

## Planning Sub-Committee – 08/05/2024

<b>ADDRESS:</b> 53 Northchurch Road, Hackney, London, N1 4EE	
<b>WARD:</b> De Beauvoir	<b>REPORT AUTHOR:</b> James Clark
<b>APPLICATION NUMBERS:</b> 2023/0971 (planning application) and 2023/0973 (listed building consent application)	<b>VALID DATE:</b> 27-04-2023
<b>DRAWING NUMBERS:</b> 384 TP 601 Rev2; 384 TP 602 Rev2; 384 TP 603 Rev2; 384 TP 604 Rev2; 384 TP 605 Rev2; 384 TP 001; 384 TP 010; 384 TP 100; 384 TP 201; 384 TP 211; 384 TP 111	
<b>APPLICANT:</b> Vicki and Stephen Chapman/Grosz	<b>AGENT:</b> Bernard Tulkens (Tectonics architects ltd)
<b>PROPOSAL:</b> Installation of Photovoltaic panels on the rear and side roof slopes.	
<b>POST SUBMISSION REVISIONS:</b> N/A	
<b>RECOMMENDATION SUMMARY:</b> Refuse planning permission and listed building consent.	
<b>NOTE TO MEMBERS:</b> This application is referred to members of the Planning Sub-Committee for consideration at the request of 11 Councillors.	

<b>REASON FOR REFERRAL TO PLANNING SUB-COMMITTEE:</b>	
Major application	
Substantial level of objections received	
Other (in accordance with the Planning Sub-Committee Terms of Reference)	<b>Yes</b>

### ANALYSIS INFORMATION

#### ZONING DESIGNATION

	Yes	No
<b>CPZ</b>	H	
<b>Conservation Area</b>	De Beauvoir	
<b>Listed Building (Statutory)</b>	Grade II Listed	
<b>Listed Building (Local)</b>		X
<b>Priority Employment Area</b>		X

LAND USE	Use Class	Use Description	Floorspace Sqm
Existing	C3 (a)	Dwellinghouse	N/A
Proposed	No Change	No Change	No Change

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### CASE OFFICER'S REPORT

#### 1. BACKGROUND

- 1.1 At a previous planning sub-committee meeting on 6th December 2023, Councillor Young proposed a motion to defer the application until the applicant supplied a retrofit plan for assessment. This motion was seconded by Councillor Narcross and voted for by members.
- 1.2 Following the committee, the applicant was provided with guidance on what information should be included within the retrofit plan in order to follow the London Plan Energy Hierarchy (Be Lean - reducing the energy use through fabric improvement through repairs, maintenance and upgrade and Be Green - decarbonising the energy use). This also needed to work hand in hand in understanding the significance of the Listed Building and outline where any changes could harm the significance of the Listed Building through retrofitting.
- 1.3 The applicant provided a retrofit plan which has been reviewed. Details of the submitted retrofit plan, plus its assessment, is provided below.

#### 2. ASSESSMENT

- 2.1 The Council is under statutory duties contained within sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to grant permission only to applications which preserve or enhance listed buildings, their settings and conservation areas.
- 2.2 The National Planning Policy Framework (Dec 2023) sets out the government's planning policies for England and how these are expected to be applied. Of particular note for this application:
- 2.3 *Para 164 of the NPPF (Dec 2023) 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). Where the proposals would affect conservation areas, listed buildings or other relevant designated heritage assets, local planning authorities should also apply the policies set out in chapter 16 of this Framework."*
- 2.4 *Para 195 states "These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations"*

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- 2.5 Para 205 states *“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 (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.”*
- 2.6 Policy HC1 of the London Plan (2021) states *“Development proposals affecting heritage assets, and their settings, should conserve their significance, by being sympathetic to the assets’ significance and appreciation within their surroundings. The cumulative impacts of incremental change from development on heritage assets and their settings should also be actively managed. Development proposals should avoid harm and identify enhancement opportunities by integrating heritage considerations early on in the design process.”*
- 2.7 Policy LP3 of LP33 requires that development preserves or enhances the character of designated heritage assets.
- 2.8 Policy LP55 of LP33 states that *“development including the re-use or extension of existing buildings should achieve the maximum feasible reductions in carbon emissions and support in achieving the strategic carbon reductions target in the London Plan, while protecting, heritage and character of the buildings”*.

