

Application Number:	P/LBC/2023/04780
Webpage:	Planning application: P/LBC/2023/04780 - dorsetforyou.com (dorsetcouncil.gov.uk)
Site address:	48 West Allington, Bridport, DT6 5BH
Proposal:	Install Roof Mounted Solar Thermal Panels
Applicant name:	Mr M Harvey
Case Officer:	Charlotte Loveridge
Ward Member(s):	Cllr Bolwell; Cllr Clayton; Cllr Williams

1.0 The application is brought to committee following a scheme of delegation consultation and member requests that the application be determined by committee, to which the Service Manager for Development Management and Enforcement agreed.

2.0 Summary of recommendation:

Refuse listed building consent.

3.0 Reason for the recommendation:

- The development would neither preserve nor enhance the character and appearance of the listed building, the setting of the listed buildings or the character and appearance of the Bridport Conservation Area.
- Para 11 of the National Planning Policy Framework (NPPF) sets out that permission should be granted for sustainable development unless specific policies in the NPPF indicate otherwise.
- Section 16 of the NPPF is clear that where proposals would result in a degree of harm (even 'less than substantial') and would not be outweighed by public benefit (or obtaining optimum viable use) that they should not be supported.

4.0 Key planning issues

Issue	Conclusion
Impact on heritage assets	The proposed development creates less than substantial harm that is not outweighed by public benefit.

5.0 Description of Site

5.1 The application site is on the northern side of the B3162 which leads out of the centre of town on the western side of Bridport. On the southern side of the road is the West Allington Medical Centre. To the north and west of the group of villas are the modern housing developments Allington Park with well spaced detached dwellings and the higher density West Mead (late 1990s). Beyond the medical centre is the area of land allocated for the Foundry Lea development at Vearse Farm.

5.2 The application site comprises an elegant, 2-storey stuccoed villa dating to 1836-7. It was listed Grade II in September 1975 and is one of a group of four very similar villas on the north side of West Allington. All were likely designed by the same architect, John Knight of Lyme Regis.

5.3 The list description for the building is as follows:

*1. 5191 WEST ALLINGTON (North Side)
No 48 (Avalon) SY 4593 7/23
II GV*

2. 1836-7. Builder: John Knight of Lyme Regis. Stucco. Low pitch hipped slate roof, wide eaves with glazing bars. 2 sashes with glazing bars on 1st floor. Late C19 ashlar bays on ground floor. Nos 46-52 appear to have been part of the same development (c.f. Nos 2-10 [even] East Road, and Nos 48-56 [even] West Bay Road).

*No 42, Magdalen Almshouses and Nos 46 to 52 (even) form a group.
Listing NGR: SY4588293055*

5.4 The list description interestingly refers to the group of similar villas located on the far eastern end of East Street which appear to have been part of the same development. The villas therefore form a deliberately planned entrance into the historic settlement of Bridport from the east and west directions. The villas on East Street are sited on the southern side of the road offering a clear juxtaposition to those on West Street, positioned on the north side of the road.

5.5 The villas sit within generous plots, are set back from the road and feature semi-enclosed front gardens (mostly altered to driveways/parking provision) and large rear gardens. Collectively, these white painted villas provide an attractive entrance into Bridport, reflecting a prosperous era of the town's past. This is reinforced by the original owners of the villas such as at, Ivydene (No:46) having been built for Harriet Colfox, a member of a locally important family with links to the town since 1280.

5.6 The buildings fall within the western edge of Bridport Conservation Area, Sub Area 2 which includes East and West Streets. The villas are 'gateway' buildings to the east-west entrances into the town and as the submitted Heritage Statement states, they 'essentially remain true to their original design and construction'. The lack of incremental harmful alterations to the villas presents a very 'complete' and cohesive group of buildings, with their appearance today, being very alike to their appearance post construction.

6.0 Description of Development

The installation of 2no. roof mounted solar thermal panels on the front (southern) roof elevation.

7.0 Relevant Planning History

1/D/08/001213 - Decision: REF - Decision Date: 10/10/2008
Install two solar collectors on south-facing roof

Reason for refusal for 1/D/08/001213:

The position of the dwelling in relation to the highway emphasises the visual prominence of its south elevation. Therefore, the solar panels by virtue of their overly large scale, prominent positioning on the south elevation and overall modern appearance forms a visually incongruous feature that is harmful to the historic character and appearance of both the Grade II listed building and the group as a whole. As such, the retention of the solar panel is contrary to policies SA19 of the West Dorset District Local Plan, Environment Policy Q of the Bournemouth, Dorset & Poole Structure Plan and policy EN3 of RPG 10 (South West).

