



**London Borough of Camden
2nd Floor, 5 Pancras Square
c/o Town Hall, Judd Street
London
WC1H 9JE**

DP9 Ltd
100 Pall Mall
London SW1Y 5NQ

Registered No. 05092507

telephone 020 7004 1700
facsimile 020 7004 1790

www.dp9.co.uk

18th May 2023

Dear Sir/Madam,

FRANCIS GARDNER HALL, 89-91 WEST END LANE, CAMDEN, NW6 4SY

**APPLICATION FOR PRIOR APPROVAL – INSTALLATION OF 40 SOLAR PV PANELS ONTO A FLAT ROOF
TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (ENGLAND) ORDER 2015**

On behalf of our client, Bluesky Student Bidco Ltd. (the 'Applicant'), please find enclosed an application for Prior Approval – Installation of 40 solar PV panels onto a flat roof, in relation to Francis Gardner Hall, 89-91 West End Lane, Camden ('the Site').

On behalf of the Applicant, we hereby apply for determination as to whether Prior Approval is required for works under Schedule 2, Part 14, Class J (c) of the Town and Country Planning (General Permitted Development) Order 2015 ('GPDO (2015)') relating to – 'installation, alteration or replacement of other solar PV equipment on the roof of a building' on the above mentioned Site.

The proposed works include the installation of 40 solar PV panels on the flat roof of the Site (hereby referred to as 'the Proposed Development').

This letter considers the key issues associated with the Proposed Development in relation to the Class J Permitted Development right, in accordance with the procedure set out in the Order. This site does not lie within an Article 4 'exemption' area as listed in the Order.

Submission Documents

In addition to this covering letter and requisite application fee, the application includes the following documents and plans:

- Site Location Plan;
- Existing and Proposed Roof Plans; and
- Existing and Proposed Elevations.

This submission has been made online via the Planning Portal.

Site and Surroundings



The application site relates to the existing building known as 'Francis Gardner Hall' at 89-91 West End Lane, NW6 4SY, in the London Borough of Camden. The Site is located on the western side of West End Lane and lies within the South Hampstead Conservation Area. The building itself is not identified as making a positive contribution to the character of the conservation area and is identified in the Conservation Area Appraisal as making a "neutral" contribution. There are no designated heritage assets within 500m of the site. The existing building is five storeys with a single storey basement. The building comprises of student accommodation (sui generis) use.

Legislative Background

Class J of the Order states that Development is not permitted by Class J:

- A. the solar PV equipment or solar thermal equipment would be installed on a pitched roof and would protrude more than 0.2 metres beyond the plane of the roof slope when measured from the perpendicular with the external surface of the roof slope;
- B. the solar PV equipment or solar thermal equipment would be installed on a flat roof, where the highest part of the solar PV equipment would be higher than 1 metre above the highest part of the roof (excluding any chimney);
- C. the solar PV equipment or solar thermal equipment would be installed [F1 on a roof and] within 1 metre of the external edge of that roof;
- D. in the case of a building on article 2(3) land, the solar PV equipment or solar thermal equipment would be installed on a roof slope which fronts a highway;
- E. the solar PV equipment or solar thermal equipment would be installed on a site designated as a scheduled monument; or
- F. the solar PV equipment or solar thermal equipment would be installed on a listed building or on a building within the curtilage of a listed building.

None of the above criterion apply in the context of the Site or the proposed installation. With regards to the legislative procedure, development is permitted subject to the condition that before beginning the development the developer applies to the local planning authority for determination as to whether the prior approval of the authority will be required, based on the below conditions:

1. Class J development is permitted subject to the following conditions —
 - A. the solar PV equipment or solar thermal equipment must, so far as practicable, be sited so as to minimise its effect on the external appearance of the building and the amenity of the area; and
 - B. the solar PV equipment or solar thermal equipment is removed as soon as reasonably practicable when no longer needed.
2. Class J(c) development is permitted subject to the condition that before beginning the development the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the design or external appearance of the development, in particular the impact of glare on occupiers of neighbouring land, and the following sub-paragraphs apply in relation to that application.



3. The application must be accompanied by—
 - A. A written description of the proposed development;
 - B. a plan indicating the site and showing the proposed development;
 - C. the developer's contact address; and
 - D. the developer's email address if the developer is content to receive communications electronically;

Assessment

On behalf of the applicant, we can confirm that the above conditions, relating to development within Class J have been met, as outlined below:

- A. the solar PV equipment would not be installed on a pitched roof;
- B. the solar PV equipment would be installed on a flat roof, where the highest part of the solar PV equipment would be 300mm (less than 1 metre above the highest part of the roof (excluding any chimney)) ;
- C. the solar PV equipment would not be installed within 1 metre of the external edge of the roof;
- D. the applicant is building on article 2(3) land, however the solar PV equipment would not be installed on a roof slope;
- E. the solar PV equipment would not be installed on a site designated as a scheduled monument; or
- F. the solar PV equipment or solar thermal equipment would not be installed on a listed building or on a building within the curtilage of a listed building.

The Design and External Appearance of the PV Panels

The installation of PV panels has been well-considered in terms of design and appearance; ensuring that the panels would not be visible from ground floor level or from any public viewpoint.

Summary

In summary, the proposed PV installation complies with all of the restrictions and conditions set out in Class J (c) of the GPDO (2015) and should be considered capable of benefitting from the permitted development rights available.

We trust that this enclosed application is sufficient for you to consider and determine accordingly. Should you have any questions, please do not hesitate to contact either Tim Holtham or Annabel Williams, at this office.

Yours faithfully



DP9 Ltd.