### Retrofit Plan

- 2.9 The retrofit plan provided by the applicant has used the Energy Performance Certificate (EPC) approach which balances carbon savings methods such as insulation and renewable energy installations against the costs to implement these measures. This method does not consider the impact of these measures on the historic character of the building nor how these measures result in a reduction of energy use. Because of this, the installation of solar panels is rated positively as it would generate on site renewable measures. Conversely, other measures such as internal wall insulation (that would reduce energy consumption) are rated negatively due to cost. The recommendations made also do not align with the fabric first approach of the London Plan Energy Hierarchy, as fabric improvements such as loft insulation and insulating the flat roof (First step : Be Lean - reducing the energy use) are recommended after the installation of solar panels (Second Step: Be Green - decarbonising the energy use). Moreover, the Retrofit Plan demonstrates that while there have been some fabric improvements they do not all benefit from Listed Building Consent for example: almost all windows have been replaced with double glazed windows. As there is no record of Listed Building Consent being granted for this work the matter will be investigated by the Planning Enforcement team.

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- 2.10 The EPC based retrofit plan does indeed conclude that on the basis of cost and carbon savings, the PV panels are the most appropriate measure, however, and as pointed out, heritage aspects have not been considered as part of the retrofit assessment for all areas.
- 2.11 The EPC based retrofit plan recommends the installation of a solar PV array delivering a total of 3,600 kWh/yr to cover the household annual consumption of 3,578 kWh/yr and suggests the array facing east will generate 1,200 kWh/yr and the array facing south will generate 2,400 kWh/yr. The applicant interpreted this as 10 PV panels, 5 panels on the main side roof facing east delivering an average of 240 kWh/yr per panel (1,200 kWh/5) and 5 panels on the main rear roof facing south delivering an average of 480 kWh/yr per panel (2,400 kWh/5). It therefore is reasonable to consider that the PV panels placed on the south facing roof are generating more electricity and are performing better - this is not surprising as south orientation typically benefits from more solar radiation than east orientation on the North hemisphere.
- 2.12 As previously set out in the December 2023 Planning Committee report, Officers are of the view that the location of the solar panels, particularly on the east side elevation, are visually intrusive and harmful to the special interest of the listed building and character and appearance of the conservation area. As outlined in the December sub-committee report, the application site forms part of a row of handsome Italianate stuccoed semi-detached villas built during the early 1840s within the De Beauvoir Conservation Area. These Villas are noted in the conservation area appraisal document for their coherence and homogeneity.
- 2.13 The proposed panels would stand proud off the roofscape by 15cm, while their framing and smooth, reflective surface would make them stand out as modern, incongruous additions to the traditional roofscape of the listed building. Furthermore the large area of solar panels would partially obscure the historic roof slates of the roof representing a reduction in the quality of materials and uniformity of the group. The proposal is therefore considered to form a visually distracting and harmful addition to the historic character of the building.
- 2.14 In the case of this statutory listed building, the installation of PV panels to the side and rear elevation is considered to result in an uncharacteristic, incongruous and unsympathetic form of development, which will result in harm to the architectural and historic interest of the host building, significance of the pair of semi-detached villas, the overall group value of neighbouring properties and the wider De Beauvoir Conservation Area. These roof slopes remain largely unaltered and therefore any alteration needs to be considered sensitively. The proposed solar panels would be viewable from both Northchurch Road to the front of the site and Deacon Mews to the rear. The visibility of the panels would be increased by their projection from the roof slope and the smooth reflective surface of the solar panels. As with all Listed

