



Appeal Decisions

Site visit made on 30 April 2012

by Anthony J Wharton BArch RIBA RIAS MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 16 May 2012

Appeal A - Ref: APP/Z1510/E/12/2171099

Orchard House, Alphamstone Road, Lamarsh, Bures, CO8 5ES

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr Nigel Morgan against the decision of Braintree District Council.
 - The application Ref 11/01481/LBC, dated 31 October 2011 was refused by notice dated 22 December 2011.
 - The works proposed are: Installation of PV panels for nominal 4kw system on shed at rear of property facing south and invisible from public road and adjacent properties. Shed is 6.1m x 4.4m (ie less than 30sqm).
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Appeal B - Ref: APP/Z1510/A/12/2171604

Orchard House, Alphamstone Road, Lamarsh, Bures, CO8 5ES

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Nigel Morgan against the decision of Braintree District Council.
 - The application Ref 11/01480/FUL, dated 31 October 2011 was refused by notice dated 22 December 2011.
 - The development proposed is: Installation of PV panels for nominal 4kw system on shed at rear of property facing south and invisible from public road and adjacent properties. Shed is 6.1m x 4.4m (ie less than 30sqm).
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Decisions

1. Both Appeals A and B are dismissed. Listed Building Consent and Planning Permission are refused for the Installation of PV panels for a nominal 4kw system on a shed at the rear of the property facing south and invisible from the public road and adjacent properties. The shed is 6.1m x 4.4m (ie less than 30sqm).

Main issue

2. The main issue in both appeals is the effect of PV panels on the listed outbuilding and on the setting of Orchard House itself.

Reasons

3. In considering whether to grant planning permission and listed building consent, and in accordance with sections 66(1) and 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have had special regard to the desirability of preserving the listed building or its setting or any features or special architectural or historic interest.

4. The relevant development plan policies are Core Strategy Policy CS9 (Built and Historic Environment) and Braintree District Local Plan Policies RLP76 (Renewable Energy); RLP90 (Layout and Design of Development) and RLP100 (Alterations and Extensions and Changes of Use to Listed Buildings). Since the appeal was submitted, a major change has also been made in relation to Government Policy. The National

Planning Policy Framework (NPPF) has been issued and these policies carry significant weight as material considerations in relation to planning decisions. The NPPF introduces a presumption in favour of sustainable development. As well as the general policies being relevant, the policies for conserving and enhancing the historic environment, as set out in section 12, also need to be considered.

5. The 19th century appeal building is listed by virtue of it being within the curtilage of the Grade II Orchard House and built before 1948. It is a simple rectangular, detached outbuilding and is constructed from red brickwork with a steeply pitched green painted corrugated iron roof. It is relatively close to the main house and still contributes positively to the group of former farm buildings to the south.

6. Having viewed the appeal building from both within the site and from the field, I accept that the PV panels would not be seen from any significant public viewpoint. I also acknowledge that the proposed development would, in energy terms, be sustainable and that it would accord with one of the aims of Policy RLP76 in encouraging renewable energy generation. However, I share the Authority's concerns about its specific impact on the appeal building and the setting of the main house.

7. In my view the panels would result in an alien and obtrusive feature on the roof and to the rear of this attractive small building. Despite the fact that the panels would be on the south side and facing the field, they would detract markedly from the overall appearance of the host building and from the setting of the main house. The lack of any meaningful public viewing point, or even the complete visual screening of any works, cannot be justification for alterations and additions which still cause visual harm to our heritage assets.

8. I consider that in this case the harm is 'demonstrable' in that the form, shape, material, design and colour of these modern and stark panels would be completely out of character with the weathered rustic brickwork and the corrugated sheet roofing. To grant permission for this installation, even in this visually restricted location, could set a precedent whereby the authority had difficulty resisting other similar harmful additions to listed buildings.

9. I have taken into account the energy saving benefits of the proposal as set out in Annex 1 to the Grounds of Appeal, as well as the points made in relation to the PV panels being likely to be of a temporary, rather than a permanent nature. However, I do not consider that these benefits outweigh the detrimental effect that the installation would have on this small simple building and on the setting of the main house. I have also taken into account the comments made in Annex 2 with regard to the alternative suggestions. However, these do not alter my view that the proposal would be harmful to the listed building and, therefore, that planning permission and listed building consent should not be granted.

10. In conclusion I find that this particular proposal is contrary to development plan policies CS9 and RLP100. In this case the material considerations, including the NPPF policies and the presumption in favour of development, do not outweigh the adverse impact of the effect of these PV panels on this listed building. None of the other matters raised in support of the proposal carry sufficient weight to alter my conclusions and nor is any other matter of such significance so as to change my decision.

Anthony J Wharton

Inspector