

Planning Committee: 16 July 2024

Item Number: 10

Application No: [W 24 / 0471](#)

Town/Parish Council: Kenilworth
Case Officer: James Moulding
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Registration Date: 14/05/24

Expiry Date: 09/07/24

Portland House, 20 Abbey End, Kenilworth, CV8 1LS

Installation of 17 solar panels on the 4 rear-facing roofs of Portland House. FOR
Mrs Lewis

This application is being presented to Committee as Kenilworth Town Council supports the application and it is recommended for refusal.

RECOMMENDATION

It is recommended that this application is REFUSED for the reasons set out in this report.

DETAILS OF THE DEVELOPMENT

Installation of 17 solar panels on the 4 rear-facing roofs of Portland House. A full description of the proposed work is attached to this application in the form of a detailed quotation from MJS Solar.

THE SITE AND ITS LOCATION

The application site relates to a Grade II listed building which forms the end property of a small listed terrace row on Abbey End. The property is in a prominent position at the top of Abbey Fields and the rear is visible from Forrest Road & Lady Lane. The property is located in the Kenilworth Conservation Area and is considered to fall under Kenilworth Local Plan Policies KP13D and KP23E respectively.

PLANNING HISTORY

None relevant.

RELEVANT POLICIES

- National Planning Policy Framework
- [Warwick District Local Plan 2011-2029](#)
- BE1 - Layout and Design
- BE3 - Amenity
- HE1 - Protection of Statutory Heritage Assets
- HE2 - Protection of Conservation Areas
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- [Net Zero Carbon Development Plan Document](#)

- NZC4 - Existing Buildings
- Guidance Documents
- Residential Design Guide (Supplementary Planning Document- May 2018)
- Kenilworth Neighbourhood Plan (2017-2029)
- KP13 - General Design Principles
- KP13D - Design Management in Abbey Hill
- KP13E - Design Management in Forrest Road and Castle Road

SUMMARY OF REPRESENTATIONS

Kenilworth Town Council: Support - no further comments given.

Conservation: Objection:

- Introduction of modern fabric would harm the significance of the listed building and neighbouring listed buildings,
- Obscuring the historic fabric would harm the significance of the listed building,
- The proposed solar panels would be harmful visual draws which would directly impact the listed building, the setting of the neighbouring listed buildings and also the wider conservation area,
- Welsh slate roof is a key aspect of the listing description,
- Appeal APP/T3725/W/23/3318317 sets a precedent for refusal,
- Proposal does not conform with NZC4.

WCC Ecology: No objection, recommend addition of a bat box condition and explanatory notes regarding bats and nesting birds.

Public Response: No representations.

ASSESSMENT

BE1 Design, HE1 Impact on Heritage Asset, NZC4 Existing Buildings

The NPPF (2023) places an increased emphasis on the importance of achieving good quality design as a key aspect of sustainable development. Paragraph 135 states that planning decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate external facing materials. Development is expected to function well and add to the overall quality of the area by appearing sympathetic to the local character and history.

Local Plan Policy BE1 echoes paragraph 135 of the NPPF and states that new development will be permitted where it positively contributes to the character and quality of its environment through good layout and design. Proposals are expected to demonstrate that they harmonise with, or enhance, the existing settlement in terms of physical form, patterns of movement and land use. Proposals are also expected to reinforce or enhance the established urban character of streets and reflect, respect and reinforce local architectural distinctiveness. The Council's adopted Residential Design Guide SPD provides guidance to help make the assessment of good design under Policy BE1.

Considerable importance and weight should be given to the duties set out in the Planning (Listed Buildings and Conservation Areas) Act 1990, when making decisions that affect listed buildings and conservation areas respectively. These duties affect the weight to be given to the factors involved.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 explains that in considering whether to grant permission for developments affecting listed buildings or their setting, the local planning authority 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.

Section 72 of the Planning (Listed Buildings and Conservation Areas) 1990 imposes a duty when exercising planning functions to pay special attention to the desirability of preserving or enhancing the character of a Conservation Area.

The NPPF 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. This is supported by Policy HE1 of the Warwick District Local Plan 2011-2029 which states that development will not be permitted if it would lead to substantial harm to or total loss of the significance of a designated heritage asset, unless it is demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss.

Neighbourhood Plan Policies KP13D and KP13E refer to the character areas identified as Abbey Hill and Forrest Road. They state that proposals in these areas should demonstrate regard for design characteristics where appropriate. Included in these characteristics are reference to slate roofs and the importance of the War Memorial as a focal point.

The proposed development relates to the installation of solar panels to the rear roof slopes of a Grade II listed building which is located in the Kenilworth Conservation Area. The applicant contests that the installation of these panels would not diminish the significance of the heritage asset or the Conservation Area. It is then proposed that the energy savings produced would outweigh any intervention to the house.

The recently adopted Net Zero Carbon DPD policy NZC4 states as follows:

"The sensitive retrofitting of energy efficiency measures and the appropriate use of microrenewables in historic buildings, including listed buildings, locally listed buildings and buildings within conservation areas will be encouraged, providing the special characteristics of the heritage assets are conserved in a manner appropriate for their significance."

