CASE OFFICER'S REPORT

Application Reference:	PL/2023/09716
Application Type:	Householder planning permission
Site Inspection:	12 December 2023
Consultation ends:	14 December 2023
Case officer:	Brook Bishop

Site Address:	47 Bonners Close, Malmesbury, SN16 9UF
Proposal:	Retrospective permission for the installation of solar panels.
Recommendation:	Approve with Conditions

SITE DESCRIPTION:
The application site comprises a two-storey, detached dwelling house which faces North onto a cul-de-sac on Bonners Close but set back from the road. It has a varied roof form, with a number of gable ends with roof planes of various sizes, the largest of which faces to the West.

The site is set within a residential area predominantly composed of modern two-storey and detached dwellings with slight variations in their forms and a mix of finishes, giving its eclectic modern character. It lies within the settlement boundary of Malmesbury but it is outside the designated Conservation Area. There are adjacent dwellings, and the rear of the site overlooks a public footpath, MALM7, running East-West.

PROPOSAL:
The application seeks retrospective planning permission for the installation of roof-mounted photovoltaic (solar) panels. The total of nine panels were installed on 14 February 2023 to the west-facing slope of the roof only.

POLICIES:
Legislation:
Town and Country Planning Act 1990
The Town and Country Planning (General Permitted Development) (England) Order 2015
- Part 14 (Renewable Energy)

National Policy:
National Planning Policy Framework December 2023 (NPPF)
National Planning Practice Guidance (NPPG)
National Design Guidance (Planning practice guidance for beautiful, enduring and successful places) 2019 (NDG)

Local Policy:
Wiltshire Core Strategy
- Core Policy 1: Settlement Strategy (CP1)
- Core Policy 2: Delivery Strategy (CP2)
- Core Policy 13: Spatial Strategy for Malmesbury Community Area (CP13)

- Core Policy 41: Sustainable Construction and Low Carbon Energy (CP41)
- Core Policy 42: Standalone Renewable Energy Installations (CP42)
- Core Policy 57: Ensuring High Quality Design and Place Shaping (CP57)

Neighbourhood Plan:
Malmesbury Neighbourhood Plan Volume I – Main Body (Made 2015) (MNP1)
- Task 5.7
Malmesbury Neighbourhood Plan Volume II – Design Guide (Made 2015) (MNP2)
- Tasks 8.1 and 8.2

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 be made in accordance with the Development Plan unless material considerations indicate otherwise.

RELEVANT PLANNING HISTORY:
N/84/0966/F – Erection of 257 dwellings and associated garages.
- Conditions 3, 4 and 5

ISSUES:
The main considerations which are material to the determination of this application are listed below:
• Principle
• Climate Emergency
• Impact on the Character of the Locality
• Impact on Neighbouring Amenities

CONSULTEE RESPONSES:
Malmesbury Town Council were consulted on this proposal but did not provide comments.

REPRESENTATIONS:
No letters of representation were received related to this proposal.

PLANNING ASSESSMENT:
Principle:
The site is in a residential area within the market town of Malmesbury. CP1, 2 and 13 of the WCS set out a settlement and a delivery strategy for Malmesbury and confirm that within a market town, the principle of development is considered acceptable, subject to assessment of site-specific impacts, related policy considerations and compliance with the other policies contained within the development plan and the guidance and provisions as contained within the National Planning Policy Framework.

Part 14 of the GDPO states that the installation of microgeneration solar PV or solar thermal equipment on a dwellinghouse is permitted development subject to the conditions that:

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

However, the development would not be permitted 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;
(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);
(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;
(d) the solar PV or solar thermal equipment would be installed on a site designated as a scheduled monument; or
(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.

It is considered for this site that the proposed would constitute permitted development, subject to the conditions. However, as the site's planning history has shown, permitted development rights providing for external extension or alteration have been removed by virtue of Condition 3 of N/84/0966/F:

Condition 3 – Notwithstanding the provisions of the Town and Country Planning (General Development) Order, 1977, there shall be no extension or external alteration to any building forming part of the development hereby permitted (including the erection of a detached garage) without prior grant of planning permission in that behalf.

Thus, a grant of planning permission is required for the proposed development. However, the principle of altering or extending facilities in association with existing residential accommodation is considered acceptable in principle subject to assessment of site-specific impacts.

Climate Emergency:
The NPPF (paras 152 and 158) states that the planning system should support the transition to a low-carbon future and "recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions".

CP41 states that the retrofitting of buildings to make them more energy efficient, by integrating renewable or low-carbon energy technology, is encouraged in accordance with the following hierarchy:

i. Reduce energy consumption through energy efficiency measures

ii. Use renewable or low-carbon energy from a local/district source
iii. Use building-integrated renewable or low-carbon technologies.

