

1.3 A separate application for listed building consent has also been submitted (ref: 11/01298/LBC).

1.4 Supporting Information:

The applicant has submitted a letter which responds to the reasons for the previous application being refused (see main body of report).

A Design and Access Statement has been submitted in support of the application.

1.5 This application has been brought before East Area Planning Sub-Committee at the request of Councillor Taylor as it is an individual application but the wider context for the installation of solar panels in the City's Conservation Areas and on listed buildings needs to have some discussion by Members and for a local understanding of policy to emerge.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Conservation Area New Walk / Terry Avenue CONF

City Boundary York City Boundary 0001

DC Area Teams East Area (1) 0003

Listed Buildings Grade 2; 14 New Walk Terrace York YO1 4BG 0108

Schools St. George's RC Primary 0225

2.2 Policies:

CYGP1
Design

CYHE3
Conservation Areas

CYHE4
Listed Buildings

CYGP5
Renewable energy

3.0 CONSULTATIONS

3.1 INTERNAL:

Design, Conservation & Sustainable Development:

Confirmation sent from officer via email dated 29.07.11 states that as there is no material difference between the current applications and the original submissions, the previous comments still apply:

Objection on the basis that the panels project from the plane of the roof, and have a shiny flat surface, lacking the visual appeal of the traditional, natural material of the existing roof covering. They will appear as overtly modern additions, detracting from the contribution the roof covering makes to the historic character of the building, and the unity of the terrace. Whilst the harm to the significance of the heritage asset will be less than substantial, it would not be outweighed by the public benefit of mitigating climate change. Alternatives such as ground or air source heat pumps could provide an equal benefit without the negative effect on the significance of the heritage asset.

3.2 EXTERNAL:

Fishergate Planning Panel - no comments received at the time of writing. Consultation period expired 27.06.11

Conservation Area Advisory Panel - The panel feel that the roofscape of the whole terrace was too visually prominent to accept this proposal. The panel reiterated that their previous request for local guidance on this issue.

York Civic Trust - drawings and supporting information are not sufficient to make a judgement on the scheme. The trust are unable to take a view until we have fully worked up a set of drawings and photographs.

3.3 PUBLICITY:

Neighbour Consultation no objections received at time of writing. Consultation period expired 27.06.11

The application was published The Yorkshire Evening Press on 22.06.11 consultation expired 13.07.11 no objections received.

Site Notice posted 14.06.2011- no objections received.

4.0 APPRAISAL

4.1 Key Issue(s):

- impact on character and appearance of the conservation area
- impact on adjacent residents

4.2 Planning Policy Statement 1 sets out the Government's overarching planning policies. It sets out the importance of good design in making places better for people and emphasises that development that is inappropriate in context or fails to take the opportunities available for improving an area should not be accepted. Central Government advice contained within Planning Policy Statement 5 "Planning for the Historic Environment" (PPS5) confirms the aim of conserving such environments and heritage assets.

4.3 Draft Local Plan Policy GP1 states that development proposals will be expected to (i) respect or enhance the local environment; (ii) be of a density, layout, scale, mass and design that is compatible with neighbouring buildings. Policy GP5 states that proposals for the development of renewable energy facilities will be encouraged provided there is no significant adverse effect on the existing landscape, air quality, biodiversity, water resources, agricultural land (defined as grades 1, 2 or 3a) or sites of archaeological or historic importance.

4.4 Policy HE3 states that within conservation areas, proposals for external alterations will only be permitted where there is no adverse effect on the character and appearance of the area. Policy HE4 states that with regard to listed buildings, consent will only be granted for internal or external alterations where there is no adverse effect on the character, appearance or setting of the building.