1/D/11/000471 (Full) - Decision: REF - Decision Date: 19/10/2011
Install 2 solar collectors on south facing roof (*Dismissed at Appeal*
APP/F1230/A/12/2168129 - 12/06/2012)

1/D/11/000472 (LBC) - Decision: REF - Decision Date: 19/10/2011
Install 2 solar collectors on south facing roof (*Dismissed at Appeal*
APP/F1230/E/12/2168131 - 12/06/2012)

Reason for refusal for 1/D/11/000471 & 1/D/11/000472:

The proposed solar panels, by virtue of their position on the principal roof slope of the dwellinghouse, their projection from the plane of the roof and their reflective qualities, would be of a modern appearance that is not considered to be sympathetic to the historic character of the property. The solar panels would appear visually prominent and dominant on the front roof slope of this Grade II listed building, adversely affecting the setting of the adjoining listed buildings. Furthermore they would neither preserve or enhance the character and appearance of the conservation area. As such, this proposal would be contrary to policies SA19, SA20, SA21 and DA7 of the West Dorset District Local Plan (adopted 2006), Policy a and h of the Design and Sustainable Development Planning Guidelines (adopted 2009), Environment Policy Q of the Bournemouth, Dorset & Poole Structure Plan (2000) and policy HE1, HE7, HE9 and HE10 of PPS5 - Planning and the historic environment, and its accompanying best practice guide.

Planning Inspectorate's concluding paragraph to dismiss appeals:

"For the reasons given above and having regard to all other matters raised, including the effect of the medical centre opposite on the conservation area, I find that the benefits to a low carbon economy would not outweigh the harm to the listed building and the conservation area and I therefore conclude that both appeals should be dismissed."

P/HOU/2023/04779 - Decision: *Not yet determined* - Decision Date: *Not yet determined*
Install Solar Thermal Panels

8.0 List of Constraints

Grade: II Listed Building: ALLINGTON LODGE (No.52) List Entry: 1228570.0; -
Distance: 20.93

Grade: II Listed Building: DRAYTON LODGE (No.50) List Entry: 1279465.0; -
Distance: 6.82

Grade: II Listed Building: AVALON (No.48) List Entry: 1228568.0; - Distance: 0

Grade: II Listed Building: IVYDENE (No.46) List Entry: 1228567.0; - Distance: 5.34

Application is within BRIDPORT CONSERVATION AREA - Distance: 0

Grade II listed building: (statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990)

Within the Bridport Conservation Area: (statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990)

9.0 Consultations

All consultee responses can be viewed in full on the website.

Consultees

1. **Rights of Way Officer** - No response

2. **Conservation Officers** - Refuse

The development would neither preserve nor enhance the character of the listed building, the setting of the neighbouring buildings or the character and appearance of Bridport Conservation Area; and would not be outweighed by public benefit.

3. **Bridport Town Council** - Strongly support

- NPPF para 202, less than substantial harm to the significance of a designated heritage asset is justified by the benefits proposed.
- NPPF para 152, the proposals support transition to a low carbon future.
- NPPF para 8, meets objective of providing homes “to meet the needs of present and future generations.”
- NPPF para 189, provides for heritage assets to be conserved in a manner appropriate to their significance. The significance of the HA is not damaged by the proposed development.
- Local Plan ENV4, justified by the public benefit derived from the energy efficiency outweighs the impact on the listed building.
- Urge Dorset Council to cater for Bridport’s future environment, and to recognise the inevitability of modest adaptations such as this being accepted as absolutely necessary.

4. **Ramblers Association** - No response

Representations received

Total - Objections	Total - No Objections	Total - Comments
0	0	0

10.0 Duties

s38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of planning applications must be in accordance with the development plan unless material circumstances indicate otherwise.

The Planning (Listed Buildings and Conservation Areas) Act 1990- section 16 requires that in considering whether to grant listed building consent, special regard is to be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 72 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.

11.0 Relevant Policies

Development Plan Policies

Adopted West Dorset and Weymouth & Portland Local Plan:

The following policies are considered to be relevant to this proposal:

- INT1 - Presumption in favour of Sustainable Development
- ENV4 - Heritage assets

Policy ENV 5: Historic Environment of the Emerging Dorset Local Plan

Bridport Neighbourhood Plan 2020-2036 (made 5/5/2020)

- Policy CC1 – Publicising Carbon Footprint
- Policy CC3 – Environmental Performance
- Policy HT1 – Non-designated Heritage Assets
- Policy HT2 – Public Realm
- Policy D8 – Contributing to the local character
- Policy D9 – Environmental performance

National Planning Policy Framework (2023):

In determining the proposals due consideration has been given to Section 16 (Paragraphs 194 - 208) of the NPPF and the associated National Planning Practice Guidance.

