

Delegated Report		Analysis sheet		Expiry Date:		07/05/2020	
(Members Briefing)		N/A / attached		Consultation Expiry Date:		N/A	
Officer				Application Number(s)			
Leela Muthoora				2020/0553/P			
Application Address				Drawing Numbers			
60 Dartmouth Park Road London NW5 1SN				See draft decision			
PO 3/4		Area Team Signature		C&UD		Authorised Officer Signature	
Proposal(s)							
Installation of 8x solar panels to front roof slope of dwelling house (Class C3).							
Recommendation(s):		Grant Lawful Development 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	00	No. of objections	00
Summary of consultation responses:	None received from neighbours					
CAAC/Local groups comments:	<p>Objections raised on the following grounds:</p> <ol style="list-style-type: none"> 1. <u>Dartmouth Park Conservation Area Advisory Committee</u> “The DPCCA nor DPNF were not consulted on this application when they should have been. We strongly object to this application proposing 12 x solar panels to the front pitch of the roof. They would be clearly visible from the street, even more so from the rising ground of the hill, resulting in significant harm to the character and amenity of the Conservative Area. We note that to benefit from permitted rights solar panels should be sited to minimise the effect on the external appearance of the building and the amenity of the buildings, see below: Equipment on a building should be sited, so far as is practicable, to minimise the effect on the external appearance of the building and the amenity of the area. It would be entirely practical and possible to install integrated solar tiles to minimise the effect on the external appearance of the building and the amenity of the area, see the DPNF Plan (adopted 02/03/2020), Policy ES4(a) which illustrates examples of these tiles.” 2. Dartmouth Park Neighbourhood Development Forum wrote to support the above objection from DPCAAC. <p><u>Officers Response</u> <i>Consultation: The Council has no statutory duty to engage in a formal consultation process for this type of application as it cannot be assessed against national and local policy. The Council is not afforded the right to include its design or conservation policies as material considerations.</i></p> <p><i>The assessment is a factual test against the wording of the relevant legislation, in this case, the criteria set out within the GPDO 2015 only. The Council must assess whether the works are permitted development and whether it complies with the conditions and limitations of the GPDO.</i></p> <p><i>The key issue in this instance, is whether the panels would be sited so as to minimise their impact on the external appearance and amenity of the area ‘in so far as is practicable’. This matter is assessed further in paragraphs 2.2 to 2.4 in the assessment below.</i></p>					

Site Description

The application site is a detached single family dwelling house within the Dartmouth Park Conservation Area, is not a listed building and is not restricted by an Article 4 direction.

It is within the Dartmouth Park Neighbourhood Plan Area but this does not restrict permitted development.

Relevant History

Site

No relevant history on site

Nearby site - 56 Dartmouth Park Road

2011/1888/P - Installation of solar panels to front at roof level to existing dwelling house (Class C3).
Refused 27/05/2011

2018/4021/P - Installation of 2 no. solar panels on west facing side roof. Granted 13/09/2018

2018/5602/P - Installation of 2 no. solar panels on west facing side roof. Granted 14/11/2018

Relevant policies

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

The proposals can only be assessed against the relevant planning legislation which is The Town and Country Planning Act 1990 and The Town and Country Planning (General Permitted Development) (England) Order 2015 ("GPDO").

The application is to determine whether the proposal is permitted development and can go ahead without the grant of planning permission from the planning authority. This is made by assessing whether the scheme is lawful as defined by criteria set out in the GPDO.

As this is a process of legal determination against the GPDO, an assessment of the planning merits of the proposal under current policies or guidance within the Camden Development Plan, such as design and impact on neighbour amenity, cannot be taken into account.

Assessment

1. Proposals:

1.1 The original submission was for 'Installation of 12x solar panels to the front roof slope.'

Revisions

1.2 Following officer advice, the proposal was amended to reduce the number of solar panels from 12 to 8 panel and the development description was amended to 'Installation of 8x solar panels to the front roof slope.'

1.3 Scope of application: as set out in the policy section above, this is a process of legal determination against the GPDO, an assessment of the planning merits of the proposal under current policies or guidance within the Camden Development Plan cannot be taken into account.

2. Assessment

2.1 Schedule 2, Part 14, Class A permits the installation of solar photovoltaic panels subject to the limitations and conditions set out in the table below. Conditions A.2(a) and A.2(b) states that solar PV is, so far as practicable, sited so as to minimise its effect on the external appearance of the building and minimise its effect on the amenity of the area.

2.2 The solar photovoltaic panels would be visible from certain views from the street level due to the difference in ground level and from certain upper windows from the properties opposite due to the difference in building height. However, the impact on the visual amenity is considered to be minimal given the number, size and position of the photovoltaic panels.

2.3 Following comments from Conservation officers and amenity groups the applicant has reduced the number of panels from 12 to 8, repositioned them 0.8m lower than the roof ridge to reduce the impact on the decorative terracotta tiles on the roof ridge and provided details of the method of fixing of the panel structure to the roof demonstrating minimal damage to existing roof tiles.

2.4 The solar panel installer has provided written confirmation that the front roof slope is the only viable place for the proper functioning of the solar panels as the front roof slope is south-east facing side of the property. The rear roof slope is north-west facing and includes three dormer windows which reduces the available roof slope and would result in loss of output that would make it an uneconomical option.

2.5 The Council does not have any evidence to contradict or undermine 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.

Class A, Part 14 of Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 Part 14	
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The installation or alteration etc. of solar equipment on domestic premises	
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Class A permits the installation, alteration or replacement of microgeneration solar PV or solar thermal equipment on—	Yes/no
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(a) a dwellinghouse or a block of flats; or (b) a building situated within the curtilage of a dwellinghouse or a block of flats.	
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If yes to any of the questions below the proposal is not permitted development	
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A.1 (a)	Would the solar PV or solar thermal equipment would protrude more than 0.2 metres 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?	No
A.1 (b)	Would the highest part of the solar PV or solar thermal equipment being higher than the highest part of the roof (excluding any chimney)?	No
A.1 (c)	In the case of land within a conservation area or which is a World Heritage Site, would the solar PV or solar thermal equipment be installed on a wall which fronts a highway?	No
A.1 (d)	Would the solar PV or solar thermal equipment be installed on a site designated as a scheduled monument?	No
A.1 (e)	Would the solar PV or solar thermal equipment be installed on a building within the curtilage of the dwellinghouse or block of flats that is a listed building?	No
Conditions. If no to any of the below then the proposal is not permitted development		
A.2(a)	Will the 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?	Yes
A.2(b)	Will the solar PV or solar thermal equipment is, so far as practicable, sited so as to minimise its effect on the amenity of the area?	Yes
A.2(c)	Will the solar PV or solar thermal equipment is removed as soon as reasonably practicable when no longer needed?	Yes

3. As such, the proposals meet all the qualifying criteria and conditions of Schedule 2, Part 14, Class A for installation of solar equipment on domestic premises. Therefore, the certificate of lawful development (proposed) is recommended to be granted.

4. **Recommendation:** Grant Lawful Development Certificate.

The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on Monday 19th October 2020, nominated members will advise whether they consider this application should be reported to the Planning Committee. For further information, please go to www.camden.gov.uk and search for 'Members Briefing'.