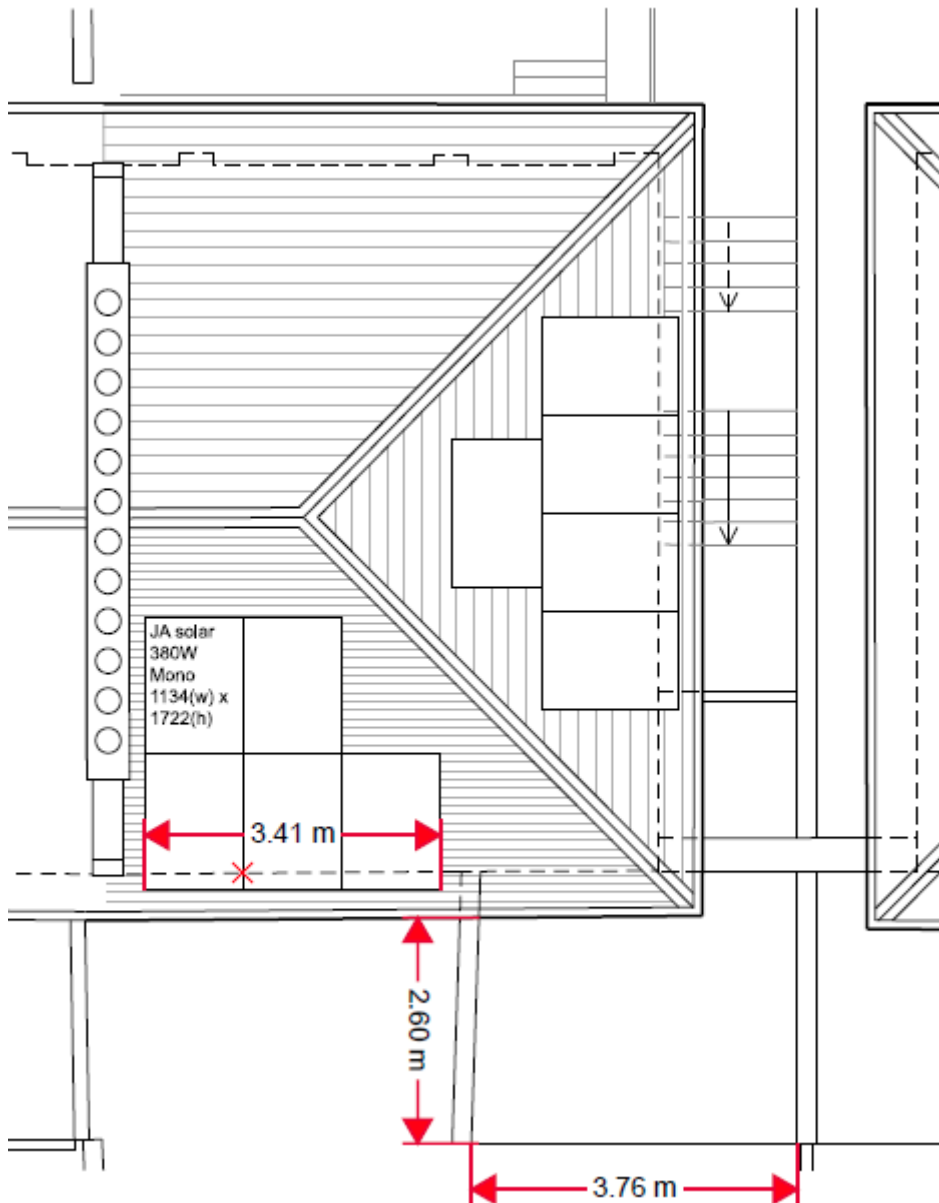
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Buildings, private views also remain important when considering how proposals will impact the significance.

