

TM/94/00414/CA grant with conditions 7 November 1994

Application for conservation area consent for the demolition and removal of buildings

TM/95/50767/CA Grant With Conditions 1 August 1995

Conservation Area Application for demolition of existing covered storage yard

TM/95/50768/FL Grant With Conditions 1 August 1995

change of use from office/store to residential dwelling

TM/95/51157/RD Grant 27 September 1995

details of a scheme of landscaping and boundary treatment submitted pursuant to condition 07 of TM/95/0768FL: change of use from office/store to residential dwelling

TM/96/01551/FL Grant With Conditions 15 January 1997

alterations to existing windows

TM/08/01936/FL Approved 28 August 2008

Proposed extension and alterations to provide enlarged kitchen

TM/09/02934/FL Approved 21 January 2010

Changes to cladding and window fenestration relating to "The Barn"

TM/10/01606/FL Approved 29 July 2010

Installation of 2 new windows

5. Consultees:

5.1 PC: Object unless the colouring of the panels is changed to be more sympathetic in this location within the Conservation Area. There is also a local view that the proposal is out of keeping with the locality.

5.2 East Malling Conservation Group: notes that this is the first application of its kind in the East Malling Conservation Area and that the barn building is identified in the Conservation Area Appraisal as making a positive contribution. The group is not keen to see the roof height raised as views into the Conservation Area from the south will be compromised. The size and extent of the panels make them visible

from the immediate neighbourhood and the wider locality as the ground rises to the south. The scheme is considered to be detrimental to the Conservation Area and will harm the setting and appearance of the area. The Group does not consider that photovoltaic panels are the way forward in Conservation Areas and have suggested photovoltaic slates or tiles as alternatives.

- 5.3 Private Reps: 20/0X/2R/0S. Two individual letters of representation have been received, one of which is signed by 21 people from 14 addresses. Comments have been made that the increase in the roof height is not thought to be necessary. It has also been suggested that solar slates could be used instead of the solar panels. It is considered that the size, extent, reflection and glare of the proposed panels will cause harm to the Conservation Area and the character of the barn.

6. Determining Issues:

- 6.1 The application is considered in relation to the following policy context:

PPS5 - Planning for the Historic Environment, PPS22-Renewable Energy, Core Strategy policy CP24 which seeks to ensure a high standard of design, and CP1 which states that proposals for new development must result in a high quality sustainable environment and have regard to residential amenities. The National Planning Policy Framework supports sustainable development and identifies a presumption in favour of renewable energy. The Mill Street, East Malling Conservation Area Appraisal identifies the outbuilding associated with number 3 Stickens Lane as being a building which makes a positive contribution to the Conservation Area.

- 6.2 The Government is encouraging renewable energy sources in a robust way. The 2008 amendment to the Town and Country Planning (General Permitted Development) Order extended Permitted Development rights for solar photovoltaic and thermal equipment in Conservation Areas, subject to specified criteria. In some cases it is permitted development to install photovoltaic equipment on a dwelling house without the need for planning permission. Development is not permitted on a wall or roof slope of a building within the curtilage of a dwelling house which would be visible from a highway. For this reason planning permission is required for the proposed photovoltaic panels now under consideration.
- 6.3 There is no specific policy relating to the installation of solar panels in the Conservation Area. The main considerations in this case are the visual impact on the character of the area, the street scene generally and the amenities of the neighbours.
- 6.4 The alterations to the roof will involve altering the pitch which is currently low and of a modest angle. It is understood that the existing roof is sagging and that a steeper pitch is required to accommodate slates. The alterations would result in the roof pitch increasing from 22 to 40 degree. The gable ends would be white painted timber weatherboard. The slight change to the roof pitch would result in an

increase in ridge height of approximately 0.6m. This minor change in ridge height should not have a detrimental effect on the overall character of the Conservation Area, the appearance of Stickens Lane or the amenities of the neighbours. It is considered that the proposed changes to the roof of the building will not have a negative impact on the character of the East Malling Conservation Area by reason of the relatively minor change in the roof height.

