

Planning Committee Report [24/0063/FUL)

1.0 Application information

Number: 24/0063/FUL
Applicant Name: Mrs Leah Curran,
Proposal: Solar panels on roof of dwelling and garage
Site Address: 70 Admiral Way
Exeter
EX2 7GT

Registration Date: 16 January 2024
Link to Documentation: <https://exeter.gov.uk/planning-services/permissions-and-applications/related-documents/?appref=24/0063/FUL>
Case Officer: Matt Hall
Ward Member(s): Cllrs Ellis-Jones, Leadbetter and Williams (Topsham Ward).

REASON APPLICATION IS GOING TO COMMITTEE – The applicant’s husband is an employee of Exeter City Council.

2.0 Summary of recommendation

GRANT permission subject to conditions.

3.0 Reason for the recommendation: as set out in Section 18

The proposal complies with local and national policies. It will help towards the City’s new zero ambitions and the proposal will not negatively impact the external appearance of the building or the amenity of the area.

4.0 Table of key planning issues

Issue	Conclusion
Principle of development	The principle of the proposal is supported by a range of local and national planning policies including Exeter Core Strategy CP15 and NPPF para: 157 and 163.
Scale, design, impact on character and appearance	This application would normally be assessed through Permitted Development Rights, but these were

Issue	Conclusion
	withdrawn from the whole site. The installation is for 11 panels, 7 on the south facing dwelling roof with 4 on the garage roof. The installation fits within the requirements of Part 14 Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015.
Impact on amenity	It is not considered that the installation will negatively impact the amenity of the area. The two sections of solar panels are to the rear of the property away from the street scene. The panels will face predominantly over the private car parking area with the garage panels will face back-to-back, a blank wall area rather than neighbouring windows.
Energy Efficiency	The proposed installation of solar panels will improve the energy efficiency of the building.

5.0 Description of site

70 Admiral Way is a three-storey terraced property located on a residential estate built during the last 10 years following approval of outline planning permission 07/2169/OUT on 9th October 2007 and 12/0870/RES on 14th June 2012. The estate is located between the M5 and the Exeter Golf and Country Club on the southeastern side of the city. The property fronts a communal green open space, that sits within a larger roundabout, with the main private garden located to the rear. The property fronts a communal green open space which sits within a larger roundabout, with the main private garden located to the rear. The rear garden is also the location for the property's single garage which is accessed via a shared private parking area. This property along with its neighbours had their permitted development rights removed through condition 15 of the original application.

6.0 Description of development

The installation of 7 solar panels on the south facing (rear) pitched roof of the dwelling and 4 panels on the rear facing garage pitched roof. The panels will be installed using the standard stainless-steel brackets and rails. The panels themselves are black and will sit on a frame projecting approximately 0.15m from the roof slope.

7.0 Supporting information provided by applicant.

- Site Location Plan.
- Solar Panels Datasheet.
- 3 Slate Roof Hook and Rail Explanation.
- Design and Access Statement.
- Panel Location Roof 1.
- Panel Location Roof 2.
- Generic Roof Section.
- Drawings of Proposals.

8.0 Relevant planning history

No specific previous site applications but the estate itself relates to 07/2169/OUT and 12/0870/RES.

9.0 List of constraints

- Permitted Development Rights have been withdrawn.
- Area of potentially contaminated land.

10.0 Consultations

None received.

11.0 Representations

None received.

12.0 Relevant policies

Development Plan

NPPF

- Chapter 12: Achieving well-designed and beautiful places.
- Chapter 14: Meeting the challenge of climate change, flooding, and coastal change; para 157, 160, 163, and 164.

Exeter Local Development Framework Core Strategy (Adopted 21 February 2012)

- Objective 8: Protect and enhance the City's character.
- Objective 9: Achieve excellence in design.
- CP14: Renewable and Low Carbon Energy.
- CP15: Sustainable Construction.
- CP17: Design and Local Distinctiveness.

Exeter Local Plan First Review 1995-2011.

- EN6: Renewable Energy.

- DG1: Objectives of Urban Design.
- DG4: Residential Layout and Amenity.

Exeter City Council Development Delivery DPD

- DD1 Sustainable development.
- DD25 Design principles.

Exeter City Council Householders Guide to Extension Design.

13.0 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

The consideration of the application in accordance with Council procedures will ensure that views of all those interested are considered. All comments from interested parties have been considered and reported within this report in summary with full text available via the Council's website.

Any interference with property rights is in the public interest and in accordance with the Town and Country planning Act 1990 regime for controlling the development of land. This recommendation is based on the consideration of the proposal against adopted Development Plan policies, the application of which does not prejudice the Human Rights of the applicant or any third party.

