

## DECISION DELEGATED TO HEAD OF PLANNING

**Application No:** H16-1099-22      **Applicant:** M R & C M Senior  
**Proposal:** Installation of photovoltaic panels to south & west roof slopes  
**Location:** 33 Red Lion Street Spalding  
**Terminal Date:** 10th January 2023

### Planning Policies

#### South East Lincolnshire Local Plan - Adopted: March 2019

|    |                                                    |
|----|----------------------------------------------------|
| 01 | Spatial Strategy                                   |
| 02 | Development Management                             |
| 03 | Design of New Development                          |
| 29 | The Historic Environment                           |
| 31 | Climate Change and Renewable and Low Carbon Energy |

#### National Guidance

#### National Planning Policy Framework 2021

Section 12 - Achieving well-designed places  
Section 14 - Meeting the challenge of climate change, flooding and coastal change  
Section 16 - Conserving and enhancing the historic environment

### Representations:

|               | Object | Support | No Obj. | Comments |
|---------------|--------|---------|---------|----------|
| WARD MEMBER   | 0      | 0       | 0       | 0        |
| SHDC INTERNAL | 0      | 0       | 0       | 1        |

### CASE OFFICER ASSESSMENT

#### Proposal

The proposal is for the addition of photovoltaic cells to 33 Red Lion Street Spalding. On the western elevation, ten panels are proposed. Six panels are proposed on the southern elevation.

#### Site Description

The site is located in the town centre of Spalding, within the Spalding conservation area. The property is adjacent to the Grade II Listed Red Lion Hotel. On the building's other flank is Spalding College.

The property is a small two storey salon, constructed in 1995. It is of red brick construction with a slate roof and painted timber windows and doors. The western elevation faces Red Lion Street. The southern elevation cannot be seen from street level.

## **Relevant History**

H16-0834-16 - Change of use of first floor living accommodation to commercial and replacement of first floor window. Approved 5/10/16.

## **Consultation Responses**

### SHDC Conservation Officer

"I write wishing to confirm my objections to the proposal as currently configured. Policy 29, Section B states that proposals affecting the conservation area should; "Retain and reinforce local distinctiveness with reference to height, massing, scale, form, materials and plot widths of the existing built environment" and "Assess, and mitigate against, any negative impact the proposal might have on the townscape, roofscape, skyline, and landscape".

This proposal, by virtue of its intention to place modern photovoltaic cells on a highly visible elevation within a prominent section of the conservation area, fails to respect the standard of visible materials within this portion of the town centre and the slate roof of the host property, which is a common feature of this section of the Conservation Area.

Furthermore, the proposal does not seek to do anything to mitigate against the effect the proposal would have on the roofscape within the conservation area. The addition of photovoltaic cells would represent an unwieldy and highly visible addition to the rooftop and would risk generating a precedent of incongruous additions to visible roof pitches even within sensitive locations within the town centre and conservation area. The deployment of Photovoltaic within the conservation area may be possible, however, it would generally be expected that in all but exceptional circumstances, photovoltaic cells should be restricted to sections of roof not visible from the public realm or at least areas where the visual impact upon public realm views would be mitigated against."

## **Planning Considerations**

### Layout, Design, Size and Scale

Paragraph 130 of the National Planning Policy Framework (NPPF), 2021 establishes that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area; are visually attractive as a result of good architecture and sympathetic to local character and history, including the surrounding built environment and landscape setting. Likewise, policy 2 of the SELLP states that design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable.

The panels on the southern pitch will not be visible from street level, reducing their potential impact on the character of the area. However, the western slope, which fronts Red Lion Street, would be visible. As a result, the western slope, which would see the greater number of panels, would be an outlier in Red Lion Street.

The panels would cover the rooftops, leaving a small perimeter surrounding the array of panels. As the surrounding properties predominantly have slate roofing, a noticeable visual disparity would be created between the property and its' neighbours. This would directly contradict Policy 29 B, sections 2 and 5 of the South-East Lincolnshire Local Plan.

