

Delegated Report Prior Approval GPDO Part 14, Class J		Analysis sheet		Expiry Date (agreed extension of time):		24/07/2023	
		N/A		Consultation Expiry Date:		23/07/2023	
Officer				Application Number(s)			
Geri Gohin				2023/2594/P			
Application Address				Drawing Numbers			
Francis Gardner Hall 89 - 91 West End Lane London NW6 4SY				Refer to Draft Decision Notice			
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature				
Proposal(s)							
Installation of 38 solar PV panels on the flat roof of the building.							
Recommendation(s):		Grant Prior Approval					
Application Type:		Class J (installation or alteration etc of solar equipment on non-domestic premises) Part 14 GPDO Prior Approval					
Conditions or Reasons for Refusal:		Refer to Draft Decision Notice					
Informatives:							
Consultations							
Adjoining Occupiers:		No. notified	167	No. of responses	1	No. of objections	0
Summary of consultation responses:		<p>A Site Notice was displayed on 27th June 2023 which expired on 21st July 2023.</p> <p>The application was advertised in the Ham & High on 29th June 2023 and expired on 23rd July 2023.</p> <p>Occupiers of the building and neighbouring land were also sent letters.</p> <p>A letter of support was received from a direct neighbour of the property at No. 93 which is as follows:</p> <ul style="list-style-type: none"> - <i>“It is wonderful this student accommodation block is looking to progress with sustainable green energy which needs to be embraced if we are to combat climate change in time.”</i> - <i>“It is also pertinent as it is to support a building that is for young people for whom sustainability is key if we are to protect their future. I hope very much Camden Council will approve this.”</i> 					

Site Description

The site relates to a five-storey building with a basement known as "Francis Gardner Hall" and comprises of student accommodation. It is located on the western side of West End Lane and lies within the South Hampstead Conservation Area. The building is not identified as making a positive contribution to the Conservation Area in the South Hampstead Conservation Area Appraisal. The host building is not listed.

The surrounding area is residential in character.

Relevant History

PWX0203119 - Conversion of the basement area to provide 4 additional bedrooms and the erection of 2 roof extensions to provide 7 additional bedrooms for the existing student hostel. **Granted 18/03/2003**

2003/2990/P - The erection of a rear lower ground floor conservatory extension and associated excavations, the roofing and glazing over of two internal lightwells, the installation of a front entrance ramp and the provision of 24 bicycle stands in the forecourt, together with internal refurbishment of an existing hostel to create 64 non-self-contained bedrooms with communal facilities. **Granted Subject to a Section Legal Agreement 05/01/2005**

2003/2991/P - The erection of an additional mansard style roof extension at 4th floor level together with internal alterations to increase the number of hostel rooms from 55 to 71, excavations to part of the lower ground floor and rear garden to change existing storage and boiler room to communal facilities for the hostel, installation of a front entrance ramp and provision for the parking of 24 bicycles. **Granted Subject to a Section Legal Agreement 10/01/2005**

2003/3484/P - Excavation of part of the lower ground floor and rear garden of the hostel to change existing storage and boiler room to habitable space including external alterations, alterations to increase the number of hostel rooms from 55 to 65 and roof over two light wells, erection of a roof extension to provide 3 self-contained flats, erection of a new lift shaft, installation of a ramp to the front entrance and provision for the parking of 15 bicycles and 1 car in the forecourt. **Granted Subject to a Section Legal Agreement 05/01/2005**

2006/0908/P - Erection of a wire-mesh security fence on the southern boundary of residential housing block. **Granted 13/04/2006**

2006/3859/P - Replacement of metal windows with double glazed aluminium framed windows at first, second and third floor level on front and side (north) elevations. **Granted 27/10/2006**

2015/3178/P - Replacement of front, side, rear and lightwell windows with aluminium and upvc framed windows. **Refused 06/10/2015**

Relevant legislation and policy

The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO)

National Planning Policy Framework 2021

London Plan 2021

Camden Local Plan 2017

A1: Managing the impact of development
 D1: Design
 D2: Heritage

Assessment

1. Proposal

- 1.1. Permission is sought for installation or alteration etc. of solar equipment on non-domestic premises, as per Class J, Part 14 of Schedule 2 to the GPDO (as amended).
- 1.2. In this case the proposal involves the installation of 38 solar PV panels on the flat roof of the building. The building is in use as a student accommodation (Class C2).

