

## DECISION DELEGATED TO HEAD OF PLANNING

**Application No:** H16-0482-24      **Applicant:** Mr T Madge  
**Proposal:** Proposed Solar Panels on Roof of Dwelling  
**Location:** 40a Cowbit Road Spalding  
**Terminal Date:** 25th July 2024

### Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

National Guidance

National Planning Policy Framework 2023

### Representations:

|  | Object | Support | No Obj. | Comments |
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### CASE OFFICER ASSESSMENT

#### Description of Proposal

This is an application for a lawful development certificate for proposed solar panels at 40a Cowbit Road.

The panels would be located on the three roof pitches which front onto the access to the site. 13 panels are proposed in total.

#### Site Description

The site is within the settlement boundaries of Spalding, as outlined within the South East Lincolnshire Local Plan, 2019. The site is located towards the east of the settlement, approximately 160 metres north of the confluence of the river Welland and the Coronation Chancel. 40a Cowbit Road is located on a private drive off of Cowbit Road. It is one of two properties served by this road.

#### Relevant History

H16-0682-76 - Outline. Dwelling and garage at rear of 40 Cowbit Road, Spalding. Approved 15/07/76.

H16-0814-78 - Reserved Matters. Dwelling and garage at rear of 40 Cowbit Road, Spalding. Approved 10/10/78.

H16-0600-79 - Reserved Matters. Dwelling and garage at rear of 40 Cowbit Road, Spalding. Approved 03/07/79.

H16-1011-07 - Full. Change of use of dwelling to dwelling/bed & breakfast. Approved 20/09/07.

H16-1519-07 - Condition compliance. Details of flood warning and evacuation plan (Condition 2 of H16/1011/07). Approved 14/12/07.

H16-0710-17 - Full. Change use of dwelling from a guest house to residential dwelling. Approved 22/08/17.

## **Consultation Responses**

The responses received from consultees during the initial consultation exercises, which can be viewed in their entirety through the South Holland website, can be summarised as follows:

### Public Representations

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, no letters of representation have been received.

## **Key Planning Considerations**

The Town and Country Planning (General Permitted Development) (England) Order 2015 as amended- Schedule 2, Part 14, Class A

Schedule 2, Part 14, Class A of the GPDO permits the "installation or alteration etc of solar equipment on domestic premises". The class states the following:

"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, in the case of a pitched roof, the roof slope when measured from the perpendicular with the external surface of the wall or pitched roof slope;

(b)in the case of solar PV or solar thermal equipment on a pitched roof, 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);

(ba)in the case of solar PV or solar thermal equipment on a flat roof, it would result in the highest part of the solar PV or solar thermal equipment being more than 0.6 metres 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."

Assessing the proposal against the above, the following is considered:

A.1(a) The proposed equipment would not protrude by more than 0.2 metres.

A.1(b) The panels would not result in the highest part of the equipment being higher than the highest part of the roof.

A.1(ba) The works would be installed on a pitched roof.

A.1(c) The site is not within the conservation area or a World Heritage Site. In any event, the panels

would front a private drive, rather than the main highway serving the dwelling.

A.1(d) The site is not a scheduled monument.

A.1(e) The dwelling is not listed or within the curtilage of a listed building.

### *Conditions*

The Order goes onto state that

"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;

(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

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

Assessing against the above, the following is considered:

A.2(a) While the panels would be on the most visible section of roof at 40a Cowbit Road, the visual impacts of the proposal would be limited. The panels would, to a certain extent, blend into the dark roof tiling, reducing their visibility. Furthermore, solar panels are present on the dwelling opposite, naturalising the appearance of the panels and reducing their impact on the area.

A.2(b) The amenity impacts of the proposal would be minimal. The potential for glint or glare from the panels is low. In any event, any potential reflection or glare would project onto an empty area between dwellings.

A.2(c) due to the nature of the proposal, this cannot be assessed at this time. However, a suitably worded condition will be attached to any potential decision notice to action this.

### **Additional Considerations**

#### Public Sector Equality Duty

In making this decision the Authority must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:

A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act

B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).

C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149. It is only one factor that needs to be considered, and may be balanced against other relevant factors.

It is not considered that the recommendation in this case will have a disproportionately adverse impact on a protected characteristic.

#### Human Rights

In making a decision, the Authority should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as South Holland District Council to act in a manner that is incompatible with the European Convention on Human Rights. The Authority is referred specifically to Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property).

It is not considered that the recommendation in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general public interest and the recommendation is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

## **Conclusion**

As listed above, the proposed extensions and alterations would conform to the details within The Town and Country Planning (General Permitted Development) Order 2015, Schedule 2, Part 14, Class A. The proposal is therefore considered to be permitted development.