

Delegated Report		Analysis sheet		Expiry Date:		26/07/2012	
(Members Briefing)		N/A / attached		Consultation Expiry Date:		n/a	
Officer				Application Number(s)			
Carlos Martin				2012/2870/P			
Application Address				Drawing Numbers			
145 Constantine Road London NW3 2LR				Refer to draft decision notice			
PO 3/4		Area Team Signature		C&UD		Authorised Officer Signature	
Proposal(s)							
Installation of 11 solar panels to the front roof slope of dwelling house (Class C3).							
Recommendation(s):		Grant certificate					
Application Type:		Certificate of Lawfulness (Proposed)					
Conditions or Reasons for Refusal:		Refer to Draft Decision Notice					
Informatives:							
Consultations							
Adjoining Occupiers:		No. notified	00	No. of responses	01	No. of objections	01
Summary of consultation responses:		<p>1 objection from a local resident stating that the proposal will ruin the look and feel of the conservation area.</p> <p><u>Officer's comment</u> As the proposal is to assess whether the works are "permitted development" according to national legislation, it is a legal determination as to whether it complies with the wording of the Order and normal policy considerations that would apply to an application for planning permission are not relevant. The issue here is whether they are sited to minimise their impact 'in so far as is practicable', which is essentially a technical consideration. This matter is assessed further in paras 4 and 5 in the assessment below.</p>					
CAAC/Local groups* comments: *Please Specify		None required.					

Site Description

The application site relates to a three storey semidetached single dwelling house located on the north side of Constantine Road, within the Mansfield Conservation Area. The site is not listed a backs onto a railway line. The surrounding area is predominantly residential.

Relevant History

2012/1441/P : pp **granted** for amendments to planning permission granted on 09/05/2011 (Ref: 2011/1068/P) for the erection of a single storey ground floor rear extension, a new rear dormer and a new roof terrace enclosure at single dwelling (Class C3), to allow for the installation of 6x photovoltaic panels to roof of dormer extension.

Relevant policies

The Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008

Assessment

1. Class A of Part 40 of the General Permitted Development Order 2008 establishes that the installation of solar PV or solar thermal equipment on a residential dwelling is permitted development unless;
 - (a) *the solar PV or solar thermal equipment would protrude more than 200 millimetres beyond the plane of the wall or the roof slope when measured from the perpendicular with the external surface of the wall or roof slope;*
 - (b) *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);*
 - (c) *in the case of land within a conservation area, the solar PV or solar thermal equipment would be installed—*
 - (i) *on a wall forming the principal or side elevation of the dwellinghouse and would be visible from a highway; or*
 - (ii) *on a wall of a building within the curtilage of the dwellinghouse and would be visible from a highway;**or*
 - (d) *the solar PV or solar thermal equipment would be installed on a building within the curtilage of the dwellinghouse if the dwellinghouse is a listed building.*
2. The proposal complies with points (a) to (d) above as the panels would not protrude more than 200mm from the roof slope, would not be higher than the highest part of the roof, would not be located on a wall fronting a highway and the site is not listed.
3. Apart from compliance with the above points, the following conditions have to be met as well:
 - (a) *solar PV or solar thermal equipment installed on a building shall, so far as practicable, be sited so as to minimise its effect on the external appearance of the building;*
 - (b) *solar PV or solar thermal equipment shall, so far as practicable, be sited so as to minimise its effect on the amenity of the area; and*
 - (c) *solar PV or solar thermal equipment no longer needed for microgeneration shall be removed as soon as reasonably practicable.*
4. The applicants have provided a technical assessment to demonstrate that the front roof slope is the only viable place for the proper functioning of the solar panels, as this is the only south facing side of the property and the rear garden is shaded during a considerable part of the day which would result in loss of approx 50% output making this an uneconomical option.
5. The Council does not have any evidence to contradict or undermine the applicant's technical evidence. The information provided by the applicant is therefore deemed to be sufficiently precise and unambiguous to demonstrate that the proposed solar panels would, so far as practicable, be sited so as to minimise its effect on the external appearance of the building and therefore the proposal is considered to comply with the aforementioned conditions.

8. Recommendation: Grant

DISCLAIMER

Decision route to be decided by nominated members on Monday 9th July 2012. For further information please click [here](#).