14.0 Public sector equalities duty

As set out in the Equality Act 2010, all public bodies, in discharging their functions must have "due regard" to the need to:

- a) Eliminate discrimination, harassment, victimisation, and any other conduct that is prohibited by or under the Act;
- b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard in particular to the need to:

- a) removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;

- b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of other persons who do not share it
- c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons 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 had due regard to the matters set out in section 149 of the Equality Act 2010.

15.0 Financial issues

The requirements to consider the financial benefits, as far as material to a planning application, are set out in s70(2) of the Town and Country Planning Act 1990. Specifically, these are sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy. In this case the proposal is not CIL liable.

16.0 Planning assessment

Principle of development

The Admiral Way area has had its permitted development rights removed to protect amenity, and to ensure gardens are not over-developed with outbuildings. It is considered that when the rights were removed the notion of preventing the installation of solar panels was probably not the driving force. However, when assessing this application, the impact the panels may have on the neighbouring amenity will be considered.

If the area of Admiral Way had not had its permitted development rights removed this application would not be before the committee and instead would have been decided through the requirements of Part 14 Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015.

The NPPF in para:163 states, when determining applications for renewable and low carbon development, local planning authorities should:

- a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to significant cutting greenhouse gas emissions;
- b) approve the application if its impacts are acceptable.

Para: 164 states, in determining planning applications, local planning authorities should give significant weight to the need to support energy efficiency and low

carbon heating improvements to existing buildings, both domestic and non-domestic (including through installation of heat pumps and solar panels where these do not already benefit from permitted development rights).

The Exeter Local Plan EN6 states, proposals for the development of renewable energy facilities will be permitted provided that the renewable energy benefits outweigh any harm to the landscape, either visually or audibly, or to air quality, nature conservation interest or sites of historical importance. It is considered with regards to this application that the benefits will outweigh any harms especially as this is not an area of historical or landscape importance.

It is noted that the proposed installation would be in accordance with Part 14 Class A of the General Permitted Development Rights, which although not specifically relevant in this case it is an important benchmark in which to judge any such application. It is considered that the provisions of renewable energy features, in this case solar panels, align with both national and local plan policy in seeking improved energy efficiency, the following sections will consider if these benefits are outweighed by other material impacts.

Scale, design, impact on character and appearance

The application site is not located in a landscape character area so the impacts will be focused on those which may impact the local landscape/environment/street scene and the appearance and character of the host dwelling.

It is acknowledged that the proposed installation on the main dwelling's roof is similar to other examples found within the locality. The use of the garage roof to host 4 panels is somewhat different to those other examples but this is considered acceptable as the garage roof faces an ancillary area with no immediate neighbouring windows facing it. The choice of 11 panels is not greater than a standard installation.

The proposed black external finish to the panels is similar to other solar arrays found in the immediate locality. The black panels themselves, are less reflective and therefore less likely to produce glare which could negatively impact the neighbouring amenity. The panels being located to the rear of the property will have a limited visual impact on the street scene, which considering the panels are of a different colour to that of the roof tile, is important in maintaining the design aspect of the townscape.

The proposed development complies with policies CP14 and CP17 of the Core Strategy and policies EN6, DG1, and DG4 of the Exeter Local Plan.

Energy Efficiency

Solar panels on the roof will improve the energy performance of the building in accordance with both local and national planning policies; NPPF Chapter 14: Meeting the challenge of climate change, flooding, and coastal change; para 157, 160, 163, and 164, and Local Plan policy EN6.

17.0 Conclusion

The proposal complies with local and national policies supporting renewable energy, while protecting the amenity of the area and the surrounding townscape.

18.0 Recommendation

GRANT permission subject to the following conditions.

Conditions

1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

Reason: To ensure compliance with sections 91 and 92 of the Town and Country Planning Act 1990.

2) The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details received by the Local Planning Authority on the 16th and 18th January 2024 (including drawings numbers, Solar Panel Datasheet, 3 Slate Roof Hook and Rail, Panel Location roof 1, Panel Location roof 2, Generic Roof Section, Design and Access Statement and 70 Admiral Way – drawings inc Site Location Plan.) as modified by other conditions of this consent.

Reason: In order to ensure compliance with the approved drawings.

3) No site machinery or plant shall be operated, no construction or demolition processes shall be carried out and no deliveries shall be made to or from the site except between the hours of 08:00 hrs - 18:00 hrs Monday to Friday, 08:00 hrs to 13:00 hrs on Saturday, and at no time on Sundays, Bank or Public Holidays.

Reason: To protect the amenity of the locality, especially for people living and/or working nearby.

Informatives

- 1) In accordance with the Conservation of Habitats and Species Regulations 2017, this development has been screened in respect of the need for an Appropriate Assessment (AA) and given the nature and scale of the development it has been concluded that the proposal does not require an AA.

- 2) In accordance with Paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way and has imposed planning conditions to enable the grant of planning permission.