- 6.5 DHH does not raise any objections. It is noted that photovoltaic panels are specifically designed to absorb sunlight meaning that any reflected sunlight is wasted energy and that the coatings applied to PV panels make them far less reflective than glazing, so limiting glint or glare. In terms of the environmental impact there do not appear to be any issues which would justify planning permission being withheld.
- 6.6 Members will be aware that it is possible to install solar panels on domestic properties in some cases without the need for a planning application. As mentioned above, however, allowances do not apply to a wall or roof slope of a building within the curtilage of the dwelling house which would be visible from a highway.
- 6.7 There is no “in principle” policy objection to the installation of solar panels and indeed this form of development is in accordance with policy CP1 which supports sustainable development. PPS5 recognises that the significance of a heritage asset is a material consideration in determining the application and that there is a presumption in favour of conserving such assets. It is appreciated that the introduction of solar panels onto a building in the Conservation Area will have some visual impact and therefore it is necessary to weigh the energy benefits of the proposal against any visual changes.
- 6.8 The 10 solar panels would be installed on the south facing roof slope and would face away from the Conservation Area. The solar panels will have some impact by reason of their size, siting and modern materials. From a conservation point of view, it is noted that number 3 is identified as a building that makes a positive contribution to the Conservation Area but is not a listed building. It is considered that the photovoltaic panels will not, in my view, be injurious to the character of the Conservation Area. The Conservation Area is characterised by variety and the panels represent another addition to this. The solar panels are seen as another stage in the evolution of the historic landscape reflecting the changing needs of the inhabitants. The panels are evidence of 21st century concerns to obtain energy from non-carbon sources and are a symbol of modern life, in the same way that we all park cars in Conservation Areas. Whilst there will clearly be a change to the external appearance of the outbuilding, there is not considered to be material harm and the proposal would not be contrary to policy CP24.

- 6.9 The concerns of the neighbours, East Malling Conservation Group and Parish Council have been given very careful consideration, including the suggestion to use solar slates. This may well be an appropriate solution in some cases, for instance on a Listed Building, but in my view does not need to be “required” in this case. It is appreciated that Stickens Lane rises up to the south as it leads to Busbridge Close and that the panels will be visible when approaching from the south. It is inescapable that the panels would appear as a modern addition to the roof. Solar panels are a feature of 21st century life and it is considered that the 10 panels proposed at number 3 will not have a materially harmful effect on the character of the East Malling Conservation Area.
- 6.10 In summary it is recognised that the introduction of 10 PV panels and the alterations to the roof of this building will have some effect on the character of the Conservation Area. The impact is not considered to be undesirable to the point that it causes undue harm to residential amenities or visual amenities of the locality such as to justify withholding consent. It is clear that there are benefits of producing energy from a renewable source which would comply with policy 3.79 and advice in PPS 22. It is acknowledged therefore that the solar panels involve the production of renewable energy and such a proposal should be supported as outlined in policy CP1. I recognise that a case such as this involves an element of compromise in that it is necessary to balance the benefits of sustainable development against impact on other factors such as the Conservation Area. There is no embargo against such development and, while this proposal necessitates an increase in roof pitch, this brings the building to a more traditional pitch. This case is a balance but one where the sustainability option should be supported.

7. Recommendation:

- 7.1 **Grant Planning Permission** in accordance with the following submitted details: Floor Plans And Elevations 3240/09/1 dated 30.09.2011, Floor Plans And Elevations 3240/101 dated 30.09.2011, Existing Site Layout 3240/1 dated 30.09.2011, Location Plan LBP/3240/1 dated 30.09.2011, Email dated 07.10.2011, Email dated 10.10.2011, Email dated 13.10.2011, Details dated 13.10.2011, Design and Access Statement dated 07.10.2011, subject to the following:

Conditions

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

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990.

2. All materials used externally shall match those of the existing building.

Reason: To ensure that the development does not harm the character and appearance of the existing building or visual amenity of the locality.

3. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking and re-enacting that Order), no windows or similar openings shall be constructed in the side elevation(s) of the building other than as hereby approved, without the prior written consent of the Local Planning Authority.

Reason: To enable the Local Planning Authority to regulate and control any such further development in the interests of amenity and privacy of adjoining property.

4. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking and re-enacting that Order), no windows or similar openings shall be constructed in the roof of the building without the prior written consent of the Local Planning Authority.

Reason: To enable the Local Planning Authority to regulate and control any such further development in the interests of the amenity and privacy of adjoining property.

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