

ITEM NUMBER: 5c

22/03171/FHA	Installation of solar panels on garage roof	
Site Address:	Binghams Park, Potten End Hill, Water End, Hemel Hempstead, Hertfordshire, HP1 3BN	
Applicant/Agent:	Mr Timothy Symington	
Case Officer:	Jane Miller	
Parish/Ward:	Great Gaddesden Parish Council	Watling
Referral to Committee:	Applicant married to Cllr Symington	

1 RECOMMENDATION

That planning permission be **GRANTED** subject to conditions.

2 SUMMARY

2.1 The application seeks planning permission for the Installation of solar panels on garage roof.

2.2 The proposal is considered to preserve the openness of the Green Belt and would not conflict with the purposes of including land within it. Furthermore, the proposal would not have a detrimental impact on the listed building, Chilterns Area of Outstanding Natural Beauty, immediate surroundings, residential amenity nor highway safety, thereby meeting the requirements of Policies CS5, CS12, CS27 of the Core Strategy (2013), Saved Policy 119 of the decorum Borough Local Plan (2004) and the NPPF (2021).

3 SITE DESCRIPTION

3.1 The application site is located to the north of Potten End Hill. Bingham Park is a two storey, residential, detached Grade II Listed Building set in substantial grounds with outbuildings including a garage, accessed via a long winding driveway.

3.2 The house and garage are set to the rear of the site thus giving wide separation between the house and the main road much of which is used for grazing purposes/paddock, delineated by a post and rail fence and served by a twin stable block. There is hedging along the front boundary and a track to the rear.

3.3 The site lies within the Green Belt and the Chilterns Area of Outstanding Natural Beauty.

4 PROPOSAL

4.1 This application seeks planning permission for the installation of solar panels on garage roof.

4.2 16 panels of type: Tier 1 Monocrystalline Solar PV, sited on the southern roof slope.

4.3 It is worth noting that installing solar equipment PV on domestic premises can usually be carried out without formal planning permission, using permitted development rights if in accordance with Schedule 2, Part 14 Class A of the General Permitted Development Order. Planning permission is required in this instance because it is proposed to site the panels on a garage building within the curtilage of a listed building.

5. PLANNING HISTORY

Planning Applications

20/02900/FHA - Demolition of existing single storey boot room extension and revised replacement single storey boot room / utility on existing footprint with altered roof
GRA - 18th December 2020

20/02901/LBC - Demolition of existing single storey boot room extension and revised replacement single storey boot room / utility on existing footprint with altered roof
GRA - 18th December 2020

21/02999/NMA - Change the height of the window sill of the west-facing window of the utility room from 700mm to 1050mm
GRA - 27th August 2021

21/03090/LBC - Change the height of the windowsill of the west-facing window of the utility room from 700mm to 1050mm
GRA - 24th September 2021

4/01778/18/DRC - Details as required by condition 5 (archaeology) attached to planning permission 4/04082/15/fha two-storey front and rear extensions, replacement single-storey side extension, demolition of outbuilding, construction of 2-bay carport, changes to access arrangements
GRA - 23rd July 2018

4/04083/15/LBC - Two-storey front and rear extensions, replacement single-storey side extension, demolition of outbuilding, construction of 2-bay carport, changes to access arrangements and relocation of oil storage tank, internal and external alterations and Repairs.
GRA - 31st March 2016

4/04082/15/FHA - Two-storey front and rear extensions, replacement single-storey side extension, demolition of outbuilding, construction of 2-bay carport, changes to access arrangements and relocation of oil storage tank, internal and external alterations and Repairs.
GRA - 31st March 2016

4/02027/08/FUL - Stable block
GRA - 16th December 2008

4/00963/06/FHA - Outbuilding for garaging and storage (amended scheme)
GRA - 28th June 2006

4/02399/05/FHA - Outbuilding for garaging and storage
REF - 9th January 2006

4/00633/99/LBC - Internal alterations, single storey rear extension, dormer window, insertion of other openings and mono pitched roof to replace flat roof
GRA - 27th May 1999

4/00632/99/FHA - Single storey rear extension, dormer window, insertion of other openings and mono pitched roof to replace flat roof

GRA - 27th May 1999

6. CONSTRAINTS

Area of Outstanding Natural Beauty: CAONB outside Dacorum
Article 4 Directions: Land at the South Side of Nettleden Road, Potten End
CIL Zone: CIL1
CIL Zone: CIL2
Green Belt: Policy: CS5
Listed Building, Grade: II,
Parish: Great Gaddesden CP
Parish: Nettleden with Potten End CP
RAF Halton and Chenies Zone: Red (10.7m)
Parking Standards: New Zone 3
EA Source Protection Zone: 3
EA Source Protection Zone: 2

7. REPRESENTATIONS

Consultation responses

7.1 These are reproduced in full at Appendix A.

Neighbour notification/site notice responses

7.2 These are reproduced in full at Appendix B.

8 PLANNING POLICIES

Main Documents:

Planning (Listed Buildings and Conservation Areas) Act 1990

National Planning Policy Framework (2021)

Dacorum Borough Core Strategy 2006-2031 (adopted September 2013)

Dacorum Borough Local Plan 1999-2011 (adopted April 2004)

Relevant Policies

Dacorum Core Strategy

NP1 - Supporting Development

CS4 - The Towns and Large Villages

CS5 – Green Belt

CS8 – Sustainable Transport

CS11 - Quality of Neighbourhood Design

CS12 - Quality of Site Design

CS24 – The Chilterns Area of Outstanding Natural Beauty.

