Development Management - Delegated Officer Report

Application Number: AWDM/1767/22 Recommendation – Grant Certificate

Site: 29 The Green, Southwick

Proposal: Application for a Lawful Development Certificate for proposed solar panels to be added to rear (west) roofslope of house and the side (east) roofslope of garage at the end of the garden.

Date of site visit: Not visited

Proposal, Site and Surroundings

This application seeks confirmation that the installation of solar panels is lawful and does not require planning permission.

The application proposes:

"The installation of solar PV panels within the curtilage of a dwellinghouse - upon the main house and garage roofs. The solar PV would not protrude more than 0.2 metres beyond the plane of the roof slope when measured from the perpendicular with the external surface of the wall or roof slope. They will not be higher than the highest part of the roof (excluding any chimney). They will not be positioned on a wall which fronts a highway."

The panels will be installed on the rear (west) roofslope of the main house and the front (East) roofslope of the detached garage which is located at the end of the garden. The property is a semi-detached dwelling located on the corner of The Green and Albert Road. Both roofslopes are visible from Albert Road. The site lies within the Southwick Conservation Area. There is no Article 4 Direction in place.

Planning Assessment

Principle

The proposal will be viewed against the criteria of permitted development, as laid out within The Town and Country Planning (General Permitted Development) (England) Order 2015

Consideration

Schedule 2, Part 14, Renewable Energy

Class A – installation or alteration etc of solar equipment on domestic premises

Permitted development
A. The installation, alteration or replacement of microgeneration solar PV or solar thermal equipment on—

(a) a dwellinghouse or a block of flats; or
(b) a building situated within the curtilage of a dwellinghouse or a block of flats.

Development not permitted
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;

Analysis: The application form states that the equipment will not protrude more than 0.2m

(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);

Analysis: The plans show that the equipment will not be higher than the highest part of the roof

(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;

Analysis: The equipment will be visible from the highway but will not 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;

Analysis: the site is not 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.

Analysis: the equipment will be installed on a building within the curtilage of a dwelling but the dwelling is not a listed building.

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;

Analysis: The equipment will be visible but by locating it on the rear roofslope of the house it will not face The Green and will minimise its impact on the house and the wider Conservation Area. The panels on the garage roof will also be visible but are considered to be sited, as far as practicable, so as to minimise their effect on 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;

Analysis: The equipment will be visible but by locating it on the rear roofslope of the house it will not face The Green and will minimise its impact on the house and the wider Conservation Area. The panels on the garage roof will also be visible but are considered to be sited, as far as practicable, so as to minimise their effect on amenity of the area.

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

Analysis: The application form states that the solar PV equipment would be removed as soon as reasonably practicable when no longer needed

Recommendation

Issue a Certificate of Lawfulness for Proposed Development, the submission of a planning application for the works will not be required.

Reasons for Recommendation

The proposal constitutes 'development' as defined by Section 55 of the Town and Country Planning Act 1990, but is permitted by Schedule 2, Part 14, Class A of Town and Country Planning (General Permitted Development) (England) Order 2015.

Case Officer: Peter Barnett Date: 1 December 2022

Authorised by: Gary Peck Date: 1 December 2022