



Appeal Decisions

Site visit made on 18 October 2010

**by Andrew J Seaman BA (Hons) MA
MRTPI**

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

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**Decision date:
25 October 2010**

Appeal A: APP/X1165/E/10/2131478

The Hayloft, Haldon Road, Torquay, Devon TQ1 2LZ

- 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 Steven Ward against the decision of Torbay Council.
- The application Ref P/2010/0244/LB, dated 26 February 2010, was refused by notice dated 3 June 2010.
- The works proposed are the provision of solar panels on south facing roof.

Appeal B: APP/X1165/A/10/2131476

The Hayloft, Haldon Road, Torquay, Devon TQ1 2LZ

- 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 Steven Ward against the decision of Torbay Council.
- The application Ref P/2010/0210/HA, dated 26 February 2010, was refused by notice dated 3 June 2010.
- The development proposed is the provision of solar panels on south facing roof.

Decision

1. Appeal A: I allow the appeal, and grant listed building consent for the provision of solar panels on south facing roof at The Hayloft, Haldon Road, Torquay, Devon TQ1 2LZ in accordance with the terms of the application Ref P/2010/0244/LB dated 26 February 2010 and the plans submitted with it subject to the following conditions:
 - 1) The works hereby authorised shall begin not later than 3 years from the date of this consent and shall be carried out in accordance with the following approved plans: P/2010/0210, 1794 303A and block plan.
 - 2) Prior to the commencement of the works hereby approved detailed plans and sections at a scale of 1:20 or less shall be submitted to and approved in writing by the local planning authority. The works shall be undertaken in accordance with the approved details.
 2. Appeal B: I allow the appeal, and grant planning permission for the provision of solar panels on south facing roof at The Hayloft, Haldon Road, Torquay, Devon TQ1 2LZ in accordance with the terms of the application, Ref P/2010/0210/HA dated 26 February 2010, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision and shall be carried out in accordance with the following approved plans: P/2010/0210, 1794 303A and block plan.
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- 2) Prior to the commencement of the development hereby approved detailed plans and sections at a scale of 1:20 or less shall be submitted to and approved in writing by the local planning authority. The development shall be undertaken in accordance with the approved details.

Main issues

3. These appeals raise two related main issues. Firstly, the effect of the works upon the special architectural and historic interest of the Grade II listed building of Wylam House and its setting. Secondly, the effect of the proposal upon the character and appearance of the Lincombes Conservation Area.

Reasons

4. The Hayloft, like its neighbour The Stables, is a two storey curtilage building of Wylam House, a large Grade II listed Victorian villa set towards the edge of the Lincombes Conservation Area. The historic significance of Wylam House rests in its scale, design, detailing and appearance; being a substantial period property which would have been set originally in landscaped grounds alongside subservient ancillary structures. I have had special regard to the desirability of preserving the listed building, its setting and any features of special architectural or historic interest which it possesses.
5. The appeal scheme seeks to install an array of 16 linked solar panels on a south facing roof slope which addresses the relatively close side elevation of Wylam House and its grounds. The roofscape provided by The Hayloft and Wylam House is essentially historic, being of traditional pitches and materials. The Stable follows this form but with the addition of roof lights. These roofs are not publicly prominent and are within a context where nearby development to the east is more modern.
6. The list description makes clear that Wylam House is the principal structure which warrants designation; it would be physically unaffected by the proposal. Nevertheless, The Hayloft, as an ancillary building within the curtilage, has an equally clear historic association with Wylam House. The association is evidenced by its original use, its scale, its form and its location. Of these factors, the historic use of the building in conjunction with its scale and location would remain unaffected by the proposal. It is solely the appearance of the southern roof slope which would be changed.
7. The collective size of the proposal is shown on the scaled and dimensioned drawings. It would be considerably larger than any roof light and be of fundamentally different detailing in terms of its profile and framing. The panels would be 46mm thick and, based on the information provided, the framing depth would result in the panels sitting noticeably proud of the existing roof. On such a basis, there would be little resemblance between the appearance of the appeal scheme and those roof lights seen nearby, for example in The Stables. The solar panels would assume, unsurprisingly, an evidently modern and sleek appearance raised above the existing slate roof.
8. There is a presumption in favour of the conservation of listed buildings. Whilst the fabric of the existing roof would be retained beneath the solar panels, the addition of such extensive modern elements to a historic roof slope would not preserve its historic appearance and would impinge, albeit to a minor extent,

