

Our ref: 4032.SC

Date: 16 February 2024

Mr Richard Hart
Development Management Team Leader
Gravesham Borough Council
Civic Centre
Windmill Street
Gravesend
DA12 1AU

Dear Richard,

**Schedule 2 Part 14 Class A Town & Country Planning (General Permitted Development) (England) Order 2015 (As Amended):
The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 2) Order 2023
Application for CLOPUD for the proposed installation of solar panels on a domestic property.
12 Chequers Close Istead Rise Gravesend DA13 9HJ**

Please find attached an application submitted on behalf of the property owners Mr and Mrs P & E Tubby seeking a CLOPUD for the proposed installation of solar panels on the dwelling at 12 Chequers Close Istead Rise DA13 9HJ.

The application comprises

- Application form
- Covering letter/supporting statement
- Drawing nos.
 - 4032.01 Site location and Existing Block Plan
 - 4032.02 Existing elevations
 - 4032.03 Proposed Block Plan
 - 4032.04 Proposed elevations

Site Context

The application property lies within Chequers Close a small cul-de-sac of terraced and semi-detached dwellings on the western side of Downs Road located 100m approximately south of the junction of Downs Road and Arcadia Road.

Chequers Close is built on rising land away from Downs Road.

The property faces north-south and its eastern boundary bounds Downs Road It is a two-storey semi-detached dwelling with front and rear flat-roofed dormer windows at first floor level, in common with all the other dwellings in the street. It is set on slightly higher ground than the carriageway of Downs Road.



Proposals

The application proposes the installation of an array of solar panels on the roof of the dwelling. Eight on the north facing rear elevation and 8 on the south facing front elevation.

The rear (north facing) panels would be sited on the roof slope above the dormer and fitted so that they would not project more than 0.2m from the plane of the roof.

The south facing (front elevation) panels would again be sited on the roof slope above the dormer window and fitted so that they do not project more than 0.2m from the plane of the roof.

Assessment

It is government policy to encourage the provision and use of renewable/low-carbon energy in order to assist in combating climate change and reduce CO2 emissions. On this basis the range and extent of 'Permitted Development Rights' for such installations on both Domestic and Non-domestic properties has been increased and relaxed in recent years must recently with the new provisions further increasing the extent of such 'PD rights' that came into force on the 21 December 2023.

The relevant section of the Town & Country Planning (General Permitted Development) (England) Order 2015 (As Amended) (hereafter referred to as the GPDO 2015) against which the proposals should be considered is Class A of Part 14 of Schedule 2 including the amendments made by the Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 2) Order 2023.

The relevant section of the GPDO 2015 as recently amended is set out below together with commentary on how the applicants' proposals meet the requirements and conditions.

PART 14

Renewable energy

Class A – installation or alteration etc of solar equipment on domestic premises

Permitted development

A. The installation, alteration or replacement of microgeneration solar PV or solar thermal equipment on—

(a) a dwellinghouse or a block of flats; or

(b) a building situated within the curtilage of a dwellinghouse or a block of flats.

Development not permitted

A.1 Development is not permitted by Class A if—

(a) the solar PV or solar thermal equipment would protrude more than 0.2 metres beyond the plane of the wall or, in the case of a pitched roof, the roof slope when measured from the perpendicular with the external surface of the wall or pitched roof slope;

The panels in the proposed installation would not protrude more than 0.2m beyond the plane of the roof.

(b) in the case of solar PV or solar thermal equipment on a pitched roof, it would result in the highest part of the solar PV or solar thermal equipment being higher than the highest part of the roof (excluding any chimney);

The panels in the proposed installation would not be higher than the highest part of the roof.

(ba) in the case of solar PV or solar thermal equipment on a flat roof, it would result in the highest part of the solar PV or solar thermal equipment being more than 0.6 metres higher than the highest part of the roof (excluding any chimney);

(c) in the case of land within a conservation area or which is a World Heritage Site, the solar PV or solar thermal equipment would be installed on a wall which fronts a highway;

The site is not within a Conservation Area or World Heritage Site.

(d) the solar PV or solar thermal equipment would be installed on a site designated as a scheduled monument; or

The site is not a Scheduled Monument.

(e) the solar PV or solar thermal equipment would be installed on a building within the curtilage of the dwellinghouse or block of flats if the dwellinghouse or block of flats is a listed building.

The property on which the array would be installed is not a listed building.

Paragraph A.2 of Class A sets a number of conditions which also need to be met for the development to be permitted. These are again set out below with commentary on how the proposed array addresses these conditions.

Conditions

A.2 Development is permitted by Class A subject to the following conditions—

(a) solar PV or solar thermal equipment is, so far as practicable, sited so as to minimise its effect on the external appearance of the building;

The proposed installation has been designed to ensure that an appropriate level of energy is generated most efficiently and in the most practicable way.

In relation to this dwelling given its design the only practicable place to install solar panels is where they are shown on the front and rear of the dwelling. Panels installed on the walls would have a greater impact on the external appearance of the building.

(b) solar PV or solar thermal equipment is, so far as practicable, sited so as to minimise its effect on the amenity of the area; and

See commentary in relation to condition (a) above. Furthermore, as indicated earlier, the property is not within an area subject to any landscape designation and is located within a defined settlement boundary and inset from the Green Belt designation which surrounds the village.

The installation of solar panels on domestic properties is not rare, panel arrays are a commonly accepted feature of street scenes. It is not considered that the proposals and their positioning on the property would have an unacceptable impact of the amenity of the surrounding area.

(ba) in the case of solar PV or solar thermal equipment installed on a flat roof located on article 2(3) land, before beginning development the developer must apply to the local planning authority for a determination as to whether the prior approval of the local planning authority will be required with respect to the impact of the appearance of the solar PV or solar thermal equipment on that land; **Not applicable**

(bb) in relation to an application under sub-paragraph (ba), paragraphs J.4(3) to J.4(12) of this Part apply as if "Class A" substitutes the reference to "Class J" in paragraph J.4(4); and **Not applicable**

(c) solar PV or solar thermal equipment is removed as soon as reasonably practicable when no longer needed.

This requirement is noted.

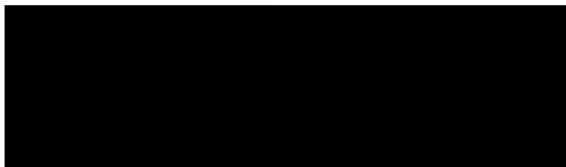
Conclusion

It is contended that the proposed development meets the relevant criteria and conditions of the GPDO 2015 (as amended) as set out above and that a CLOPUD should therefore be issued confirming that the proposed installation would be lawful.

The proposed development in this application should also be considered in the light of the Council's 2019 declaration of a Climate Emergency. Furthermore, many local authorities including Gravesham Council through 'Solar Together Gravesham' are actively promoting the installation of such schemes to assist in reduction of CO₂ and 'Greenhouse' gases.

The fact that the GPDO requirements in respect of renewable energy continue to be broadened and relaxed, demonstrates the Government's commitment to this type of project and their aim to increase the percentage of renewable energy that is generated throughout the economy as a whole.

Yours sincerely,



STEVE CLARKE
Associate Planner