ADDITIONAL INFORMATION

4.6 The applicant has responded to the comments of the Conservation Officer as follows:

- the property forms part of a terrace of 8 houses, not 5.
- the site is barely visible from Grange Garth, other than through a small gap between two houses.
- the site is visible from across the river in Terry Avenue only in winter, at a distance of approximately 250 metres.
 - the passageway between Grange Garth and New Walk has very few users and the roof is not prominent. The view is dominated by a mix of pipework, aerials, fire escapes, velux windows, dormers and extensions.
 - a substantial programme of energy saving measures has already been undertaken at the property, including roof insulation, double glazing, condenser boiler, light bulb replacement, new conservatory, re-instatement of original shutters, draft proofing and heavy curtains.
 - heat pumps have been considered but space and access are limited and would require the mature front garden to be destroyed, causing more harm to the conservation area than the current proposals.
 - photovoltaic slates have also been considered but have a very low output compared to the present proposal
 - the totally reversible superimposition of PV panels is considered to be the least intrusive solution
- PPS 1 encourages the use of renewable resources (para 22)
- PPS 5 "recognises that intelligently managed change may sometimes be necessary if heritage assets are to be maintained for the long term". It also suggests that planning authorities should be prepared to see the modification of heritage assets in the pursuit of adaptation to the effects of climate change.
- there is nothing in Policies GP1 or GP5 which suggest refusal of this application
- Policies HE3 and HE4 give little guidance on what constitutes an "adverse effect"
- The City appears to have no specific policy regarding the effect on the character and appearance of a listed building or conservation area of fittings or incursions into the roof structure of listed houses, and the application should be determined on its own merits.
- there are a large number of veluxes in the area, few of which are on conservation standard, which have involved the removal of slates and cutting into roof timbers.
- the PV panels involve no change to the existing structure of the property, are confined to the back of the house, make no meaningful intrusion into views within the Conservation Area and help to deliver the Governments and Council's policies on renewable energy.

- The applicant has formally consulted the Civic Trust, who indicated that they did not object (N.B. Officer response - this does not correspond to the comments received by the Council - see "Consultations" above).

ASSESSMENT:

4.7 The solar PV panel system will be situated on the rear roof slope which faces due to south. The proposal relates to the installation of rectangular photovoltaic (PV) panels on the lower half of the roof slope measuring approx 4.83 metres wide and 3.44 metres deep, occupying an area bounded by two chimneys, a roof light and a line drawn 700mm up from the existing gutter. The applicant states that the installation would be totally reversible and would be of a similar blue/ grey colour to the existing slate roof installed on an aluminium and stainless steel frame. The panels have been designed to minimise cluttering of the roof and maximise the symmetry of the installation's appearance. Further details relating to specific fixings of the panels have not been included within the application.

IMPACT ON THE CONSERVATION AREA:

4.8 When determining planning applications within conservation areas, the Council has a statutory duty to consider the desirability of preserving or enhancing the character and appearance of the area. The proposed PV cells would cover a significant proportion of the rear roof slope of the host building. The supporting statement indicates that the proposed colour of the photovoltaic cells would be a close match to the original slate roof thus minimising the visual impact. However, the Council's Conservation Officer considers that the appearance of the roof would be changed substantially. The panels project from the plane of the roof, and have a shiny flat surface, lacking the visual appeal of the traditional, natural material of the existing roof covering. They would appear as overtly modern additions, detracting from the historic character of the building and the unity of the terrace.

4.9 The roof slope is visible in views both into the conservation area, between buildings in Grange Garth, and from within the conservation area, in views across the river from Terry Avenue and from a passage leading to Grange Garth from New Walk. In these views, the shiny surfaces of the cells would draw the eye, undermining the character of the host building, and its contribution to the special architectural and historic interest of the conservation area. Whilst some views would be

restricted during the summer months when trees are in leaf, others would be unimpeded.

4.10 In addressing the importance of climate change within the historic environment, PPS5 states that where proposals have a potentially negative effect on heritage assets, attempts should be made to identify feasible solutions that deliver similar climate change mitigation but with less or no harm to the significance of the heritage asset and its setting. Where conflict between climate change objectives and the conservation of heritage assets is unavoidable, the public benefit of mitigating the effects of climate change should be weighed against any harm to the significance of the heritage assets.

4.11 In this particular case it is not considered that the harm to the significance of the heritage asset would be outweighed by the public benefits in terms of mitigating climate change. It is considered that alternatives such as ground or air source heat pumps could provide similar benefits without the negative effect on the significance of the heritage asset.

5.0 CONCLUSION

It is considered that the proposal would be unduly harmful to the architectural and historic character of the listed building and the contribution it makes to the character and appearance of the conservation area. It is considered, therefore, that the proposal would conflict with national planning advice in relation to design contained within Planning Policy Statement 1("Delivering Sustainable Development"), Planning Policy Statement 5 ("Planning for the Historic Environment") and Policies GP1, GP5, HE3 and HE4 of the City of York Draft Local Plan.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Refuse

1 It is considered that the proposed photovoltaic panels, by virtue of their visual appearance and materials of construction, would be unduly harmful to the architectural and historic character of the listed building and the contribution it makes to the character and appearance of the conservation area. It is considered, therefore, that the proposal would

conflict with national planning advice in relation to design contained within Planning Policy Statement 1("Delivering Sustainable Development"), Planning Policy Statement 5 ("Planning for the Historic Environment") and Policies GP1, GP5, HE3 and HE4 of the City of York Draft Local Plan.

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