Other material considerations

Sections 66 & 72 of the Listed Building and Conservation Areas Act 1990 Act

Supplementary Planning Documents/Guidance For West Dorset Area:
WDDC Design & Sustainable Development Planning Guidelines (2009)

4. Utilities Infrastructure Requirements

4.8 How can I produce renewable energy?

Bridport Conservation Area Appraisal - adopted January 2003 (reviewed October 2010)

Sub-Area 8: West Allington

Key buildings, important building groups and features: Nos. 46-52, all 1840-ish, stuccoed villas with porches, conservatories and Greek details.

Two central building groups on either side of West Allington (Nos. 18-34 & 43-71), together form an important larger group.

Supplementary Planning Documents/Guidance:

Historic England: Advice Notes 2: Making Changes to Heritage Assets

Historic England: Conservation Principles, Policies and Guidance

Historic England: Good Practice Advice Note 3: Setting of Heritage Assets

Historic England: Good Practice advice Note 2: Managing Significance in Decision Taking

Historic England: Energy Efficiency and Historic Buildings: How to Improve Energy Efficiency (June 2018)

Historic England: Energy Efficiency and Historic Buildings: Solar Electric (Photovoltaics) (Nov 2018)

12.0 Human rights

Article 6 - Right to a fair trial.

Article 8 - Right to respect for private and family life and home.

The first protocol of Article 1 Protection of property.

This recommendation is based on adopted Development Plan policies, the application of which does not prejudice the Human Rights of the applicant or any third party.

13.0 Public Sector Equalities Duty

As set out in the Equalities Act 2010, all public bodies, in discharging their functions must have “due regard” to this duty. There are 3 main aims:-

- Removing or minimising disadvantages suffered by people due to their protected characteristics
- Taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people
- Encouraging people with certain protected characteristics to participate in public life or in other activities where participation is disproportionately low.

Whilst there is no absolute requirement to fully remove any disadvantage the Duty is to have “regard to” and remove or minimise disadvantage and in considering the merits of this planning application the planning authority has taken into consideration the requirements of the Public Sector Equalities Duty. It is considered that the installation of solar roof panels would have no impact on those with protected characteristics.

14.0 Financial benefits

No relevant considerations.

15.0 Environmental Implications

The renewable energy would contribute to the government’s aim of moving towards a low carbon economy. However, no information has been provided to suggest that this could not be achieved by other forms of renewable energy or that the collectors could not be located elsewhere on the property where they would not harm its special interest or the character and appearance of the conservation area.

16.0 Impact on heritage assets

16.1 The submitted Heritage Statement provides no detail on the significance of the heritage assets or the impact of the proposals on that significance. The submission is a repeat of previous applications with the minimum of information provided. This includes a lack of any specifications of the solar panels, any detailed plans, sections, photos, or scope of works schedule (to include method of fixing). A Heritage Statement should help inform proposals, with the benefit of HER research, it is clear from the submission that this has not occurred. Despite previous advice, the requirement for solar panels appears to supersede any understanding of the adverse impact that they would have on the character and integrity of the listed building and its setting.

16.2 NPPF para. 199 requires that ‘great weight’ be given to the conservation of designated heritage assets and the more important the asset, the greater the weight should be. In addition, para. 200 requires any level of harm to their significance should require ‘clear and convincing justification’.

16.3 The proposals will result in the following harmful impacts on the significance of identified heritage assets:

- One of the primary features of the listed building (and its immediate neighbours) is the unadorned, shallow slate roof. None have been altered and all are visible from vantage points to the south, east and west. The introduction of two large projecting solar panels on the most prominent, front roof slope will detrimentally alter the seamless appearance of the roof, altering not only the front elevation of the building but also the cohesiveness & symmetry of the villas as a group.
- Aside from their physical presence, the glass finish of the panels will become more prominent by virtue of the sun’s reflection. At worst, the panels will glare white when hit directly from the sun, contrasting markedly against the dark grey slate of the roof covering and that of the neighbours. This impact would detract from the special architectural qualities of the building, drawing focus to the utilitarian fixtures on the roof and result in broader harmful impact to

the historic character of the Conservation Area and setting of the neighbouring listed buildings.

