

Recommendation Report for Lawful Development Certificate for a Proposed Use or Development

REF NO: AB/94/24/CLP

LOCATION: Victoria House
47A King Street
Arundel
BN18 9BN

PROPOSAL: Lawful development certificate for the proposed installation of 13 No solar panels on the south facing roof.

DESCRIPTION OF APPLICATION

As above.

RELEVANT SITE HISTORY

AB/137/18/HH	Demolition of conservatory and replacement of windows with the same style and material but double glazed. Door access to be created from an old window into the courtyard. Velux window to be put in to light the loft space. This application affects the character & appearance of the Arundel Conservation Area.	ApproveConditionally 11-03-19
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REPRESENTATIONS

Representations Received:

CONSULTATIONS

Consultations Responses Received:

LEGISLATIVE BACKGROUND

Section 192(2) of the Town and Country Planning Act 1990 states:-

If, on an application under this section, the local planning authority are provided with information

satisfying them that the use or operations described in the application would be lawful if instituted or begun at the time of the application, they shall issue a certificate to that effect; and in any other case they shall refuse the application.

In this instance the proposed works will be assessed against the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended.

- Schedule 2, Part 14, Class A - installation or alteration etc of solar equipment on domestic premises

Provided the proposed works satisfy the relevant criteria, and that no restrictive conditions to development have been imposed on the site, the proposed works will constitute Permitted Development and would not require planning permission. If the works fail to accord with the criteria then planning permission will be required for them to take place.

CONCLUSION

The installation of 13 No. solar panels are considered to fall under Schedule 2, Part 14, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015.

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;

(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);

(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;

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

(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 known as Victoria House, 47A King Street is a terraced dwelling within the Arundel Conservation Area.

The solar panels are to be installed on the south facing roof plane. The site is not part of a World Heritage Site, a Scheduled Monument nor a listed building. It is not subject to restrictions or conditions that remove permitted development rights other than those associated with the conservation area location (referenced by criteria (c) above).

The panels would be sited on the south roof slope, they would protrude no more than 200mm beyond the plane of the surrounding roof slope and at the highest point they would not be higher than the highest part of the roof. They would not be located on the front wall of the house where it fronts the highway. They have been sited to minimise the effect on the external appearance whilst maximising the ability to capture the sunlight and sited such as to minimise the effect on the amenity of the area.

The proposed development complies with the provisions of Part 14, Class A of the Town & Country Planning (General Permitted Development) (England) Order 2015 (as amended) and express planning permission is not required.

RECOMMENDATION

PP NOT REQUIRED

The Arun District Council hereby certify that on 18 October 2024 the development described in the First Schedule to this certificate in respect of the land specified in the Second Schedule to this certificate and edged in black on the plan attached to this certificate, would have been lawful within the meaning of Section 192 of the Town & Country Planning Act 1990 by reason of compliance with the relevant criteria within Schedule 2, Part 14, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015.

FIRST SCHEDULE

The proposed solar panels have been considered against the following plans:

- Location Plan**
- Proposed Roof Plan**

SECOND SCHEDULE

Victoria House, 47A King Street, Arundel, BN18 9BN.

EXTENT OF USE

13 No. solar panels affixed to the south facing roof plane.

AB/94/24/CLP - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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