2. Assessment

- 2.1. Part 14 of the GPDO sets out permitted development rights for Renewable Energy for domestic and non-domestic premises.
- 2.2. 'Domestic' and 'non domestic' are not defined by the GPDO or the Town and Country Planning Act. In respect of the classes with Part 14 where reference is made to domestic premises it states that the rights only apply to dwellinghouses, blocks of flats, or buildings within the curtilage of a dwellinghouse or block of flats. In respect of non-domestic premises, Part 14 of the GPDO states that the permitted development rights apply to buildings other than dwelling houses or a block of flats. Therefore, as the application site comprises a '*building*' comprising students' accommodation (Class C2) which is not a '*dwellinghouse of a block of flats*' the premises are considered as a non-domestic premises and permitted development rights are considered to apply.
- 2.3. Compliance with the limitations and conditions set out in the GPDO.

Class J: Installation or alteration etc. of solar equipment on non-domestic premises

If yes to any of the questions below the proposal is not permitted development:		Yes/no
J.1 (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;	No
J.1 (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);	No
J.1 (c)	the solar PV equipment or solar thermal equipment would be installed within 1 metre of the external edge of that roof;	No (revisions made during the course of the application to remove PVs within

		1m of the edge of the roof)
J.1 (d)	in the case of a building on article 2(3) land (<i>conservation area</i>), the solar PV equipment or solar thermal equipment would be installed on a roof slope which fronts a highway;	No
J.1 (e)	the solar PV equipment or solar thermal equipment would be installed on a site designated as a scheduled monument; or	No
J.1 (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.	No
J.2 (a)	the solar PV equipment or solar thermal equipment would be installed on a wall and would protrude more than 0.2 metres beyond the plane of the wall when measured from the perpendicular with the external surface of the wall;	No
J.2 (b)	the solar PV equipment or solar thermal equipment would be installed on a wall and within 1 metre of a junction of that wall with another wall or with the roof of the building; or	No
J.2 (c)	in the case of a building on article 2(3) land, the solar PV equipment or solar thermal equipment would be installed on a wall which fronts a highway.	No
J.3	The capacity of the solar PV equipment installed (together with any solar PV equipment installed under Class J(b)) to generate electricity exceeds 1 megawatt.	No. The energy output would be 0.022mw.

Conditions. If **no** to any of the below then the proposal is not permitted development

J.4 (1) (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	Yes (see section 3 below)
J.4 (1) (b)	the solar PV equipment or solar thermal equipment is removed as soon as reasonably practicable when no longer needed.	Yes (an informative will be included on the decision)
J.4 (2)	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.	Yes

2.2 The applicant has provided relevant details of the proposed works as per the conditions set out in paragraph J.4.

Matters for Prior Approval:

3. Design and external appearance

- 3.1 As demonstrated in the following photographs, the positioning of the panels on the flat roof would not be visible from public realm and would therefore have not impact on the Conservation Area.



4. Impact of glare on occupiers of neighbouring land

- 4.1 The host building is a slightly taller building than its neighbours and therefore there would be little impact on terms of glare. The panels may be visible from the upper floor windows of the adjacent building at Kings Gardens, however, owing to their position, design and the height of the parapet and chimneys would not result in glare which could harm neighbour amenity. The position of the panels at roof level ensures they would not result in glare which could impact on pedestrian or vehicular safety.

5. Conclusion-

The Council has taken into account the responses from the consultation process and the guidance in the NPPF 2021, as required by para J.8 regarding procedure.

The proposal are considered to be acceptable in terms of design and appearance and would not result in harm to the amenity of occupiers of the adjoining properties in terms of glare.

The solar panels are permitted under Class J of Part 14 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended by No.2 Order 2020).

6. **Recommendation:** Grant Prior Approval.