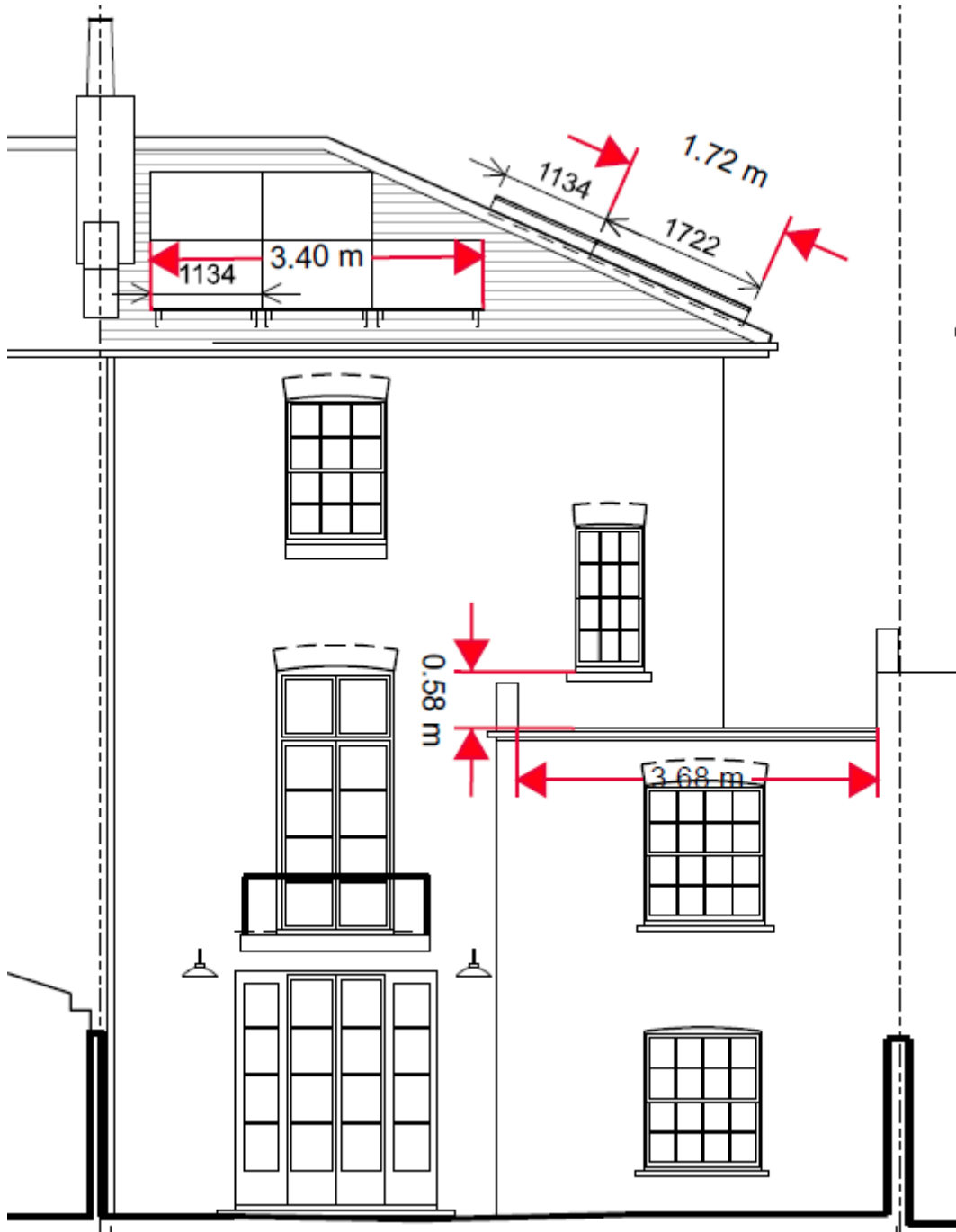
- 2.15 Since the December 2023 committee meeting, Historic England issued further guidance on the 25th March 2024 on the installation of solar panels to Listed Buildings, stating *“If the installation will harm significance, alternative options should be considered. Some heritage assets will not be suitable for PV installations, for instance listed buildings where the only practical location for panels is a prominent roof-slope.”* This further affirms the assessment made by officers in the December 2023 committee report that the installation of PV panels to the side and rear elevation is considered to result in harm to the significance of the pair of semi-detached villas and the overall group value of neighbouring properties. These roof slopes remain largely unaltered of which any alteration needs to be considered sensitively to ensure that elements that are special, remain so.
- 2.16 Recent permissions at nearby 25, 35 and 38 Northchurch Terrace demonstrate an alternative and acceptable arrangement, whereby solar panels have been successfully incorporated on flat roof side additions of the properties, resulting in a more discreet and less harmful location, where panels are not widely viewable from nearby sections of the public realm.
- 2.17 As part of the discussions relating to the retrofit plan, officers advised that solar panels could be located on the rear outrigger and main roofslope. This was considered to be a less visually prominent location where the position of the solar panels would result in a lower level of harm to the significance of the heritage building as the views from the front are of higher significance. Analysis of the submitted drawings would suggest that at least 3 PV panels could be installed on the south facing outrigger, based on the figures provided by the applicant, this would have the potential to generate 1,440 kWh/yr (3x 480 kWh) which combined with the 5 PV panels on the main roof rear slope will provide an overall on site generation of 3,840 kWh/yr which will exceed the household yearly electricity consumption of 3,578 kWh/yr. The excess of electricity generated can be sold to the National Grid through appropriate schemes or stored in the on-site battery for future use.
- 2.18 Following Officers recommendation to amend the Solar PV layout, the applicant confirmed they were unwilling to make the suggested alterations, citing that only 2 solar panels could be installed on the outrigger roof, without prejudicing living conditions through overshadowing. Officers disagree this claim, due to a variety of factors, such as the availability of space on the outrigger roof (see layout plan below), distance in height between the outrigger roof and window (see elevation below), the trajectory of the sun (full south orientation) and that the window serves a hallway, a non habitable space with no light requirements under BRE guidance. In the event that the applicant can robustly demonstrate that only 2 panels can be fitted, the overall on site electricity generation would reach 3,360 kWh/yr (2x 480