The Conservation Officer has objected to the proposed development on the grounds that the introduction of solar panels as proposed on this application would result in harm to the significance of the heritage asset, the setting of neighbouring listed buildings, and the character of the wider Conservation Area. The property is situated in a prominent position and it is considered that the rear of the property is a focal point for those travelling up Forrest Road and Lady Lane.

The applicant argues in the Heritage Statement that the rear of the property does not get specific mention in the listing description and is therefore of lesser heritage value. It is noted that the description does specifically mention the "hipped Welsh slate roof" and as such it is considered that the significance of this feature should not be undervalued. It is also stated that the development would not require the removal of any historic fabric, this view is contested as there must be some intrusion into historic fabric to attach the panels to the roof.

The Welsh slate of the roofs is a key feature of the building and forms part of the uninterrupted roof that spans the terrace of the neighbouring listed buildings. The installation of solar panels on the historic roofs would detrimentally impact the character of the heritage asset, by introducing clearly modern materials and obscuring historic fabric, which would isolate the property from the wider group listing of the three properties, alongside harming the historic character of the Conservation Area.

The Conservation Officer also references appeal APP/T3725/W/23/3318317 (8 Clarendon Crescent) which relates to a dismissal on much the same grounds as is being assessed here. In this decision the Inspector notes that the introduction of solar PVs would create harm due to divergence from historic fabrics, especially where slate is a strong characteristic of the listed building.

Given the above, it is considered that the proposed development would not comply with the Net Zero Carbon DPD policy NZC4 - *"providing the special characteristics of the heritage assets are conserved in a manner appropriate for their significance"*. It is considered that the Welsh slate is a special characteristic that contributes to the significance of the property and that the installation of the proposed solar would not be appropriate, resulting in harm to said significance.

A concern is also raised about the visual draw created by the solar panels. As stated, they would be visible from Forrest Road and Abbey Fields, drawing views away from or intruding on views including the War Memorial and views from the ancient monument of Abbey Fields, impacting their significance.

It is on these grounds that it should be considered that the proposed development would result in harm to the significance of the heritage asset, the neighbouring heritage assets, and the character of the wider Conservation Area. For the purposes of the NPPF, this would fall within the category of "less than substantial harm", although it is considered that the level of harm would be significant. In order for planning permission to be granted, there would need to be significant public benefits that would be sufficient to outweigh this harm (NPPF para. 208).

The environmental benefits have been considered, but these are not considered to be sufficient to outweigh the significant harm that has been identified. In this regard it is notable that the support provided by Policy NZC4 is qualified by the requirement that the special characteristics of the heritage assets are conserved in a manner appropriate for their significance.

It is therefore considered that the development would contravene Local Plan Policies HE1, NZC4, and Neighbourhood Plan Policies KP13D & KP13E.

In making this assessment, I have had regard to the weight that should be given to the desirability of preserving the special interest and setting of the heritage assets.

BE3 Neighbouring Amenity

Policy BE3 of the Warwick District Local Plan states that new development will not be permitted that has an unacceptable adverse impact on the amenity of nearby uses and residents.

It is not considered that the installation of solar panels would have a detrimental impact on neighbouring amenity. The proposals do not enlarge the property in a manner that would impact neighbours in relation to light or outlook.

It is considered that the proposed development would comply with Local Plan Policy BE3.

Ecology

The County Ecologist has recommended the addition of a bat box condition and explanatory notes regarding bats and nesting birds. It is noted that the results of the Preliminary Roost Assessment found no evidence of bats and that this bat survey recommended the addition of bat boxes as an enhancement.

Due to the request of a bat box being an enhancement, rather than a mitigation, it is not considered appropriate to apply to a householder development as there is no requirement on householder developments to make biodiversity net gains.

Summary

The proposed development is considered to result in harm to the significance of the heritage asset, the neighbouring heritage assets, and the character of the wider Conservation Area. It should be considered that the development would contravene Local Plan Policies HE1, NZC4, and Neighbourhood Plan Policies KP13D & KP13E. It is recommended that the application is REFUSED.

REFUSAL REASONS

- 1 Policy HE1 of the Warwick District Local Plan 2011-2029 and the NPPF state that, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. In addition, Neighbourhood Plan Policies KP13D and KP13E refer to the character areas identified as Abbey Hill and Forrest Road. It states that proposals in these areas should demonstrate regard for design characteristics where appropriate. Included in these characteristics are references to slate roofs and the importance of the War Memorial as a focal point.

Net Zero Carbon DPD Policy NZC4 states that the sensitive retrofitting of energy efficiency measures and the appropriate use of microrenewables in historic buildings, including listed buildings, locally listed buildings and buildings within conservation areas will be encouraged, providing the special characteristics of the heritage assets are conserved in a manner appropriate for their significance.

In the opinion of the Local Planning Authority the proposal would cause less than substantial harm to the significance of the listed building, neighbouring listed buildings and the Conservation Area by reason of introducing modern materials to a prominent roof slope in the Conservation Area, disruption of an uninterrupted roof that spans the terrace of listed buildings and thereby harming their character as a grouping, obscuring characteristic historic fabric, and creating a visual draw away from the War Memorial and impacting on views from the ancient monument of Abbey Fields. No public benefits have been identified to outweigh this harm.

The development is thereby considered to be contrary to the aforementioned policies.