CS27 – Quality of the Historic Environment

CS29 - Sustainable Design and Construction

Dacorum Local Plan

Policy 119 – Development affecting Listed Buildings

9. CONSIDERATIONS

Principle of Development

- 9.1 The application site is located within the Metropolitan Green Belt where there is a general presumption against inappropriate development. The government places great importance on the Green Belt. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and permanence. In the Green Belt, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- 9.2 Paragraph 149 of the NPPF (2021) states that local planning authorities should regard the construction of new buildings as inappropriate in the Green Belt and then goes on to list a number of exceptions to this rule. Most relevant in this case is that the extension or alteration of a building is not considered to be inappropriate development provided it does not result in a disproportionate addition over and above the size of the original building.
- 9.3 Policy CS5: Green Belt of the Dacorum Core Strategy (2013) states that the Council will apply national Green Belt policy to protect the openness and character of the Green Belt. The policy permits certain types of small-scale development including limited extensions to existing buildings provided that the development has no significant impact on the character and appearance of the countryside.
- 9.4 The proposed development is acceptable subject to compliance with the relevant national and local policies.
- 9.5 The key considerations in this application are the development's
1. Impact on the Green Belt;
 2. Impact on the Area of Outstanding Natural Beauty;
 3. Impact on the Listed Building;
 4. Effect on the character and appearance upon the immediate area;
 5. Effect on residential amenity of neighbour properties; and
 6. Impact on Highway Safety

Green Belt Impact Assessment

- 9.6 The site is located within the Metropolitan Green Belt. The NPPF considers an extension or alteration of a building as not inappropriate provided it does not result in disproportionate additions over and above the size of the original building.
- 9.7 The application is for the installation of solar panels on the existing garage roof.

- 9.8 The proposal will not extend the footprint of the existing building, impact the skyline or result in a disproportionate addition over and above the size of the original building.
- 9.9 Overall, it is considered that it would not cause any visual nor spatial harm to openness and thereby accords with Green Belt Policy.

Impact on Chilterns Area of Outstanding Natural Beauty

- 9.10 The application site is located within the Chilterns Area of Outstanding Natural Beauty (AONB). In the AONB the prime planning consideration will be the conservation of the beauty of the area. Wherever development is permitted it will be on the basis of its satisfactory assimilation into the landscape. Saved Policy 97 of the Dacorum Local Plan states that 'Building, plant and structures must be sympathetically sited and designed, having regard to natural contours, landscape, planting and other buildings; there should be no adverse effect on skyline views.' Policy CS24 of the Dacorum Core Strategies states that the special qualities of the Chilterns Area of Outstanding Natural Beauty will be conserved. In addition, development is required to have regard to the policies and actions set out in Chilterns Conservation Board's Management Plan and support the principles set out within the Chilterns Building Design Guide and associated technical notes.
- 9.11 There is no increase in ridge height, the solar panels have been carefully positioned on the southern slope of the garage roof, away from the main listed dwelling house and are considered acceptable on this rural site.
- 9.12 The development is therefore in accordance with saved Policy 97 of the Dacorum Local Plan and Policy CS24 of the Dacorum Core Strategy.

Impact on Significance of Heritage Asset

- 9.13 There would be no adverse effects.
- 9.14 The Conservation and Design officer has confirmed that the proposal is considered acceptable.
- 9.15 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that: *"In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."*
- 9.16 Saved policy 119 of the Dacorum Local Plan (2004) states that consent to alter or extend listed buildings will only be granted where it can be satisfactorily demonstrated that the proposal will be carried out in a manner appropriate to the scale, proportion and external and internal appearance or historic character of the building to which it relates.
- 9.17 Policy CS27 of the Dacorum Core Strategy states that all development will favour the conservation of heritage assets, and seek to ensure that the integrity, setting and

distinctiveness of designated and undesignated heritage assets will be protected, conserved and if appropriate enhanced.

- 9.18 Paragraph 199 of the NPPF (2021) states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
- 9.19 Bingham's Park is a Grade II listed dwelling house, however the garage is at a reasonable distance from the listed building and the garage itself is of no architectural or historic interest.
- 9.20 Any additional plant required will be inside the garage. Only the panels will be visible.
- 9.21 Having given great weight to the proposed alterations and the impact they would have on the listed building, it is considered that due to their siting the solar panels would have no impact on the setting or fabric of the listed building.
- 9.22 As a result it is considered that the development would be in accordance with Saved Policy 119 of the Dacorum Local Plan, S.66 of the Planning and Listed Building Act 1990, NPPF (2021) and CS27 of the Dacorum Core Strategy.