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kWh + 2,400 kWh), leaving 218 kWh/yr to be sourced from the national grid (3,578 kWh - 3,360 kWh), which can reasonably be considered as a solid improvement in decarbonising the premise (94% of the energy)



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2.19 In summary, the provision of solar panels on the side and rear roof slopes of the Grade II Listed Building would result in an uncharacteristic, incongruous and unsympathetic form of development, which will result in harm to the significance of the pair of semi-detached villas, the overall group value of neighbouring properties and the wider De Beauvoir Conservation Area. Recent permissions at nearby 38 Northchurch Road, and 25 and 35 Northchurch Terrace demonstrate an alternative acceptable and consistent arrangement whereby solar panels have been successfully incorporated on flat roof side additions of the properties, resulting in a more discreet and appropriate location where panels are not widely viewable from

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nearby sections of the public realm. The importance of this has been further emphasised since the last committee meeting by the update from Historic England on the 25th of March 2024 which stated that solar panels should not be located on visually prominent roof slopes of listed buildings. Furthermore, although the relocation of the solar panels to the outrigger roof would necessitate a decrease in the number of panels, these panels would have higher energy efficiency due to their southern orientation. In an attempt to come to an acceptable outcome, the Planning Service sought such revisions to this application, but the applicant chose not to revise the scheme in line with such advice.