CP42 states that applicants are not required to justify the need for renewables in a national or local context. MNP1 (Task 5.7) states that domestic use of solar energy will be encouraged where it does not conflict with the design objectives set out in MNP2.

Overall, national and local policies show support for this proposal where the site-specific impacts identified are resolved or deemed acceptable, taking into account the contribution the development makes to a low-carbon future.

Impact on the Character of the Locality:
CP57 states that a “high standard of design is required in all new developments, including extensions, alterations, and changes of use of existing buildings” and that development design is expected to draw on the local context and be complementary to the locality. CP57 (v.) also states a well-designed development should maximise opportunities for the use of renewable energy sources and ensure buildings and spaces are orientated to gain maximum benefit from sunlight and passive solar energy, in accordance with CP41 (discussed above).

MNP2 (Task 8.1) states that “development must make a positive contribution towards the distinctive character and form of the town as a whole and relate well to its site and its surroundings” and (Task 8.2) that its “style must be appropriate to the context”.

Good design helps to provide a sense of place, creates or reinforces local distinctiveness, and promotes community cohesiveness and social wellbeing; The layout and design of new developments must also be based on a thorough understanding of the site itself and its wider context, and seek to maximise the benefits of the site's characteristics. This will require careful consideration of the site layout as no two sites share the same landscapes, contours, relationship with surrounding buildings, street pattern and features. New development should integrate into its surroundings whilst seeking to enhance the overall character of the locality; The proximity of poor quality or indistinct development is not a justification for standard or poor design solutions.

The application site is of a modern style, set within a modern residential area, and it is therefore considered that the introduction of modern renewable energy technologies would not appear incongruous with the character of the area. However, such technologies should be sited, so far as practicable, to minimise its visual impact on the appearance of the building and the area.

It is noted in the site description that the application site has a varied roof layout with several roof planes on which solar panels could be installed. However, the western slope of the roof is demonstrably the largest single surface capable of supporting an optimum number of panels relative to the sun’s movements, enabling for maximum generation of energy. Although these panels would be visible in the public realm (or from the adjacent public footpath), the panels would only be seen when approaching closer to the application site. In addition, such impact would not be so significant given that such technology are quite commonly used in residential area, as a number of properties in the area have already installed solar panels.

It is considered that the proposal would not be out of character with the application site or surrounding area and it is felt that the proposal has been designed to minimise its impact on the

appearance of the building and area as far as practicable, resulting in an acceptable level of visual harm. It is therefore considered to be compliant with CP57 and the MNP2 and is acceptable. However, a condition is recommended that the panels be removed as soon as reasonably practicable when no longer required in the interest of protecting the long-term visual amenity of the area. Such a condition is considered appropriate and necessary in this instance and to meet the relevant tests.

Impact on Neighbouring Amenities:
CP57 requires that development should ensure the impact on the amenities of existing occupants/neighbours is acceptable and "ensuring that appropriate levels of amenity are achievable within the development itself, including the consideration of privacy, overshadowing, vibration, and pollution (e.g. light intrusion, noise, smoke, fumes, effluent, waste or litter)". The NPPF (para 130) advises that planning should "create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users".

Residential amenity is affected by significant changes to the environment including privacy, outlook, daylight and sunlight, and living areas within private gardens and this, therefore, needs to be carefully considered accordingly.

By their nature, solar panels do not normally result in any significant residential amenity issues, depending on the design of the panels themselves and the method and location of mounting them, as they do not generate any noticeable noise or vibration, nor do they give off light or pollutants. The design in this case does not have a glossy finish that creates significant reflection of light (glare) and they sit relatively flush with the roof plane, so do not cast a significant shadow.

The panels as proposed are not considered to result in significant harm to residential amenity and no letters of representation were received from neighbours that would affect consideration of the proposal. The proposal is therefore in compliance with the NPPF and CP57 and is acceptable.

CONCLUSION:
The proposal is not considered to conflict with the statutory requirements, the national and local planning policies nor the Malmesbury Neighbourhood Plan. The proposal would not result in significant harmful impacts to the residential character of the locality or to residential amenity and will secure environmental benefits sufficient to outweigh any harm. The proposal can be supported.

It is recommended that the application should be permitted subject to relevant conditions.

Conditions: (2)

1 The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

Location Plan. Received 9 November 2023
PV Panel Manufacturer Specifications. Received 15 November 2023.
Site Plan. 01. Received 16 November 2023
Proposed Elevations. 03. Received 16 November 2023

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

2 The solar PV equipment hereby approved shall be removed as soon as reasonably practicable when no longer needed.

REASON: To protect the long-term visual amenity of the area.

Informatives: (2)

3 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.

4 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.