Effect on Appearance of Building and Street Scene

- 9.23 Dacorum's Core Strategy Policies CS11 (Quality of Neighbourhood Design) and CS12 (Quality of Site Design) state that development within settlements and neighbourhoods should preserve attractive streetscapes; integrate with the streetscape character and respect adjoining properties in terms of scale, height, bulk and materials. Chapter 12 of the Framework emphasises the importance of good design in context and, in particular, paragraph 134 states permission should be refused for development of poor design that fails to improve the character and quality of an area.
- 9.24 The proposal would result in solar panels on the southern slope of the existing garage roof, which sits a considerable distance from the highway and other public view points.
- 9.25 Given the nature of the development, it is considered that the proposal does not appear unduly dominant in terms of bulk, scale and height to the parent building and streetscene and the materials are acceptable.
- 9.26 Therefore it is considered that the proposal would be generally sympathetic and in keeping with the surrounding area, respect adjoining properties and would therefore result in no significant adverse effects on the character and appearance of the streetscene in terms of visual and residential amenity. This accords with the local and national policies mentioned above.

Effect on Residential Amenity

- 9.27 The NPPF outlines the importance of planning in securing good standards of amenity for existing and future occupiers of land and buildings. Saved Appendix 3 of the Local Plan (2004) and Policy CS12 of the Core Strategy (2013), seek to ensure that new development does not result in detrimental impact upon neighbouring properties and

their amenity space. Thus, the proposed should be designed to reduce any impact on neighbouring properties by way of visual intrusion, loss of light and privacy.

9.28 Overall, it is considered that the proposal would result in no significant adverse impact on the residential amenity of the neighbouring properties when considering a loss of daylight, sunlight or privacy. It is therefore considered that the proposal accords with Policy CS12.

Other Considerations

Parking and Access

9.39 No changes to the existing car parking and access arrangements are proposed. The property would maintain sufficient parking provision and it is considered that the proposal would not result in an unacceptable impact on highways safety.

Tree and Hedges

9.40 Section 6 of the application form states that no trees or hedges are within falling distance of the proposed development and that no tree or hedges need to be removed or pruned in order to carry out the proposal. The proposal would not affect any significant trees/landscaping.

Response to Neighbour Comments

9.41 No neighbour comments have been received.

Response from Parish Council

9.42 No objection

CIL Liable

9.43 Policy CS35 of the Core Strategy requires all developments to make appropriate contributions towards infrastructure required to support the development. These contributions will normally extend only to the payment of CIL where applicable. The Council's Community Infrastructure Levy was adopted in February 2015 and came into force on 1 July 2015. CIL relief is available for affordable housing, charities and Self Builders and may be claimed using the appropriate forms.

No (below 100sqm)

Chiltern Beechwood Special Area of Conservation (SAC)

9.44 The planning application is within Zone of Influence of the Chilterns Beechwoods Special Area of Conservation (CB SAC). The Council has a duty under Conservation of Habitats and Species Regulations 2017 (Reg 63) and Conservation of Habitats and Species (EU exit amendment) Regulations 2019 to protect the CB SAC from harm, including increased recreational pressures.

9.45 A screening assessment has been undertaken and no likely significant effect is considered to occur to the CB SAC therefore an appropriate assessment is not required in this case.

10 CONCLUSION

- 10.1 The proposal can be considered small scale with no significant impact on the character and appearance or openness of the Green Belt.
- 10.2 The proposed development would not detract from the character, appearance or design of the Listed Building, nor would it adversely affect the character and appearance of the Area of Outstanding Natural Beauty, the street scene, residential amenity of surrounding properties, or highway safety.

11 RECOMMENDATION

- 11.1 That planning permission be **GRANTED**, subject to the following conditions:

Condition(s) and Reason(s):

1. **The development hereby permitted shall begin before the expiration of three years from the date of this permission.**

Reason: To comply with the requirements of Section 91 (1) of the Town and Country Planning Act 1990, as amended by Section 51 (1) of the Planning and Compulsory Purchase Act 2004.

2. **The development hereby permitted shall be constructed in accordance with the materials specified on the application form and plans**

Reason: To make sure that the appearance of the building is suitable and that it contributes to the character of the area in accordance with Policies CS11 and CS12 of the Dacorum Borough Core Strategy (2013).

3. **The development hereby permitted shall be carried out in accordance with the following approved plans/documents:**

- **site plan**
- **existing and proposed floor plans and elevations**

Reason: For the avoidance of doubt and in the interests of proper planning.

Informatives:

1. Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.

APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Conservation & Design (DBC)	No objection to this scheme to install solar panels on the roof of the garage from a design and conservation perspective. The building is at a reasonable distance from the listed building itself and the garage itself is of no architectural or historic interest. I'm assuming that any additional plant required will be located in the garage itself.
The Chiltern Society	Thank you for notifying the Chiltern Society. The Society is generally supportive of the provision of solar panels on appropriate buildings. As the garage onto which the panels are to be placed is within the large residential curtilage and some way from public viewpoints, the Society has no objection.