In summary, the proposed works would fail to achieve the aims of policies 2, 3 and 29 of the South-East Lincolnshire Local Plan as well as policy 12 of the NPPF.

### Heritage

Although the property itself is not necessarily a heritage asset, the proximity to a Grade II listed

building, the prominence of the building within the street scene and its location within a conservation area, means that any works to the property would have a significant impact on the area. Paragraphs 7.3.11 and 7.3.13 of the South-East Lincolnshire Local Plan outline the importance of works, within conservation, to be in keeping with local characteristics and appearances. As stated above, the southern elevation would not be visible from the street, and therefore, would have a limited impact on the area. However, the impact of the western pitch would be substantial. The works here would significantly harm the character of the area via the loss of the slate roofing and the introduction of an incongruous feature. The solar panels would be in conflict with the aesthetic of the adjacent listed property and would undermine the visual integrity of the conservation area. To this end, the proposed works fail to achieve the aims of the aforementioned policy, and therefore, would negatively impact the conservation area.

Paragraph 202 of the NPPF outlines that the potential harm to an area's heritage caused by a development must be outweighed by the potential public benefit. As the potential benefits of the panels would be received solely by one property, while the negative visual impact would be felt by many, the proposal would not achieve the aims of paragraph 202 of the NPPF.

The SHDC Conservation Officer has raised objections to the proposal, indicating that the proposal in its current configuration fails to achieve the aims of policy 29 of the South-East Lincolnshire Local Plan. The potential damage the proposal would have upon the roofscape of the conservation area is deemed to be significant. Furthermore, the Conservation Officer has raised concerns regarding the potential visual conflict between the modern photovoltaic cells and the slate roofs that dominate this area. As a result, the panels will create a visual anomaly, that undermines the integrity of the conservation area.

It is considered that the proposal would fail to preserve or enhance the character or appearance of the conservation area, contrary to policy 29 and paragraphs 3.4.4 and 7.3.11 of the SELLP, as well as the guidance of section 16 of the NPPF 2021.

### Renewable Energy Production

Policy 31, Section B which governs proposals relating to development of renewable energy sources (inclusive of domestic solar panelling) states the following:

*"With the exception of Wind Energy the development of renewable energy facilities, associated infrastructure and the integration of decentralised technologies on existing or proposed structures will be permitted provided, individually, or cumulatively, there would be no significant harm to:*

- 1. visual amenity, landscape character or quality, or skyline considerations;*
- 2. residential amenity in respect of: noise, fumes, odour, vibration, shadow flicker, sunlight reflection, broadcast interference, traffic;*
- 3. highway safety (including public rights of way);*
- 4. agricultural land take;*
- 5. aviation and radar safety;*
- 6. heritage assets including their setting; and*
- 7. the natural environment."*

Evaluated against the above tests, the proposed works do conform to tests 2, 3, 4, 5 and 7. However, they fail to achieve the remaining criteria. The proposed works would damage the visual amenity of the conservation area and damage the local character. As outlined above, the proposal would have a dramatic impact on the settings of local heritage assets. Therefore, the proposed photovoltaic cells would not conform to policy 31 of the South-East Lincolnshire Local Plan.

### Planning Balance

As the proposed panels on the south would be obscured from view, the relative potential impact of this aspect of development is minor. There would be a visual disparity when viewed from above, however, at street level, the panels would have little to no impact. However, the western cells would dramatically negatively impact the character of the surrounding area and undermine the sense of place currently established in Spalding town centre.

The SHDC Conservation Officer has stated their objections against the proposal on the grounds that the works will damage the integrity of the Conservation Area and will be in breach of policy 29 section B.

Therefore, the planning balance is against the proposal.

## **Conclusion**

The proposed works fail to achieve the aims of policies 2, 3, 29 and 31 of the South-East Lincolnshire Local Plan as well as section 12 and 16 of the National Planning Policy Framework. Therefore, the recommendation is for refusal.

## **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.