- Whilst described in the application as ‘temporary’ the fixtures would have a life span of at least 10 years, if not more. As technologies evolve, it is likely that at the end of their life, they would be replaced with other/similar fixtures. It is considered therefore that the adverse impact would become permanent, and this contradicts the NPPF’s requirement for Local Authorities to give ‘great weight’ to the *conservation* of heritage assets.
- The installation of solar panels requires associated alterations which are not referred to within the submitted applications:
 - A primary consideration is the loading implications of the solar panels on the historic roof structure. No information has been provided on the weight of the panels or on the condition/age of the timber roof structure. As a minimum, the application should contain a structural engineer’s assessment of the roof, which should contain photographs and recommendations of any reinforcement/significant repairs required to accommodate the weight of the panels.
 - The panels require fixing to the rafters. Without any condition assessment or structural report, it is impossible to understand what the impact would be on the rafters and whether they can sustain numerous large screw holes along with the weight of the new fixtures.
 - The panels will require cables leading from the exterior of the roof to the interior of the building at ground floor. The location of the cabling, its visual appearance and the loss of historic fabric required to accommodate the cable(s) has not been specified within the application. The location of the associated internal power box and any other associated fixtures is unknown. This lack of information presents uncertainty on the cumulative harm of all these ‘extras’ on the character, integrity and appearance of the Listed Building.

16.3 In response to paragraph 200 of the NPPF, which states that any harm should require ‘clear and convincing justification’, the application states that the impact of the panels will be ‘insignificant’ and as such, the only justification provided is the desire to maximise on solar energy for the provision of heating water within the property.

16.4 This term, ‘insignificant’ was also used in the identical applications submitted in 2011, (Reference No’s: 1/D/11/000472 & 1/D/11/000471). Both applications were refused, and the subsequent appeal was dismissed by the Planning Inspectorate. An earlier application, No: 1/D/08/00123 for the same, installation of 2 solar panels to the front southern roof slope was also refused for the harmful impact that the development would create. The systematic objection of 7 accredited professionals (including the planning case officers) to the proposals reflects an overall agreement that the Solar panels would create a very harmful impact on the listed building and its setting. As such, the term ‘insignificant’ is not considered to appropriately reflect the level of harm and to reiterate, the development would present an extremely harmful impact on the character, appearance and integrity of the Listed Building, the setting of neighbouring Listed Buildings and to the character and appearance of the Conservation Area.

16.5 The previously submitted applications were criticised for the lack of any clear and convincing justification and it was advised in 2011 that:

“the owners consider less harmful methods of energy saving such as improved insulation in the roof and between floor boards; installing secondary glazing/shutters/thicker curtains to windows; draft stripping all windows and doors; installing an A-rated combi-boiler or even wood-chip boiler if possible; ground mounting one or two PV panels in the garden etc.”

The current applications provide no information as to what other energy saving or generating works have been undertaken and if not, why not. Solar panels appear to be considered as the only solution, despite the previous Conservation Officer’s advice and the applicant being guided towards Historic England’s Guidance Notes which counters this view. The submitted applications provide no reference to national guidance provided by Historic England (or National and Local Planning Policies) and this further adds to the impression that no other alternative solutions have been considered.

National & Local Guidance:

16.6 As the governing body for the protection of our historic environment in England, Historic England has published the following guidance documents for the benefit of all guardians responsible for the protection of our historic environment: “Energy Efficiency and Historic Buildings: Solar Electric Photovoltaics” (2018), “Generating Energy in your Home” (2022), “Renewable Energy: (2021), “Low and Zero Carbon Technologies” (2023). The broad message from these Guidance Notes is that solar panels can be permissible on Listed Buildings if the following conditions are met:

- The panels should be installed in a low-key, discreet way.
- The installation should be easy to reverse.
- The panels should be located as discreetly as possible, avoiding principal roof elevations unless they are not visible.
- The panels must not be installed on a building that is within the grounds of a listed building or on a site designated as a scheduled monument.
- If your property is in a conservation area, or in a World Heritage Site, panels must not be fitted to a wall which fronts a highway.
- The installation of the panels would not result in undue harm to the historic fabric of the building.

16.7 Dorset Council has recently drafted and consulted on its own guidance document: Listed Buildings – What you can do for Climate Change. Whilst this has yet to be formally adopted, it offers further (less harmful) options and advice to owners of Listed Buildings/Heritage Assets at a local level.

16.8 Technical Guidance on Solar Panels states that South facing roof slopes may be the best location for panels, however east and west facing roof slopes can also be used. Whilst energy in-put may be reduced, this can be countered by micro-inverters or an optimising device. The recessed entrance wing sited to the west

elevation would provide a far more discreet position for solar panels. The restricted view of this roof slope means there would be no undue harm on the overall character of the listed building, on the setting of the neighbouring listed buildings, or on the character and appearance of the Conservation Area. The submitted applications do not provide any information as to whether this alternative location (or ground mounted in the garden) has been considered.