on the historic setting of Wylam House. As a consequence and whilst the panels would be set well above ground level views, the positive contribution the appeal site currently makes to the historic character of the conservation area, which is typified by relatively large and well detailed period buildings in verdant plots, would be reduced and not preserved. This would run contrary to the heritage objectives of the Torbay Local Plan as expressed by Policies BES, BE1, BE5 and BE6.

9. However, I am conscious of the content of Planning Policy Statement 5 'Planning for the historic environment' (PPS5) which exists alongside its Practice Guide and the general advice of English Heritage¹. It is evident, as indicated by PPS5 Policy HE.1, that a balance needs to be struck between the use of renewable energy technologies and the preservation and enhancement of heritage assets.
10. Policy HE.9 of PPS5 indicates that where a proposal has a less than substantial harmful impact on the significance of a listed building and a conservation area, the public benefit of the proposal should be weighed against that harm; being mindful that the greater the harm to the significance of the listed building and conservation area then the greater the justification needed.
11. The significance of Wylam House lies in its age, scale, form and design. The limited significance of The Hayloft lies in its age, scale, form and association with the principal house. The proposal would have a very minor impact on the former and a limited impact on the latter.
12. Planning Policy Statement 22 'Renewable Energy' (PPS22) identifies, amongst other things, that any significant adverse effect of a proposal on the qualities for which a conservation area or listed building has been designated should be clearly outweighed by the environmental, social and economic benefits. In addition, PPS22 makes clear that the wider environmental and economic benefits of all proposals for renewable energy projects, whatever their scale, are material considerations that should be given significant weight in determining proposals.
13. In such a context, it would appear that the appellant has already endeavoured to improve the energy efficiency of The Hayloft through a range of means including additional insulation, low energy lighting, thermostatic zones within the house and a condensing boiler. This accords with the general thrust of the advice of English Heritage and it is apparent that a stand alone array of panels or the use of alternative renewable energy technologies, such as a ground source heat pump, would be impractical due to the limited garden size.
14. The proposal would have a positive impact in terms of localised energy production and a reduction in energy consumption from traditional off-site sources (ie the electricity grid). Given the limited harm caused to the significance of the listed building and the conservation area, I consider that the environmental benefits of the proposal are a sufficient consideration to outweigh the harm caused and thus to warrant the appeal.
15. Appeal ref APP/Y5420/A/09/2112137 pre-dates the publication of PPS5. In determining the appeal, my colleague follows a similar process of reasoning as

¹ Climate Change and the Historic Environment 2008; Micro generation in the historic environment 2009 et al

myself. He weighs the harm of the proposal against the benefits and reaches a reasoned conclusion that the harm caused by the proposed panels to a publicly visible roof slope in a London conservation area was the determining factor. Based upon the site specific circumstances of The Hayloft, which does not present the affected roof slope to public view, I have concluded differently. The cited appeal does not lead me to any different decision and, for the reason that each proposal needs to be determined in relation to the specifics of each site, I am not persuaded that my decision sets an irresistible precedent for future schemes relating to unknown sites elsewhere.

16. To limit the extent of their physical and visual intrusion into and above the fabric of the roof, I attach necessary conditions to agree details of the solar panels which shall necessarily cover the means by which they will be mounted. In light of the existing information available, there is no reason why compliance with such conditions should be unduly onerous or unreasonably expensive. With regard to all other matters raised, both appeals are allowed.

A J Seaman

Inspector

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