CASE OFFICER'S REPORT

Application Reference:	PL/2023/06393
Application Type:	Householder planning permission
Site Inspection:	
Consultation ends:	06 September 2023
Case officer:	Stefan Galyas

Site Address:	1 THE GARDENS, CHIPPENHAM, SN14 6EZ
Proposal:	Installation of solar panels to front and rear roof slopes
Recommendation:	Approve with Conditions

Site Description

The application relates to No.1 The Gardens, an end of terrace two storey dwelling set to the north-eastern side of the cul-de-sac. The existing dwelling is composed of rendered walls, brick lintels and detailing and blue grey roof slates. The dwellings make use of a pitched roof and has two gables facing the roadside which partially break the pitch of the roof. It is noted that the Gardens is a private driveway and is used for retirement homes. The locality is residential in character with the dwellings using a modern appearance.

The site is located within the defined settlement framework for Chippenham, defined by the Wiltshire Core Strategy as a principal settlement.

There is a grade II listed building on the north-western side of Hardenhuish Lane and the site is not located within a defined Conservation Area.

Proposal

The application seeks planning permission for the installation of solar panels to the front and rear roof slopes. The front elevation solar panels would be recessed and the rear elevation solar panels would be fitted on top of the existing roof slates. The proposal would make use of black Vertex S solar panels.

Condition 6 of the original permission (N/07/02256/FUL) for the Gardens stated that “Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 there shall be no extension or external alteration to any building forming part of the development hereby permitted.”. The proposed development would otherwise fall under permitted development.

Policies

Local Context:

Wiltshire Core Strategy (WCS) Adopted 2015

Core Policy 1 – Settlement Strategy

Core Policy 2 – Delivery Strategy

Core Policy 10 – Chippenham Community Area

Core Policy 41 – Sustainable Construction and Low-Carbon Energy

Core Policy 57 – Ensuring High Quality Design and Place Shaping

National Policy

National Planning Policy Framework (NPPF) 2023
Paragraphs 2, 11, 12, 47, 110-112, 126, 130, 152, 155 & 158.

National Design Guide 2021

Assessment
Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise.

Key Issues
Principle of Development
Impact on the Character, Appearance and Visual Amenity of the Locality
Impact on Residential Amenities

Relevant Planning History
N/07/02256/FUL - 14no. Retirement Homes. Approved with conditions 08/04/08.

Consultation Responses
Chippenham Town Council: No objection

Representations
There were seven letters of representation received in response to the proposal from eleven local residents. Five of the letters raised objections and one raised a mixed response to the proposed development for the following reason:
• The solar panels appearing unsightly and would spoil the areas appearance.
• Despite efforts made to minimise the solar panels visual appearance on the front elevation, it was considered that they would still appear visually prevalent.
• The proposal having a detrimental effect on the village style appearance of the Gardens development.
There was one letter of representation which voiced support for the proposal.

Principle of Development
The principle of extending or altering an existing dwellinghouse located within the defined settlement framework is considered to be acceptable and in accordance with Core Policies 1, 2, 10 and 57 of the WCS.

Impact on the Character, Appearance and Visual Amenity of the Locality
The promotion of high-quality design is encouraged through the planning system and is reflected in Core Policy 57iii of the WCS, requiring design to relate closely to the existing pattern of development regarding size, scale, massing, materials, elevational design, roofline and the layout

of the proposal. Core Policy 57vi also requires development to take into account the characteristics of the site and deliver appropriate development.
Paragraph 130 of the NPPF states, among other matters, that development should be visually attractive as a result of good architecture and be sympathetic to local character. The need for good design is reinforced by the National Design Guide (2021).
The sites locality is characterised by residential dwellings of a modern appearance and differing external finished, creating visual interest along the street scene. There are landscaped gardens and front lawns which contribute to an overall high quality and attractive appearance.
The dwelling can be viewed from Hardenhuish Lane to the north-west and forms the end of the terrace to the north-western side of the Gardens development. The terrace is comprised of four dwellings with varying ridge heights. The front elevation solar panel would face the street side and would appear in a visually prominent position. However, the solar panels would be recessed on this elevation and would likely appear flush with the roofs pitch. The rear elevation solar panels would be set in a visually discrete position and are not considered significantly impact the character and appearance of the locality. Further technical details were provided by the applicant detailing the proposed solar panels as the Vertex S model. It is noted that there are no pre-existing solar panels located along The Gardens development.
Core Policy 41 of the WCS encourages new development, refurbishments and extensions to incorporate design measures to reduce energy demand. Developments should take full advantage of natural light and improve energy efficiency. Additionally, developments should use renewable or low-carbon energy from a local source. Paragraph 152 of the NPPF also required the planning system to support renewable and low carbon energy and associated infrastructure.
While the proposal would cause minor harm to visual amenity of the locality it is considered that given the climate emergency and adopted policies encouraging the use of low-carbon energy sources, that the benefit of sustainability would outweigh the harm inflicted. A condition ensuring the solar panels are removed upon their disuse is considered necessary and reasonable in this instance.
In light of the above, the proposal is considered to have an acceptable impact on the character and appearance of the locality and would comply with Core Policies 41 and 57 of the WCS and Paragraph 130 of the NPPF.

Impact on Residential Amenities
Paragraph 130(f) of the NPPF seeks to secure a high standard of amenity for existing and future users. This is further reflected in Core Policy 57(vii) of the WCS which requires the proposed development to achieve appropriate levels of amenity in respect to neighbouring buildings and within the development itself.
While the proposal would face towards the dwellings at No.10 and 9, it is not considered that it would result in a glint and glare impact. The solar panels would be positioned towards the roofs ridge and would be limited in size, offering a limited surface area.
In conclusion, it is considered that the proposal would result in an acceptable impact on the amenity of adjacent neighbouring occupiers.

Conclusion
The proposed development is considered to accord with Core Policies 1, 2, 10, 41 and 57 of the Wiltshire Core Strategy and relevant paragraphs of the NPPF. Accordingly, it is recommended that the application be approved.

Recommendation
That planning permission be GRANTED subject to the following conditions:

Conditions: (4)

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 provisions 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 be carried out in accordance with the following approved plans:

TQRQM23199192933855 Site Plan
101/02 Solar Panel Elevations
Received 28/07/23.

REASON: For the avoidance of doubt and in the interests of proper planning.

3 The materials to be used in the construction of the external surfaces of the development hereby permitted shall match in material, colour and texture those detailed on the application form and approved plans.

REASON: In the interests of visual amenity and the character and appearance of the area.

4 The solar PV equipment hereby approved shall be removed as soon as reasonably practicable when no longer needed.
REASON: In order to protect the long term visual amenity of the area.

Informatives: (3)

5 Any alterations to the approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the Local Planning Authority before commencement of work.

6 The applicant should note that the grant of planning permission does not include any separate permission which may be needed to erect a structure in the vicinity of a public sewer. Such permission should be sought direct from Thames Water Utilities Ltd / Wessex Water Services Ltd. Buildings are not normally allowed within 3.0 metres of a Public Sewer although this may vary depending on the size, depth, strategic importance, available access and the ground conditions appertaining to the sewer in question.

7 The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence.

If you intend carrying out works in the vicinity of the site boundary, you are also advised that it may be expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996.