16.9 Recent Appeal decisions support the national and local approach to solar panels. Appeal Reference: APP/F1230/Y/17/3181173 Carpenters, Chetnole (2018) is such an example.

16.10 Dorset Council fully acknowledges the climate & ecological emergency and as such, provides considerable information on what we can all do to help reverse the effects of climate change within the 'Protecting our natural environment, climate and ecology' pages of its website. This reinforces the many options that individuals have – the installation of solar panels (and double glazing) are not the only ones.

16.11 Consideration should be given to the inherent sustainability of historic buildings. The local, natural materials of their construction, their ability to be upgraded sensitively and the longevity of their lifespan compared to modern methods of construction is something to be recognised. Furthermore, this needs to be balanced against harmful modern technologies that destroy the very character and interest of our historic environment.

16.12 The over-whelming majority of buildings in Bridport are unlisted and as such, owners can proceed with energy saving/generation alterations without applying for permission. Only 2% of the nation's building stock is listed and that should also be recognised as a community benefit and something to be preserved and conserved for future generations to enjoy. If lost, it will be lost forever.

Public Benefits / Balanced Judgement (NPPF, paras. 201-203)

It is acknowledged that solar panels do generate energy and for the individuals who benefit, there is a personal gain. The NPPF makes it clear that in determining proposals we need to weigh up any 'less than significant' harm caused by a development against any public benefits that may outweigh that harm including, where appropriate, securing any optimum viable use (Policy 202). Whilst the panels would make a contribution to the provision of renewable energy and respond to the climate emergency, the contribution they would make is so insignificant as to not outweigh the adverse impacts that would arise on the character and appearance of the host property and the wider area.

Many people wish to live in historic settlements and within historic buildings, because of their rich architectural character and connection to the past. They provide an attractive environment that appeals to visitors and helps keep the local economy strong. This is identified as a key priority within the Bridport Neighbourhood Plan, which also recognises that the historic character of Bridport and the surrounding area is one of its key attributes, worthy of preservation. It quotes the Bridport Conservation Area Appraisal and supports the overall message, which places a high value on the

different character areas of the town and the historic buildings and structures that make it such a unique and special settlement.

Importantly, individual applications can only be assessed on their own merits and not in any broader sense of 'what might be' if other listed building owners apply to do the same kind of work. Furthermore, the council's view is that the applicant has not demonstrated that they have investigated any other forms of renewable energy that would conserve and protect the special interest and character of the listed building and the conservation area.

17.0 Conclusion

For the reasons provided, the development would neither preserve nor enhance the character and appearance of the listed building, the setting of neighbouring listed buildings or the character and appearance of Bridport Conservation Area. The NPPF is clear that where proposals would result in any degree of harm, (even 'less than substantial') and would not be outweighed by public benefit (or obtaining optimum viable use), that they should not be supported. The applicant has not provided any information or evidence that any other potential forms of renewable energy have been investigated that could be installed elsewhere within the curtilage of the property that might overcome these issues.

18.0 Recommendation

REFUSE listed building consent for the following reason:

No.48 West Allington is a Grade II listed building within the Bridport Conservation Area, and also forms a group value with Nos.46–52 West Allington as 1830s stuccoed villas. The building's position relative to the highway and its setting within the plot emphasises the visual prominence of its south elevation. The proposed solar panels, by virtue of their position on the principal roof slope of the dwellinghouse, their projection from the plane of the roof and their reflective qualities, would be of an incongruous appearance that is not considered to be sympathetic to the special architectural or historic character of the property. The solar panels would appear visually prominent and dominant on the front roof slope of this Grade II listed building further adversely affecting the setting of the adjoining listed buildings. Furthermore, they would neither preserve or enhance the character and appearance of the conservation area. No evidence has been put forward to suggest that other forms of renewable energy located elsewhere on the property have been explored. The potential social and economic benefits of the proposals do not outweigh the harm and as such, this proposal would be contrary to policy ENV4 of the West Dorset Weymouth and Portland Local Plan; Section 16 (Paragraphs 194-208) of the National Planning Policy Framework (2023); and Historic England guidance on Energy Efficiency and Historic Buildings (2018). The Bridport Area Neighbourhood Plan (2020) does not have a policy relating to Designated Heritage Assets as it acknowledges that they are protected under both national and Local Plan policies; however, the proposal is contrary to Policy D9 c) for Environmental Performance in relation to appropriate heritage and conservation assessment.