### 3. **CONCLUSION**

- 3.1 Hackney's Climate Action Plan supports the retrofitting of existing buildings but also acknowledges the sensitivities of conservation areas and heritage buildings and that retrofits should only be carried out where appropriate.
- 3.2 The retrofit plan submitted does not sufficiently demonstrate that the introduction of solar panels is the only option for retrofitting, and fails to follow the London Plan Energy Hierarchy or consider the level of harm to the special interest of the Listed Building and wider Conservation Area.
- 3.3 Fabric first approach is often advocated for as this considerably reduces the need for energy generation. No additional information has been submitted which would help to justify the harm (particularly when almost the same benefit could be achieved through the introduction of solar panels on the rear roof slope and outrigger). Paragraph 201 of the NPPF requires the LPA to "to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal" with para 206 stating "Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification."
- 3.4 In this case clear and convincing justification has not been submitted and the proposals continue to be considered to be harmful to the special interest of the Listed Building and the De Beauvoir Conservation Area. The harm is as a result of the the visual intrusive nature of the installation of solar panels and the harm to the pair of semi-detached villas, the wider group value and the architectural consistency of the De Beauvoir Conservation Area.
- 3.5 This harm is assessed to be less than substantial, which in turn triggers para 208 of the NPPF. This requires that the harm should be weighed against the public benefits of the proposal. In this case, there would be clear private benefits to the owner of the building and also public benefits through the introduction of renewable energy. However, as para 205 of the NPPF requires great weight to be given to the conservation of heritage assets, the limited public benefit of providing a



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sustainable source of power is considered insufficient to outweigh the harm caused to the historic environment, including the listed building and the Conservation Area.

- 3.6 Moreover, there are supported alternative approaches offering at least the same level of benefits in terms of solar panels and renewable energy with a much reduced level of harm to the special interest of the Listed Building and the character and appearance of the De Beauvoir Conservation Area. As the proposal could be brought forward in less harmful ways, it therefore fails the test in para 206 of the NPPF, which requires clear and convincing justification for any harm.

### 4. **RECOMMENDATIONS**

- 4.1 That FULL Planning Permission be Refused for the following reason:

- 4.2 The proposed development, by reason of its inappropriate siting, detailed design and appearance, would result in an visually obtrusive and incongruous form of development which would cause harm to the statutory Grade II Listed Building and surrounding streetscape and would fail to preserve or enhance the character and appearance of the De Beauvoir Conservation Area. As such the proposed development is contrary to policies D3 (Optimising Site Capacity Through the Design-Led Approach) and HC1 (Heritage Conservation and Growth) of the London Plan 2021 and LP1 (Design Quality and Local Character) and (LP3 (Designated Heritage Assets) of the Hackney Local Plan 2020, the guidance contained within Hackney Residential Extensions and Alterations SPD 2009 and the NPPF.

- 4.3 That Listed Building Consent be Refused for the following reason:

- 4.4 The proposed development, by reason of its inappropriate sitting, detailed design and appearance, would result in an visually obtrusive and incongruous form of development which would cause harm to the statutory Grade II Listed Building insofar as it would fail to preserve the building, its setting and features of special architectural and historic interest. As such, the proposed development is contrary to policy HC1 (Heritage Conservation and Growth) of the London Plan 2021 and policy (LP3 (Designated Heritage Assets) of the Hackney Local Plan 2020 and the NPPF.

### 5. **INFORMATIVES**

Hackney Planning Service adopts a positive and proactive approach when engaging with applicants / agents in line with the National Planning Policy Framework. As part of our planning process, we endeavour to contact applicants / agents regarding any minor issues that may be able to be resolved during the course of the application, providing an opportunity to submit amendments before a final decision is made. We also encourage the pre-application service to avoid delays as a result of amendments and unforeseen issues during the planning process.

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### Site Photographs

#### View of application site (front) from Northchurch Road





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### View of site (rear) from Deacon Mews



Signed..... Date.....

**Natalie Broughton** - Assistant Director, Planning & Building Control

No.	Background Papers	Name, Designation & Telephone Extension of Original Copy	Location Contact Officer
1.	<p>Application documents and LBH policies/guidance referred to in this report are available for inspection on the Council's website</p> <p>Policy/guidance from other authorities/bodies referred to in this report are available for inspection on the website of the relevant authorities/bodies</p> <p>Other background papers referred to in this report are available for inspection upon request to the officer named in this section.</p>	<p>James Clark Planning Officer x1453</p>	<p>2 Hillman Street London E8 1FB</p>

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	All documents that are material to the preparation of this report are referenced in the report		
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