raised for the reasons set out below.
31. Given the prominent location of the proposed solar panels, views will be possible from within the curtilage of the listed building and from the wider public realm. The panels will sit proud on the roof plain to the front and incorporate a black glass face which would appear in stark contrast to the more mellow and natural colour of the existing slate roof and thatched roof of the original dwelling. It is appreciated that the solar panels will be located on a later extension, however paragraphs 193-196 of the NPPF requires great weight to be given to the asset's conservation and any harm or loss requires clear and convincing justification. Where the harm will lead to less than substantial harm to the significance of the building, this harm should be weighed against the public benefits of the proposal.

32. It is acknowledged that the solar panels may result in some modest public benefits, through the production of solar energy to help reduce carbon emissions produced through other energy forms. Whilst these measures would help reduce some carbon emissions, this is not considered to sufficiently justify the harm caused to the significance of the designated heritage asset. There may be some public benefit from the provision, however this will be relatively small and would not outweigh the harm caused to the listed building.

## **Conclusion**

33. Policy DM8 states that all proposals for generation or recovery of low carbon or renewable energy, such as wind turbines, biomass, and combined heat and power, will be encouraged subject to the following criteria:
- a. proposals will be required to demonstrate the new carbon saving benefit that they will create, taking into account both carbon dioxide savings from renewable energy generation and any additional carbon dioxide generation that results from the proposal;
  - b. proposals will be required to include a landscape and visual assessment which should, where appropriate:
    - i. show the impact of the proposal in the landscape or townscape. All development should be designed and sited to minimise intrusion and visual impact;
    - ii. include mitigation measures to address the visual impact of the scheme;
    - iii. include an appraisal of the impact on the environment of the proposal either in isolation or cumulatively with any other similar developments;
  - c. where appropriate the proposal includes provision for mitigation and compensation measures, such as habitat enhancement or relocation.
34. Additional information has been submitted to include an updated design and access statement; reference to the release of the Intergovernmental climate change report; an updated Justification Statement to include a copy of a letter from the Minister of State for Energy, Clean Growth and Climate Change, together with reference to the installation of panels on properties elsewhere. Whilst the additional information is helpful unfortunately it does not address or change the concerns or harm previously identified.
35. The installation of solar panels and their environmental benefits are not being questioned nor disregarded in this assessment of this application, but in this case, the assessment is on the acceptability of solar panels on the front roof slope of this particular designated heritage asset. Support in principle is offered in Policy DM8, however paragraph B(i) and B(ii) of this policy states that proposals for the generation of low carbon or renewable energy will be encouraged subject to the impact of the proposal in the landscape or townscape being designed and sited to minimise intrusion and visual impact, and the inclusion of mitigation measures to address the visual impact of the scheme. There are no mitigation measures which would enable this proposal to be considered favourably.
36. The solar panels would clearly result in some direct environmental benefits for the occupiers of the dwelling, and modest public benefits, through the contribution to reduction of carbon emissions.
37. The proposed panels would be located on the southern (front) roof slope of the slate roofed side extension views of which would be possible not only from within the curtilage of the cottage but also the wider public realm. The

proposed panels would sit proud of the roof plain incorporating a black glass face with each panel subdivided into 60 cells, the appearance of which would be a stark contrast to the more mellow and natural colour and softer texture of both the existing slate roof, currently appreciated, and the thatch roof of the original dwelling alongside which they would be appreciated. As a result, their provision would appear as an incongruous addition to a designated heritage asset and would detract from and cause harm to its significance.

38. The harm identified would result in less than substantial harm and the tests of para 202 of the NPPF should therefore apply. In this case, the modest benefits of the proposal do not override the requirement to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

39. The principle and detail of the development is therefore considered to conflict with the relevant development plan policies and the National Planning Policy Framework, and as such, is recommended for refusal.

### **Recommendation:**

40. It is recommended that planning permission be **REFUSED** for the following reason:

1. Calford Green Cottage is referred to within the list description as a C17 timber framed and plastered house with thatched roof and diagonally shafted chimney stack. Whilst remodelled in the C20 it still retains much of its original character. The special architectural and historic interest of the building lies in its simple vernacular form. The proposed panels would be located on the southern (front) roof slope of the slate roofed side extension views of which would be possible not only from within the curtilage of the cottage but also the wider public realm. The proposed panels would sit proud of the roof plain incorporating a black glass face with each panel subdivided into 60 cells, the appearance of which would be a stark contrast to the more mellow and natural colour and softer texture of both the existing slate roof, currently appreciated, and the thatch roof of the original dwelling alongside which they would be appreciated. As a result, their provision would appear as an incongruous addition to a designated heritage asset and would detract from and cause harm to its significance. The harm identified would result in less than substantial harm and the tests of para 202 of the NPPF should therefore apply. The modest benefits of the proposal do not override the requirement to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The proposal is therefore considered to be contrary to Policies DM2 and DM15 of the Joint Development Management Policies Document, Policy CS3 of the St Edmundsbury Core Strategy, para 202 of the NPPF and the duties imposed by section 16 of the Planning (Listed Buildings and Conservation Act) 1990.

### **Documents:**

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/21/1806/HH](https://www.stedmundsbury.gov.uk/DC/21/1806/HH)